Amherst Town Board

Regular Meeting of the Town Board

Minutes

5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Tuesday, June 20, 2023 | **7:00 PM** | **Amherst Municipal Building**

I. IN MEMORY

II. INVOCATION

Councilmember Szukala

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL:

7:00 PM Meeting called to order on June 20, 2023 at Amherst Municipal Building, 5583 Main Street, Williamsville, NY.

Attendee Name	Organization	Title	Status	Arrived
Brian J. Kulpa	Town of Amherst	Supervisor	Present	
Deborah Bruch Bucki	Town of Amherst	Deputy Supervisor	Present	
Jacqualine Berger	Town of Amherst	Councilmember	Present	
Shawn Lavin	Town of Amherst	Councilmember	Present	
Michael Szukala	Town of Amherst	Councilmember	Present	
Francina J. Spoth	Town of Amherst	Town Clerk	Present	
Timothy Koller	Town of Amherst	Deputy Town Clerk	Present	
Martin A. Polowy	Town of Amherst	Town Attorney	Present	
Dan Howard	Town of Amherst	Planning Director	Present	
Daryl Bramer	Town of Amherst	Comptroller	Present	
Lynda Juul	Town of Amherst	Director of Finance	Present	
Patrick G. Lucey	Town of Amherst	Highway Superintendent	Present	

V. MINUTES APPROVAL

1. Monday, June 05, 2023

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

VI. PROCLAMATIONS AND ANNOUNCEMENTS

VII. PUBLIC HEARINGS

Speakers will be limited to 3 minutes.

1. Resolution 2023-528

Adoption of Local Law to Amend the Zoning Map (3945 Rensch Road – Z-2023-02)

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR are complete, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of April 20, 2023 that the proposed Center-5 zoning at 3945 Rensch Road is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that in accordance with Section 203-8-3 of the Town Code (Zoning), the Town Board adopts Local Law (#_____) to amend the Town Zoning map subject to the following conditions as recommended by the Planning Board:

1. That the comments and supporting documentation requested by the Engineering Department (Downstream sewer capacity analysis is required) and Traffic Safety Board (correct curb cut on site plan) be addressed to their satisfaction during the site plan review process.

2. Cultural Resource clearance be obtained from NYSOPRHP prior to approval of site plan by the Planning Board.

6/20/2023
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was opened at 7:03 PM.

Sean Hopkins, Esq. presented.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the July 24th Town Board meeting, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was closed at 7:10 PM.

7/24/2023
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

RESULT:	**DECISION DATE [UNANIMOUS]**	**Next: 7/24/2023 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Jacqualine Berger, Councilmember	
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala	

2. Resolution 2023-529

2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of Restrictions

Request to rezone 2350 Sweet Home Road from OB to MFR-5 and to amend declaration of restrictions at 2360-2372 & 2350 Sweet Home Road.

6/20/2023
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was opened at 7:12 PM.

Sean Hopkins, Esq. presented. Mr. Hopkins stated that the rezoning request is being withdrawn.

The following speakers spoke in opposition:
Chris & Joan Stone, 550 N Ellicott Creek Rd
James Bartley, 574 N Ellicott Creek Rd
Anthony Chungbin, 645 N Ellicott Creek Rd

There were no further speakers, therefore Supervisor Kulpa moved to adjourn the hearing until the July 24th Town Board meeting, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was adjourned at 7:51 PM.

7/24/2023
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was opened at 7:32 PM.

Sean Hopkins, Esq. presented updated plans.

The following speakers spoke in opposition:
Joan Stone, 550 N Ellicott Creek Rd
James Bartley, 574 N Ellicott Creek Rd
Anthony Chungbin, 645 N Ellicott Creek Rd

There were no further speakers, therefore Supervisor Kulpa moved to close the hearing, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was closed at 8:01 PM.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 7/24/2023 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor	
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala	

VIII. DEVELOPMENT REVIEW ACTIONS

IX. PERSONAL APPOINTMENTS TO BOARDS & COMMITTEES

Board Appointments - Amherst Conservation Advisory Council, Board of Ethics, Historic Preservation, IDA, Planning, Recreation, Recycling & Waste, Traffic Safety and the Zoning Board of Appeals.

NOTE - The number of vacancies is listed after the Committee name.

1. 9/11 Commemoration Committee

Membership is unlimited.

2. Amherst Committee on Disabilities (6)

3. Amherst Community Diversity Commission (4)

4. Amherst Conservation Advisory Council (5)

5. Amherst Government Financial Advisory Board

Membership is full.

6. Amherst Industrial Development Agency

Membership is full.

7. Amherst Veterans Committee (3)

8. Arts & Culture in Public Places Board

9. Board of Assessment Review

Membership is full.

10. Board of Electrician Examiners

Membership is full.

11. Board of Ethics (1)

12. Board of Plumbing and Drainage Examiners

Membership is full.

13. Design Advisory Board

14. Employee Suggestion Program Merit Award Board

Membership is full.

15. Employee Suggestion Review Committee

16. **Energy Conservation Citizens Advisory Committee (3)**

17. **Freedom of Information Law (FOIL) Board**

18. **Glen Park Joint Board**

19. **Historic Preservation Commission**
    Membership is full.

20. **Information Technology Advisory Committee (1)**

21. **Library Board of Trustees**
    Membership is full.

22. **Minority / Woman Owned Business (4)**

23. **Open Government Advisory Board (7)**

24. **Planning Board**
    Membership is full.

25. **Recreation Commission (1)**

26. **Recycling and Waste Committee (3)**

27. **Senior Services Advisory Board (7)**

28. **Traffic Safety Board**
    Membership is full.

29. **Youth Board**
    Adult vacancies (6), Youth vacancies (0)

30. **Zoning Board of Appeals**

X. PUBLIC EXPRESSION

This is an opportunity for residents to <u>comment</u> on matters involving Amherst other than those pertinent to Public Hearings that day. <u>Speakers will be limited to 3 minutes.</u>

A motion to open Public Expression was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. Public Expression was opened at 7:52 PM.

The following speakers addressed the Town Board:
James Bartley, 574 N Ellicott Creek Rd - Resolution 2023-529
Jane Cox, 4584 Harlem Rd - Resolution 2023-567
Michelle Lichtenthal, 41 Pinebrook Ave - cell service throughout the Town

Lisa Drdul, 92 Chateau Ter - Resolution 2023-567

There were no further speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. Public Expression was closed at 8:11 PM.

XI. CONSENT AGENDA

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

XII. COUNCILMEMBER RESOLUTIONS

A. SUPERVISOR KULPA:

1. Resolution 2023-530

2023-2028 CIP Amendment

Please adopt the attached amendment to the recommended funding for fiscal year 2023 in the 2023-2028 Capital Improvement Plan. Projects that are having funding eliminated will be re-evaluated during the 2024 CIP process.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2. Resolution 2023-531

Delegation of Certifying Officer in Accordance with 24 CFR Part 58

WHEREAS, the Town of Amherst is a recipient of funds from the U.S. Department of Housing and Urban Development; and,

WHEREAS, these funds are subject to environmental review, decision-making and action responsibilities under the National Environmental Policy Act (NEPA) and 24 C.F.R. Part 58,

"Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities"; and,

WHEREAS, the Town of Amherst Supervisor may delegate to another individual the authority to carry out the responsibilities of certifying officer as provided in 24 C.F.R. Part 58, its related Federal authorities listed in Sections 58.5 and 58.6, as well as Section 102 of NEPA and its related provisions in 40 CFR parts 1500 through 1508;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves and authorizes the Town Supervisor to delegate to Daniel J. Ulatowski, Amherst Assistant Planning Director the authority to carry out the responsibilities of certifying officer as provided in 24 C.F.R. Part 58, its related Federal authorities listed in Sections 58.5 and 58.6, as well as Section 102 of NEPA and its related provisions in 40 CFR parts 1500 through 1508.

BE IT FURTHER RESOLVED, that as the delegated certifying officer, Mr. Ulatowski is also authorized to and accepts, on behalf of the Town of Amherst, the jurisdiction of the federal courts for the enforcement of all these responsibilities; and,

BE IT FURTHER RESOLVED, that the effective date of this delegation is immediate and shall run until revoked by the Town Supervisor or by the end of Supervisor Brian Kulpa's term in office; and,

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute any necessary documents relating to the issuance of the delegation to Daniel J. Ulatowski.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

B. DEPUTY SUPERVISOR BUCKI:

C. COUNCILMEMBER BERGER:

1. Resolution 2023-532

Arts & Culture in Public Places Board Appointment

WHEREAS, Town of Amherst created the Arts & Culture in Public Places Board to promote public art and culture within the town and to collaborate and cooperate with various and appropriate individuals, groups, associations, organizations and institutions concerned with art and culture; and

WHEREAS, to promote, ensure and enhance the function, object and mission of the visual and performing arts; and

WHEREAS, the Arts & Culture in Public Places Board, also known as Arts & Culture, consists of nine (9) members, each serving a term of two (2) years; and

WHEREAS, the Arts & Culture in Public Places Board currently has a Board of nine (9) members, who shall continue to serve until their term of appointment expires, as follows:

Maureen Cilano, Member, with a term that expires 12-31-2023
Jennifer Colwell, Member, with a term that expires 12-31-2023
Deborah Doucette, Member, with a term that expires 12-31-2023
Mary Jo Kahley-Wolf, Member, with a term that expires 12-31-2023
Barbara Pickelhaupt, Member, with a term that expires 12-31-2023
Michael R. Russo, Member, with a term that expires 12-31-2025
Sharon Seamans, Member, with a term that expires 12-31-2025
Penny Wolfgang, Member, with a term that expires 12-31-2025; and

WHEREAS, Burton Merriam has expressed interest in serving on the Arts & Culture Board and has attended a meeting(s).

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board appoints Burton Merriam for his first term to conclude December 31, 2024.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jacqualine Berger, Councilmember
SECONDER:	Brian J. Kulpa, Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

D. COUNCILMEMBER LAVIN:

E. COUNCILMEMBER SZUKALA:

XIII. DEPARTMENT HEAD RESOLUTIONS AND REPORTS

A. TOWN ATTORNEY:

1. Resolution 2023-533

Dellwood Park Inclusive Field & Park Improvements (Bond Resolution - $360,000)

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: June 13, 2023

RE: Dellwood Park Inclusive Field & Park Improvements
2023-2028 C.I.P. - Project YR-2B
Bond Resolution - $360,000

Kindly take the following action with respect to the above bond request:

(1) Adopt the attached SEQR determination for the above project as determined by the Town of Amherst Planning Department; and

(2) Adopt the attached bond resolution authorizing the issuance of $360,000.00 in serial bonds for the above-referenced Town improvement.

The adoption of the bond resolution does not require a public hearing to be held because the improvement is a Town improvement not involving a special district.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk (*w/attachments*, **Agenda Item - June 20, 2023**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Jessica Boudreau, Project Manager (*w/attachments*)
Mary-Diana Pouli, Executive Director, Town of Amherst Youth and Recreation (*w/attachments*)

6/20/2023
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved via Roll Call vote 5-0.

RESULT:	**ROLL CALL VOTE (ADOPTED) [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2. Resolution 2023-534

2023 Police Department Vehicles (Bond Resolution - $255,000)

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **June 13, 2023**

RE: **2023 Police Department Vehicles**
2023-2028 C.I.P. - Project PO-1
Bond Resolution - $255,000

Kindly take the following action with respect to the above bond request:

(1) Adopt the attached bond resolution authorizing the issuance of $255,000.00 in serial bonds for the above-referenced Town improvement.

The adoption of the bond resolution does not require a public hearing to be held because the improvement is a Town improvement not involving a special district.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(*w/attachments*, **Agenda Item - June 20, 2023**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Scott P. Chamberlin, Chief of Police (*w/attachments*)
Kevin Brown, Captain (*w/attachments*)

6/20/2023
A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved via Roll Call vote 5-0.

RESULT:	**ROLL CALL VOTE (ADOPTED) [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

3. Resolution 2023-535

Amherst Central Park Facilities Professional Services (Bond Resolution - $248,000)

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **June 13, 2023**

RE: **Amherst Central Park Facilities Professional Services**
2023-2028 C.I.P. - Project F-21
Bond Resolution - $248,000

Kindly take the following action with respect to the above bond request:

(1) Adopt the attached as determined by the Town of Amherst Planning Department; and

(2) Adopt the attached bond resolution authorizing the issuance of $248,000.00 in serial bonds for the above-referenced Town improvement.

The adoption of the bond resolution does not require a public hearing to be held because the improvement is a Town improvement not involving a special district.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk (*w/attachments*, **Agenda Item - June 20, 2023**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Brian J. Armstrong, EIT, Director Engineering Services (*w/attachments*)

6/20/2023
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved via Roll Call vote 5-0.

RESULT:	**ROLL CALL VOTE (ADOPTED) [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

4. Resolution 2023-536

Engineering Department Sewer Building Improvements and Demolition (OCPH - $185,000)

AGENDA ITEM : JUNE 20TH, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **June 13, 2023**

RE: **2023 Engineering Department Sewer Building Improvements and Demolition**
2023 CIP Project No. F-6
Order Calling Public Hearing - $185,000

Kindly adopt the attached Order Calling Public Hearing regarding the above matter by scheduling a Public Hearing for the project on July 10, 2023 at 3:00 p.m.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

MAP:nmb
Attachment
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - June 20, 2023**)
Daryl C. Bramer, Comptroller *(w/attachment)*
Lynda Juul, Director of Finance *(w/attachment)*
Dan Howard, Director of Planning *(w/attachment)*
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachment*)
Vaishali Reberholt, PE, Assistant Town Engineer (*w/attachment*)
Anne Dafchik, AIA, NCARB, Architect (*w/attachment*)

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

5. Resolution 2023-537

Building Maintenance/Facilities Equipment (Bond Resolution - $117,000)

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **June 13, 2023**

RE: **Building Maintenance/Facilities Equipment**
2023-2028 C.I.P. - Project F-19
Bond Resolution - $117,000

Kindly take the following action with respect to the above bond request:

(1) Adopt the attached bond resolution authorizing the issuance of $117,000.00 in serial bonds for the above-referenced Town improvement.

The adoption of the bond resolution does not require a public hearing to be held because the improvement is a Town improvement not involving a special district.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(*w/attachments*, **Agenda Item - June 20, 2023**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Daniel Rizzo, Director of Facilities (*w/attachments*)

6/20/2023
A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved via Roll Call vote 5-0.

RESULT:	**ROLL CALL VOTE (ADOPTED) [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

6. Resolution 2023-538

Amherst Central Park Clubhouse Commissioning (Bond Resolution - $100,000)

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **June 13, 2023**

RE: **Amherst Central Park Clubhouse Commissioning and Building and Grounds Improvements 2023-2028 C.I.P. - Project F-20 Bond Resolution - $100,000**

Kindly take the following action with respect to the above bond request:

(1) Adopt the attached as determined by the Town of Amherst Planning Department; and

(2) Adopt the attached bond resolution authorizing the issuance of $100,000.00 in serial bonds for the above-referenced Town improvement.

The adoption of the bond resolution does not require a public hearing to be held because the improvement is a Town improvement not involving a special district.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk (*w/attachments*, **Agenda Item - June 20, 2023**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Brian J. Armstrong, EIT, Director Engineering Services (*w/attachments*)

6/20/2023
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved via Roll Call vote 5-0.

RESULT:	**ROLL CALL VOTE (ADOPTED) [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

7. Resolution 2023-539

Roadway and Infrastructure Improvement Agreement (CRS #4143)

AGENDA ITEM : JUNE 20TH, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **June 13, 2023**

RE: **Roadway and Infrastructure Improvement Agreement (CRS #4143)**

Kindly adopt the following resolution with respect to the above matter:

RESOLVED, that the Town Board authorizes the Supervisor to execute the attached agreement pending successful completion of the Contract Routing System (CRS).

Thank you.

MAP:nmb
Attachment
c: Tim Koller, Deputy Town Clerk (*w/attachment*, **Agenda Item : June 20, 2023**)

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

8. Resolution 2023-540

North Maplemere Road Extension and Improvements ($3.25M)

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **June 13, 2023**

RE: **North Maplemere Road Extension and Improvements**
2023-2028 C.I.P. - Project E-2
Bond Resolution - $3,250,000

Kindly take the following action with respect to the above bond request:

(1) Adopt the attached SEQR Negative Declaration - Notice of Determination of Non-Significance for the above project as determined by the Town of Amherst Planning Department; and

(2) Adopt the attached bond resolution authorizing the issuance of $3,250,000.00 in serial bonds for the above-referenced Town improvement.

The adoption of the bond resolution does not require a public hearing to be held because the improvement is a Town improvement not involving a special district.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk (*w/attachments*, **Agenda Item - June 20, 2023**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Brian J. Armstrong, EIT, Director Engineering Services (*w/attachments*)

6/20/2023
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0. A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved via Roll Call vote 5-0.

RESULT:	**ROLL CALL VOTE (ADOPTED) [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

9. Resolution 2023-541

Lease Agreement - Northtown Automotive Companies, Inc. and Town of Amherst (CRS #4154)

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Senior Deputy Town Attorney**

DATE: **June 13, 2023**

RE: **Lease Agreement Between Northtown Automotive Companies, Inc. and the Town of Amherst (CRS #4154)**

Kindly adopt the following resolution with respect to the above matter:

RESOLVED, the Town Board authorizes the Supervisor to execute the above-referenced Lease Agreement, pending successful completion of the Contract Routing System (CRS).

Thank you.

NMB:hs
c: Tim Koller, Deputy Town Clerk
(**Agenda Item : June 20, 2023**)

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

10. Resolution 2023-542

Right-Of-Way Dedication and Extension of North Maplemere Road

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: June 13, 2023

RE: Right-of-Way Dedication
Extension of North Maplemere Road

Kindly adopt the following resolution with respect to the above matter:

WHEREAS, the Town Board accepts the Right-of-Way dedication subject to the following conditions:

1.) Review and acceptance of the draft title commitment;
2.) Completion of the construction of the roadway and related public improvements;
3.) Final inspection by the Town of Amherst as well as providing required performance bonds and copies of lien waivers to the Town Attorney; and
4.) Final review and approval by the Town Attorney of Right-of-Way dedication documentation prior to recording of the attached deed at the Erie County Clerk's Office.

THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to accept the attached deed once the conditions have been met.

MAP:nmb
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/*attachments, **Agenda Item : June 20, 2023**)

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

11. Resolution 2023-543

Authorization to Pay Outside Counsel Invoice from Trust and Agency Account

AGENDA ITEM : JUNE 20th, 2023

TO: Town Board

FROM: Martin A. Polowy, Esq., Town Attorney

DATE: **June 12, 2023**

RE: **Authorization To Pay Outside Counsel Invoice From Trust and Agency Account For Services Related To Jurek Post Purchase**

Kindly adopt a resolution authorizing the Comptroller and/or Finance Director to issue payment to Bengart & DeMarco, LLP in the amount of $598.00 from the established Trust and Agency Account (T2107.4001) for legal services performed relative to the purchase of the Jurek Post.

Thank you.

MAP:nmb
c: Tim Koller, Deputy Town Clerk (**Agenda Item : June 20, 2023**)
Daryl C. Bramer, Town Comptroller
Lynda Juul, Director of Finance

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

12. Resolution 2023-544

180 Via Foresta Lane - License Agreement (Owners - Wie) (CRS #4142)

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Nicole M. Burroughs, Senior Paralegal**

DATE: **June 12, 2023**

RE: **Request for License Agreement (CRS #4142)**
Installation of Fence
Property Located At:
180 Via Foresta Lane, Amherst, New York 14221

Kindly adopt a resolution authorizing the Supervisor to execute the attached License Agreement pending successful completion of the Contract Routing System (CRS).

The owner of the above-referenced property is seeking permission to construct and install a fence that would encroach into an existing Town-owned easement, the details and stipulations of which are more fully described in the License Agreement.

This request was reviewed and approved by the Highway Department.

Thank you for your consideration.

NMB:hs
Attachment
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item: June 20, 2023**)
Craig Schreck, General Crew Chief, Highway Department (*w/attachment*)

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

13. Resolution 2023-545

66 Beachridge Drive - License Agreement (Owner Schell) (CRS #4152)

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Nicole M. Burroughs, Senior Paralegal**

DATE: **June 13, 2023**

RE: **Request for License Agreement (CRS #4152)**
Installation of Fence
Property Located At:
66 Beachridge Drive, East Amherst, New York 14051

Kindly adopt a resolution authorizing the Supervisor to execute the attached License Agreement.

The owners of the above-referenced property are seeking permission to construct and install a fence that would encroach into an existing Town-owned easement, the details and stipulations of which are more fully described in the License Agreement.

This request was reviewed and approved by the Engineering Department as well as the Town of Amherst Zoning Board of Appeals, who approved the request as detailed in the attached License Agreement and Exhibit "B" annexed thereto.

Thus, kindly adopt the following resolution:

RESOLVED, the Town Board authorizes the Supervisor to execute the attached License Agreement, pending successful completion of the Contract Routing System (CRS).

Thank you.

NMB:hs
Attachment
c: Tim Koller, Deputy Town Clerk *(w/attachment*, **Agenda Item : June 20, 2023**)
Vaishali Reberholt, PE, Assistant Town Engineer (*w/attachment*)
Daniel Ulatowski, Assistant Planning Director/ZEO (*w/attachment*)
Thomas Voigt, Assistant Planner (*w/attachment*)

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

14. Resolution 2023-546

Settlement of Article 7 Matter - Rite Aid Corporation V. Town of Amherst

AGENDA ITEM : June 20TH, 2023

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Senior Deputy Town Attorney**

DATE: **June 12, 2023**

RE: **Settlement of Article 7 Matter**
Rite Aid Corporation v. Town of Amherst

Kindly adopt a resolution authorizing the following:

(1) Settlement of the above matter as detailed in the attached Partial Stipulation and Consent Order; and

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Partial Stipulation and Consent Order as the Attorney for the Respondent, Town of

Amherst.

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : June 20TH, 2023**)
Emily Murphy, Town Assessor

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

15. Resolution 2023-547

Settlement of Article 7 Matter - 4459 Bailey Avenue, LLC V. Town of Amherst

AGENDA ITEM : June 20TH, 2023

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Senior Deputy Town Attorney**

DATE: **June 13, 2023**

RE: **Settlement of Article 7 Matter**
4459 Bailey Avenue, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

(1) Settlement of the above matter as detailed in the attached Stipulation of Settlement; and

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Stipulation of Settlement as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : June 20TH, 2023**)

Emily Murphy, Town Assessor

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

B. TOWN CLERK:

1. Resolution 2023-548

Amusement License - the Amberleigh

Request by The Amberleigh for a First Class Amusement License to hold outdoor events at 2330 Maple Rd. on June 29, 2023, July 20, 2023, and August 31, 2023 from 6pm - 7pm. Supervising Code Enforcement Officer recommends a fee of $5.00 per day.

The following conditions apply:

1. That all fire lanes be clear and maintained at 20.00 feet wide at all times.
2. All temporary power must be code compliant.
3. Bathroom facility must be made available & accessible.
4. On site accessible parking must be maintained.
5. Vehicle impact protection must be provided for the guest area.
6. Fire Department access must be maintained at all times in the event of an emergency.
7. Events with 1,000 guests or more will be require "Crowd Managers "that are in compliance with chapter 4 of the 2020 FCNYS.
8. The applicant must abide by Chapter 138 of the Town Of Amherst Code regarding noise.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2. Resolution 2023-549

Amusement License - Evans Bank

Request by Evans Bank for a First Class Amusement License to hold an outdoor event at 6460 Main St. on Thursday, September 21, 2023 from 5pm - 9pm.
Supervising Code Enforcement Officer recommends a fee of $50.00.

The following conditions apply:

1. That all fire lanes be kept clear at all times.
2. Any tents in excess of 400 square feet bring used, a fire prevention tent permit must be obtained.
3. All temporary power must be code compliant.
4. Bathroom facility must be made available & accessible.
5. Off street parking must be available and on site accessible parking must be maintained.
6. Fire Department access must be maintained at all times in the event of an emergency.
7. Events with 1,000 guests or more will be require "Crowd Managers "that are in compliance per the 2020 FCNYS.
8. The applicant must abide by Chapter 138 of the Town Of Amherst Code regarding noise.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

3. Resolution 2023-550

Amusement License - D'Avolio Inc.

Request by D'Avolio Inc, for a First Class Amusement License to hold an outdoor event at 9570 Transit Rd. on August 22, 2023 from 6pm-9pm.

Supervising Code Enforcement Officer recommends a fee of $25.00.

The following conditions apply:

1. That all fire lanes be kept clear at all times.
2. For any tents in excess of 400 square feet being used, a fire prevention tent permit must be obtained.

3. All temporary power must be code compliant.
4. Bathroom facility must be made available & accessible.
5. On site accessible parking must be maintained.
6. Vehicle impact protection must be provided for the guest area.
7. Fire Department access must be maintained at all times in the event of an emergency.
8. Events with 1,000 guests or more will be require "Crowd Managers" that are in compliance with Chapter 4 of the 2020 FCNYS.
9. The applicant must abide by Chapter 138 of the Town Of Amherst Code regarding noise.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

4. Resolution 2023-551

New Firefighters for Swormville Fire Company

New firefighters for the Swormville Fire Company live in the Town of Amherst and reside within the Swormville fire district.

Aiden Ostrowski
95 Roxbury Park
East Amherst, NY 14051

Trey Parker
57 Brook Court
East Amherst, NY 14051

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

C. ASSESSOR:

D. BUILDING/BUILDING MAINTENANCE:

1. Resolution 2023-552

2023 Capital Improvement Program Amendement Engineering Dept Building Improvements, Project F-6

Please approve this amendment to the 2023-2028 CIP and reassign the funds from General Account funding to Sanitary Sewer District fund.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

E. CENTRAL ALARM:

F. COMPTROLLER:

1. Resolution 2023-553

Budget Transfers and Amendments

For June 20, 2023 Town Board Agenda

To: Town Board
From: Office of Town Comptroller
Date: 6/14/2023
Re: Various Department Budget Transfers / Amendments

I have received the following request(s) requiring budget transfers and / or amendments. Based on my review, I ask that the Town Board approve the following list;

BUDGET TRANSFERS - 2023

FROM:	***TO:***
A7450.2150 Museum - Bldg. Improvements $5,490.15	A7450.1000 Personal Services $5,100.00 A7450.8030 FICA $390.15

To transfer funds into personal services for seasonal employee to work under Building Maintenance at BNHV.

A1620.4200 Asbestos Control $4,206.28	A1620.2130 Computer Equipment $4,206.28

Requested per department.

A3641.1000 Personal Svcs. $91,387.91	A3649.1000 Personal Svcs. $370,058.73
A3641.1200 Overtime $5,079.06	A3649.1200 Overtime $5,079.06
A3641.1300 Longevity $3,050.00	A3649.1300 Longevity $3,050.00
A3641.1853 Sick Leave Incentive $145.12	A3649.1853 Sick Leave Incentive $145.12
A3641.2250 Trucks, Tractors, Trailers $76,750.00	A3649.2250 Trucks, Tractors, Trailers $76,750.00
A3641.2450 Public Safety Equip $3,000.00	A3649.2450 Public Safety Equip $3,000.00
A3641.4010 Office Supplies $377.03	A3649.4010 Office Supplies $377.03
A3641.4025 Print/Adv/Lease $443.84	A3649.4025 Print/Adv/Lease $443.84
A3641.4060 Telephone $429.68	A3649.4060 Telephone $429.68
A3641.4310 Gas & Oil $585.95	A3649.4310 Gas & Oil $585.95
A3641.4410 Public Safety & Med Supply $2,914.45	A3649.4410 Public Safety $2,914.45
A3641.8030 FICA $7,281.34	A3649.8030 FICA $7,281.34
A3641.8050 Hospital & Med Insurance $29,429.94	A3649.8050 Hospital & Med Ins. $29,429.94
A3641.8051 Dental $322.50	A3649.8051 Dental $322.50
A3641.8052 Vision 132.36	A3649.8052 Vision $132.36
A3121.1000 Personal Svcs $278,670.82	

To transfer funds and account for ARPA revenue loss for 2023.

A3641.1000 Emer. Services - Personal Svcs. $1,079.06	A3641.1200 OT $1,079.06

To clean up OT budget line.

AG4010.0699 Storm Water Inspection $63,800.23	H8000.02770 H Fund $63,800.23

To transfer funds from AG4010 Storm Water Inspections into H Drainage Fund, H8000.02770 for closed projects. This will be processed on a purchase order since the AG Fund is not a budgeted fund.

AG4000.0699 PIP's $489,719.58	D0001.02770 D Fund $218,399.76 G9000.02770 G Fund $91,635.72 H8000.02770 H Fund $111,541.11 I7015.02770 I Fund $68,142.99

To transfer funds from AG4000 All PIPS into D, G, H and I Funds for closed projects. This will be processed on a purchase order since the AG Fund is not a budget fund.

KP2215.4972 Audubon Golf Construction $42,913.64	KP2215.2600 Other $42,913.64

Requested per department.

N2242.4000 HOME Acquisition/Construction $152,665.58	N2255.4000 HOME Rental Subsidy $152,665.58

Requested per department.

BUDGET AMENDMENTS - 2023

INCREASE:	***INCREASE:***
N2244.02785 Cheektowaga Housing Rehab - PI $2,186.10	N2244.4000 Contractual $2,186.10
N2249.02785 Cheektowaga Home Admin - PI $242.90	N2249.4003 10% Admin $242.90

To recognize Community Development program income from 347 Ellen, Cheektowaga.

N2223.02785 CDBG & Vg. - PI $9,534.70	N2223.4000 Contractual $9,534.70
N2225.02785 CDBG Admin. $2,383.67	N2225.1000 Personal Services $2,214.28 N2225.8030 FICA $169.39

To recognize Community Development program income from 292 Little Robin, Williamsville.

N2223.02785 CDBG & Vg. - PI $170.00	N2223.4000 Contractual $170.00

To recognize Community Development program income from 169 Hillcrest, Amherst.

N2244.02785 Cheektowaga Housing Rehab - PI $4,461.52	N2244.4000 Contractual $4,461.52

N2249.02785 Cheektowaga Home Admin - PI $495.73 N2249.4003 10% Admin $495.73
To recognize Community Development program income from 67 Meaford, Cheektowaga.

H8000.02770 $40,000 Drainage - Other Revenue $40,000 H8000.4110 Contractual $25,000
H8000.4430 Miscellaneous $15,000
To increase budget, Other Revenue (transfer from AG4010) and increase expenditures lines for pipe replacement job on Wyeth.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2. Resolution 2023-554

Accept Audit Period Ending 12/31/2022

The Town Board is requested to formalize the acceptance of the audit report for the year ended 12/31/2022. Drescher & Malecki LLP presented the year end to the Town Board on May 8, 2023. The Financial Statements are available on the Town's website.

Please also accept the Statement of Changes in Cash Balances and Statements of Cash Receipts and Disbursements for the Senior Center, Town Clerk and Receiver of Taxes, Town Justices and Youth & Recreation. Copies are available upon request.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

G. CONTRACT COMPLIANCE:

1. Resolution 2023-555

Award Bid #2023016 Miscellaneous Small Equipment & Parts - CRS #4084, 4085, 4086 & 4087

WHEREAS, the Contract Compliance and Administration Department received bids on May

11, 2023 for Miscellaneous Small Equipment & Parts; and

WHEREAS, the bid process resulted in responses from four (4) vendors;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to Grassland Equipment & Irrigation Corp. (CRS #4084), Montage Enterprises, Inc. (CRS #4085), MTE Equipment Solutions, Inc. (CRS #4086) and Baschmann Services, Inc. (CRS #4087), as per the attached bid tabulation form; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contracts with Grassland Equipment & Irrigation Corp., Montage Enterprises, Inc., MTE Equipment Solutions, Inc., and Baschmann Services, Inc.; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System as the Town is currently without a contract.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2. Resolution 2023-556

Award Bid #2023022 Busing - CRS #4105

WHEREAS, the Contract Compliance and Administration Department received bids on June 1, 2023 for Busing; and

WHEREAS, the bid process resulted in responses from two (2) vendors as per the attached bid tabulation form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to Erie Bus Inc., dba WNY Bus Co.; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with Erie Bus Inc., dba WNY Bus Co.; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the fact that the there is no contract currently in place and the first field trip is scheduled for June 27th, 2023.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

3. Resolution 2023-557

Award Bid #2023021 Parking Lot Crack Fill, Seal Coat & Striping CRS #4144

WHEREAS, the Contract Compliance and Administration Department received bids on June 1, 2023 for Bid #2023021 Parking Lot Crack Fill, Seal Coat & Striping; and

WHEREAS, the bid process resulted in responses from two (2) vendors as per the attached bid tabulation form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to Baughman Magic Seal, Inc.; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with Baughman Magic Seal, Inc.; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the fact that work needs to be started as soon as possible due to the short construction season, and the next Town Board meeting is not until July 10th.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

H. COURT:

I. ECONOMIC DEVELOPMENT:

1. Resolution 2023-558

Travel Authorization to 2023 Basic Economic Development Course

Please authorize expense reimbursement for travel on June 19, 2023 - June 23, 2023 for Annette Herrman, Communications Specialist Economic Development and Benjamin Ansell Small Business Liaison Economic Development to attend the 2023 Basic Economic Development Course in Albany NY. The total cost for travel and conference registration will not to exceed $4,184.75. Funds are available in the Economic Development Department 2023 budget A1230 4040 and 4120.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

J. EMERGENCY SERVICES:

K. ENGINEERING SERVICES:

1. Resolution 2023-559

2023-2028 CIP Amendment CIP Project No. F-9

The Engineering Services Division is recommending amendment of the 2023 - 2028 Capital Improvement Program for the above project in the amounts shown in the table below. As the Jurek Post acquisition and subsequent renovations have been significantly delayed, these funds will be reallocated to cover costs associated with other Townwide needs and improvements.

CIP No.	Project Description	CIP Allocations	Amended CIP Allocations
F-9	Jurek Post Renovations	465 LA	0
F-19 (new)	Building Maintenance / Facilities Equipment	0	117 LA
F-20 (new)	Amherst Central Park Clubhouse Commissioning & Building and Grounds Improvements	0	100 LA
F-21 (new)	Amherst Central Park Facilities Professional Services	0	248 LA
	Total	**465 LA**	**465 LA**

LA: General Fund Bond

Please approve amendment of the 2023-2028 Capital Improvement Program and allocate funding as shown above. Please note that the above request is a budget neutral amendment.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2. Resolution 2023-560

2023 - 2028 Capital Improvement Program Amendment CIP Project No. E-2: Maplemere Roadway Extension & Improvements

The Engineering Department is recommending amendment of the 2023-2028 CIP for above project in the amount shown in the table below. This amendment will allocate adequate funding for this project which is currently underfunded due to supply-chain related materials cost increases.

CIP No.	Project Description	2023 Bond Allocation	Amend To
E-2	Maplemere Roadway Extension & Improvements	$ 2,500 LA	$ 3,250 LA

Please approve this amendment to the 2023-2028 CIP and reassign the funding identified above. Please note that while the above request is not budget neutral, we will continue to try to identify project bond reductions throughout the balance of 2023 in an effort to attempt to achieve budget neutrality associated with this request.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

3. Resolution 2023-561

Fire Hydrant Installation - North Maplemere Road Extension

We are hereby requesting authorization to have two (2) additional fire hydrants installed by the developer at the above location.

The Erie County Water Authority requires the installation of two (2) fire hydrants at the above location during the course of construction to satisfy current design standards regarding hydrant spacing on a public potable water distribution system. The hydrants will become property of the Town of Amherst. Under the Lease Management Agreement, a Resolution from the Town Board is required for Erie County Water Authority to issue final approval of the referenced hydrants. The Town is to pay the annual maintenance fee of $229.08 each for a total of $458.16.

May we have your approval for the installation of two (2) additional fire hydrants?

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

4. Resolution 2023-562

Change Order #2 & Final Decrease of $20,507.00 to MKS Plumbing Corp. Audubon Library Expansion – Phases I & II TOA Job # 2019.048 CRS No. 4133

Attached, please find a copy of the above referenced Change Order #1 which calls for a $20,507.00 decrease to MKS Plumbing Corporations contract amount. This Change Order reflects final quantity adjustments. Upon approval, the final value of the referenced contract will be $125,878.00.

This request is pending successful completion of the contract review process.

May we please have your approval for this change order?

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

5. Resolution 2023-563

Change Order #1 & Final Decrease of $25,000.00 to Greater Niagara Mechanical, Inc. Audubon Library Expansion – Phases I & II TOA Job # 2019.048 CRS No. 4131

Attached, please find a copy of the above referenced Change Order #1 which calls for a $25,000.00 decrease to Greater Niagara Mechanical's contract amount. This Change Order reflects final quantity adjustments. Upon approval, the final value of the referenced contract will be $309,600.00.

This request is pending successful completion of the contract review process.

May we please have your approval for this change order?

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

6. Resolution 2023-564

Change Order #1 & Final Decrease of $18,192.00 to Frey Electric Construction Co., Inc. Audubon Library Expansion – Phases I & II TOA Job # 2019.048 CRS No. 4132

Attached, please find a copy of the above referenced Change Order #1 which calls for a $18,192.00 decrease to Frey Electric Construction Company's contract amount. This Change Order reflects final quantity adjustments. Upon approval, the final value of the referenced contract will be $289,808.00.

This request is pending successful completion of the contract review process.

May we please have your approval for this change order?

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

L. FINANCE:

M. HIGHWAY

N. HUMAN RESOURCES:

1. Resolution 2023-565

Senior Clerk Typist/Court

Please appoint a Senior Clerk Typist to the Amherst Town Court. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective June 21, 2023 at an annual salary of $36,295, Grade 5, Step A for Michelle Manly.

This is a promotion for a current employee who is serving as a Clerk Typist.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2. Resolution 2023-566

Electrician/Building Maintenance-Facilities Department

Please appoint an Electrician to the Building Maintenance-Facilities Department. Permanent, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective June 26, 2023 at an annual salary of $63,088, Grade 15, Step D for David Kausch.

Contingent upon completing all pre-employment requirements.
Please authorize a six (6) month residency waiver.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

O. INFORMATION TECHNOLOGY:

P. PLANNING:

1. Resolution 2023-567

Main Street Corridor Plan Project Charter

Purpose: Town Board approval of the Main Street Corridor Plan Project Charter

WHEREAS, Main Street is one of the Town's major east/west transportation corridors and a major arterial roadway under the jurisdiction of the New York State Department of Transportation that includes a variety of prime neighborhoods, business districts and important civic uses; and

WHEREAS, the Town aims to form a Corridor Plan that addresses traffic, mobility, circulation and parking concerns along the portion of Main Street that begins at the intersection of Bailey Avenue and Main Street to the west and extends to the intersection of the Interstate-290 on/off ramps and Main Street to the east, and traversing both the Snyder and Eggertsville neighborhoods; and

WHEREAS, the proposed Corridor Plan will serve as a guiding document with strategies and actions to improve safety, multi-modal movement and the relationship between Main Street and the surrounding neighborhoods along the corridor; now

THEREFORE BE IT RESOLVED, that the Town Board endorses the "Main Street Corridor Plan" Project Charter, which is attached and made part of this Resolution; and

BE IT FURTHER RESOLVED, that the Board supports the Town moving forward to carry out the planning process stated in the Project Charter.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2. Resolution 2023-568

Town Board Authorization for the Supervisor to Sign A Budget Amendment for the Local Waterfront Revitalization Program (LWRP) Contract with the New York State Department of State

WHEREAS in December 2018 the Town of Amherst received a $75,000 grant from the New York State Department of State (NYSDOS) for preparation of a Local Waterfront Revitalization Program (LWRP); and

WHEREAS, the Town of Amherst Adopted the LWRP plan and Local Law, Chapter 205 at the Town Board meeting on June 5, 2023 (Resolution 2023-467); and

WHEREAS although the total budget allocation on the original LWRP Contract has not changed, the State requires amendments to be formalized in a budget amendment;

NOW, THEREFORE, BE IT RESOLVED, that subject to successful completion of the contract review process, the Town Board authorizes the Supervisor to sign the attached LWRP budget modification as described in the reason and justification section and forward it to NYSDOS.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

3. Resolution 2023-569

Authorize a Substantial Amendment to the FY 2021 Annual Action Plan to Adopt and Incorporate the HOME-ARP Allocation Plan for Community Development

WHEREAS, the Amherst-Cheektowaga-Tonawanda HOME Consortium received a special appropriation of HOME Investment Partnerships Program Funds as part of the

American Rescue Plan Act of 2021 (HOME-ARP) from the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, rules and regulations which govern HOME-ARP funds requires the creation and adoption of a HOME-ARP Allocation Plan to be approved by HUD and incorporated into the Consortium's 2021 Annual Action Plan through a Substantial Amendment; and

WHEREAS, on September 19, 2022 a public hearing was held on the adoption of the Consortium's Draft HOME-ARP Allocation Plan, completing a 15-day public comment period; and

WHEREAS, on November 17, 2022 the Department of Housing and Urban Development approved the Consortium's Draft HOME-ARP Allocation Plan in the amount of $3,413,700; and

WHEREAS, the Planning Department is requesting a Substantial Amendment to incorporate the Allocation Plan into the FY2021 Annual Action Plan for Community Development, in order to accept the $3,413,700 and implement programming outlined in the HOME ARP Allocation Plan; now therefore, be it

RESOLVED, the Town of Amherst Town Board hereby adopts the Amherst-Cheektowaga-Tonawanda HOME Consortium's HOME-ARP Allocation Plan and authorizes the Substantial Amendment to the FY 2021 Annual Action Plan in order to incorporate the Allocation Plan's funds and implement programming initiatives.

6/20/2023

Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

4. Resolution 2023-570

Authorize the Supervisor to Execute the Blocher Homes Apartments HOME-ARP Grant Agreement with People, Inc. CRS #4149

WHEREAS, the Town is a recipient of HUD HOME Investment Partnerships Program (HOME) funds as part of the Amherst-Cheektowaga-Tonawanda HOME Consortium; and

WHEREAS, the Consortium received a special appropriation of HOME Investment Partnerships Program Funds as part of the American Rescue Plan Act of 2021 (HOME-ARP) from the Department of Housing and Urban Development (HUD); and

WHEREAS, rules and regulations of HUD which govern HOME-ARP funds encourages the creation of and improved access to quality affordable housing opportunities for special qualifying populations; and

WHEREAS, the 2021 Community Development Annual Action Plan and HOME-ARP Allocation Plan include a HOME Rental Subsidy Program to encourage development of new affordable rental housing in Amherst, to be assisted through Home Investment Partnerships Program funds; and

WHEREAS, Amherst Community Development approved a proposal for HOME funding assistance for Blocher Homes Apartments, a 93-unit affordable family and supportive rental housing complex to be constructed at 135 Evans Street, Williamsville, NY 14221 on November 22, 2021; and

WHEREAS, the Blocher Homes Apartments project has satisfactorily completed the required Environmental Assessment with the issuance of a Finding of No Significant Impact (FONSI) on March 30, 2023; and

WHEREAS, Amherst Community Development issued a Commitment Letter, dated May 25, 2023, following completion of final underwriting, approving the award of $1,333,272 in HOME-ARP funds as a grant to People, Inc. for construction financing towards the Blocher Homes Apartments Project; now therefore,

BE IT RESOLVED, that the Town Board of the Town of Amherst authorizes the Supervisor, subject to the satisfactory completion of the contract routing process, to enter into a HOME-ARP Grant Agreement with People, Inc., for an amount not to exceed $1,333,272.00 with a 30-year Affordability Period enforceable through a Restrictive Covenant.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

5. Resolution 2023-571

Authorize the Supervisor to Execute the Blocher Homes Apartments HOME-Entitlement Loan Agreement with Blocher Homes Apartments, LLC. CRS #4148

WHEREAS, the Town is a recipient of HUD HOME Investment Partnerships Program (HOME) funds as part of the Amherst-Cheektowaga-Tonawanda HOME Consortium; and

WHEREAS, the 5-year Consolidated Plan for the Amherst-Cheektowaga-Tonawanda HOME Consortium includes a program goal to support the creation of new affordable senior/disabled rental housing in Amherst; and

WHEREAS, Amherst Community Development approved a proposal for HOME funding assistance for Blocher Homes Apartments, a 93-unit affordable family and supportive rental housing complex to be constructed at 135 Evans Street, Williamsville, NY 14221 on November 22, 2021; and

WHEREAS, the Blocher Homes Apartments project has satisfactorily completed the required Environmental Assessment with the issuance of a Finding of No Significant Impact (FONSI) on March 30, 2023; and

WHEREAS, Amherst Community Development issued a Commitment Letter, dated May 25, 2023, following completion of final underwriting, approving the use of $600,000 in HOME-Entitlement funds for construction financing towards the Blocher Homes Apartments Project; now therefore,

BE IT RESOLVED, that the Town Board of the Town of Amherst authorizes the Supervisor, subject to the satisfactory completion of the contract routing process, to enter into a HOME-Entitlement Loan Agreement with Blocher Homes Apartments, LLC, beginning at loan closing (anticipated in July 2023) through a 30-year affordability period.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Q. POLICE:

1. Resolution 2023-572

Request for Additional Funds 2023 Safety Education Trust Fund

TOWN BOARD AGENDA ITEM: JUNE 20, 2023

TO: **Town Board**

FROM: **Scott P. Chamberlin, Chief of Police**

RE: **Request for Additional Funds**
2023 Safety Education Trust Fund

Kindly adopt a resolution authorizing the approval to spend an additional $4,300.00 from the Safety Education Trust Account (T4012). Safety Education expenses include, but are not limited to, training, materials, books, films, and office supplies. The Safety Education Program provides many services to the community, Pre-K to College, and awareness programs. This trust and agency account is capable of accepting designated donations for the continuation of the Safety Education Program.

Thank you.

SPC:msl
C: Tim Koller, Deputy Town Clerk (**Agenda Item: June 20, 2023**)

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2. Resolution 2023-573

United Uniform Distribution, Inc. (CRS #4155) Piggyback Off Albany County Contract Purchase of Law Enforcement Equipment and Supplies

TOWN BOARD AGENDA ITEM: JUNE 20, 2023

TO: **Town Board**

FROM: **Scott P. Chamberlin, Chief of Police**

RE: **United Uniform Distribution, Inc. (CRS #4155)**
Piggyback off Albany County Contract
Purchase of Law Enforcement Equipment and Supplies

Kindly adopt a resolution authorizing the Supervisor to adopt and execute the attached agreement between the Town of Amherst (Police) and United Uniform Distribution, Inc., with regard to the above-entitled matter. Approval of this piggyback agreement is contingent upon successful completion of the Contract Routing System.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: June 20, 2023)**

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

R. SENIOR SERVICES:

1. Resolution 2023-574

Early Voting Polling Location Lease Agreement CRS #4156

We respectfully request Town Board permission to authorize the Supervisor to sign the Early Voting Lease Agreement between the Town of Amherst and the Board of Elections for the County of Erie.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

S. SEWER/PLANT 16:

1. Resolution 2023-575

2023 CIP Amendment

The Engineering Department recommends amending the Approved Town of Amherst 2023 CIP to accommodate reallocation of project funds within the Engineering Department's WPCF project list. The total funding allocated for the listed projects ($1,325,000.00) remains unchanged. The allocation among the projects is being amended according to the table below based on current prioritization.

Project ID#	Project Title	Supervisor's Approved 2023 CIP Amount	Amended 2023 CIP Amount

E-9	WPCF Structural Repair/Rebuild of Various Concrete Tanks	150 LW	--
E-10	WPCF Cryogenic O2 Plant Design Replacement	400 LW	350 LW
E-12	WPCF Building and Equipment Infrastructure - Phase 4	425 LW	800 LW
E-13	WPCF HVAC Facility Improvements - Phase 5	350 LW	175 LW
	TOTAL	**1,325 LW**	**1,325 LW**

Thank you for considering this request.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2. Resolution 2023-576

Payment Authorization Dival Safety Equipment, Inc.

The Engineering Department - Water Pollution Control Facility is requesting the Town Board authorize payment to Dival Safety Equipment, Inc for invoice #3263998 in the amount of $1,066.21. The gas metering sensors on the contract could not be provided by Dival at the NYSOGS price, but they could be sent faster than other vendors, so for the importance of safety, they were still ordered through Dival.

Funds are available in G9916-4870.

Thank you for considering this request.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

3. Resolution 2023-577

Lift Station Communications 3G - 4G Upgrades Colacino Industries CRS #3816/CMS #3488

The Engineering Department, WPCF division, is requesting that the Town Board authorize payment to Colacino Industries, Inc. for invoices 58965 and 59235. Resolution 2023-114 authorized Colacino Industries to purchase the necessary items and provide labor for a required upgrade to 4G service from the expiring 3G service at our lift stations. At the time, the Resolution was pending approval through CRS and once it was complete, it only allowed the cost of $16,600.00. After the fact, additional materials were required for the installed parts at the cost of $302.98 on invoice 59235. The Resolution also did not cover labor to install parts already on hand, which totaled $7,840.00 on invoice 58965. The total amount of the payment authorization request is $8,142.98.

Funds for this request are available in KP2029-4972.

Thank you for considering this request.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

T. YOUTH AND RECREATION:

1. Resolution 2023-578

Authorization to Pay Vendor

WHEREAS, the Youth & Recreation Department had a valid contract with Davis-Ulmer for quarterly inspection of wet pipe sprinkler systems at the Northtown Center at Amherst, and

WHEREAS, a town-wide bid for these services was issued, the timing of which resulted in a gap in service for the Department, and

WHEREAS, the Department sought to move the quarterly inspection to coincide with the new contract but a breakdown in communication resulted in the inspection being done during the gap time, and

WHEREAS, the cost did not change between the old and the new contracts,

NOW THEREFORE, BE IT RESOLVED that the Amherst Town Board authorizes the payment of Invoice 1052-F171377 in the amount of $300.00 To Davis-Ulmer Fire Protection.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2. Resolution 2023-579

Authorization to Proceed (NCA) - CRS #4147

Authorize the Supervisor to sign an Authorization to Proceed with the New York Power Authority for repairs and modifications to the Feature Rink at the Northtown Center at Amherst, pending satisfactory completion of the contract routing process.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

3. Resolution 2023-580

Travel Authorization

Authorize Roseanne McCarthy and Anne Rohrer to attend the 2023 CADCA Mid-Year Training Institute in Dallas, TX from July 16-20, 2023, as part of the requirements of the town's Drug Free Communities Grant.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

XIV. UNFINISHED BUSINESS

XV. COMMUNICATIONS

1. Communication 2023-79

Amherst Symphony Orchestra Fee Waiver

Request from The Amherst Symphony Orchestra seeking permission to place signs and a waiver of sign permit fees.

Response from the Building Commissioner is attached.

6/20/2023
Consent

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2. Communication 2023-80

Newman Center Fee Waiver

Request from the Newman Center seeking a waiver of the tent permit fee for their 47th annual Chicken Barbecue on Sunday, August 13, 2023.

Response from the Building Commissioner is attached.

6/20/2023
Consent

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

XVI. PUBLIC IMPROVEMENT PERMITS

1. Resolution 2023-581

PIP 3031 - Roger Chaffee Drive Apartments - Sanitary

This is to certify that the referenced sanitary sewer construction has been completed in accordance with plans and specifications, and we recommend that the same be accepted.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2. Resolution 2023-582

PIP 3037 - George Karl Bouelvard - Sanitary

This is to certify that the referenced sanitary sewer construction has been completed in accordance with plans and specifications, and we recommend that the same be accepted.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

3. Resolution 2023-583

PIP 3057 - 4400 North French Development - Sanitary

This is to certify that the referenced sanitary sewer construction has been completed in accordance with plans and specifications, and we recommend that the same be accepted.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

4. Resolution 2023-584

PIP 3073 - Auden Amherst Development - Sanitary

This is to certify that the referenced sanitary sewer construction has been completed in accordance with plans and specifications, and we recommend that the same be accepted.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

XVII. SUSPENSION OF RULES

Supervisor Kulpa moved to open Suspension of Rules to bring forth 1 unlisted item. The motion was seconded by Councilmember Lavin and unanimously approved 5-0. Suspension of Rules was opened at 8:16 PM.

There being no further business requiring Suspension of Rules, Supervisor Kulpa moved to close, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. Suspension of Rules was closed at 8:17 PM.

1. Resolution 2023-585

Donation of Natural Gas Driven Motor Cooling Skid Hardware, Silencing Muffler and Appurtenances

SUSPENSION ITEM - JUNE 20, 2023 TOWN BOARD AGENDA

TO: **Town Board**

FROM: **Jeffrey S. Burroughs, PE, Town Engineer**

DATE: **June 20, 2023**

RE: **Donation of Natural Gas Driven Motor Cooling Skid Hardware, Silencing Muffler and Appurtenances**

Kindly adopt a resolution authorizing the donation of the above referenced equipment from the Eden Central School District to the Town of Amherst (Water Pollution Control Facility) and also authorize the Supervisor to execute any agreement necessary to complete the transfer of said equipment.

In working with our service provider, Siemens Industry Inc., they have identified this potential donation as a means to further attenuate the noise profile of the natural gas driven pump at the Water Pollution Control Facility.

Thank you.

c: Tim Koller, Deputy Town Clerk
(**Suspension Agenda Item - June 20, 2023**)
Sharon Dehn, Principal Clerk Typist

6/20/2023
A motion to approve was made by Deputy Supervisor Bucki, seconded by Councilmember Berger and unanimously approved 5-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Deborah Bruch Bucki, Deputy Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

XVIII. PUBLIC EXPRESSION #2

This is an opportunity for residents to comment on matters involving Amherst other than those pertinent to Public Hearings that day. Speakers will be limited to 3 minutes.

A motion to open Public Expression was made by Supervisor Kulpa, seconded by Deputy

Supervisor Bucki and unanimously approved 5-0. Public Expression was opened at 8:17 PM.

There were no speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. Public Expression was closed at 8:17 PM.

XIX. ADJOURNMENT

There being no further business to come before the Town Board, Supervisor Kulpa moved to adjourn, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The Town Board meeting of June 20, 2023 was adjourned at 8:17 PM.

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 27659 **RESOLUTION 2023-528** **DECISION DATE**

Adoption of Local Law to Amend the Zoning Map (3945 Rensch Road – Z-2023-02)

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR are complete, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of April 20, 2023 that the proposed Center-5 zoning at 3945 Rensch Road is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that in accordance with Section 203-8-3 of the Town Code (Zoning), the Town Board adopts Local Law (#_____) to amend the Town Zoning map subject to the following conditions as recommended by the Planning Board:

1. That the comments and supporting documentation requested by the Engineering Department (Downstream sewer capacity analysis is required) and Traffic Safety Board (correct curb cut on site plan) be addressed to their satisfaction during the site plan review process.

2. Cultural Resource clearance be obtained from NYSOPRHP prior to approval of site plan by the Planning Board.

6/20/2023
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was opened at 7:03 PM.

Sean Hopkins, Esq. presented.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the July 24th Town Board meeting, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was closed at 7:10 PM.

7/24/2023
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

RESULT:	**DECISION DATE [UNANIMOUS]**	**Next: 7/24/2023 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Jacqualine Berger, Councilmember	
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala	

Amherst
Town of Amherst Planning Department
Erie County, New York

Brian J. Kulpa
Supervisor

Daniel C. Howard,
Planning Direct

Daniel J. Ulatowski,
Assistant Planning Di

Town Board Agenda of June 20, 2023

June 13, 2023

The Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Subject: Request to rezone 0.57± acres of land from R-4 to CTR-5; property located at 3945 Rensch Road., Rensch Group LLC Petitioner. (Z-2023-02).

Honorable Members:

The subject property is a 0.57± acre rectangular parcel located on the east side of Rensch Road, approximately 1,400 feet from its intersection with Sweethome Road. Rensch Road is a Town-owned highway and designated as a local street in the Bicentennial Comprehensive Plan.

For information on the surrounding zoning and land use, please refer to the attached sketch.

The purpose of this request is to allow a mixed-use development comprised of a three-story multi-family building containing 12 apartments, recreation space and parking.

History of previous rezoning requests:
The subject property was rezoned from Commercial Service District (CS) to Residential District Four (R-4) by the Town Board on November 19, 2012 (Z-2012-08).

The Planning Board offers the following findings consistent with Section 8-3 of the Zoning Ordinance.

INTENT AND OBJECTIVES OF THE COMPREHENSIVE PLAN

The proposed Center-5 (CTR-5) zoning is consistent with the adopted Bicentennial Comprehensive Plan as the proposal provides an opportunity for mixed use development consistent with Figure 6-A. At 24 units/acre the proposal is also consistent with Section 3.3.1 and Figure 6 of the Comprehensive Plan which calls for medium density residential development at 12 to 60 units per acre on the west side of Rensch Road.

INTENT AND OBJECTIVES OF THE ZONING ORDINANCE

The proposed rezoning from R-4 to CTR-5 is consistent with Section 1-2-2K of the Zoning Ordinance which seeks to guide the future development of the Town so as to bring about the gradual conformity of land and building uses in accordance with the objectives of the Comprehensive Plan.

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

Honorable Town Board

Rezone land from R-4 to CTR-5;
property located at 3945 Rensch Road
Agenda of June 20, 2023

CONSISTENCY/COMPATIBILITY WITH SURROUNDING DEVELOPMENT/ZONING

The proposed 3-story structure within a mixed-use district is consistent with the variety of surrounding uses, which include hotel, commercial, other multi-family developments. The subject parcel abuts properties zoned General Business (GB) to the east and south, Research & Development (RD) to the south west and north, and Multifamily Residential 6 (MFR-6) farther north, which are compatible with the proposed CTR-5 zoning.

ADEQUATE SERVICES AND UTILITIES

All services and utilities necessary for the proposed rezoning are available and adequate at the subject location. This is a SEQR Unlisted action, and an environmental assessment consistent with SEQR has been prepared for the subject proposal.

RECOMMENDATION

The Planning Board at their meeting of April 20, 2023 held a public hearing on the subject rezoning request and recommended that the Town Board find that pursuant to Local Law #3-82, as amended, the requirements of SEQR have been completed and that the subject request will not have a significant adverse effect on the environment. The Planning Board also recommended that the subject rezoning request be approved subject to the following condition:

1. That the comments and supporting documentation requested by the Engineering Department (Downstream sewer capacity analysis is required) and Traffic Safety Board (correct curb cut on site plan) be addressed to their satisfaction during the site plan review process.

The Planning Department requests that if the Town Board desires to act on the rezoning request, that a decision date be established after the public hearing so that the Planning Department can prepare a determination of environmental significance pursuant to SEQR, and prepare a resolution for the Town Board's consideration.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

DH/GP/ac
Att.
X:\Current_Planning\Files\Rezonings\2023\Z-2023-02_(3945_Rensch_Rd)_2023\Z-2023-02_TB_Letter_06202023.docx
cc: Martin Polowy, Town Attorney

Planning Board Approval – April 20, 2023
Ayes – 7; Noes – 0

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2023-02

PETITIONER

Rensch Group LLC
c/o Sean Hopkins
5500 Main Street, Suite 343
Williamsville, NY 14221

PROPERTY LOCATION

3945 Rensch Road

WHEREAS the Town of Amherst Planning Board on Thursday, April 20, 2023 held a public hearing on the proposed rezoning of land from Residential District Four (R-4) to Center 5 District (CTR-5), and

WHEREAS the Planning Board has reviewed plans and other materials regarding the rezoning proposal, and

WHEREAS the materials and plans have been referred to the Town's various review agencies, and

WHEREAS in accordance with Section 8-3-5 of the Zoning Ordinance the Planning Board finds that:

A. The proposed zoning and development plan is generally consistent with the policies of the Comprehensive Plan and the Zoning Ordinance and is consistent with the Conceptual Land Use Plan which shows medium density residential use in a mixed-use form in this area of the Town.

B. There are adequate services and utilities available or proposed to be made available in the construction of the development.

C. The proposal is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.

D. The subject property is no longer suitable for uses permitted by the current zoning district versus the proposed district.

E. The proposed change does tend to improve the balance of uses, or meets a specific demand in the Town.

F. Review by the US Army Corps of Engineers under Section 404 of the Clean Water Act may be waived because the parcel is developed.

WHEREAS pursuant to Local Law #3-82, as amended, the Planning Board recommends that the Town Board determine that the requirements of SEQR are complete and that the subject proposal is not expected to have a significant adverse effect on the environment.

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

'23 APR 26 PM1:00

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2023-02

PETITIONER

Rensch Group LLC

PROPERTY LOCATION

3945 Rensch Road

NOW THEREFORE BE IT RESOLVED that the Planning Board recommends to the Town Board in accordance with Section 8-3-4 of the Zoning Ordinance, that the rezoning request be approved subject to the following conditions:

1. That the comments and supporting documentation requested by the Engineering Department and Traffic Safety Board be addressed to their satisfaction during the site plan review process.

The foregoing resolution was adopted by the Town of Amherst Planning Board, April 20, 2023; moved by Penberthy; seconded by Chmiel; ayes 7, noes 0.

Robert J. Gilmour, Planning Board Chair

4-25-23
Date

GP/ac
X:\Current_Planning\Files\Rezonings\2023\Z-2023-02_(3945_Rensch_Rd)_2023\Z-2023-02_resolution_042023.doc
cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Traffic/Safety Coordinator
Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

'23 APR 26 PM

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

Rezoning Application & Supporting Documentation - Rezoning of 3945 Rensch Road from R-4 to SC-3
pp icant Rensch Group LLC c/o Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC

Prepared by: Sean Hopkins, Esq.
Hopkins Sorgi & McCarthy PLLC
5500 Main Street, Suite 343
Williamsville, NY 14221
Tel: 716.510-4338
E-mail: shopkins@hsmlegal.com

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning Review and, if required Comprehensive Plan Amendment

For Official Use

File #: Z-2023-02 **Acreage** .50 **Fee $** 1,265.00

Address Verified by Assessor's Office _____ VERIFIED BY DATE

Materials Accepted by Town Clerk & Fee Paid _____ ACCEPTED BY DATE

Materials Checked by Building Dept. _____ RECEIVED BY DATE

Materials Received by Planning Dept. 2/21/2023 RECEIVED BY DATE

RECEIVED FEB 21 2023 TOWN OF AMHERST PLANNING DEPT.

		Fill In Applicable Fees
2 ACRES OR LESS	**$1,250**	$1,250.00
2 – 20 ACRES **$1,250 + $250/acres or fraction thereof over 2 acres**		_____
20 – 30 ACRES **$5,700 + $150/acre or fraction thereof over 20 acres**		_____
OVER 30 ACRES **$6,900 +$75/acre or fraction thereof over 30 acres**		_____
Request for Relief of/Change to Conditions of Zoning Approval	**$ 1,200**	_____
AFFIDAVIT FEE FOR PUBLIC HEARING	**$ 15.00**	$15.00
	TOTAL FEE:	$ 1,265.00

[Note: A completed Full Environmental Assessment Form along with Page 5[a] and Attachment "A" is attached as Exhibit "1".]

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

TO BE COMPLETED BY APPLICANT

1. **Petitioner:** Name: Rensch Group LLC

Address: c/o Sean Hopkins, Esq.
5500 Main Street, Suite 343
Williamsville, New York 14221
City State Zip Code

Phone: 510-4338 Fax:

E Mail shopkins@hsmlegal.com

2. **The undersigned hereby petitions the Honorable Town Board to rezone the following described property**

From: R-4 District

To: SC-3 District

3. **Street address of land to be rezoned:** (must be verified by Town Assessor's Office)

3945 Rensch Road

SBL #: SBL No. 54.12-1-21.2

4. **Area of land to be rezoned** (in acres): Approximately .5 acres

5. **Owner of Land:**

Name: Rensch Group LLC c/o Sean Hopkins, Esq.

Address: 5500 Main Street, Suite 343 - Williamsville, NY 14221

Telephone: 716.510-4338

6. **Representative** (Architect, Engineer, Landscape Architect, Surveyor or Attorney):

Name: Sean W. Hopkins, Esq.

Address: 5500 Main Street, Suite 343
Williamsville, New York 14221
Tel: 716.510-4338 - E-mail: shopkins@hsmlegal.com
City State Zip Code

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

7. **Petitioner's interest in property**

_____Option to purchase

__X_____Owner

__ _____Other (explain)

8. **The following are all others having an interest in this application and join herein with the petitioner named above:** (describe extent of interest; attach sheets as needed)

Not Applicable.

9. **Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor.** Legal description of the property to be rezoned from R-4 to SC-3 attached as Exhibit "2" and survey of the Project Site attached as Exhibit "3".

10. **Said property has the following deed restrictions or Covenants:** (attach copy) Not Applicable.

Liber _____ Page _____

11. **Information on proposed project:**

A. Description of the character of the proposed development:

See Exhibit 4.

B. Rationale for rezoning request:

1. Why was this site chosen?

See Exhibit 4.

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

2. Why cannot land be used with the existing zoning?

See Exhibit 4.

3. How will this rezoning impact surrounding properties?

See Exhibit 4.

4. How will this rezoning impact the school system?

See Exhibit 4.

12. Quantitative Data:

A. Total # of dwelling units 12 units

B. Distribution of dwelling units by type Apartments

C. Gross Residential Density per acre 24 units per acre

D. Total amount of Open Space Not Applicable

E. Proposed Non-Residential Floor Area Not Applicable.

[Note: A reduced size copy of the Site Plan for the proposed redevelopment project is provided at Exhibit "6".]

13. Development Schedule:

Start Summer 2023

Finish 2024

Stages (# of) 1

14. If any portion of the proposed development is planned to be sold or leased, please describe:

The apartments will be leased.

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

15. Open Space ownership and maintenance provisions (if applicable):

Greenspace and landscaping will be privately owned and maintained.

16. Basis for Findings (Sec. 8-3-5 of the Town Zoning Code) (Attach sheets and supplemental materials as necessary.)

A. <u>The proposed zoning and development plan must be generally consistent with the policies of the Comprehensive Plan and the Town Zoning Ordinance.</u>

1. State in detail why the proposed zoning is consistent with the adopted Town of Amherst Bicentennial Comprehensive Plan. Cite specific sections, maps, and/or figures in the plan that support the proposed zoning at this location (The Comprehensive Plan document is available at the Planning Department, Town Clerk's Office, Amherst libraries, or at www.amherst.ny.us). Add sheets as needed.

See Exhibit 5.

2. Pursuant to NYS Town Law Section 272a(11), "all Town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this Section." The Town Board adopted the Comprehensive Plan pursuant to NYS Town Law 272 on January 2, 2007. If the rezoning is approved, the Town Board may require the Plan to be amended, as applicable.

Cite all text, map, and / or figures that must be amended to support the proposed zoning at this location (attach pages as necessary) and provide detailed suggested amendments.

See Exhibit 5.

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

3. State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:

See Exhibit 5.

B. Adequate Services and Utilities are available or are proposed to be made available with the construction of the development:

1. Sanitary Sewer

Yes.

2. Storm Sewer/Drainage

Yes.

3. Water

Yes.

4. Other Yes.

C. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:

See Exhibit 5.

D. Suitability of the subject property for uses permitted by the current versus the proposed district:

See Exhibit 5.

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

E. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:

See Exhibit 5.

17. The petitioner encloses herewith the sum of $ 1,265.00 to pay the fee, and consents to the placement of a sign(s) at the described location identifying this request for a period of time to be determined by the Town Clerk.

18. The undersigned certifies that all information required to be disclosed pursuant to Section 809 of the General Municipal Law (see below) is as follows:

The undersigned swears or affirms that all statements made herein are true, that all drawings submitted correctly show the situation involved in this petition.

Signature of Petitioner

Subscribed and sworn to before me this 21st day of Feb., 20 23

Notary Public, Erie County, New York

NOREEN A. ZIMMERMAN
Notary Public, State of New Yo
Qualified in Niagara County
My Commission Expires Aug. 31, 2

N.Y.S. General Municipal Law - Section 809 Disclosure in certain applications:

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provision of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state office or any office or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them

   (a) is the applicant, or
   (b) is an officer, director, partner or employee of the applicant, or
   (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
   (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such applicant, petition or request.

3. In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party Officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four or section two of the election law.

4. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

EXHIBIT 1

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Rensch Group LLC		
Project Location (describe, and attach a general location map): 3945 Rensch Road, Town of Amherst - Erie County		
Brief Description of Proposed Action (include purpose or need): The proposed project ("action") consists of a three-story multifamily building consisting of twelve units and related site improvements to be located at 394 Rensch ("Project Site"). The proposed action has been defined broadly to include all required discretionary approvals and permits as well as all propose site improvements including an amendment of the zoning classification of the Project Site from R-4 to SC. The project purpose is to develop the Project Site for residential purposes per a recommended land use contained in the Town's adopted Comprehensive Plan. The proposed project wis an Unlisted Action and will not result in any potentially significant adverse environmental impact		
Name of Applicant/Sponsor: Rensch Group LLC c/o Sean Hopkins, Esq.	Telephone: 716.510-4338 E-Mail: shopkins@hsmlegal.com	
Address: 5500 Main Street, Suite 343		
City/PO: Williamsville	State: NY	Zip Code: 14221
Project Contact (if not same as sponsor; give name and title/role):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financi assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees ☑Yes ☐No	Town of Amherst Town Board - Rezoning	January 2023
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Town of Amherst Planning Board - Site Plan Approval	To be Determined
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☑Yes ☐No	Town of Amherst Building Department - Building Permit	To be Determined
e. County agencies ☑Yes ☐No	ECWA - Water	To be Determined
f. Regional agencies ☐Yes ☑No		
g. State agencies ☐Yes ☑No		
h. Federal agencies ☐Yes ☑No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes ☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes ☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes ☐No

If Yes, identify the plan(s):

NYS Heritage Areas:West Erie Canal Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☑No

If Yes, identify the plan(s):

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Residential District Four ("R-4")

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☑ No

c. Is a zoning change requested as part of the proposed action? ☑ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? Shallow Corridor 3 ("SC-3")

C.4. Existing community services.

a. In what school district is the project site located? Sweet Home Central School District

b. What police or other public protection forces serve the project site?
Town of Amherst Police Department

c. Which fire protection and emergency medical services serve the project site?
Local Volunteer Fire Department

d. What parks serve the project site?
There are various park that will be accessible to the residents of the Project Site.

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Multifamily

b. a. Total acreage of the site of the proposed action? .5 acres
b. Total acreage to be physically disturbed? .4 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .5 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

f. Does the project include new residential uses? ☑ Yes ☐ No
If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				12
At completion of all phases				12

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☑ No
If Yes,
i. Total number of structures _____
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☑ No
If Yes,
i. Purpose of the impoundment: _____
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify
_____
iii. If other than water, identify the type of impounded/contained liquids and their source.
_____
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☑ No
If Yes:
i. What is the purpose of the excavation or dredging? _____
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
_____
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No
If yes, describe. _____
_____
v. What is the total area to be dredged or excavated? _____ acres
vi. What is the maximum area to be worked at any one time? _____ acres
vii. What would be the maximum depth of excavation or dredging? _____ feet
viii. Will the excavation require blasting? ☐ Yes ☐ No
ix. Summarize site reclamation goals and plan: _____
_____
_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☑ No
If Yes:
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____
_____

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes ☐No
If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes ☐No
If Yes:

- acres of aquatic vegetation proposed to be removed:
- expected acreage of aquatic vegetation remaining after project completion:
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access):
- proposed method of plant removal:
- if chemical/herbicide treatment will be used, specify product(s):

v. Describe any proposed reclamation/mitigation following disturbance:

c. Will the proposed action use, or create a new demand for water? ☑Yes ☐No
If Yes:

i. Total anticipated water usage/demand per day: 2,400 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☑Yes ☐No
If Yes:

- Name of district or service area: Erie County Consolidated Water District
- Does the existing public water supply have capacity to serve the proposal? ☑Yes ☐No
- Is the project site in the existing district? ☑Yes ☐No
- Is expansion of the district needed? ☐Yes ☑No
- Do existing lines serve the project site? ☑Yes ☐No

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes ☑No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project:
- Source(s) of supply for the district:

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐Yes ☐No
If, Yes:

- Applicant/sponsor for new district:
- Date application submitted or anticipated:
- Proposed source(s) of supply for new district:

v. If a public water supply will not be used, describe plans to provide water supply for the project:

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☑Yes ☐No
If Yes:

i. Total anticipated liquid waste generation per day: 2,400 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each):
Sanitary wastewater.

iii. Will the proposed action use any existing public wastewater treatment facilities? ☑Yes ☐No
If Yes:

- Name of wastewater treatment plant to be used: Town of Amherst Wastewater Treatment Plant
- Name of district: Town of Amherst Consolidated Sanitary Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? ☑Yes ☐No
- Is the project site in the existing district? ☑Yes ☐No
- Is expansion of the district needed? ☐Yes ☑No

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

- Do existing sewer lines serve the project site? ☑Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☑No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☑No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑Yes ☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or .2 acres (impervious surface)

_____ Square feet or .5 acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

Stormwater runoff will be directed into the municipal storm water system.

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes ☐No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes ☑No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐Morning ☐Evening ☐Weekend ☐Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☑No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 7:00 to 7:00
- Saturday: 7:00 to 5:00
- Sunday: As needed
- Holidays: Not Applicable

ii. During Operations:

- Monday - Friday: Not Applicable
- Saturday:
- Sunday:
- Holidays:

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☑ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

Construction equipment and activities limited to daytime hours is a temporary and unavoidable adverse impact.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☑ No

Describe: _____

n. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Lighting improvements on the Project Site will comply with the stringent lighting standard contained in the Zoning Code.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☑ No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☑ Other (specify): Mixed-Use

ii. If mix of uses, generally describe:

Mixtures of land uses including commercial, student housing and multifamily

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	.2	.4	.2
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Greenspace and Landcaping	.3	.1	(.2)

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☑ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☑ Yes ☐ No
If Yes,
i. Identify Facilities:
There is a People Inc. group home located within 1,500 ft. of the Project Site on Rensch Road

e. Does the project site contain an existing dam? ☐ Yes ☑ No
If Yes:
i. Dimensions of the dam and impoundment:
- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☑ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☑ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☑ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____
☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☑ No
If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? >10 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☑ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: Churchville Silt Loam 100 %

d. What is the average depth to the water table on the project site? Average: >10 feet

e. Drainage status of project site soils:
☐ Well Drained: _____ % of site
☐ Moderately Well Drained: _____ % of site
☑ Poorly Drained 100 % of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 100 % of site
☐ 10-15%: _____ % of site
☐ 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☑ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☑ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☑ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☑ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☑ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☑ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☑ No
If Yes:

i. Name of aquifer: _____

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

m. Identify the predominant wildlife species that occupy or use the project site:
Typical suburban species.

n. Does the project site contain a designated significant natural community? ☐Yes ☑No
If Yes:
i. Describe the habitat/community (composition, function, and basis for designation):
ii. Source(s) of description or evaluation:
iii. Extent of community/habitat:
- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐Yes ☑No
If Yes:
i. Species and listing (endangered or threatened):

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐Yes ☑No
If Yes:
i. Species and listing:

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☑No
If yes, give a brief description of how the proposed action may affect that use:

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☑No
If Yes, provide county plus district name/number:

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☑No
i. If Yes: acreage(s) on project site?
ii. Source(s) of soil rating(s):

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☑No
If Yes:
i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent:

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☑No
If Yes:
i. CEA name:
ii. Basis for designation:
iii. Designating agency and date:

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☑ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: Eligible property:4030 Rensch Road, Amherst

iii. Brief description of attributes on which listing is based:

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s):

ii. Basis for identification:

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☑ No

If Yes:

i. Identify resource:

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.):

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation:

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Rensch Group LLC Date February 21, 2023

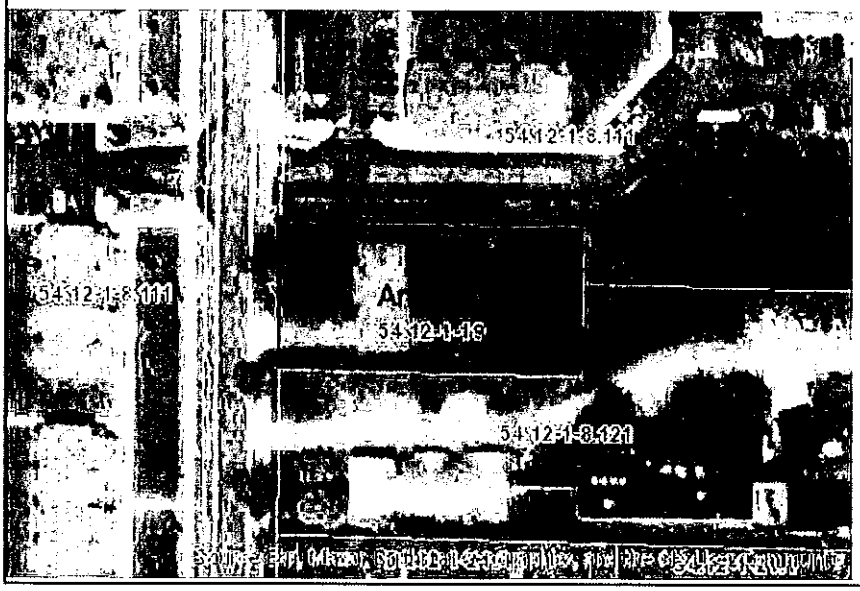
Signature  Title Attorney for Project Sponsor

PRINT FORM

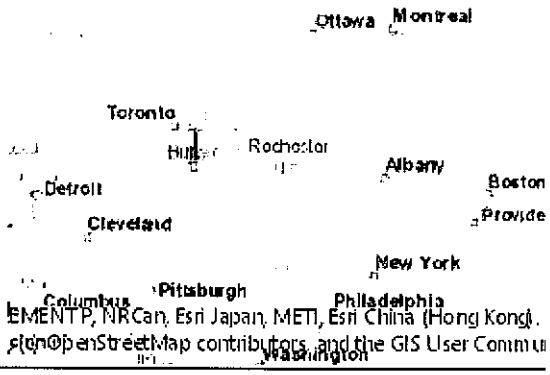
Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

EAF Mapper Summary Report

Monday, February 20, 2023 12:55 PM



Disclaimer: The EAF Mapper is a screening tool intended to ass project sponsors and reviewing agencies in preparing an environme assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Althou the EAF Mapper provides the most up-to-date digital data available DEC, you may also need to contact local or other data sources in or to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:4030 Rensch Road, Amherst
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

Rezoning of 3945 Rensch Road from R-3 to SC-3

TOWN OF AMHERST ATTACHMENT
State Environmental Quality Review
ENVIRONMENTAL ASSESSMENT FORM

1. For each applicable category of proposed new structures, including additions to existing structures, provide the following information for all soil types on the project site (*according to Soil Survey of Erie County, NY; Table 11, Building Site Development, pp 294-305):*

Soil Name	Shallow excavations	Dwellings without basements	Dwellings with basements	Small commercial buildings	Local roads and streets
Churchville Silt Loam	Severe	Severe	Severe	Severe	Moderate

2. If the Soil survey indicates either "severe" or "moderate" suitability for the proposed types of construction, a geotechnical and hydrological analysis based on one test per 3.5 acres of project area must be provided (per Town Board resolution, 3/17/03, amended 6/16/03).

   _x_ Geotechnical report attached _____ Not applicable

   [Note: Three copies of the Geotechnical Report prepared by Barron & Associates P.C. dated August 24, 2022 have been submitted to the Planning Department].

3. Is your property located: On Youngs Road between Dodge and Klein Roads? ☐ Yes x No
   On Wehrle Dr. between Spindrift Dr. and Oakwood Rd? ☐ Yes x No

   If so, the property may be within an area of the Town that is affected by a moratorium on connections to the sanitary sewer system.

4. Are there alternative locations on the site for this project? ☐ Yes x No

5. Location and size of real property owned by petitioner within one (1) mile of subject proposal:

   Not Applicable.

6. Are you aware of current or future plans or intentions by others in the Town of Amherst to develop property within 1000± ft. of the present project request: ☐ Yes ☒ No
   Describe: Not Applicable.

   (Potential environmental impacts from adjacent or nearby projects undergoing the approval process will receive a coordinated environmental review to determine cumulative effects on common receivers (e.g. traffic and drainage corridors) and other relevant environmental concerns.)

7. Maximum number of vehicular trips to be generated per peak hour upon completion of project 11 [Weekday A.M. Peak]
   Source: ITE Trip Generation Report

8. Will blasting occur during construction? ☐ Yes ☒ No

9. Does the project propose to connect and be tributary to the public sanitary sewer system? ☒ Yes ☐ No

10. Proposed net additional gallons per day (gpd) of sanitary sewer discharge upon completion of project:
    2,400 average flow 9,600 peak flow.

    (Average flows of 2,500 gpd or greater will require an Engineer's Report that includes a detailed downstream sewer capacity analysis and the identification of and commitment to required I/I offset work during peak wastewater flow conditions.)

11. Based on the Town's *2011 Reconnaissance Level Survey of Historic Resources,* is your property 'blue-rated' for historic significance? ☐ Yes ☒ No

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

EXHIBIT 2

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

EXHIBIT 2 OF REZONING APPLICATION

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM R-4 to SC-3

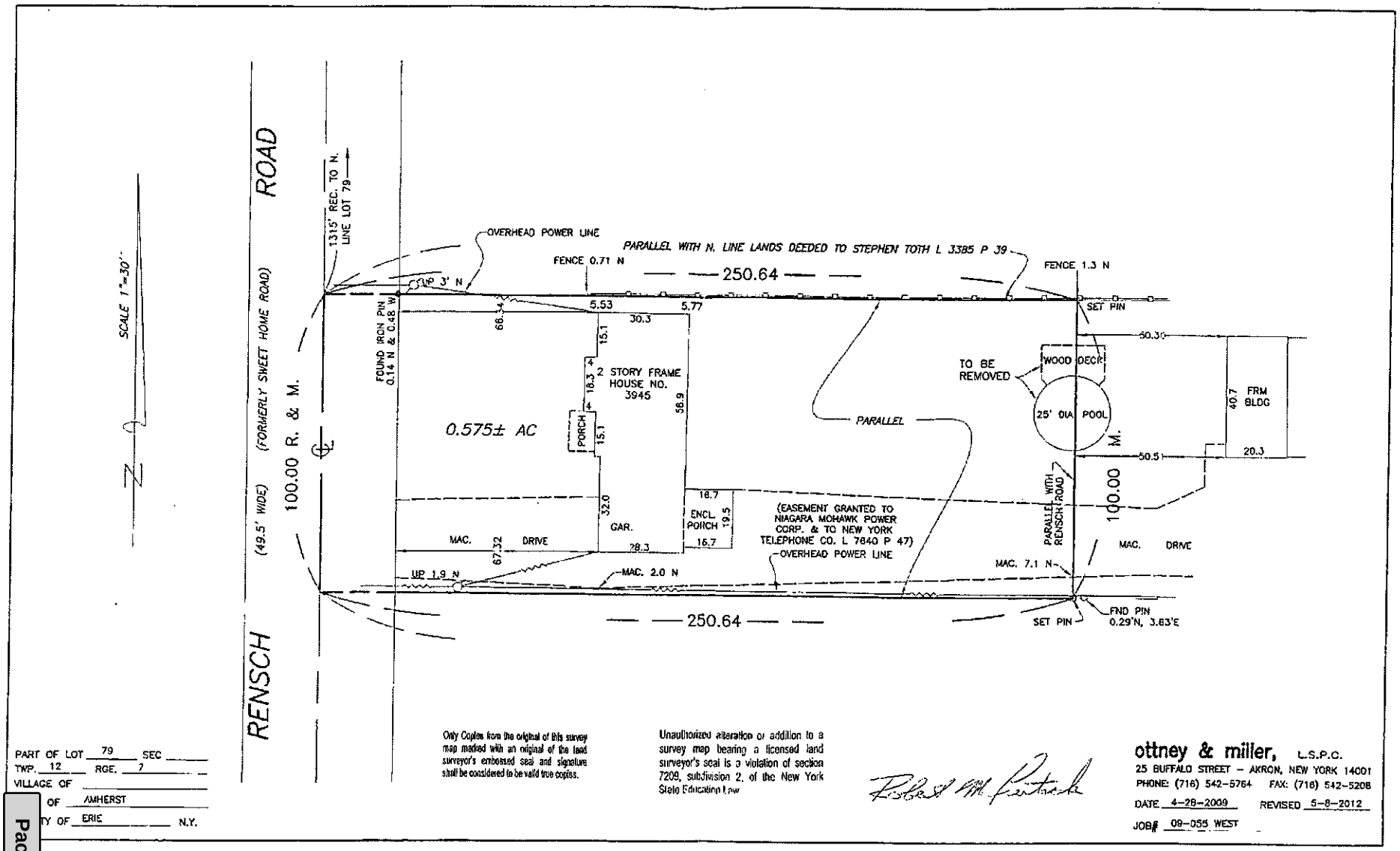
ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 79, Township 12, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point in the center line of Rensch Road (f/k/a Sweet Home Road) distant 1315 feet south of the north line of Lot No. 79, Township 12, Range 7, as measured along the center line of Rensch Road; running thence south along the center line of said Rensch Road 100 feet to a point; running thence east parallel with the north line of lands conveyed to Stephen Toth by a deed recorded in Erie County Clerk's Office in liber 3385 of Deeds at page 39, 250.64 feet to a point; running thence north parallel with the center line of Rensch Road, 100 feet to a point; running thence west and parallel with the said north line of said Toth's lands, 250.64 feet to the point or place of beginning.

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

EXHIBIT 3

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)



PART OF LOT 79 SEC
TWP. 12 RGE. 7
VILLAGE OF
OF AMHERST
TY OF ERIE N.Y.

Only Copies from the original of this survey map marked with an original of the land surveyor's embossed seal and signature shall be considered to be valid true copies.

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, subdivision 2, of the New York State Education Law

Robert M. Fantauzzi

ottney & miller, L.S.P.C.
25 BUFFALO STREET – AKRON, NEW YORK 14001
PHONE: (716) 542-5764 FAX: (716) 542-5208

DATE 4-28-2009 REVISED 5-8-2012
JOB# 09-055 WEST

EXHIBIT 4

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

EXHIBIT 4 REZONING APPLICATION

REZONING OF 3945 RENSCH ROAD FROM R-4 TO SC-3

Question 11(A): Description of the character of the proposed development:

Response to Question 11(A): The proposed multifamily project to be located on the parcel the approximately .5 acre parcel at 3945 Rensch Road ("Project Site") will be upscale in character and will feature an attractive multifamily building that will replace the existing residential structure. A reduced-size copy of the Conceptual Elevation Plan prepared by Sutton Architecture PLLC is provided at **Exhibit "7"**. There will be a total of 12 attached residential units for lease along with related site improvements. The conceptual layout for the proposed upscale multifamily project is depicted on the full-size Site Plan [Drawing C-100] prepared by Christopher Wood, P.E., of Carmina Wood Design attached to this Rezoning Application. A reduced size copy of the Site Plan depicting the project layout is also provided at **Exhibit "6"**.

Question 11(B)(1): Rationale for rezoning request: 1. What was this site chosen?

Response to Question 11(B)(1): The Project Site is an appropriate location for the requested rezoning of the Project Site from R-4 to SC-3 to accommodate the proposed upscale multifamily project given the character and scale of nearby land uses. It is also important to mention that the requested amendment of the zoning classification of portions of the Project Site is consistent with the Conceptual Land Use Plan for the Town of Amherst contained at Figure 6 of the adopted Bicentennial Comprehensive Plan ("Comprehensive Plan"), which designates the Project Site as appropriate for "Medium Residential" use as well as Figure 6-A of the Comprehensive Plan, that designates the Project Site as appropriate for "Suburban Center" [Designation Area No. 7 on

Figure 6-A]. Color copies of Figure 6 and Figure 6-A of the adopted Comprehensive Plan are attached as **Exhibit "8"**.

Question 11(B)(2): Why cannot land be used with the existing zoning?

Response to Question 11(B)(2): The Project Site is currently zoned Residential District Four ("R-4") and the R-3 zoning classification is no longer consistent with the zoning classifications and uses of nearby properties that include a large student housing on property zoned MFR-6, a mixed-use project and a hotel on parcels zoned GB, etc. As mentioned previously, Figure 6 of the adopted Comprehensive Plan designates the Project Site as appropriate for "Medium Residential" use.[1]

Question 11(B)(3): How will this rezoning impact surrounding properties?

Response to Question 11(B)(3): The requested rezoning of the Project Site from R-4 to SC-3 to accommodate the proposed upscale multifamily project will not result any potentially significant adverse impacts on surrounding properties. The density of the project will not be inconsistent with the surrounding vicinity.

Question 11(B)(4): How will this rezoning impact the school system?

Response to Question 11(B)(4): The proposed project will have positive impacts on the school district since the property taxes that will be generated on an annual basis will be substantially higher than the

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[1] Page 3-32 of Chapter 3 of the Comprehensive Plan indicates that the Medium Residential category is appropriate for multifamily housing with a density of 12 to 60 units per acre and states as follows: "Medium Residential comprises the relatively small proportion of the Town's housing stock devoted to multi-family, largely rental apartment housing. Although longstanding policy has tended to favor low-density, single-family residential use, recent development trends have seen a substantial increase in the amount of new multi-family housing. The need for higher density housing will grow along with the component of the population that will increasingly choose smaller housing types, including retirees, empty nesters, singles, and other smaller household types.

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

current property taxes. The proposed project will potentially generate some demand for educational services provided by the Sweet Home Central School District but it is anticipated that the proposed upscale multifamily project will have overall positive fiscal impacts since the annual school taxes will be higher than the cost of educational services for school age children of the residents.

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

EXHIBIT 5

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

EXHIBIT 5

REZONING OF 3945 EGGERT ROAD FROM R-4 TO SC-3

Question 16(A)(1): **State in detail why the proposed zoning is consistent with the adopted Town of Amherst Bicentennial Comprehensive Plan. Cite specific sections, maps and/or figures in the plan that support the proposed zoning at this location.**

Response to Question 16(A)(1): The Town of Amherst adopted the Bicentennial Comprehensive Plan in January of 2007 after completing a lengthy planning process that included numerous public meetings and public hearings involving the Comprehensive Plan Advisory Committee, the Planning Board and the Town Board.[1] On December 14, 2020, the Town Board most recently adopted amendments to the Bicentennial Comprehensive Plan. The proposed apartment project is consistent with the Comprehensive Plan including Figure 6, which designates the Project Site as appropriate "Medium Residential" use and Figure 6-A, which designates the Project Site as a "Suburban Center". Color copies of Figure 6 and 6-A of the adopted Comprehensive Plan are attached as **Exhibit "8"**.

Question 16(A)(2): **Cite all text, map, and/or figures that must be amended to support the proposed zoning at this location and provide detailed suggested amendments.**

Response to Question 16(A)(2): The proposed SC-3 zoning classification and the proposed multifamily project are consistent with the Comprehensive Plan and such there is not a need to amend the Comprehensive Plan to accommodate the proposed project.

---

[1] A copy of the resolution adopted by the Town Board for the purpose of adopting the Bicentennial Comprehensive Plan pursuant to Town Law Section 272-a is included at the beginning of the Comprehensive Plan. This resolution recites the lengthy planning history that incorporated numerous opportunities for public input as well as a coordinated environmental review pursuant to SEQRA that involved the preparation a Generic EIS and the issuance of a Findings Statement.

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

Question 16(A)(3): State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:

Response to Question 16(A)(3): Section 1-2-1 of the Zoning Code is titled "Purpose" and it states as follows:

> *"The purpose of this Zoning Ordinance and the intent of the legislative authority in its adoption is to promote the environment of the town and its public health, safety, convenience, comfort, prosperity and the general welfare by regulating the use of buildings, other structures and land for residences, open space, public facilities, business, services, industry or other purposes; by regulating and restricting the bulk, height, design, building coverage and location of structures; by regulating and limiting population density; and for the aforesaid purposes, to divide the land within the limits of the town into districts of such number and dimensions generally consistent with the policies of the Comprehensive Plan and to provide procedures for the administration and amendment of said Zoning Ordinance."*

The proposed rezoning of the Project Site to accommodate the proposed multifamily project is consistent with the "Purpose" of the Zoning Code. Section 1-2-2 of the Zoning Code sets forth the objectives of the Zoning Code. This section of the Zoning Code lists thirteen objectives that are discussed below as follows:

A. To protect the character and values of residential, institutional and public uses, business, commercial and manufacturing uses and to insure their orderly and beneficial development;

Response: The proposed rezoning of the Project Site will be consistent with the objective of protecting the character and value of existing land uses. The proposed rezoning will allow a portion of the Project Site to be redeveloped as a multifamily building consisting of twelve units represents orderly and beneficial development.

B. To provide adequate open spaces for light, air and outdoor uses to include public, common and private open space areas;

Response: The proposed rezoning of the Project Site will not be inconsistent with this objective.

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

C. To prevent overcrowding of land;

Response: The proposed project will not result in the overcrowding of land. The project is consistent with the type of development designated as appropriate for the Project Site per the adopted Comprehensive Plan.

D. To prevent excessive concentration of population and to prevent spare and uncoordinated development;

Response: The proposed rezoning of the Project Site will not result in excessive concentration of population and the residential project represents an example of coordinated development.

E. To regulate and control the location and spacing of buildings on the lot and in relation to the surrounding property generally consistent with the policies of the Comprehensive Plan.

Response: The responses to the Questions in Section 16 provided above sets forth the reasons the proposed rezoning is consistent with the policies of the Comprehensive Plan.

F. To protect persons and property from damage and injury due to fire or flood;

Response: The Site Plan Application review process will trigger the need for an Engineer's Report to be prepared by a licensed engineer to be prepared for review and approval by the Town's Engineering Department. The project will not increase the likelihood of damage and injury due to fire and flood. The proposed multifamily building will be constructed per the stringent requirements of the NYS Building Code including the fire safety standards contained therein.

G. To preserve and protect significant natural features and vegetation, thereby preventing ecological damage and visual blight which occur when those features or vegetation are eliminated or substantially altered to serve development purposes only.

Response: The proposed rezoning and the proposed project will not be inconsistent with this objective. There are not significant natural features located on the Project Site.

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

H. To assure that structure and land use arrangements are aesthetically harmonious with nearby areas and structures.

Response: The development of the Project Site in a manner consistent with the Site Plan [Drawing C-100] will be aesthetically harmonious with nearby areas and structures.

I. To regulate the location of buildings and intensity of uses in relation to streets according to plans so as to cause the least interference with and be damaged least by traffic movements and hence result in lessened street congestion and improved public safety.

Response: The proposed project will have vehicular access to Rensch Road and will be consistent with the above criteria.

J. To establish zoning patterns that insure economical extensions for sewers, water supply waste disposal and other public utilities, as well as development of recreation, schools and other public facilities;

Response: The Project Site has access to sanitary sewer and water lines as well as necessary public utilities to service the proposed project.

K. To guide the future development of the town so as to being the gradual conformity of land, structures and uses generally consistent with the policies of the Comprehensive Plan.

Response: The proposed rezoning of the Project Site is consistent with this objective since the proposed zoning classification and use are consistent with the policies contained in the Comprehensive Plan.

L. To accomplish the specific intents and goals set forth in the introduction to the respective sections.

Response: The proposed rezoning of the Project Site is consistent with this objective.

M. To protect the community from visual pollution resulting from the unregulated use of signs and other advertising devices.

Response: The proposed rezoning and the proposed project will not be inconsistent with this objective.

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

Question 16(C): **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:**

Response to Question 16(C): The proposed rezoning of the Project Site is compatible with the present zoning and conforming uses of nearby properties and the character of the neighborhood which includes a mixture of uses including commercial and residential uses on properties zoned GB, MFR-6, etc.

Question 16(D): **Suitability of the subject property for uses permitted by the current versus the proposed district:**

Response to Question 16(D): The Project Site is not suitable for the redevelopment pursuant to its existing R-4 zoning classification [development limited to a duplex] and the existing R-4 zoning classification is inconsistent with the adopted Comprehensive Plan. The Project Site is suitable for redevelopment pursuant to the proposed SC-3 zoning classification.

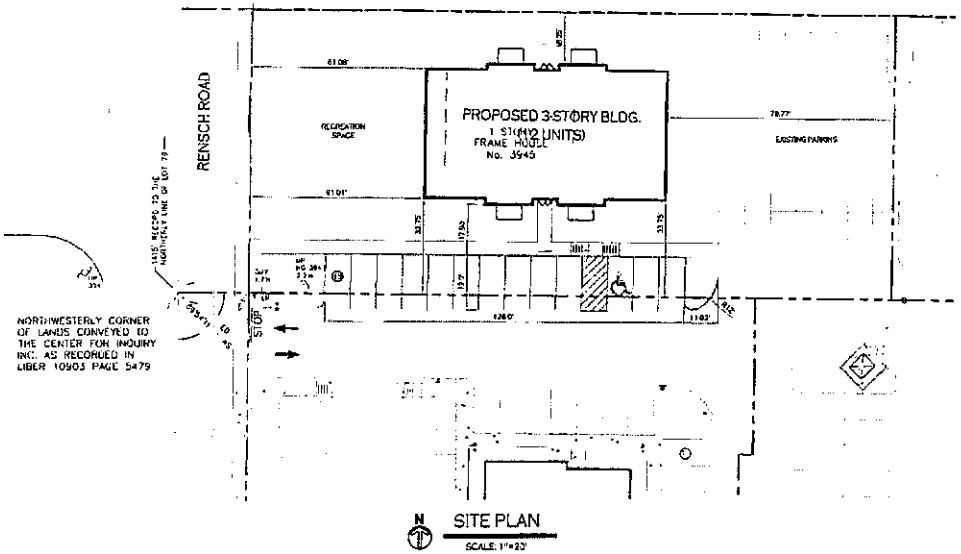
Question 16(E): **Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:**

Response to Question 16(D): The proposed change in the zoning classification of the Project Site from R-4 to SC-3 to accommodate the proposed project will have positive impacts on the balance of uses in the Town by providing residential units for lease within a portion of the Town that has been designated as appropriate for this use by the Town Board per the recommendations of the adopted Comprehensive Plan.

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

EXHIBIT 6

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)



SITE DATA		
SITE AREA = 0.5 AC		
ZONED: RIZONE TO SC-3		
USE: PROPOSED 3-STORY 12 UNIT APARTMENT BUILDING		
SETBACKS - BUILDING	REQUIRED	PROVIDED
FRONT	5' MIN	61.01' MIN
SIDE	0' MIN	18.25 MIN
REAR	0' MIN	79.77' MIN
SETBACKS - PARKING		
FRONT	10' MIN	> 10 FT
SIDE	0' MIN	0
REAR	0' MIN	N/A
TOTAL VEHICLE SPACES	12	13
BICYCLE	0	-
ELECTRIC VEHICLE STATION	-	-
GREENSPACE		
INTERIOR PARKING GREENSPACE	5% (1,355 SF)	13% (3,265 SF)
MAX. BUILDING HEIGHT	3 STORIES / 42'	3 STORIES / < 42'
OUTDOOR AMENITY SPACE	5% (9,825 AC)	20% (2.1 AC)

PARKING CALCULATION PER SECTION 9A-8-1-A1

APARTMENTS/TOWNHOMES:
REQ'D: 1 SPACE PER 2 BDRM UNIT = 1.5 x 12 UNITS = 12 SPACES
REQ'D = 12 SPACES REQ'D

TOTAL PARKING SPACES REQUIRED = 12 SPACES

BICYCLE CALCULATION PER SECTION 9A-8-1-A3

RESIDENTIAL:
REQ'D 0.05 PER UNIT (20 max)
REQ'D = 0.5 x 12 = 6 SPACES REQ'D

TOTAL BICYCLE SPACES REQUIRED = 6 SPACES

ELECTRIC VEHICLE CALCULATION PER SECTION 9A-8-1-C3

1% OF TOTAL PARKING = 13 x 0.01 = 1 SPACES REQ'D

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS. CARMINA WOOD DESIGN ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY

20' 0 20 40'

CARMINA WOOD DESIGN

Multi-family Development
3945 Rensch Road
Amherst, New York

REVISIONS	
No.	Description Date

DRAWING NAME:
Site Plan

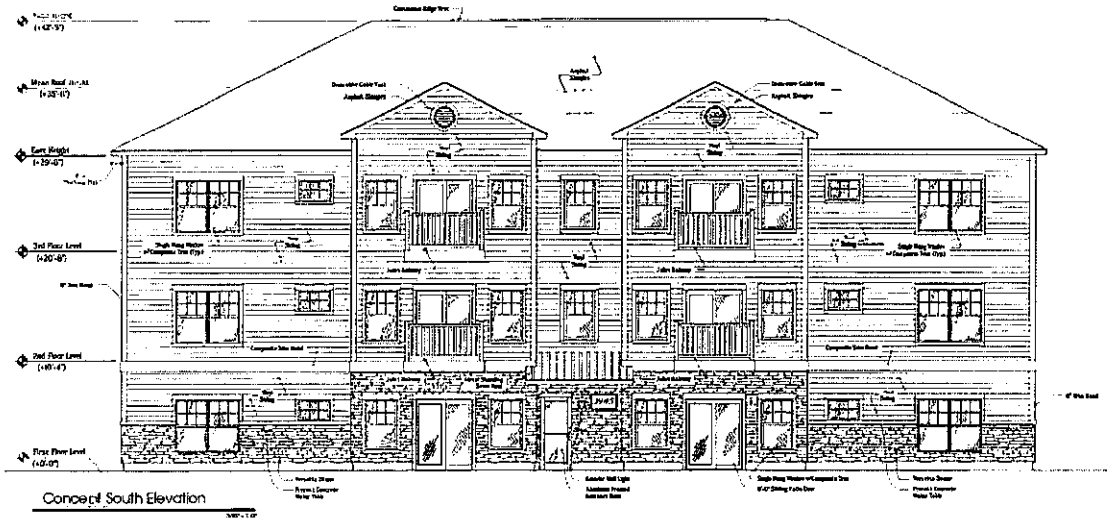
Date: 9.15.22
Drawn By: C. Wood
Scale: As noted

DRAWING NO.
C-100

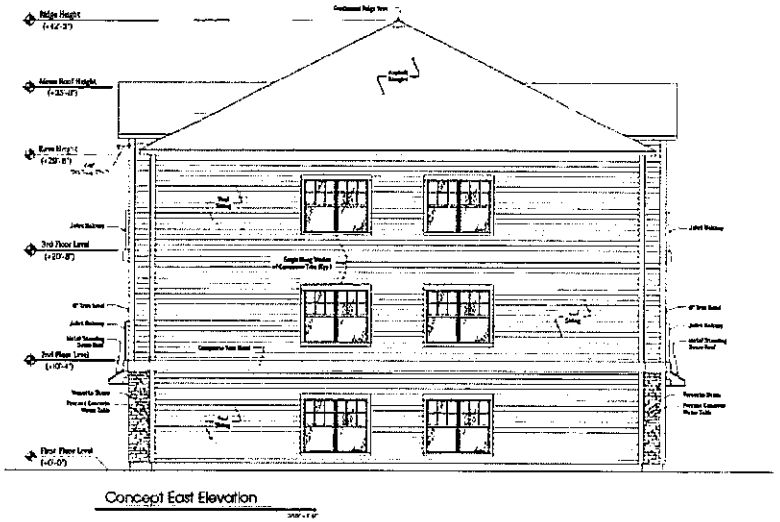
Project No: 22.XXX

EXHIBIT 7

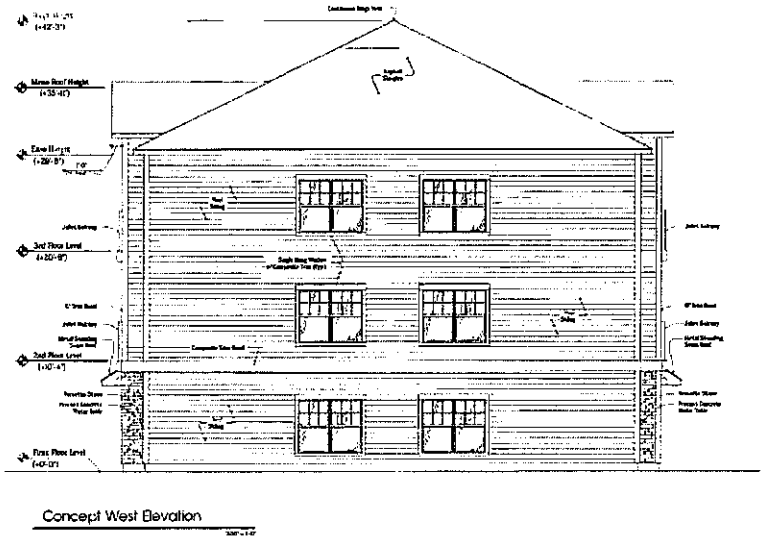
Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)



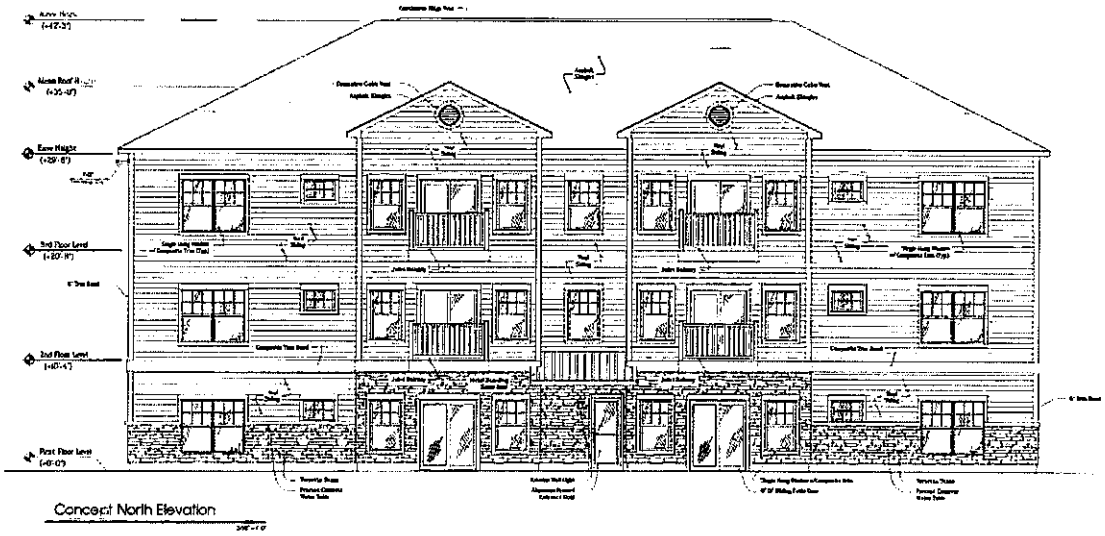
Concept South Elevation



Concept East Elevation



Concept West Elevation



Concept North Elevation

Concept First Floor Plan For:
12 Unit Multi Family Building

3945 Rensch Road Amherst, NY
8/24/22

ELLICOTT DEVELOPMENT

SUTTON architecture
"Design & Build"

EXHIBIT 8

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

Town of Amherst Bicentennial Comprehensive Plan

The Conceptual Land Use Plan is intended to communicate the overall direction and concept of future development. While it is not a zoning map and does not show the existing or proposed use of individual parcels, it is intended to show land use relationships, provide a generalized guide for future development, and establish a context for detailed area planning and design.

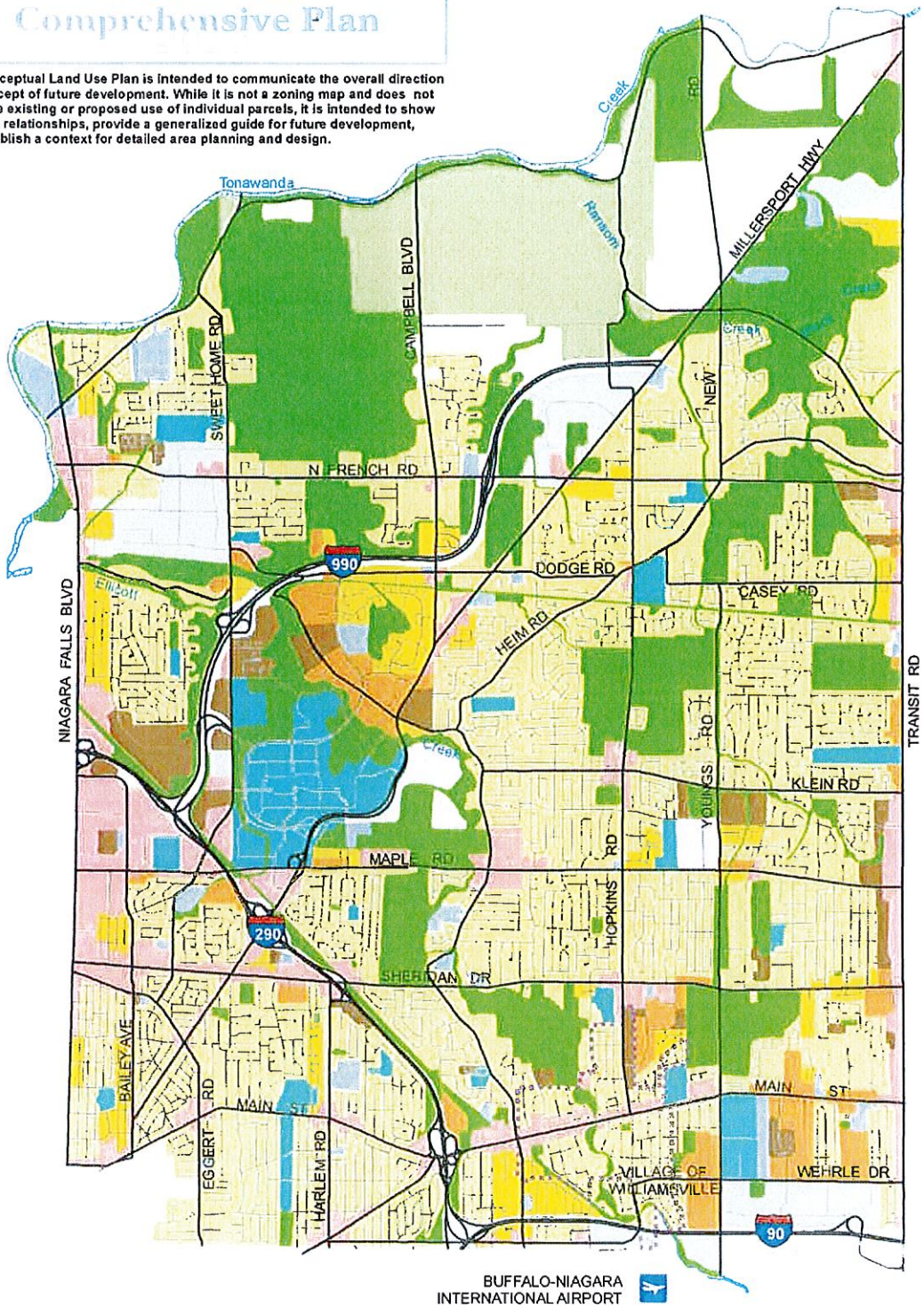


FIGURE 6

Conceptual Land Use Plan

- Rural Residential
- Single Family Residential
- Mixed Residential
- Medium Residential
- Commercial / Mixed Use*
- Special Use Center
- Commercial - Office
- Industrial - Office
- Community Facilities
- Educational Campus
- Recreation, Open Space & Greenways
- Agriculture
- Transportation
- Surface Water
- Village of Williamsville Boundary

* See Map Figure 6-A for Additional Designations

SOURCE NOTES:

Original Source Data Provided by the Town of Amherst Information Technology Department, URS Corporation and Wallace Roberts & Todd, LLC

Map Compiled by the Town of Amherst Planning Department

Date: December 2020

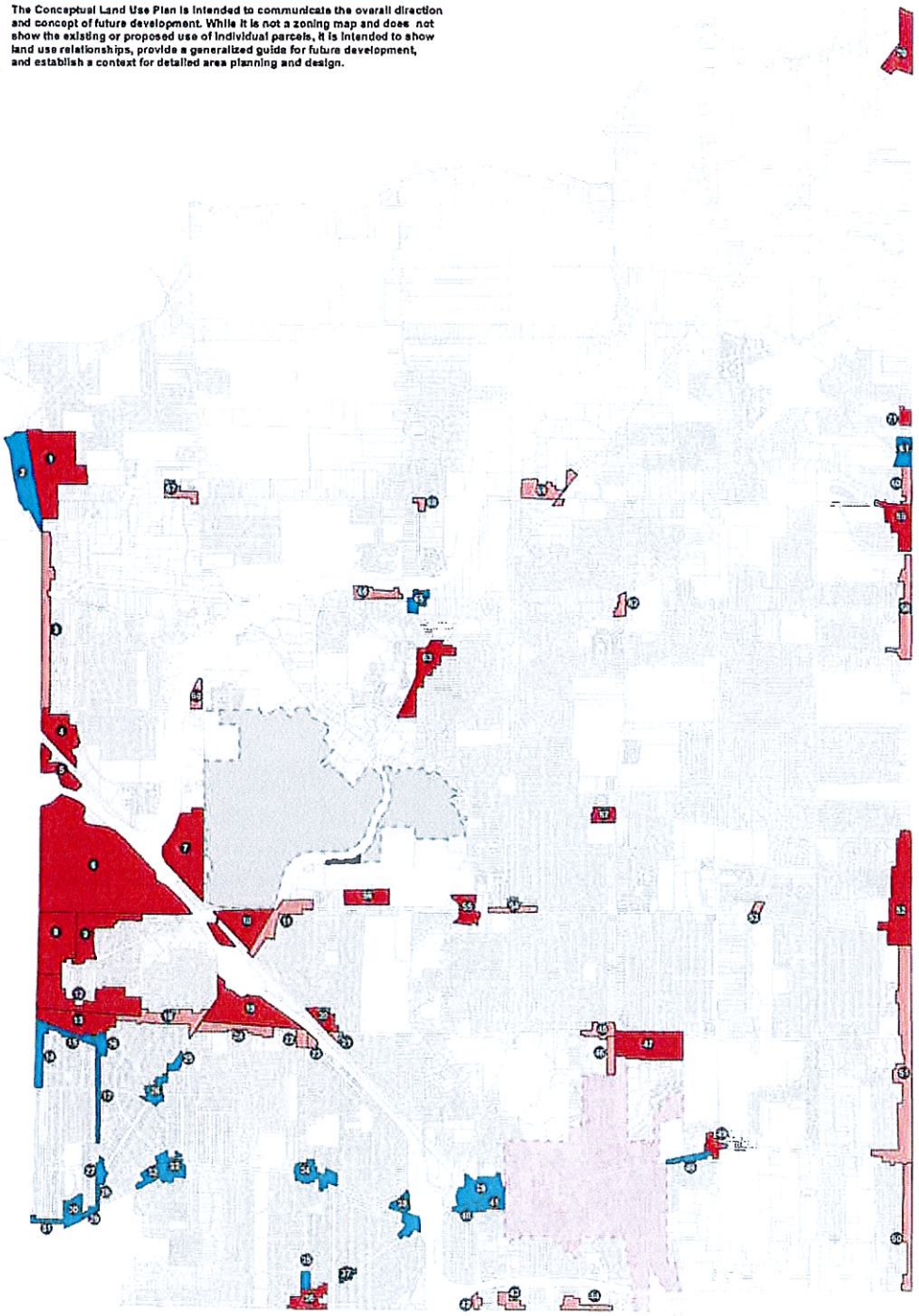
N

0 0.25 0.5 0.75 1 1.25

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

Town of Amherst
Bicentennial
Comprehensive Plan

The Conceptual Land Use Plan is intended to communicate the overall direction and concept of future development. While it is not a zoning map and does not show the existing or proposed use of individual parcels, it is intended to show land use relationships, provide a generalized guide for future development, and establish a context for detailed area planning and design.



1 Wegmans (NFB)
2 Walgreens (NFB)
3 NFB / Elicott Creek Strip
4 Home Depot (NFB)
5 Inkeepers Lane
6 Consumer Square / Ridge Lea
7 University Place
8 Boulevard Mall
9 Wegmans (Alberta)
10 Golden Triangle
11 Maple / Amherst Manor
12 Walmart (Sheridan)
13 Northtown Plaza
14 NFB Strip
15 Eggert Strip
16 Eggert / Bailey
17 Bailey Strip
18 Sheridan / Millersport Strip
19 Northtown Auto (Sheridan)
20 Sheridan / Sunrise - North Side
21 Sheridan / Sunrise - South Side
22 Sheridan / Harlem - West Side
23 Sheridan / Harlem - East Side
24 Sheridan / Getzville Strip
25 Millersport / Arcade
26 Six Corners
27 Bailey / Grover Cleveland
28 Bailey Live-Work
29 Main / Bailey
30 University Plaza
31 Kenmore Avenue
32 Eggertsville (Main / Eggert - West Side)
33 Eggertsville (Main / Eggert - East Side)
34 Snyder (Main / Harlem)
35 Harlem Strip
36 Harlem / Kensington
37 Kensington / Saratoga
38 Main / Kensington
39 West of Village - North of Main
40 West of Village - South of Main (West Side)
41 West of Village - South of Main (East Side)
42 Wehrle / South Forest
43 Wehrle / South Union
44 Wehrle / Cayuga
45 Sheridan / Hopkins
46 Evans Strip
47 Williamsville Place
48 Main Strip
49 Main / Youngs
50 Transit / Wehrle
51 Transit from Main to Maple
52 Transit / Maple
53 Maple / Ayer
54 Maple Strip
55 Maple / North Forest
56 Gun Club
57 Clearfield Plaza
58 Transit / Casey
59 Transit / North French
60 Transit / Dodge
61 Swormville
62 Hopkins / Dodge
63 Getzville Plaza
64 Sweet Home / Skinnersville
65 Campbell / Dodge
66 Dodge Strip
67 Sweet Home / North French
68 Campbell / North French
69 Crosspointe
70 Transit / Millersport
71 Transit Strip

FIGURE 6-A

Commercial and Mixed Use Designations

Suburban Center
Suburban Corridor
Traditional Areas
Village of Williamsville
University at Buffalo

SOURCE NOTES:

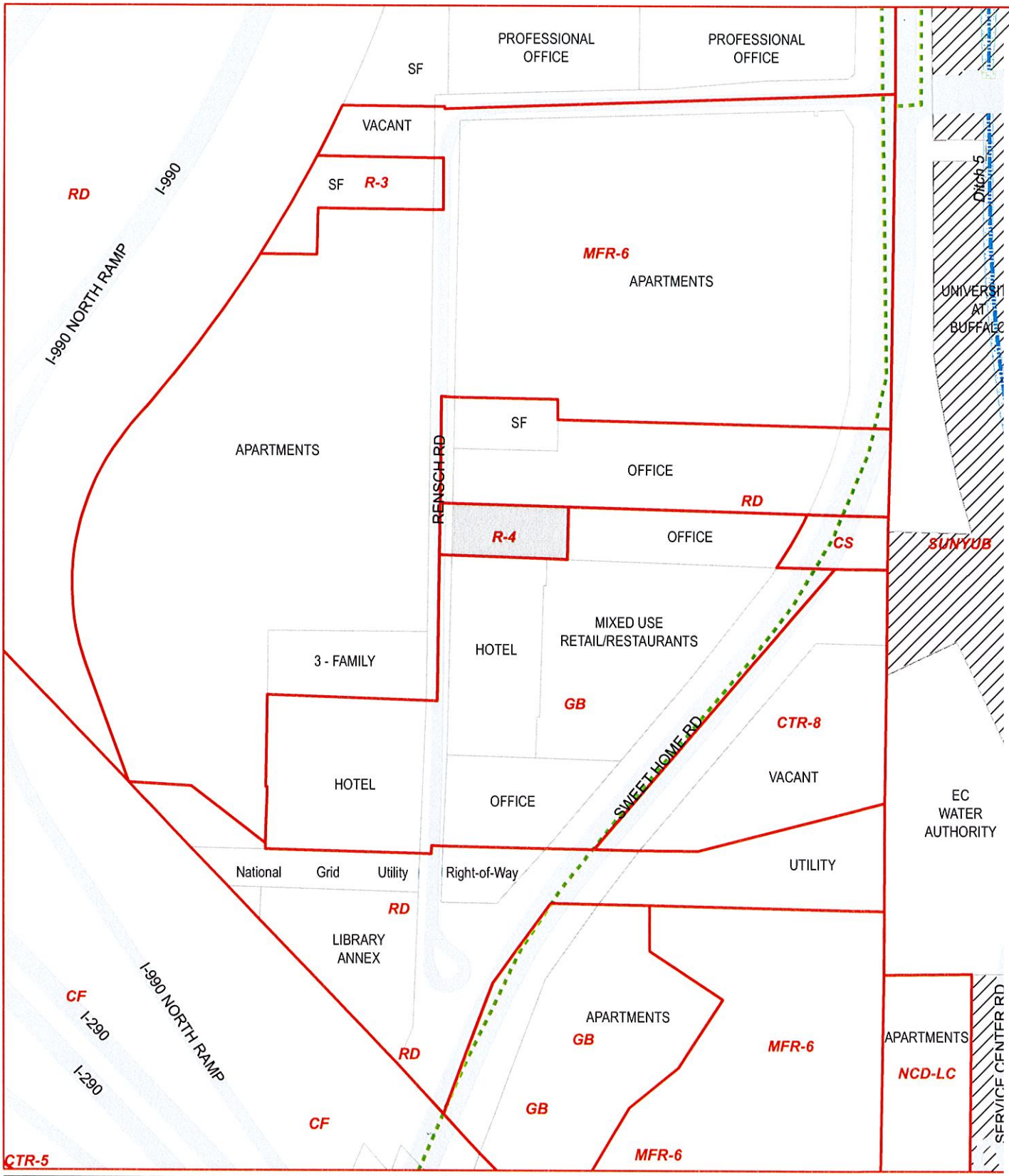
Original Source Data Provided by the Town of Amherst Information Technology Department, URS Corporation and Wallace Roberts & Todd, LLC

Map Compiled by the Town of Amherst Planning Department

Date: December 2020

0 0.2 0.4 0.6 0.8 1 Miles

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)



Z-2023-02

Request to Rezone 0.5± Acres of Land from R4 to CTR-5
Property Located at 3945 Rensch Road

Rensch Group, LLC, Petitioner

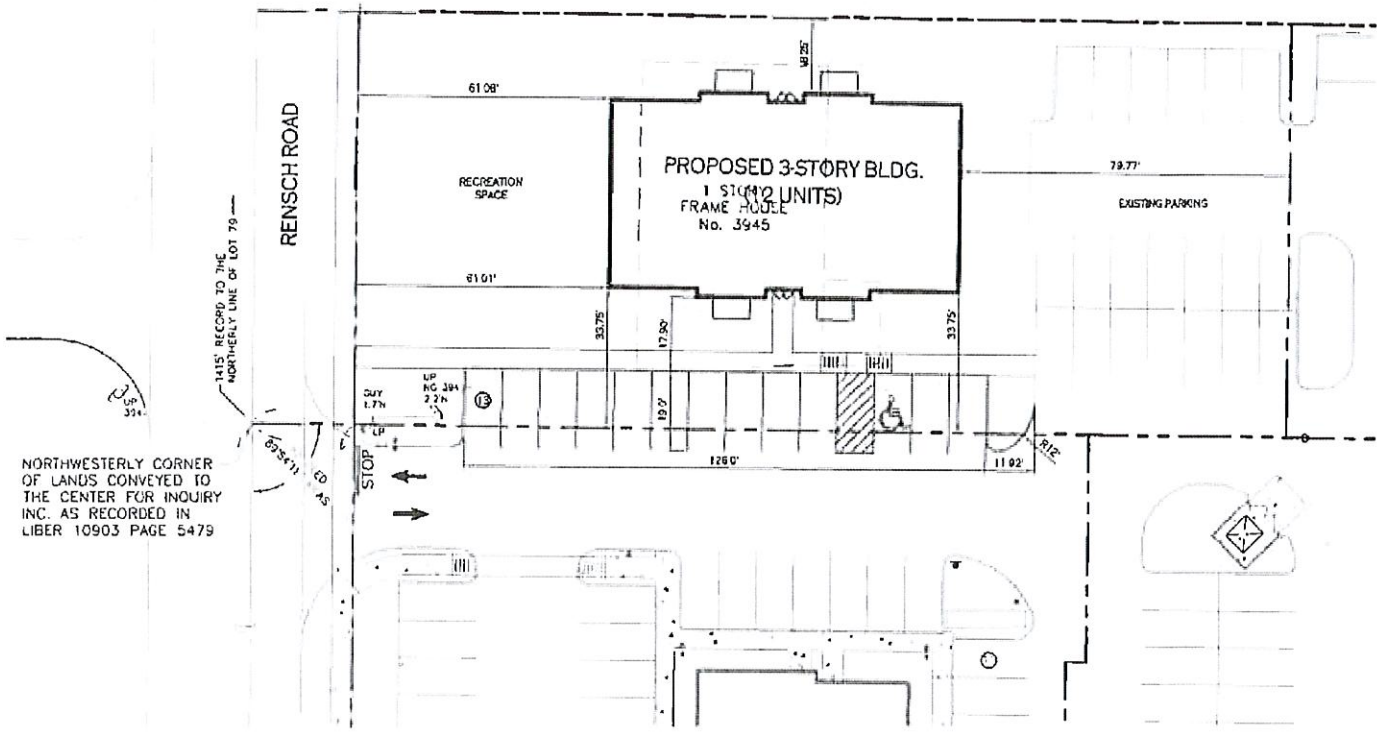
April 20, 2023

3945 Rensch Road

Existing Bikepath

Prepared by the Town of Amherst Planning Departm

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)



SITE PLAN

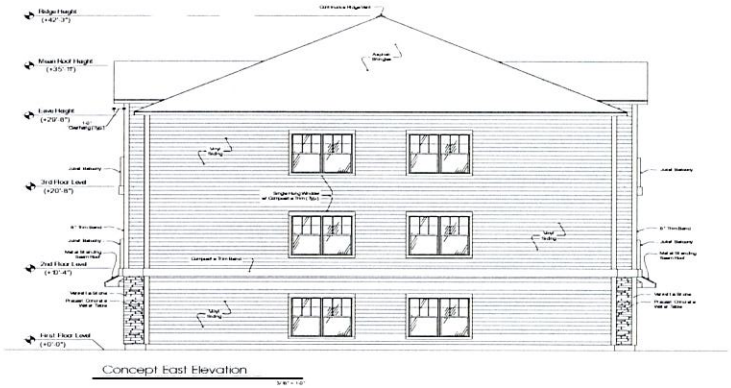
Z-2023-02
3945 Rensch Road

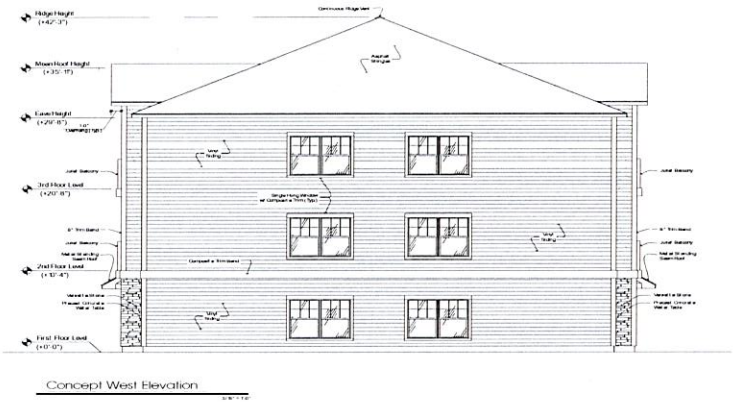
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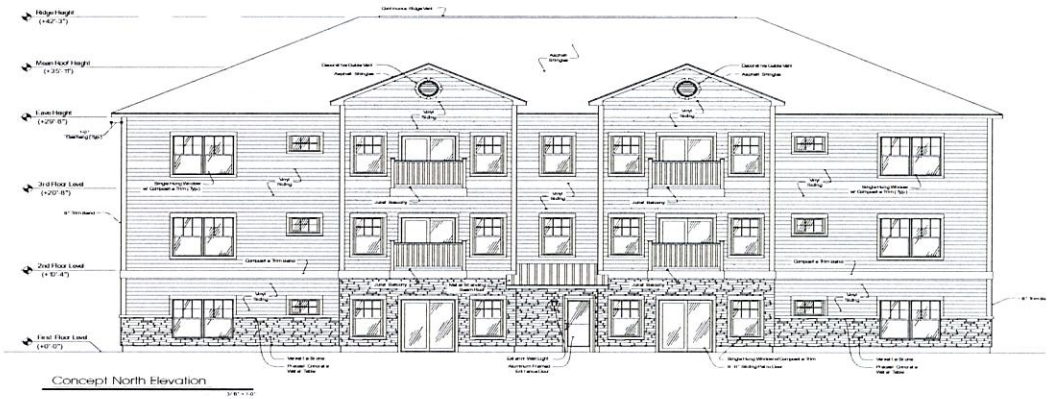
ELEVATION

Z-2023-02
3945 Rensch Road









Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)



Z-2023-02

Request to Rezone 0.5± Acres of Land from R4 to CTR-5
Property Located at 3945 Rensch Road

Rensch Group, LLC, Petitioner

April 20, 2023

3945 Rensch Road

Existing Bikepath

Prepared by the Town of Amherst Planning Depart

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

Amherst

Town of Amherst Planning Department *Erie County, New York*

RECEIVED
APR 13 2023
TOWN OF AMHERST
PLANNING DEPT.

Brian J. Kulj
Supervisor
Daniel C. Howard
Planning Direc
Daniel J. Ulatowsk
Assistant Planning

MEMORANDUM

March 2, 2023

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberholt, Assistant Town Engineer
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Martin Polowy, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Sweet Home School District

RECEIVED
MAR 03 2023
TOWN OF AMHERST
BUILDING DEPT

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 0.5± ACRES OF LAND FROM **R-4** TO **SC-3, Z-2023-02**; PROPERTY LOCATED AT **3945 RENSCH ROAD**. RENSCH GROUP, LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? no objection to re-zone

If you do not, briefly state why: _____

General comments relative to your agency interests: Access to building for fire apparatus not adequate - Comply w/ appendix D

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 4/12/23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-02_(3945_Rensch_Rd)_2023\Z-2023-02_Transmittal_030223.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

Amherst

Town of Amherst Planning Department *Erie County, New York*

RECEIVED
APR 11 2023
TOWN OF AMHERST
PLANNING DEPT.

Brian J. Kulp
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Director

MEMORANDUM

March 2, 2023

RECEIVED
MAR 03 2023
TOWN ATTORNEY

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberholt, Assistant Town Engineer
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Martin Polowy, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Sweet Home School District

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 0.5± ACRES OF LAND FROM **R-4** TO **SC-3**, **Z-2023-02**; PROPERTY LOCATED AT **3945 RENSCH ROAD**. RENSCH GROUP, LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? No objection to Local Law

If you do not, briefly state why: _____

General comments relative to your agency interests: _____

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 3/24/23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-02_(3945_Rensch_Rd)_2023\Z-2023-02_Transmittal_030223.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

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Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kul
Supervisor
Daniel C. Howard P
Planning Direc
Daniel J. Ulatowsk CP
Assistant Planning tor

MEMORANDUM

March 2, 2023

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
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Integrated Review Coordinator, ECDEP
Sweet Home School District

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 0.5± ACRES OF LAND FROM **R-4** TO **SC-3**, **Z-2023-02**; PROPERTY LOCATED AT **3945 RENSCH ROAD**. RENSCH GROUP, LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? THE SUBJECT PROPERTY IS PART OF

If you do not, briefly state why: A LARGER DESIGNATED MIXED-USE CENTER, AS SHOWN ON FIGURE 6A OF THE COMP. PLA

General comments relative to your agency interests: RECOMMEND THAT THE REZONI REQUEST BE AMENDED TO CTR-5.

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: D. Ulatowski Date: 4/3/2023
DANIEL J. ULATOWSKI, ZEO

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-02_(3945_Rensch_Rd)_2023\Z-2023-02_Transmittal_030223.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

Amherst

Town of Amherst Planning Department — Erie County, New York

Brian J. Kulpa
Supervisor
Daniel C. Howard, Al
Planning Director
Daniel J. Ulatowski, A
Assistant Planning Dire

April 4, 2023

Rensch Group, LLC
c/o Sean Hopkins, Esq.
5500 Main Street, Suite 343
Williamsville, New York 14221

SUBJECT:	Rezoning Application Review	**Z-2023-02**
	Proposed:	Rezoning of 0.5± ac. from R-4 to SC-3
	Property located at:	**3945 Rensch Road**
	Application received:	February 21, 2023 (REVISED REVIEW)
	Representative:	Sean Hopkins, Esq.

Dear Mr. Hopkins,

Please consider the following comments:

1. The following items on the Environmental Assessment Form should be corrected or completed:
   - Part A – Project description: correct the description to indicate the Sallow Corridor 3 zoning district. Description indicates the SC (Shopping Center District).
2. Note that any other SEQR-related issues raised during the review process for this rezoning must be addressed prior to action by the Planning Board.
3. Provide an 8½ " x 11" reduction of any revised concept plan **and an electronic version** of any revised plans or information submitted for review.
4. The Planning Department recommends that the request be revised from rezoning to Shallow Corridor 3 (SC-3) to Center 5 (CTR-5). This change will bring the proposed rezoning into conformance with Figure 6-A (Commercial and Mixed-Use Designation) of the Bicentennial Comprehensive Plan, as well as allowing a better coordinated design for neighborhood-wide redevelopment plan in the future.

This is a review only and does not constitute approval of the Rezoning Request. Should you have questions regarding this correspondence, please contact Gary Palumbo, Associate Planner at gpalumbo@amherst..ny.us or Scott A. Marshall, Principal Planner at smarshall@amherst.ny.us.

Very truly yours,

for Daniel C. Howard, AICP
Planning Director

DH/SM/ac
Attachment
X:\Current_Planning\Files\Rezonings\2023\Z-2023-02_(3945_Rensch_Rd)_2023\Z-2023-02_Pln_Dpt_Rvw_04042023.docx

cc: Carmina Wood Design, 487 Main St., Suite 500, Buffalo, NY 14203
Sutton Architecture PLLC, 5409 Main St., Williamsville, NY 14221

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y. AND REPLY TO MUNICIPALITY

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE
Case No.: ZR-23-163
Postmark/Delivery Date: 3/3/23

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 l - nn
A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: Town of Amherst, New York

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.
If the county fails to reply within such period, the referring body may take final action.
However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)
The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: Date April 20, 2023 Time 6:30pm Location 5583 Main Street, Williamsville, New York 14221

3. Action is before: ☐ Legislative Body ☐ Board of Appeals ☑ Planning Board

4. Action consists of: ☐ New Ordinance ☑ Rezone/Map Change ☐ Ordinance Amendment
☐ Site Plan ☐ Variance ☐ Special Use Permit ☐ Other:

5. Location of Property: ☐ Entire Municipality ☑ Address: 3945 Rensch Road
5a. S.B.L. of Property: 54.12-1-21.2

6. Referral required as site is within 500' of: ☐ State or County Property/Institution ☐ Municipal Boundary ☐ Farm Operation located in an Agricultural District
☐ Expressway ☐ County Road ☑ State Highway ☐ Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: *(specify the action, such as the scope of variances or site plans)* Request to rezone 0.5 ± acres from Residential District (R-4) to Shallow Corridor-3 (SC-3)

8. Other remarks: Z-2023-02

9. Submitted by: Thomas Voigt, Assistant Planner **Email:** tvoigt@amherst.ny.us

10. Return Address: Town of Amherst Planning Department, 5583 Main Street, Williamsville, New York 14221

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 3/3/23. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ **The proposed action is not subject to review under the law.**
2. ☐ **Comment on proposed action is attached hereto.**
3. ☐ **The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.**
4. ☒ **No Recommendation; proposed action has been reviewed and determined to be of local concern.**

By the Division of Planning: [signature] **Date:** 3/14/23

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

Amherst

8 10054

Town of Amherst Planning Department — Erie County, New York

Brian J. Kulp
Supervisor
Daniel C. Howard,
Planning Direc
Daniel J. Ulatowski
Assistant Planning I

MEMORANDUM

March 2, 2023

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberholt, Assistant Town Engineer
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Martin Polowy, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Sweet Home School District

RECEIVED
MAR 08 2023
TOWN OF AMHERST
PLANNING DEPT

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 0.5± ACRES OF LAND FROM **R-4** TO **SC-3**, **Z-2023-02**; PROPERTY LOCATED AT **3945 RENSCH ROAD**. RENSCH GROUP, LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? Yes

If you do not, briefly state why: _____

General comments relative to your agency interests: Downstream capacity Anaylsis is required

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

None

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 3/8/23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-02_(3945_Rensch_Rd)_2023\Z-2023-02_Transmittal_030223.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

Amherst

Town of Amherst Planning Department 810054 *Erie County, New York*

Brian J. Ku
Supervis
Daniel C. Howa
Planning Dir
Daniel J. Ulatows
Assistant Planning

MEMORANDUM

March 2, 2023

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberholt, Assistant Town Engineer
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Martin Polowy, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Sweet Home School District

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 0.5± ACRES OF LAND FROM **R-4** TO **SC-3, Z-2023-02**; PROPERTY LOCATED AT **3945 RENSCH ROAD**. RENSCH GROUP, LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? YES

If you do not, briefly state why: _____

General comments relative to your agency interests: NOTE: C-100 SHOWS A CURB CUT INCORRECTLY ON THE WEST SIDE OF RENSCH RD

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: C. Schregel **Date:** 3/8/23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-02_(3945_Rensch_Rd)_2023\Z-2023-02_Transmittal_030223.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kul
Supervisor
Daniel C. Howard, P
Planning Director
Daniel J. Ulatowski, P
Assistant Planning Director

RECEIVED
MAR 09 2023
TOWN OF AMHERST
PLANNING DEPT.

MEMORANDUM March 2, 2023

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberholt, Assistant Town Engineer
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Martin Polowy, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Sweet Home School District

RECEIVED
MAR 03 2023
TOWN OF AMHERST
BUILDING DEPT

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 0.5± ACRES OF LAND FROM **R-4** TO **SC-3, Z-2023-02**; PROPERTY LOCATED AT **3945 RENSCH ROAD**. RENSCH GROUP, LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? Yes

If you do not, briefly state why: _____

General comments relative to your agency interests: none at this time.

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: Doug Gesel **Date:** 3-9-23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-02_(3945_Rensch_Rd)_2023\Z-2023-02_Transmittal_030223.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulp
Supervisor
Daniel C. Howard,
Planning Direc
Daniel J. Ulatowski
Assistant Planning I

RECEIVED
MAR 07 2023
TOWN OF AMHERST
PLANNING DEPT.

MEMORANDUM

March 2, 2023

RECEIV
MAR 03 20
TOWN ATTO

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberholt, Assistant Town Engineer
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Integrated Review Coordinator, ECDEP
Sweet Home School District

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 0.5± ACRES OF LAND FROM **R-4** TO **SC-3**, **Z-2023-02**; PROPERTY LOCATED AT **3945 RENSCH ROAD**. RENSCH GROUP, LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? Agree with all statements ma

If you do not, briefly state why: N/A

General comments relative to your agency interests: N/A

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) N/A

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 3/3/23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-02_(3945_Rensch_Rd)_2023\Z-2023-02_Transmittal_030223.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-02 TB letter 062023 (RES-2023-528 : Local Law to Amend the Zoning Map - 3945 Rensch Road – Z-2023-02)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 27664 **RESOLUTION 2023-529** **ADJOURNED**

2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of Restrictions

Request to rezone 2350 Sweet Home Road from OB to MFR-5 and to amend declaration of restrictions at 2360-2372 & 2350 Sweet Home Road.

6/20/2023
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was opened at 7:12 PM.

Sean Hopkins, Esq. presented. Mr. Hopkins stated that the rezoning request is being withdrawn.

The following speakers spoke in opposition:
Chris & Joan Stone, 550 N Ellicott Creek Rd
James Bartley, 574 N Ellicott Creek Rd
Anthony Chungbin, 645 N Ellicott Creek Rd

There were no further speakers, therefore Supervisor Kulpa moved to adjourn the hearing until the July 24th Town Board meeting, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was adjourned at 7:51 PM.

7/24/2023
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was opened at 7:32 PM.

Sean Hopkins, Esq. presented updated plans.

The following speakers spoke in opposition:
Joan Stone, 550 N Ellicott Creek Rd
James Bartley, 574 N Ellicott Creek Rd
Anthony Chungbin, 645 N Ellicott Creek Rd

There were no further speakers, therefore Supervisor Kulpa moved to close the hearing, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was closed at 8:01 PM.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 7/24/2023 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor	
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala	

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard,
Planning Direct

Daniel J. Ulatowski,
Assistant Planning D r

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Town Board Agenda of June 20, 2023

June 13, 2023

The Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Subject: Request to Amend Declaration of Restrictions Required as part of a Rezoning Decision Limiting the Minimum Setback to the West and South Property Lines (#7) and to have Windows on the Rear Elevations of the Buildings (#4), property located at 2360-2372 & 2350 Sweet Home Road, Essex Homes of WNY, Inc., Petitioner. (Z-2016-16_D & Z-2017-11_B).

Honorable Members:

The subject request is to allow the petitioner to construct sunrooms or enclosed/covered porches on 20 of the units which abut the west and south sides of the development and to allow for second story windows on the rear of buildings interior to the development in the "Villas at Essex Woods" townhome development at the northwest corner of Sweet Home and North Ellicott Creek Roads. The subject site is currently occupied by several townhomes with the remainder of the site's townhomes currently under construction. The total number of townhomes upon completion of construction will be 48–3 bedroom residences with attached garages in 2, 3 and 4 unit buildings.

Sweet Home and North Ellicott Creek Roads are Erie County highways classified in the Town of Amherst Bicentennial Comprehensive Plan as a collector and minor arterial respectively.

The petitioner is proposing the following changes to the previously required and filed restrictions: *The proposed changes are underlined for additions and struck through for deletions.*

1. That the ~~5.2~~ 5.25 ± acres of Permanent Open Space as depicted on the ~~Concept~~ Site Plan prepared by Carmina Wood Morris DPC dated ~~November 16, 2017~~ December 16, 2022 and described in the attached Schedule "C" shall not be developed as any buildings or other above ground structures and shall remain permanently undeveloped.

2. That the residential development of the project site shall not consist of an apartment complex comprised of rental units but instead shall consist of residential units for sale.

3. That the maximum allowable density of the residential development on the project site shall be 48 units.

4. The residential buildings to be constructed on the project site shall be limited to single-story residential units with second story loft space. Second story windows are not permitted on the rear side of second story loft space in Building Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 14 as depicted on the Site Plan prepared by Carmina Wood Morris dated December 16, 2022. ~~in the front portion of the buildings so there shall not be any second story windows provided for the second story loft space on the rear portion of the buildings.~~

5. That exclusive of sunrooms or enclosed porches, the maximum allowable height of any building on the project site as measured from finished grade to the peak of the building shall be 30 ft. The maximum height of any sunroom or enclosed porch shall not exceed 17 feet to the peak from finished grade.

6. That there shall be a maximum of four attached residential units in any residential building on the project site.

7. That the portions of the residential buildings that include second story loft space shall have a minimum setback of 35 feet from the southern boundary and the western boundary of the Project Site. Notwithstanding the minimum setback language in the preceding sentence, a first floor only sunroom or enclosed porch shall be permitted on the rear side of the residential buildings along the southern side of the Project Site, so long as the minimum setback of the first floor sunroom or enclosed porch is 23 ft. from the southern boundary of the Project Site and a first floor only sunroom shall be permitted on the rear side of the residential buildings along the western side of the Project Site, providing the minimum setback of the first floor sunroom is 26.97 ft. from the western boundary of the Project Site. Additionally, patios on the rear side of the residential buildings on the southern side of the Project Site shall have a minimum setback of 23 ft. from the southern boundary of the Project Site and patios on the rear side of the residential buildings on the western side of the Project Site shall have a minimum setback of 26.97 ft. from the western boundary of the Project Site. ~~That the minimum setback of the residential buildings on the project site from the southern boundary and western boundary of the project site shall be 35 feet.~~

8. That the minimum setback of Building No. 6 as depicted on the ~~Concept~~ Site Plan prepared by Carmina Wood Morris DPC dated ~~November 16, 2017~~ December 16, 2022 from the northern boundary of 574 North Ellicott Creek Road shall be ~~109~~ 95 feet.

9. That the minimum setback of Building No. 7 as depicted on the ~~Concept~~ Site Plan prepared by Carmina Wood Morris DPC dated ~~November 16, 2017~~ December 16, 2022 from the southern boundary of the project site shall be 137 feet.

10. That a solid high quality vinyl fence with a natural color (not white) with a minimum height of six feet as measured from finished grade shall be installed along

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

portions of the eastern, western and the southern boundary of the project site as depicted on the ~~Concept~~ Site Plan prepared by Carmina Wood Morris DPC dated ~~November 16, 2017~~ December 16, 2022.

11. That ~~extensive~~ landscaping as required by the High Impact Screening standard as defined in the Town of Amherst ~~Zoning~~ Code §203-7-2-4 B shall be provided along the southern side and the portion of the western side of 2350 (~~2360~~ formerly 2360) Sweet Home Road to be developed for residential purposes ~~in accordance~~ as shown on the Landscape Plan ~~previously~~ issued and approved on July 16, 2019 by the Town of Amherst Planning ~~Board~~ Department. ~~The Landscape Plan to be prepared by a licensed landscape architect during the site plan review stage for the residential project on 2360 Sweet Home Road shall be prepared based on consideration of input received by the Petitioner from owners of the parcels directly south of the project site as 566, 574, 598 and 620 North Ellicott Creek Road.~~

12. That the Lighting Plan to be prepared during the site plan review stage for the residential project on the project site shall demonstrate that the residential project will not result in any lighting spillover onto the parcels contiguous to the project site utilized for residential purposes at 550, 566, 574, 598 and 620 North Ellicott Creek Road. There shall not be any light poles installed on the project site with a height that exceeds 15 feet.

13. That there shall not be an internal driveway located on the Sweet Home Road frontage of the parcel at 2350 Sweet Home Road that connects to the northern side of the parcel formerly consisting of 2360 Sweet Home Road.

14. That with the exception of a driveway that will only service a two-unit building to be located along the North Ellicott Creek Road frontage that is depicted as Building No. 14 on the ~~Concept~~ Site Plan prepared by Carmina Wood Morris DPC ~~November 16, 2017~~ December 16, 2022 and a gated emergency access only driveway connection to North Ellicott Creek Road, there shall not be any driveway or roadway connection from the project site onto North Ellicott Creek Road.

15. The gated emergency access connection to North Ellicott Creek Road will not be accessible by the future residents of the project nor the public and will only be accessible by emergency personnel.

16. That the gated emergency access driveway to North Ellicott Creek Road be paved with a hard surface and not constructed of grass pavers.

For information on the surrounding zoning and land use, please refer to the attached sketch.

History of previous rezoning requests:

The subject site was zoned Suburban Agriculture (SA) district with the adoption of the Town wide Zoning Map & Ordinance on January 19, 1976.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Honorable Town Board

Request to Amend Declaration of Restrictions;
property located at 2350 & 2360 Sweet Home Road
Agenda of June 20, 2023

2350 Sweet Home Road

Z-1982-13 Request to rezone from SA to Neighborhood Business (NB) district was approved by the Town Board on December 20, 1982.

Z-2011-05 Request to rezone from SA & NB to General Business (GB) district was approved by the Town Board on August 1, 2011.

Z-2017-11 Request to rezone from GB to Multi-Family Residential District Five (MFR-5) was approved by the Town Board on March 19, 2018 with the following conditions:

1. 5.2 acres of permanent open space as shown on the concept plan dated November 16, 2017 shall not be developed as any buildings or other above ground structures, & shall remain permanently undeveloped.
2. The residential development of the project site shall not consist of rental units but shall consist of residential units for sale.
3. The maximum allowable density of the residential development shall be 48 units.
4. The residential buildings to be constructed on the project site shall be limited to 1-story residential units w/ 2nd story loft space in the front portion of the building so there shall not be any 2nd story windows provided for the 2nd story loft space on the rear portion of the buildings.
5. Maximum allowable height of any building on the project site as measured from finished grade to the peak of the building shall be 30 ft.
6. There shall be a maximum of 4 attached residential units in any residential building on the project site.
7. The min. setback of the residential buildings on the project site from the south boundary & west boundary of the project site shall be 35 ft.
8. The min. setback of building #5 as depicted on the concept plan dated 11/16/2017 from the north boundary of 574 N. Ellicott Creek Road shall be 109 ft.
9. The min. setback of Building #6 as depicted on the concept plan dated 11/16/2017 from the south boundary of the project site shall be 137 ft.
10. A solid vinyl fence with a natural color (not white) and a minimum height of 6 feet as measured from finished grade shall be installed along portions of the east, west & the south boundary of the project site as depicted on the concept plan dated November 16, 2017.
11. Landscaping as required in the TOA Zoning Code shall be provided along the south side and the portion of the west side of 2360 Sweet Home Rd to be developed for residential purposes. The Landscaping Plan for 2360 Sweet Home Road shall be prepared based on consideration of input received by the petitioner and the owners of the parcels directly south of the project site at 566, 574, 598 & 620 N Ellicott Creek Rd and owner of the parcel west of the project site at 550 N Ellicott Creek Rd.
12. The lighting plan prepared for the residential project on the project site shall demonstrate that the residential project will not result in any lighting spillover onto the parcels contiguous to the project site at 550, 566, 574, 598 & 620

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

North Ellicott Creek Rd. No any light poles installed on the project site with a height that exceeds 15 feet.

13. There shall not be an internal driveway that connects the existing offices at 2360 Sweet Home Rd with the northern side of the parcel at 2350 Sweet Home Rd.
14. That with the exception of a driveway that will only service a 2-unit building to be located along the N Ellicott Creek Rd frontage that is depicted as building #13 on the concept plan dated November 16, 2017, there shall not be any driveway or roadway connection from the project site onto North Ellicott Creek Rd.
15. If the design of the rear yard drainage along the south side of 2360 Sweet Home Rd is such that it would provide the opportunity for the owners of the parcels at 550, 566, 574, 598 & 620 North Ellicott Creek Rd to connect into the drainage system, the petitioner will provide the owner of these parcels the ability to connect into the drainage system. The drainage system will be prepared based on consideration of input received by the petitioner from the owners of 550, 566, 574, 598 & 620 N Ellicott Creek Rd.
16. The approval of the rezoning of 2350 Sweet Home Rd from GB to MFR-5 is subject to a condition requiring that the petitioner or its assignee close on the purchase of the project site to be developed for residential use.
17. The approval of the rezoning of 2360 Sweet Home Rd from OB to MFR-5 is subject to a condition requiring that the petitioner or its assignee close on the purchase of the project site to be developed for residential use.
18. Conditions 1 to 14 shall be memorialized by recording of a Declaration of Restrictions in Erie County Clerk's Office.

Z-2017-11A On October 1, 2018 the Town Board Approved a Relief of Zoning Conditions for the rezoning from GB to MFR- 5 with the following revisions:

1. The gated emergency access connection will not be accessible by the future residents of the project nor the public and will only be accessible by emergency personnel.
2. Pursuant to the Town Zoning Code, all property owners within 600 ft. of the project site will receive notice from the Town of any future proposed amendment of any of the zoning conditions.
3. The amended Zoning Condition No. 14 will be incorporated into the Declaration of Restrictions to be recorded at the Erie County Clerk's Office.
4. That the gated emergency access driveway to North Ellicott Creek Road be paved with a hard surface and not constructed of grass pavers.
5. That the gated emergency access driveway to North Ellicott Creek Road be straightened as much as possible
6. That the final site plan be fully compliant with fire code.

<u>2360 Sweet Home Road (former western portion of site, now part of subject site):</u>

Z-2002-19 Request to rezone 574, 598 & 620 North Ellicott Creek Road (former addresses of this site) from SA to Multi-Family Residential District Four A (MFR-4A) for 72 townhouses was recommended for denial by the Planning Board on September 9, 2002.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Z-2001-19A The rezoning application was modified to request a rezoning from SA to (Residential District Three (R3) for 51 single-family lots on a public looped road. Planning Board recommended denial on October 17, 2002. The petition was never presented to the Town Board.

Z-2003-02 Application to rezone from SA to MFR-4A for 40 townhouses. Planning Board recommended denial; Town Board denied on June 7, 2004.

Z-2005-06 On December 15, 2005 the Town Board rezoned the site from SA to OB with the condition that there be no vehicular connection between the OB zoned portion and North Ellicott Creek Road; this condition was recorded as a deed restriction.

Z-2016-16B On March 19, 2018 the Town Board rezoned from OB to MFR-5 with the following conditions:
See those listed above for Z-2017-11

Z-2016-16C On October 1, 2018 the Town Board Approved a Relief of Zoning Conditions for the rezoning from OB to MFR- 5 with the following revisions:
See those listed above for Z-2017-11_A

History of previous Site Plan approvals:

SP-1983-07 The Planning Board on April 21, 1983 approved a site plan for the relocation of the Sweet Home Café to the site necessitated by the construction of the Lockport Expressway (I-990).

SP-1983-07_A The Planning Director on April 27, 1987 approved a site plan for a cooler addition to the restaurant/tavern.

SP-1983-07_B The Planning Board on August 11, 2005 approved a site plan for 51 space parking expansion and addition of a 1,070 sq. ft. patio to the south side of the existing restaurant/tavern.

SP-1983-07_C The Planning Director on April 28, 2016 approved a site plan a 749 sq. ft. patio addition and refuse enclosure.

SP-2005-06 The Planning Board on March 17, 2005 approved a site plan for a two building (6,000 sq. ft. ea.) office development with parking for 60 vehicles.

SP-2006-07 The Planning Board on March 17, 2005 approved a site plan for a five building, 71,238 sq. ft. office development with parking for 398 vehicles.

SP-2018-08 The Planning Board on March 18, 2019 approved a site plan for a forty eight unit townhouse development the "Villas at Essex Woods" on land addressed 2350 and 2360 Sweet Home Road

SP-2018-08_A The Planning Director on July 16, 2019 approved a site plan for the addition of 12 ft. x 14 ft. sunrooms or covered patios to specific units internal to the site.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Honorable Town Board

Request to Amend Declaration of Restrictions;
property located at 2350 & 2360 Sweet Home Road
Agenda of June 20, 2023

The Planning Board offers the following findings consistent with Section 8-3 of the Zoning Ordinance.

INTENT AND OBJECTIVES OF THE COMPREHENSIVE PLAN

With a total site size of lot 9.95± acres, the development of 48 townhouse units would create a density of 4.9± units/acre. This places it within the Mixed Residential category as described in the Comprehensive Plan. The Plan recommends locations for this type of residential development as "attractive for infill development along high access suburban and commercial corridors" and "areas of transition between commercial uses and lower density single-family neighborhoods, as well as along collector or arterial highways or other areas that are generally unattractive for large lot, single-family development." The proposal is therefore consistent with the Comprehensive Plan.

INTENT AND OBJECTIVES OF THE ZONING ORDINANCE

The proposal to amend the declaration of restrictions required as part of a rezoning decision is consistent with Section 1-2-2K of the Zoning Ordinance which seeks to guide future development of the Town to bring about the gradual conformity of land and building uses in accordance with the objectives of the Comprehensive Plan.

CONSISTENCY/COMPATIBILITY WITH SURROUNDING DEVELOPMENT/ZONING

The mixed nature of the surrounding development indicates that the proposed townhouse development would be a compatible use at this location. The development site is situated adjacent to offices on the north side that are zoned OB and the existing MFR-5 zoned approved Townhome development. Across Sweet Home Road are single-family homes zoned NCD-SA. To the south and southwest are properties that face North Ellicott Creek Road and are zoned SA. The proposed buildings will be single-story, minimizing any negative visual impacts from single-family residential properties. The proposed MFR-5 zoning would downzone the site and provide a transition area to the nearby residences on North Ellicott Creek Road.

ADEQUATE SERVICES AND UTILITIES

All services and utilities necessary for the proposed rezoning are available and adequate at the subject location. This is an Unlisted action, and an environmental assessment consistent with SEQR has been prepared for the subject proposal.

RECOMMENDATION

The Planning Board at their meeting of April 20, 2023 held a public hearing on the subject request to amend the declaration of restrictions required as part of a rezoning decision and recommended that the Town Board find that pursuant to Local Law #3-82, as amended, the requirements of SEQR have been completed and that the subject request will not have a significant adverse effect on the environment. The Planning Board also recommended that the subject request to amend the declaration of restrictions required as part of a rezoning decision be **denied** as rezoning was based on negotiations with the neighbors, which facilitated the creation of the declaration of restrictions which are sought to be amended.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Honorable Town Board

Request to Amend Declaration of Restrictions;
property located at 2350 & 2360 Sweet Home Road
Agenda of June 20, 2023

The Planning Department requests that if the Town Board desires to act on the request to amend the declaration of restrictions, that a decision date be established after the public hearing so that the Planning Department can prepare a determination of environmental significance pursuant to SEQR, and prepare a resolution for the Town Board's consideration.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

DH/SM/ac
Att.
X:\Current_Planning\Files\Rezonings\2016\Z-2016-16_D_(2360-2372_&_2350_Sweet_Home)_2023\Z-2016-16_D_&_Z-2017-11_B_TB_Ltr_06142023.docx
cc: Martin Polowy, Town Attorney

Planning Board Denial – April 20, 2023
Ayes – 4; Noes – 3 (Gilmour, Giuliani, Kahn)

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION – RELIEF OF CONDITIONS
Z-2016-16D & Z-2017-11B

PETITIONER

Essex Homes of WNY
c/o Sean Hopkins, Esq.
Hopkins Sorgi & McCarthy
5500 Main Street, Suite 343
Williamsville, NY 14221

PROPERTY LOCATION

2350 & 2360 Sweet Home Road

WHEREAS the Town of Amherst Planning Board on Thursday, April 20, 2023 held a public hearing on the proposed amendments to previously impose conditions of a rezoning request to amend conditions relating to building setbacks and the provisions against second story windows, and

WHEREAS the Planning Board has reviewed plans and other materials regarding the rezoning proposal, and

WHEREAS the materials and plans have been referred to the Town's various review agencies, and

WHEREAS in accordance with Section 8-3-5 of the Zoning Ordinance the Planning Board finds that:

A. The proposed zoning and development plan is generally consistent with the policies of the Comprehensive Plan and the Zoning Ordinance. The proposal is consistent with the Conceptual Land Use Plan which shows commercial office/mixed residential use in this area of the Town.

B. There are adequate services and utilities available or proposed to be made available in the construction of the development.

C. The proposal is not compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.

D. The subject property is suitable for uses permitted by the current district.

E. The proposed changes do not tend to improve the balance of uses, or meet a specific demand in the Town.

F. Review by the US Army Corps of Engineers under Section 404 of the Clean Water Act may be waived as the parcel is developed and the proposed changes to previously imposed conditions of rezoning will not impact any potential federally jurisdictional wetland area.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

'23 APR 26 PM12:59

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION – RELIEF OF CONDITIONS
Z-2016-16D & Z-2017-11B

PETITIONER	PROPERTY LOCATION
Essex Homes of WNY	2350 & 2360 Sweet Home Road

WHEREAS pursuant to Local Law #3-82, as amended, the Planning Board recommends that the Town Board determine that the requirements of SEQR are complete and that the subject proposal is not expected to have a significant adverse effect on the environment.

NOW THEREFORE BE IT RESOLVED that the Planning Board recommends to the Town Board in accordance with Section 8-3-4 of the Zoning Ordinance, that the request to amend conditions of a rezoning request be denied.

The foregoing resolution was adopted by the Town of Amherst Planning Board, April 20, 2023; moved by Chmiel; seconded by Penberthy; ayes 4, noes 3 (Gilmour, Giuliani, Kahn).

Robert J. Gilmour, Planning Board Chair

4-25-23.
Date

TV/ac
X:\Current_Planning\Files\Rezonings\2016\Z-2016-16_D_(2360-2372_&_2350_Sweet_Home)_2023\Z-2016-16D_&_Z-2017-11B_Resolution_042023.doc
cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Traffic/Safety Coordinator
Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main St., Suite 343, Williamsville, NY 14221

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Application to Modify a Declaration of Restrictions Containing Zoning Conditions Imposed in Connection with a Rezoning - 2350 Sweet Home
Applicant: Essex Homes of WNY, Inc.
Date: January 23, 2023

Prepared By: Sean Hopkins, Esq.
Hopkins Sorgi & McCarthy PLLC
5500 Main Street, Suite 343
Williamsville, NY 14221
Tel: 510-4338
E-mail: shopkins@hsmlegal.com

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning Review and, if required Comprehensive Plan Amendment

For Official Use

File #: _____ Acreage .17 Acres Fee $ _____

Address Verified by Assessor's Office _____
VERIFIED BY DATE

Materials Accepted by Town Clerk & Fee Paid _____
AC CEP TB BY DATE

Materials Checked by Building Dept._____
RECEIVED BY DATE

Materials Received by Planning Dept. _____
RECEIVED BY DATE

		Fill In Applicable Fees
2 ACRES OR LESS	$1,250	1,250.00
2 – 20 ACRES $1,250 + $250/acres or fraction thereof over 2 acres		_____
20 – 30 ACRES $5,700 + $150/acre or fraction thereof over 20 acres		_____
OVER 30 ACRES $6,900 +$75/acre or fraction thereof over 30 acres		_____
Request for Relief of/Change to Conditions of Zoning Approval	$ 1,200	_____
AFFIDAVIT FEE FOR PUBLIC HEARING	$ 15.00	$ 15.00
TOTAL FEE:	$1,265.00	

[Note: A completed Short Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act ("SEQRA") is provided at Exhibit "5".]

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

TO BE COMPLETED BY APPLICANT

1. **Petitioner:** Name: Essex Homes of WNY, Inc.

Address: c/o Sean Hopkins, Esq.
5500 Main Street, Suite 343
Williamsville, New York 14221
City State Zip Code

Phone: 716.510-4338 Fax:

E Mail shopkins@hsmlegal.com

2. **The undersigned hereby petitions the Honorable Town Board to rezone the following described property**

From: OB District

To: MFR-5 District

3. **Street address of land to be rezoned:** (must be verified by Town Assessor's Office)

Portion of 2350 Sweet Home Road

SBL #: 40.12-1-14

4. **Area of land to be rezoned** (in acres): .17 Acres [Rezoning Application dated January 23, 2023 filed at same time as this Application.

5. **Owner of Land**:

Name: Essex of WNY, Inc. c/o Sean Hopkins, Esq.

Address: 5500 Main Street, Suite 343 - Williamsville, NY 14221

Telephone: 716.510-4338 [E-mail: shopkins@hsmlegal.com]

6. **Representative** (Architect, Engineer, Landscape Architect, Surveyor or Attorney):

Name: Sean W. Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC

Address: 5500 Main Street, Suite 343
Williamsville, New York 14221
City State Zip Code

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

7. Petitioner's interest in property

_____Option to purchase

__X__Owner

_____Other (explain) _____

8. The following are all others having an interest in this application and join herein with the petitioner named above: (describe extent of interest; attach sheets as needed)

Not Applicable.

9. Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor. Legal description of property to be rezoned from OB to MFR-5 attached as Exhibit "1" ar a copy of the survey prepared by GPI Engineering & Surveying is provided at Exhibit "2" Full-size copy of the survey is also attached to this Applicatic

10. Said property has the following deed restrictions or Covenants: (attach copy)

Liber 11341 Page 2501

Copy of Declaration of Restrictions as recorded on February 21, 2019 attached as Exhibit "3". A copy of draft of the Amended Declaration of Restrictions is provided at Exhibit "8".

11. Information on proposed project:

A. Description of the character of the proposed development:

See Exhibit "4". A reduced-size copy the Site Plan prepared by Carmina Wood Design is provided at Exhibit "6" and a full-size copy is also attached to this Application.

B. Rationale for rezoning request:

1. Why was this site chosen?

See Exhibit "4"

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

2. Why cannot land be used with the existing zoning?

See Exhibit "4".

3. How will this rezoning impact surrounding properties?

See Exhibit "4".

4. How will this rezoning impact the school system?

See Exhibit "4".

12. Quantitative Data:

A. Total # of dwelling units: 48 Attached Residential Units

B. Distribution of dwelling units by type: Attached Townhomes

C. Gross Residential Density per acre: 4.04 units per acre

D. Total amount of Open Space: Approximately 5.2 acres

E. Proposed Non-Residential Floor Area: Not Applicable

13. Development Schedule:

Start: Project under construction.

Finish: To be based on demand for the attached residential units.

Stages (# of): Based on market demand

14. If any portion of the proposed development is planned to be sold or leased, please describe:

The upscale residential units are for sale.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

15. Open Space ownership and maintenance provisions (if applicable):

Greenspace and landscaping will be privately owned and maintained.

16. Basis for Findings (Sec. 8-3-5 of the Town Zoning Code) (Attach sheets a supplemental materials as necessary.)

A. The proposed zoning and development plan must be generally consistent with the policies of the Comprehensive Plan and the To Zoning Ordinance.

1. State in detail why the proposed zoning is consistent with the adopted Town of Amherst Bicentennial Comprehensive Plan. Cite speci sections, maps, and/or figures in the plan that support the proposed zoning at this location (The Comprehensive Plan document is available the Planning Department, Town Clerk's Office, Amherst libraries, or at www.amherst.ny.us). Add sheets as needed.

See Exhibit "7".

2. Pursuant to NYS Town Law Section 272a(11), "all Town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this Section." The Town Board adopted the Comprehensive Plan pursuant to NYS Town Law 272 on January 2, 2007. If the rezonin is approved, the Town Board may require the Plan to be amended, as applicable.

Cite all text, map, and / or figures that must be amended to support the proposed zoning at this location (attach pages as necessary) and provid detailed suggested amendments.

See Exhibit "7".

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

3. State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:

See Exhibit "7".

B. Adequate Services and Utilities are available or are proposed to be made available with the construction of the development:

1. Sanitary Sewer
   Yes.
2. Storm Sewer/Drainage
   Yes.
3. Water
   Yes.
4. Other Yes.

C. Compatibility with the present zoning and conforming uses of nearb property and with the character of the neighborhood:

See Exhibit "7".

D. Suitability of the subject property for uses permitted by the current versus the proposed district:

See Exhibit "7".

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

E. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:

See Exhibit "7".

17. The petitioner encloses herewith the sum of $ 1,265.00 to pay the fee, and consents to the placement of a sign(s) at the described location identifying this request for a period of time to be determined by the Town Clerk.

18. The undersigned certifies that all information required to be disclosed pursuant to Section 809 of the General Municipal Law (see below) is as follows:

The undersigned swears or affirms that all statements made herein are true, that all drawings submitted correctly show the situation involved in this petition.

[Authorization of Owner of the Project Site is attached.]

Signature of Petitioner

Subscribed and sworn to before me this 23rd day of January, 20 23

Notary Public, Erie County, New York

MARIANNE BRAUTLACH
Notary Public, State of New
Qualified in Erie County
My Commission Expires 01/14

N.Y.S. General Municipal Law - Section 809 Disclosure in certain applications:

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provision of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state office or any office or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them

   (a) is the applicant, or
   (b) is an officer, director, partner or employee of the applicant, or
   (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
   (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such applicant, petition or request.

3. In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party Officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four or section two of the election law.

4. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

P/Curr/Plan/Applications2007/Rezoning & Comp Plan Amend App.
10/08

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Exhibit 1 – Legal Description of Portion of 2350 Sweet Homes Road to be Rezoned from OB to MFR-5

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

EXHIBIT 1

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM OFFICE BUILDING DISTRICT ("OB") TO MULTIFAMILY RESIDENTIAL DISTRICT FIVE ("MFR-5")

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York being part of Lot No 82, Township 12 Range 7 of the Holland Land Survey, so-called, bounded and described as follows:

BEGINNING at point on the west line of lands described in a deed recorded in the Erie County Clerk's Office in Liber 6673 of Deeds at page 573, distant 209.37 feet N-00-12'-50"-W from the present north right of way line of North Ellicott Creek Road, at the north corner of lands acquired by the New York State Department of Transportation, S. H. 9409, Map 83, Parcel No. 87, recorded in Liber 9210 of Deeds at page 143;

THENCE: through the lands conveyed to North Forest Properties #5 LLC by deed recorded in the Erie County Clerk's Office in Liber 11235 of Deeds at page 6110 the following five (5) courses and distances:

1) S-89°-47'-10"-W, along a line parallel and distant 22.00 feet northerly of a southerly line of said North Forest Properties #5 LLC lands as measured at right angles, a distance of 608.37 feet to a point being distant 25.33 feet easterly from the west line of said North Forest Properties #5 LLC lands;
2) N-00°-12'-48"-W, a distance of 361.56 feet to a point;
3) N-88°-54'-31"-E, a distance of 4.13 feet to a point;
4) S-01°-05'-29"-E, along a line parallel and distant 35.00 feet easterly of the west line of said North Forest Properties #5 LLC lands as measured at right angles, a distance of 353.67 feet to a point;
5) N-89°-47'-10"-E, along a line parallel and distant 30.00 feet northerly of a southerly line of said North Forest Properties #5 LLC lands as measured at right angles, a distance of 598.82 feet to the said west line of Liber 6673 of Deeds at page 573;

THENCE: S-00-12'-50"-E, along the said west line of Liber 6673 of Deeds at page 573, a distance of 8.00 feet to the POINT OF BEGINNING, containing 7,285 square feet or 0.17 acre more or less.

Exhibit 2 – Reduced-Size Copy of Survey of Property to be Rezoned from OB to MFR-5 as Prepared by Mark Andrews of GPI Engineering & Surveying [Note: Full-size copy also attached

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

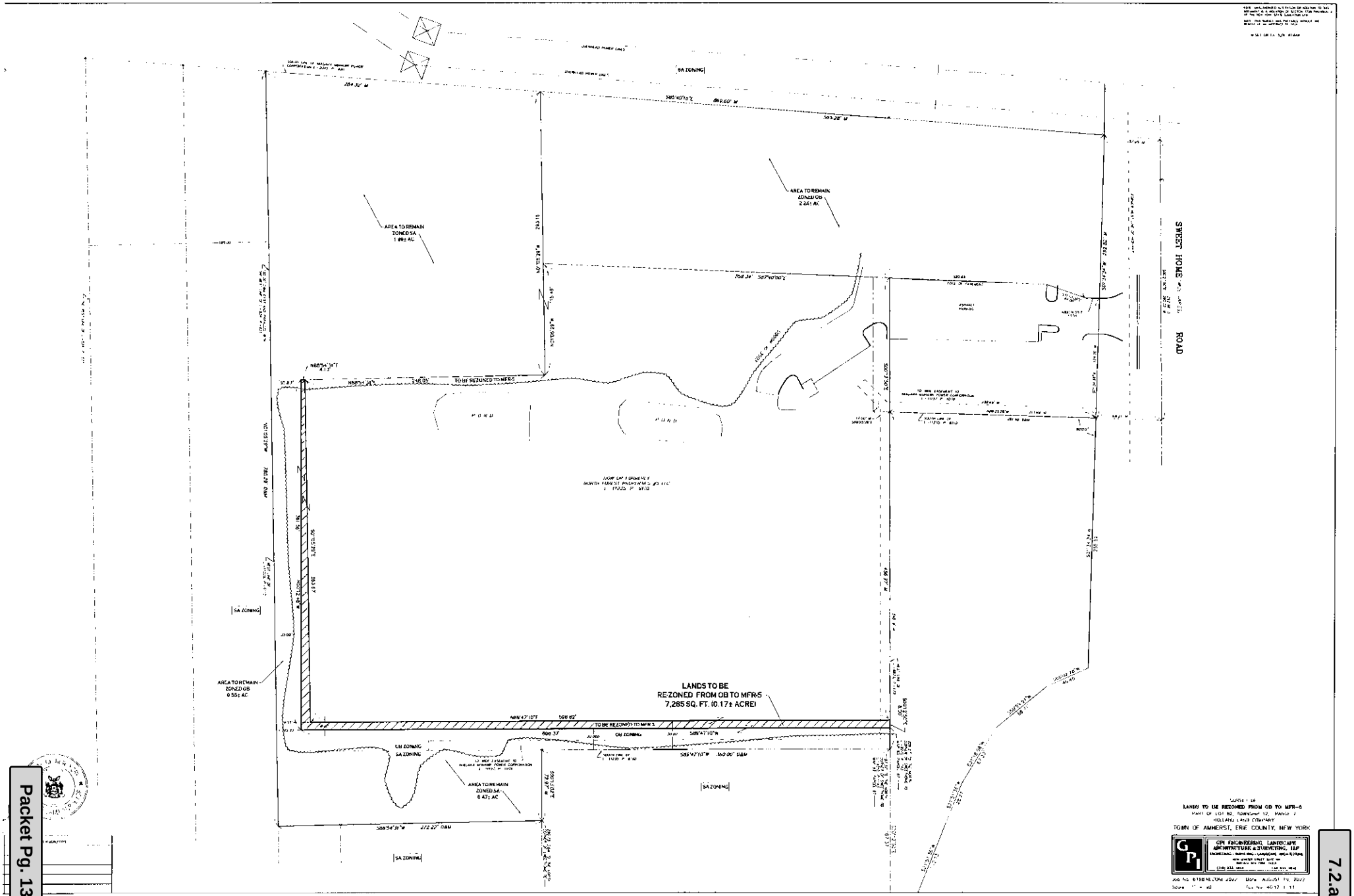

SA ZONING
AREA TO REMAIN
ZONED SA
1.99± AC
AREA TO REMAIN
ZONED OB
2.241 AC
SWEET HOME ROAD
TO BE REZONED TO MFR-S
AREA TO REMAIN
ZONED OB
0.551 AC
LANDS TO BE
REZONED FROM OB TO MFR-S
7,285 SQ. FT. (0.17± ACRE)
OB ZONING
SA ZONING
AREA TO REMAIN
ZONED SA
0.47± AC
LANDS TO BE REZONED FROM OB TO MFR-S
PART OF LOT NO. 12 TOWNSHIP 12 RANGE 7
HOLLAND LAND COMPANY
TOWN OF AMHERST, ERIE COUNTY, NEW YORK
GPI ENGINEERING, LANDSCAPE ARCHITECTURE & SURVEYING, LLP

Exhibit 3 – Copy of Declaration of Restrictions Recorded at the Erie County Clerk's Office on February 21, 2019

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

FILED

FEB 21 2019

ERIE COUNTY
CLERK'S OFFICE

Return Original to Box 460
Hopkins Sorgi & Romanowski PLLC
Attn: Sean W. Hopkins, Esq.

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS (*"Declaration"*) is made as of the 20th day of February, 2019 by **ESSEX HOMES OF WNY, INC.** (hereinafter *"Declarant"*) under facts and circumstances summarized by the following recitals:

WHEREAS, the Declarant is the owner of real property consisting of 2350 Sweet Home Road as more particularly described in the metes and bounds legal description of 2350 Sweet Home Road attached hereto as **Schedule "A";**

WHEREAS, the Declarant is the owner of real property consisting of a portion of 2360 Sweet Home Road comprised of approximately 10.22 acres as more particularly described in the metes and bounds legal description of a portion of 2360 Sweet Home Road attached hereto as **Schedule "B"**;

WHEREAS, in December of 2016, RAS Development I LLC submitted an application with the Town of Amherst requesting that the Town Board of the Town of Amherst (*"Town Board"*) amend the zoning classification of approximately 7.14 acres of a portion of 2360 Sweet Home Road from Office Building District (*"OB"*) to Multifamily Residential District Five (*"MFR-5"*);

WHEREAS, in September of 2017, RAS Development I LLC submitted an application with the Town of Amherst requesting that the Town Board of the Town of Amherst (*"Town Board"*) amend the zoning classification of 2350 Sweet Home Road from General Business District (*"GB"*) to Multifamily Residential District Five (*"MFR-5"*);

WHEREAS, during its meeting held on March 19, 2018, the Town Board adopted Resolution No. 2018-241 for the purpose of approving an amendment of the zoning classification of 2350 Sweet Home Road from GB to MFR-5 subject to eighteen (18) conditions as contained in Resolution No. 2018-241;

WHEREAS, during its meeting held on March 19, 2018, the Town Board adopted Resolution No. 2018-242 for the purpose of approving an amendment of the zoning classification of a portion of 2360 Sweet Home Road from OB to MFR-5 subject to eighteen (18) conditions as contained in Resolution No. 2018-242;

WHEREAS, the conditions contained in Resolutions 2018-241 and 2018-242 as adopted by the Town Board on March 19, 2018 are identical;

WHEREAS, pursuant to Condition No. 18 as contained in Resolutions 2018-241 and 2018-242, Conditions No. 1 to 14 as imposed by the Town Board on March 19, 2018 are to be subject to a Declaration of Restrictions recorded at the Erie County Clerk's Office;

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

WHEREAS, Conditions No. 1 to 14 as contained in Resolutions 2018-241 and 2018-242, Conditions No. 1 to 14 as imposed by the Town Board on March 19, 2018 are as follows:

1. That the 5.2 acres of Permanent Open Space as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 shall not be developed as any buildings or other above ground structures, and shall remain permanently undeveloped.

2. That the residential development of the project site shall not consist of an apartment complex comprised of rental units but instead shall consist of residential units for sale.

3. That the maximum allowable density of the residential development on the project site shall be 48 units.

4. The residential buildings to be constructed on the project site shall be limited to single-story residential units with second story loft space in the front portion of the buildings such that there shall not be any second story windows provided for the second story loft space on the rear portion of the buildings.

5. That maximum allowable height of any building on the project site as measured from finished grade to the peak of the building shall be 30 ft.

6. That there shall be a maximum of four attached residential units in any residential building on the project site.

7. That the minimum setback of the residential buildings on the project site from the southern boundary and western boundary of the project site shall be 35 feet.

8. That the minimum setback of Building No. 5 as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 from the northern boundary of 574 North Ellicott Creek Road shall be 109 feet.

9. That the minimum setback of Building No. 6 as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 from the southern boundary of the project site shall be 137 feet.

10. That a solid high quality vinyl fence with a natural color (not white) with a minimum height of six feet as measured from finished grade shall be installed along portions of the eastern, western and the southern boundary of the project site as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017.

11. That extensive landscaping as required by the High Impact Screening standard as defined in the Town of Amherst Zoning Code shall be provided along the southern side and the portion of the western side of 2360 Sweet Home Road to be developed

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

for residential purposes. The Landscaping Plan to be prepared by a licensed landscape architect during the site plan review stage for the residential project on 2360 Sweet Home Road shall be prepared based on consideration of input received by the Petitioner from the owners of the parcels directly south of the project site at 566, 574, 598 and 620 North Ellicott Creek Road and the owner of the parcel west of the project site at 550 North Ellicott Creek Road.

12. That the Lighting Plan to be prepared during the site plan review stage for the residential project on the project site shall demonstrate that the residential project will not result in any lighting spillover onto the parcels contiguous to the project site utilized for residential purposes at 550, 566, 574, 598 and 620 North Ellicott Creek Road. There shall not be any light poles installed on the project site with a height that exceeds 15 feet.

13. That there shall not be an internal driveway located on the Sweet Home Road frontage of the parcel at 2350 Sweet Home Road that connects to the northern side of the parcel at 2360 Sweet Home Road.

14. That with the exception of a driveway that will only service a two-unit building to be located along the North Ellicott Creek Road frontage that is depicted as Building No. 13 on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017, there shall not be any driveway or roadway connection from the project site onto North Ellicott Creek Road.

WHEREAS, a metes and bounds legal description of the 5.2 acres of Permanent Open Space referenced above in Condition No. 1, as contained in Resolutions 2018-241 and 2018-242 adopted by the Town Board on March 19, 2018, consisting of a portion of 2360 Sweet Home Road, is attached as **Schedule "C"** (hereinafter "***Permanent Open Space***");

WHEREAS, in July of 2018, RAS Development 1 LLC filed an Application for relief of Zoning Condition No. 14 as contained in Resolutions 2018-241 and 2018-242 for the purpose of seeking to allow a gated emergency access driveway to be installed connecting 2350 Sweet Home Road and a portion of 2360 Sweet Home to North Ellicott Creek Road;

WHEREAS, during its meeting held on October 1, 2018, the Town Board adopted Resolution No. 2018-1046 for the purpose of approving the requested Relief of Zoning Condition No. 14 as contained in Resolutions 2018-241 and 2018-242 to allow a gated emergency access driveway to be installed connecting to North Ellicott Creek Road subject to six (6) conditions as follows:

1. The gated emergency access connection will not be accessible by the future residents of the project nor the public and will only be accessible by emergency personnel.

2. Pursuant to the Town Code, all property owners within 600 ft. of the project site will receive written notice from the Town of any future proposed amendment of any of the zoning conditions.

3. The amended Zoning Condition No. 14 will be incorporated into the Declaration of Restrictions to be recorded at the Erie County Clerk's Office.

4. That the gated emergency access driveway to North Ellicott Creek Road be paved with a hard surface and not constructed of grass pavers.

5. That the gated emergency access driveway to North Ellicott Creek Road be straightened as much as possible.

6. That the final site plan be fully compliant with fire code.

NOW, THEREFORE, in exchange for good and valuable consideration the sufficiency of which is acknowledged, the Declarant agrees to restrict the future use of 2350 Sweet Home Road as described in **Schedule "A"**, a portion of 2360 Sweet Home Road as described in **Schedule "B"** including the Permanent Open Space consisting of a portion of 2360 Sweet Home Road as described in **Schedule "C"**, in accordance with the conditions as set forth in Resolutions No. 2018-241 and 2018-242 as adopted by the Town Board on March 19, 2018 and the conditions set forth in Resolution 2018-1046 as follows:

1. That the 5.2 acres of Permanent Open Space as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 and described in the attached **Schedule "C"** shall not be developed as any buildings or other above ground structures and shall remain permanently undeveloped.

2. That the residential development of the project site shall not consist of an apartment complex comprised of rental units but instead shall consist of residential units for sale.

3. That the maximum allowable density of the residential development on the project site shall be 48 units.

4. The residential buildings to be constructed on the project site shall be limited to single-story residential units with second story loft space in the front portion of the buildings such that there shall not be any second story windows provided for the second story loft space on the rear portion of the buildings.

5. That maximum allowable height of any building on the project site as measured from finished grade to the peak of the building shall be 30 ft.

6. That there shall be a maximum of four attached residential units in any residential building on the project site.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

7. That the minimum setback of the residential buildings on the project site from the southern boundary and western boundary of the project site shall be 35 feet.

8. That the minimum setback of Building No. 5 as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 from the northern boundary of 574 North Ellicott Creek Road shall be 109 feet.

9. That the minimum setback of Building No. 6 as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 from the southern boundary of the project site shall be 137 feet.

10. That a solid high quality vinyl fence with a natural color (not white) with a minimum height of six feet as measured from finished grade shall be installed along portions of the eastern, western and the southern boundary of the project site as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017.

11. That extensive landscaping as required by the High Impact Screening standard as defined in the Town of Amherst Zoning Code shall be provided along the southern side and the portion of the western side of 2360 Sweet Home Road to be developed for residential purposes. The Landscaping Plan to be prepared by a licensed landscape architect during the site plan review stage for the residential project on 2360 Sweet Home Road shall be prepared based on consideration of input received by the Petitioner from the owners of the parcels directly south of the project site at 566, 574, 598 and 620 North Ellicott Creek Road and the owner of the parcel west of the project site at 550 North Ellicott Creek Road.

12. That the Lighting Plan to be prepared during the site plan review stage for the residential project on the project site shall demonstrate that the residential project will not result in any lighting spillover onto the parcels contiguous to the project site utilized for residential purposes at 550, 566, 574, 598 and 620 North Ellicott Creek Road. There shall not be any light poles installed on the project site with a height that exceeds 15 feet.

13. That there shall not be an internal driveway located on the Sweet Home Road frontage of the parcel at 2350 Sweet Home Road that connects to the northern side of the parcel at 2360 Sweet Home Road.

14. That with the exception of a driveway that will only service a two-unit building to be located along the North Ellicott Creek Road frontage that is depicted as Building No. 13 on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 and a gated emergency access only driveway connection to North Ellicott Creek Road, there shall not be any driveway or roadway connection from the project site onto North Ellicott Creek Road.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

15. The gated emergency access connection to North Ellicott Creek Road will not be accessible by the future residents of the project nor the public and will only be accessible by emergency personnel.

16. That the gated emergency access driveway to North Ellicott Creek Road be paved with a hard surface and not constructed of grass pavers.

The restrictions being established herein pursuant to the conditions contained in Resolutions No. 2018-241 and 2018-242 as adopted by the Town Board on March 19, 2018 and Resolution No. 2018-1046 as adopted by the Town Board on October 1, 2018 shall be binding on all parties claiming thereunder and shall run and touch the land except that the recorded restriction can be changed, modified or eliminated by a majority vote of the Town Board.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK
SIGNATURE ON FOLLOWIG PAGE]

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

IN WITNESS WHEREOF, the party hereto has the full legal authority to execute this Declaration of Restrictions.

ESSEX HOMES OF WNY, INC.

By: Philip J. Nanula
Name: Philip J. Nanula
Title: President

STATE OF NEW YORK)
ss.:
COUNTY OF ERIE)

On this 12th day of January, 2019, before me, the undersigned, a notary public in and for said state, personally appeared Philip J. Nanula, personally known to me or proved to me on the basis of satisfactory evidence to the be the individual whose name is subscribed to within this instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Michelle Lynn Ward
Notary Public

MICHELLE LYNN WARD
Notary Public - State of New York
NO. 01WA6275111
Qualified in Niagara County
My Commission Expires 1/14/2021

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

SCHEDULE A

METES AND BOUNDS LEGAL DESCRIPTION OF 2350 SWEET HOME ROAD

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot 82, Township 12 and Range 7 of the Holland Land Company's Survey, being more particularly described as follows:

BEGINNING at the intersection of the northerly line of North Ellicott Creek Road with the westerly line of Sweet Home Road; Thence N 01°58'37 E, along the westerly line of Sweet Home Road, a distance of 258.52 feet; Thence 88°01'23" W, a distance of 213.69 feet; Thence S 00°11'13" W, a distance of 535.55 feet to a point in the northerly line of North Ellicott Creek Road; Thence N 45°33'50" E, along the northerly line of North Ellicott Creek Road, a distance of 30.24 feet; Thence N 22°15'39" E, along the northerly line of North Ellicott Creek Road, a distance of 140.40 feet; Thence N 31°42'11" E, continuing along the northerly line of North Ellicott Creek Road, a distance of 67.33 feet; Thence N 51°23'54" E, continuing along the northerly line of North Ellicott Creek Road, a distance of 68.71 feet; Thence N 66°26'31" E, continuing along the northerly line of North Ellicott Creek Road, a distance of 46.40 feet to the point of beginning, containing 1.742 acres.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

SCHEDULE B

METES AND BOUNDS LEGAL DESCRIPTION OF PORTION OF 2360 SWEET HOME ROAD

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York being part of Lot No 82, Township 12 Range 7 of the Holland Land Survey, so-called, bounded and described as follows:

BEGINNING at point on the west line of lands described in a deed recorded in the Erie County Clerk's Office in Liber 6673 of Deeds at page 573, distant 187.00 feet N-00-12'-50"-W from the present north right of way line of North Ellicott Creek Road, at the north corner of lands acquired by the New York State Department of Transportation, S. H. 9409, Map 83, Parcel No. 87, recorded in Liber 9210 of Deeds at page 143;

THENCE: along the bounds of the lands conveyed to North Forest Properties #5 LLC by deed recorded in the Erie County Clerk's Office in Liber 11235 of Deeds at page 6110 the following five (5) courses and distances:

1) S-89°-47'-10"-W, along a southerly line of said North Forest Properties #5 LLC lands, a distance of 360.00 feet to a point;
2) S-00°-13'-02"-E, along a easterly line of said North Forest Properties #5 LLC lands, a distance of 72.97 feet to a point;
3) S-88°-54'-31"-W, along a southerly line of said North Forest Properties #5 LLC lands, a distance of 272.22 feet to a point;
4) N-01°-05'-29"-W, along the west line of said North Forest Properties #5 LLC lands, a distance of 780.29 feet to the northwest corner thereof;
5) S-85°-40'-18"-E, along the north line of said North Forest Properties #5 LLC lands a distance of 619.92 feet to a point;

THENCE: S-00-12'-50"-E, through said North Forest Properties #5 LLC lands, a distance of 304.96 feet to a point;

THENCE: S-88-25'-26"-E, through said North Forest Properties #5 LLC lands, a distance of 26.18 feet to the west line of said lands described in Liber 6673 of Deeds at page 573;

THENCE: S-00-12'-50"-E, along the west line of said Liber 6673 of Deeds at page 573, a distance of 348.18 feet to the POINT OF BEGINNING, containing 10.22 acres more or less.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

SCHEDULE C

METES AND BOUNDS LEGAL DESCRIPTION
PERMANENT OPEN SPACE CONSISTING OF A PORTION OF
2360 SWEET HOME ROAD

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York being part of Lot No 82, Township 12 Range 7 of the Holland Land Survey, so-called, bounded and described as follows:

BEGINNING at point on the west line of lands described in a deed recorded in the Erie County Clerk's Office in Liber 6673 of Deeds at page 573, distant 187.00 feet N-00-12'-50"-W from the present north right of way line of North Ellicott Creek Road, at the north corner of lands acquired by the New York State Department of Transportation, S. H. 9409, Map 83, Parcel No. 87, recorded in Liber 9210 of Deeds at page 143;

THENCE: along the bounds of the lands conveyed to North Forest Properties #5 LLC by deed recorded in the Erie County Clerk's Office in Liber 11235 of Deeds at page 6110 the following five (5) courses and distances:

1) S-89°-47'-10"-W, along a southerly line of said North Forest Properties #5 LLC lands, a distance of 360.00 feet to a point;
2) S-00°-12'-50"-E, along an easterly line of said North Forest Properties #5 LLC lands, a distance of 72.97 feet to a point;
3) S-88°-54'-31"-W, along a southerly line of said North Forest Properties #5 LLC lands, a distance of 272.22 feet to the southwest corner thereof;
4) N-01°-05'-29"-W, along the west line of said North Forest Properties #5 LLC lands, a distance of 780.29 feet to the northwest corner thereof;
5) S-85°-40'-18"-E, along the north line of said North Forest Properties #5 LLC lands a distance of 619.92 feet to a point;

THENCE: Through said North Forest Properties #5 LLC lands, the following fifteen (15) courses and distances:

6) S-00-12'-50"-E a distance of 166.47 feet to a point;
7) N-87-51'-46"-W a distance of 16.24 feet to a point;
8) S-12-26'-56"-W a distance of 27.13 feet to a point;
9) S-58-06'-54"-W a distance of 97.91 feet to a point;
10) S-46-53'-26"-W a distance of 15.19 feet to a point;
11) S-32-16'-28"-W a distance of 17.19 feet to a point;
12) S-25-41'-59"-W a distance of 28.12 feet to a point;
13) N-80-56'-26"-W a distance of 50.68 feet to a point;
14) N-67-33'-18"-W a distance of 62.20 feet to a point;
15) S-82-26'-00"-W a distance of 63.13 feet to a point;
16) N-71-38'-03"-W a distance of 27.07 feet to a point;
17) S-00-12'-50"-E a distance of 5.50 feet to a point;

18) S-88-54'-31"-W a distance of 244.27 feet to a point;
19) S-01-05'-29"-E a distance of 353.63 feet to a point;
20) N-89-47'-10"-E a distance of 598.82 feet to the west line of said lands described in Liber 6673 of Deeds at page 573;

THENCE: S-00-12'-50"-E, along the west line of said Liber 6673 of Deeds at page 573, a distance of 30.00 feet to the POINT OF BEGINNING, containing 5.21 acres more or less.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

MICHAEL P. KEARNS, ERIE COUNTY CLERK
REF:

DATE:2/21/2019
TIME:2:22:37 PM
RECEIPT: 19024620

HOPKINS SORGI & ROMANOWSKI PLLC- BOX 460
ACCOUNT #: 9074

ITEM - 01 781
RECD: 2/21/2019 2:24:28 PM
FILE: 2019035107 BK/PG D 11341/2501
ESSEX HOMES OF WNY INC
Recording Fees 100.00
Subtotal 100.00

TOTAL DUE	$100.00
PAID TOTAL	$100.00
PAID CHECK	$100.00
Check #1264:	100.00

REC BY: Megan
COUNTY RECORDER

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Exhibit 4 – Responses to Question No. 11 of the Application

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

EXHIBIT 4

RESPONSES TO QUESTION 11 OF APPLICATION TO MODIFY A DECLARATION OF RESTRICTIONS CONTAINING ZONING CONDITIONS IMPOSED IN CONNECTION WITH A REZONING

Question 11(A): **Description of the character of the proposed development:**

Response to Question 11(A): The residential project as previously approved by the Planning Board consists of 48 upscale attached residential units with attached garages for sale as depicted on the Site Plan prepared by Carmina Wood Design. The Project Sponsor is seeking the necessary approvals consisting of the rezoning of a small portion of the Project Site from OB to MFR-5 and relief of the Declaration of Restrictions recorded on February 21, 2019 to accommodate proposed minor modifications to the approved project layout consisting primarily of first floor sunrooms to be constructed on the rear side of the attached townhome buildings on the southern and western boundaries of the Project Site as depicted on the Site Plan [Drawing C-100 – Date: 12/16/22] prepared by Carmina Wood Morris DPC. A reduced-size copy of the Site Plan is provided at **Exhibit "6"** and a full-size copy is also attached to this Application. A draft of the Amended Declaration of Restrictions is provided at **Exhibit "8"**.[1]

Question 11(B)(1): **Rationale for rezoning request: 1. What was this site chosen?**

Response to Question 11(B)(1): The majority of the Project Site is currently zoned MFR-5 in accordance with decisions issued by the Town Board on March 19, 2018. The Project Sponsor is seeking to amend a small portion of the Project Site from OB to MFR-5 to accommodate minor modifications to the approved project layout. It is important to mention that a large portion of the Project Site

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[1] A copy of the Declaration of Restrictions recorded at the Erie County Clerk's Office on February 21, 2019 is provided at **Exhibit "3"**.

will consist of Permanent Open Space to ensure the residential project is consistent with the character of the surrounding vicinity.[2]

Question 11(B)(2): Why cannot land be used with the existing zoning?

Response to Question 11(B)(2): The Project Site is currently being developed in the accordance with the existing MFR-5 zoning of a majority of the Project Site that was approved by the Town Board on March 19, 2018.

Question 11(B)(3): How will this rezoning impact surrounding properties?

Response to Question 11(B)(3): The proposed rezoning of a small portion of the Project Site from OB to MFR-5 and the requested relief of the Declaration of Restriction in order to accommodate minor modifications to the approved project layout will have any adverse impacts on surrounding properties.

Question 11(B)(4): How will this rezoning impact the school system?

Response to Question 11(B)(4): The project will continue to have positive impacts on the school district. The approved residential project consisting of attached townhomes for sale will not result in any significant increased demand for educational services since the target market for the residential units is empty nesters, seniors and young professionals.

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[2] The approximately 5.2 acres of Permanent Open Space shall remain undeveloped in accordance with the Declarations of Restrictions recorded on at the Erie County Clerk's Office on February 21, 2019.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Exhibit 5 – Short Environmental Assessment Form with Attached Page 5[a]

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Short Environmental Assessment Form
Part 1 - Project Information

Prepared By: Sean Hopkins,
Hopkins Sorgi & McCarthy
5500 Main Street, Suite 343
Williamsville, NY 14221
Tel: 510-4338
E-mail: shopkins@hsmlegal.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:
Villas at Essex Woods Project

Project Location (describe, and attach a location map):
2350 Sweet Home Road - Town of Amherst - Erie County

Brief Description of Proposed Action:
The action involves the rezoning of approximately 0.17 acres of the Project Site from Office Building District ("OB") to Multifamily Residential District Five ("MFR-5") and a request to modify a Declaration of Restrictions containing zoning conditions imposed by the Town of Amherst Town Board to accommodate minor modifications to the previously approved residential project consisting of 48 attached residential units for sale including the addition of single-story sun rooms on the rear sides of the approved buildings. The project layout is depicted on the Site Plan [Drawing C-100] prepared by Carmina Wood Design dated December 16, 2022. The project is an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") since the impact do not cross any of the thresholds for a Type I action per 6 NYCRR Part 617.4. It is important to mention that the Town Board, Planning Board and Zoning Board of Appeals have all previously issued negative declarations pursuant to the SEQRA with respect to the approved residential project that is currently under construction.

Name of Applicant or Sponsor:	Telephone: 716.510-4338
Essex Homes of WNY, Inc. c/o Sean W. Hopkins, Esq.	E-Mail: shopkins@hsmlegal.com

Address:
Hopkins Sorgi & McCarthy PLLC - 5500 Main Street, Suite 343

City/PO:	State:	Zip Code:
Williamsville	NY	14221

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town Board - Rezoning, Zoning Board of Appeals - Area Variances; Planning Department - Minor Site Plan Amendment	☐	☑

3.a. Total acreage of the site of the proposed action? 11.89 acres
b. Total acreage to be physically disturbed? .12 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 11.89 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _ _
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? [Project Sponsor is seeking to amend the zoning classification of .17 acres of the Project Site from OB to MFR-5 to accomodate single-story sun rooms on the rear side of attached townhome buildings.]	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☑	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify:	NO ☑	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☑	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☑	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☑	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	NO ☐	YES ☑	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water:	NO ☐	YES ☑	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment:	NO ☐	YES ☑	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO ☑	YES ☐	
b. Is the proposed action located in an archeological sensitive area? [SHPO issued a No Impact determination for the Project Site on April 21, 2005.]	☐	☑	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO ☐	YES ☑	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: There are not any wetlands located on the portion of the Project Site to be developed. A wetland permit was issued by the USACE on April 20, 2006 and the 0.49 acres of impacts authorized by the permit have previously occurred.	☑	☐	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☑ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☑	YES ☐	
16. Is the project site located in the 100 year flood plain?	NO ☑	YES ☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☑ NO ☐ YES	NO ☐	YES ☑	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☑ YES Existing on-site stormwater management system will be utilized as previously approved.			

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	☑	☐

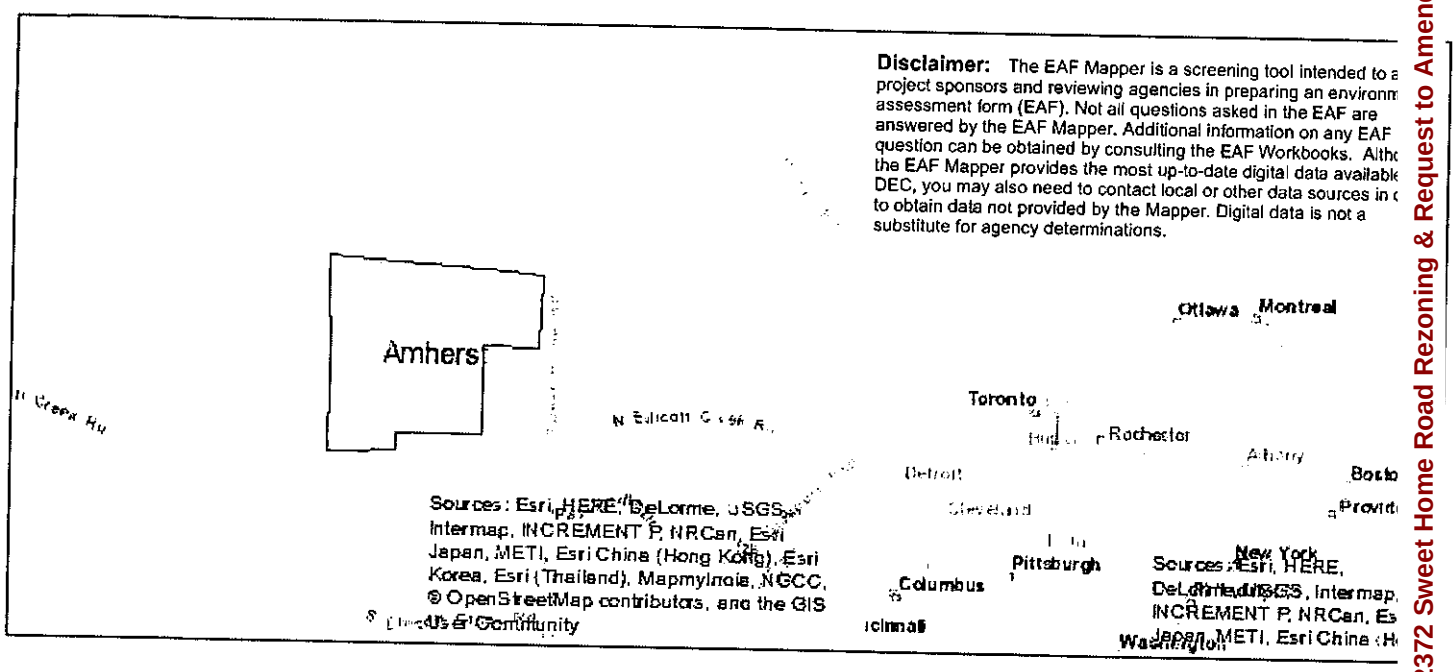
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Essex Homes of WNY, Inc. Date: January 23, 2023

Signature: Sean W. Hopkins, Esq., Counsel for Applicant

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

EAF Mapper Summary Report



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

TOWN OF AMHERST ATTACHMENT
State Environmental Quality Review
ENVIRONMENTAL ASSESSMENT FORM

2350 Sweet Home Road

1. For each applicable category of proposed new structures, including additions to existing structures, provide the following information for all soil types on the project site (*according to Soil Survey of Erie County, NY; Table 11, Building Site Development, pp 294-305):*

Soil Name	Shallow excavations	Dwellings without basements	Dwellings with basements	Small commercial buildings	Local roads and streets
Cosad [Cv]	Severe	Severe	Severe	Severe	Moderate
Swormville [Sw]	Severe	Severe	Severe	Severe	Severe

2. If the Soil survey indicates either "severe" or "moderate" suitability for the proposed types of construction, a geotechnical and hydrological analysis based on one test per 3.5 acres of project area must be provided (per Town Board resolution, 3/17/03, amended 6/16/03).

   _x_ Geotechnical report attached _____ Not applicable

   [Note: Three copies of the Geotechnical Report prepared by Barron & Associates dated October 11, 2017 have been submitted with the land use applications dated January 23, 2023.]

3. Is your property located: On Youngs Road between Dodge and Klein Roads? ☐ Yes ● No

   On Wehrle Dr. between Spindrift Dr. and Oakwood Rd? ☐ Yes ● No

   If so, the property may be within an area of the Town that is affected by a moratorium on connections to the sanitary sewer system.

4. Are there alternative locations on the site for this project? ☐ Yes ● No

5. Location and size of real property owned by petitioner within one (1) mile of subject proposal: **Not Applicable.**

6. Are you aware of current or future plans or intentions by others in the Town of Amherst to develop property within 1000± ft. of the present project request: ☐ Yes ● No

   Describe: **Not Applicable.**

   (Potential environmental impacts from adjacent or nearby projects undergoing the approval process will receive a coordinated environmental review to determine cumulative effects on common receivers (e.g. traffic and drainage corridors) and other relevant environmental concerns.)

7. Maximum number of vehicular trips to be generated per hour upon completion of project: **Not Applicable.**

8. Will blasting occur during construction? ☐ Yes ● No

9. Does the project propose to connect and be tributary to the public sanitary sewer system? ● Yes ☐ No

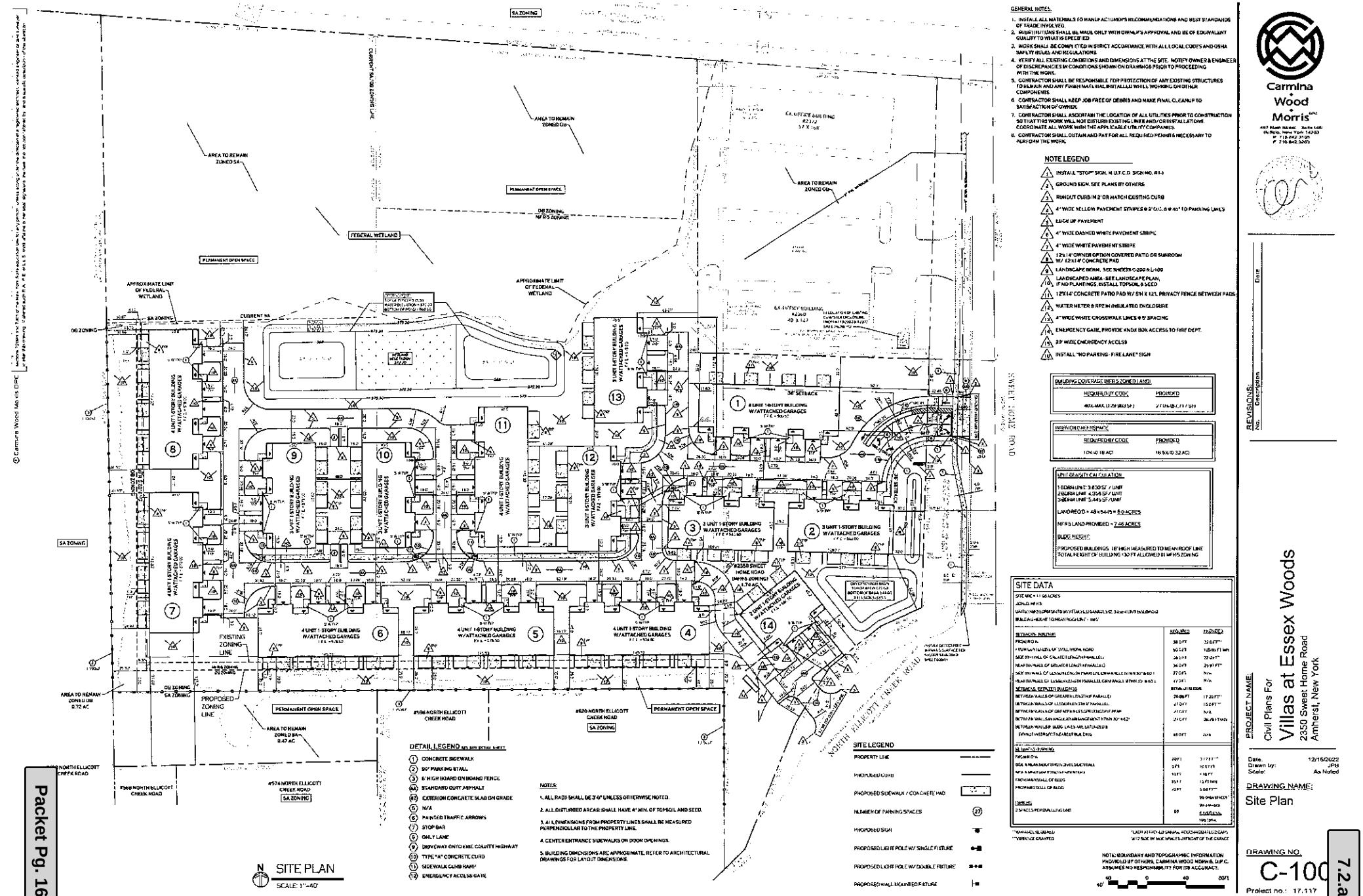
10. Proposed net additional gallons per day (gpd) of sanitary sewer discharge upon completion of project: **Not applicable. The Project Sponsor is not proposing any modifications to approved number of upscale townhome units per the Site Plan approved by the Planning Board for the 48-unit project.**

(Please note that average flows of 2,500 gpd or greater will require an Engineer's Report that includes a detailed downstream sewer capacity analysis and the identification of and commitment to required I/I offset work during peak wastewater flow conditions.)

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Exhibit 6 – Reduced-Size Copy of Site Plan [Drawing C-100] as Prepared by Carmina Wood Morris DPC [Note: Full-size copy also attached

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend



SITE PLAN

SCALE: 1"=40'

DETAIL LEGEND

1. CONCRETE SIDEWALK
2. 90° PARKING STALL
3. 6' HIGH BOARD ON BOARD FENCE
4A. STANDARD DUTY ASPHALT
4B. EXTERIOR CONCRETE SLAB ON GRADE
5. N/A
6. PAINTED TRAFFIC ARROWS
7. STOP BAR
8. ONLY LANE
9. DRIVEWAY ONTO ERIE COUNTY HIGHWAY
10. TYPE "A" CONCRETE CURB
11. SIDEWALK CURB RAMP
12. EMERGENCY ACCESS GATE

NOTES:

1. ALL RADII SHALL BE 3'-0" UNLESS OTHERWISE NOTED.
2. ALL DISTURBED AREAS SHALL HAVE 4" MIN. OF TOPSOIL AND SEED.
3. ALL DIMENSIONS FROM PROPERTY LINES SHALL BE MEASURED PERPENDICULAR TO THE PROPERTY LINE.
4. CENTER ENTRANCE SIDEWALKS ON DOOR OPENINGS.
5. BUILDING DIMENSIONS ARE APPROXIMATE, REFER TO ARCHITECTURAL DRAWINGS FOR LAYOUT DIMENSIONS.

SITE LEGEND

- PROPERTY LINE
- PROPOSED CURB
- PROPOSED SIDEWALK / CONCRETE PAD
- (27) NUMBER OF PARKING SPACES
- PROPOSED SIGN
- PROPOSED LIGHT POLE W/ SINGLE FIXTURE
- PROPOSED LIGHT POLE W/ DOUBLE FIXTURE
- PROPOSED WALL MOUNTED FIXTURE

GENERAL NOTES:

1. INSTALL ALL MATERIALS TO MANUFACTURER'S RECOMMENDATIONS AND BEST STANDARDS OF TRADE INVOLVED.
2. SUBSTITUTIONS SHALL BE MADE ONLY WITH OWNER'S APPROVAL AND BE OF EQUIVALENT QUALITY TO WHAT IS SPECIFIED
3. WORK SHALL BE COMPLETED IN STRICT ACCORDANCE WITH ALL LOCAL CODES AND OSHA SAFETY RULES AND REGULATIONS.
4. VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS AT THE SITE. NOTIFY OWNER & ENGINEER OF DISCREPANCIES IN CONDITIONS SHOWN ON DRAWINGS PRIOR TO PROCEEDING WITH THE WORK.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF ANY EXISTING STRUCTURES TO REMAIN AND ANY FINISH MATERIAL INSTALLED WHILE WORKING ON OTHER COMPONENTS.
6. CONTRACTOR SHALL KEEP JOB FREE OF DEBRIS AND MAKE FINAL CLEANUP TO SATISFACTION OF OWNER.
7. CONTRACTOR SHALL ASCERTAIN THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION SO THAT THIS WORK WILL NOT DISTURB EXISTING LINES AND/OR INSTALLATIONS. COORDINATE ALL WORK WITH THE APPLICABLE UTILITY COMPANIES.
8. CONTRACTOR SHALL OBTAIN AND PAY FOR ALL REQUIRED PERMITS NECESSARY TO PERFORM THE WORK.

NOTE LEGEND

1. INSTALL "STOP" SIGN, MUTCD SIGN NO. R1-1
2. GROUND SIGN, SEE PLANS BY OTHERS
3. RINGUT CURB IN 2' OR MATCH EXISTING CURB
4. 4" WIDE YELLOW PAVEMENT STRIPES @ 2' O.C. @ 45° TO PARKING LINES
5. EDGE OF PAVEMENT
6. 4" WIDE DASHED WHITE PAVEMENT STRIPE
7. 4" WIDE WHITE PAVEMENT STRIPE
8. 12'x 14' OWNER OPTION COVERED PATIO OR SUNROOM W/ 12'x14' CONCRETE PAD
9. LANDSCAPE BERM, SEE SHEETS C-200 & L-100
10. LANDSCAPED AREA - SEE LANDSCAPE PLAN, IF NO PLANTINGS, INSTALL TOPSOIL & SEED
11. 12'X14' CONCRETE PATIO PAD W/ 6'H X 12' PRIVACY FENCE BETWEEN PADS
12. WATER METER & RPZ IN INSULATED ENCLOSURE
13. 4" WIDE WHITE CROSSWALK LINES @ 5' SPACING
14. EMERGENCY GATE, PROVIDE KNOX BOX ACCESS TO FIRE DEPT.
15. 20' WIDE EMERGENCY ACCESS
16. INSTALL "NO PARKING - FIRE LANE" SIGN

BUILDING COVERAGE (MFR'S ZONED) AND)

REQUIRED BY CODE	PROVIDED
40% MAX. (1.29 MILLION SF.)	27.0% (18.7 / 69 SF)

IMPERVIOUS SURFACE

REQUIRED BY CODE	PROVIDED
10% (0.18 AC)	16.5% (0.32 AC)

UNIT DENSITY CALCULATION

1 BDRM UNIT: 3,800 SF / UNIT
2 BDRM UNIT: 4,358 SF / UNIT
3 BDRM UNIT: 5,449 SF / UNIT

LAND REQ'D = 48 x 5449 = 6.0 ACRES

MFR'S LAND PROVIDED = 7.46 ACRES

BLDG HEIGHT

PROPOSED BUILDINGS: 18' HIGH MEASURED TO MEAN ROOF LINE
TOTAL HEIGHT OF BUILDING: 30 FT ALLOWED IN MFR'S ZONING

SITE DATA

SITE AREA = 11.56 ACRES
ZONED: MFR'S
UNITS: (48) 3 BEDROOM TOWNHOUSE UNITS IN (12) 4 UNIT BUILDINGS
BUILDING HEIGHT TO MEAN ROOF LINE = 18'-0"

	REQUIRED	PROVIDED
SETBACKS - BUILDING		
FRONT (O.L.)	38.0 FT	53.0 FT*
FRONT (EX. ROW)	30.0 FT	105.8 FT MIN
SIDE (ONE WALL OF CLOSEST LENGTH PARALLEL)	38.0 FT	39.0 FT*
REAR (ONE WALL OF GREATEST LENGTH PARALLEL)	38.0 FT	25.9 FT**
SIDE (BOTH WALLS OF LESSER LENGTH PARALLEL OR ANGLE WITHIN 30° TO 60°)	27.0 FT	N/A
REAR (BOTH WALLS OF LESSER LENGTH PARALLEL OR ANGLE WITHIN 30° TO 60°)	47.0 FT	N/A
SETBACKS BETWEEN BUILDINGS		BY IRC BUILDING CODE
BETWEEN WALLS OF GREATER LENGTH (THE PARALLEL)	35.0 FT	17.0 FT**
BETWEEN WALLS OF LESSER LENGTH (THE PARALLEL)	47.0 FT	15.0 FT**
BETWEEN WALLS OF GREATER & LESSER LENGTH (THE PERP.)	47.0 FT	N/A
BETWEEN WALLS IN ANGLED ARRANGEMENT WITHIN 30° TO 60°	27.0 FT	26.9 FT MIN
BETWEEN WALLS OF BLDG. LINES ARE SATURATED BY ANGLE INTERSECTING AREAS (FIRE DIAG.)	18.0 FT	N/A
BUILDING HEIGHT		
FROM GRADE	30 FT	30 FT**
FROM MEAN ROOF LINE	30 FT	18 FT**
FROM PARAPET WALL	35 FT	23 FT MIN
FROM MEAN ROOF LINE OF BLDG	30 FT	18 FT**
PARKING		
2 SPACES PER DWELLING UNIT	96	96 SPACES** (2 SPACES / UNIT)
		4 GARAGE SPACES (1 SPACE / UNIT)
		100 TOTAL

*VARIANCE REQUIRED
**VARIANCE GRANTED

*EACH ATTACHED GARAGE ACCOMMODATES 2 CARS, W/ 2 SIDE BY SIDE SPACES IN FRONT OF THE GARAGE

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS. CARMINA WOOD MORRIS, D.P.C. ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

40' 0 40 80FT

Carmina Wood Morris DPC
457 Main Street, Suite 1081
Buffalo, New York 14203
P 716.842.2345
F 716.842.2063

REVISIONS:

No.	Description	Date

PROJECT NAME:
Civil Plans For
Villas at Essex Woods
2350 Sweet Home Road
Amherst, New York

Date: 12/15/2022
Drawn by: JPB
Scale: As Noted

DRAWING NAME:
Site Plan

DRAWING NO.
C-100

Project no.: 17.117

© Carmina Wood Morris DPC

Exhibit 7 – Responses to Question No. 16 of the Application

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

EXHIBIT 7

RESPONSES TO QUESTION 16 OF APPLICATION TO MODIFY A DECLARATION OF RESTRICTIONS CONTAINING ZONING CONDITIONS IMPOSED IN CONNECTION WITH A REZONING

Question 16(A)(1): **State in detail why the proposed zoning is consistent with the adopted Town of Amherst Bicentennial Comprehensive Plan. Cite specific sections, maps and/or figures in the plan that support the proposed zoning at this location.**

Response to Question 16(A)(1): The request for relief of the Declaration of Restrictions recorded at the Erie County Clerk's Office per the zoning conditions imposed by the Town Board on February 21, 2019 is being requested by the Project Sponsor primarily to allow first floor sunrooms to be constructed on the rear side of the attached townhome buildings on the southern and western boundaries of the Project Site as depicted on the Site Plan [Drawing C-100 – Date: 12/16/22] prepared by Carmina Wood Morris DPC.[1] A reduced-size copy of the Site Plan is provided at **Exhibit "6"** and a full-size copy is also attached to this Application. A draft of the Amended Declaration of Restrictions is provided at **Exhibit "8"**. The Project Sponsor is simultaneously seeking to rezone a small portion of 2350 Sweet Home Road from OB to MFR-5.

The request for relief of the Declaration of Restrictions to accommodate minor modifications to the project layout as depicted on the Site Plan approved by the Planning Board for the residential project at 2350 Sweet Home Road (the "***Project Site***") is consistent with the adopted Bicentennial Comprehensive Plan. The Town of Amherst adopted the Bicentennial Comprehensive Plan in January of 2007 after completing a lengthy planning process that included

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[1] A copy of the Declaration of Restrictions recorded at the Erie County Clerk's Office on February 21, 2019 is provided at **Exhibit "3"**.

numerous public meetings and public hearings involving the Comprehensive Plan Advisory Committee, the Planning Board and the Town Board.[2] In December of 2020, the Town Board most recently adopted amendments to the Bicentennial Comprehensive Plan. The Comprehensive Plan is intended to guide future growth and redevelopment in the Town.

Figure 6 of the Bicentennial Comprehensive Plan is the Conceptual Land Use Plan and the areas in the vicinity of the Project Site is designated as being appropriate for Mixed Residential uses. The Conceptual Land Use Plan is intended to communicate the overall direction and concept of future development in the Town of Amherst. "Mixed Residential" is described on Page 3-30 of the Comprehensive Plan as 4 to 12 units per acre. The Comprehensive Plan indicates that typical locations for the Mixed Residential category include "Areas of transition between commercial uses and lower density single-family neighborhoods, as well as along collector or arterial highways or other areas that are generally unattractive for large lot, single-family development. Other areas of the Town designated for concentrations of Mixed Residential use include underutilized areas near designated activity centers and commercial areas. Examples include areas adjacent to mixed-use centers at UB, near the I-290/I-990 interchange..." It is also important to mention that the Comprehensive Plan recognizes the need for diverse housing options including housing multifamily units.

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[2] A copy of the resolution adopted by the Town Board on January 2, 2007 for the purpose of adopting the Bicentennial Comprehensive Plan pursuant to Town Law Section 272-a is included at the beginning of the Comprehensive Plan. This resolution recites the lengthy planning history that incorporated numerous opportunities for public input as well as a coordinated environmental review pursuant to SEQRA that involved the preparation a Generic EIS and the issuance of a Findings Statement.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Question 16(A)(2): Cite all text, map, and/or figures that must be amended to support the proposed zoning at this location and provide detailed suggested amendments.

Response to Question 16(A)(2): The minor modifications to the approved Site Plan for the residential project does not require an amendment to the Bicentennial Comprehensive Plan.

Question 16(A)(3): State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:

Response to Question 16(A)(3): Section 1-2-1 of the Zoning Code is titled "Purpose" and it states as follows:

> *"The purpose of this Zoning Ordinance and the intent of the legislative authority in its adoption is to promote the environment of the town and its public health, safety, convenience, comfort, prosperity and the general welfare by regulating the use of buildings, other structures and land for residences, open space, public facilities, business, services, industry or other purposes; by regulating and restricting the bulk, height, design, building coverage and location of structures; by regulating and limiting population density; and for the aforesaid purposes, to divide the land within the limits of the town into districts of such number and dimensions generally consistent with the policies of the Comprehensive Plan and to provide procedures for the administration and amendment of said Zoning Ordinance."*

The requested rezoning of a small portion of the Project Site from OB to MFR-5 and the requested modification of the Declaration of Restrictions to accommodate the minor modifications to the approved project layout are consistent with the "Purpose" of the Zoning Code. Section 1-2-2 of the Zoning Code sets forth the objectives of the Zoning Code. This section of the Zoning Code lists thirteen objectives that are discussed below as follows:

A. To protect the character and values of residential, institutional and public uses, business, commercial and manufacturing uses and to insure their orderly and beneficial development;

Response: The residential project is consistent with the objective of protecting the character and value of existing land uses. The proposed rezoning of a small portion of the

Project Site from OB to MFR-5 and the request to modify the Declaration of Restrictions in order to accommodate minor modifications to the approved project layout represents orderly and beneficial development.

B. To provide adequate open spaces for light, air and outdoor uses to include public, common and private open space areas;

Response: The proposed minor modification to the layout of the residential project are not inconsistent with this objective.

C. To prevent overcrowding of land;

Response: The Project Sponsor is not proposing any increase to the density of the approved residential project.

D. To prevent excessive concentration of population and to prevent spare and uncoordinated development;

Response: The Project Sponsor is not proposing any increase to the density of the approved residential project and the minor modifications to the approved project layout represents coordinated development. The minor modifications to the previously approved project layout will require an amendment of the Site Plan previously approved by the Planning Board.

E. To regulate and control the location and spacing of buildings on the lot and in relation to the surrounding property generally consistent with the policies of the Comprehensive Plan.

Response: The requested rezoning of a small portion of the Project Site from OB to MFR-5 and the requested modification of the Declaration of Restrictions to accommodate the minor modifications to the approved project layout are consistent with the policies of the Comprehensive Plan.

F. To protect persons and property from damage and injury due to fire or flood;

Response: The minor modifications to the approved project layout will not increase the likelihood of damage and injury due to fire and flood. The residential buildings will

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

continue to be constructed in accordance with building permits issued by the Town of Amherst Building Department.

G. To preserve and protect significant natural features and vegetation, thereby preventing ecological damage and visual blight which occur when those features or vegetation are eliminated or substantially altered to serve development purposes only.

Response: There are not significant natural features located on the previously disturbed portion of the Project Site currently being developed.

H. To assure that structure and land use arrangements are aesthetically harmonious with nearby areas and structures.

Response: The development of the Project Site in a manner generally consistent with the updated Site Plan [Drawing C-100] prepared by Carmina Wood Design will be aesthetically harmonious with nearby areas and structures.

I. To regulate the location of buildings and intensity of uses in relation to streets according to plans so as to cause the least interference with and be damaged least by traffic movements and hence result in lessened street congestion and improved public safety.

Response: The minor modifications to the approved project layout do not involve changes to the access from the Project Site from public roadways.

J. To establish zoning patterns that insure economical extensions for sewers, water supply waste disposal and other public utilities, as well as development of recreation, schools and other public facilities;

Response: The Project Site has access to sanitary sewer and water lines as well as necessary public utilities to service the project.

K. To guide the future development of the town so as to being the gradual conformity of land, structures and uses generally consistent with the policies of the Comprehensive Plan.

Response: The minor modifications to the approved project layout are consistent with this objective since the residential project that is currently under construction is consistent with the policies contained in the Comprehensive Plan.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

L. To accomplish the specific intents and goals set forth in the introduction to the respective sections.

Response: The minor modifications to the approved project layout are consistent with this objective.

M. To protect the community from visual pollution resulting from the unregulated use of signs and other advertising devices.

Response: The minor modifications to the approved project layout are not inconsistent with this objective.

Question 16(C): Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:

Response to Question 16(C): The Project Sponsor is seeking to amend the zoning classification of a small portion of the Project Site from OB to MFR-5, which is the zoning classification of the portion of the Project Site currently being developed as a residential project pursuant to the Site Plan approved by the Planning Board.[3]

Question 16(D): Suitability of the subject property for uses permitted by the current versus the proposed district:

Response to Question 16(D): The small portion of the Project Site the Project Sponsor seeks to rezone from OB to MFR-5 is more suitable for uses permitted by the proposed MFR-5 zoning classification than the existing OB zoning classification.[4]

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[3] A separate Rezoning Application has been filed simultaneously with this Application seeking relief of a Declaration of Restrictions.

[4] A separate Rezoning Application has been filed simultaneously with this Application seeking relief of a Declaration of Restrictions.

Question 16(E): **Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:**

Response to Question 16(D): The project has and will continue to improve the balance of uses and to satisfy a specific demand for upscale attached townhome style units for sale in the Town.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Exhibit 8 – Draft of Amended Declaration of Restrictions

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Return Original to Box 460
Hopkins Sorgi & McCarthy PLLC
Attn: Sean W. Hopkins, Esq.

AMENDED DECLARATION OF RESTRICTIONS

THIS AMENDED DECLARATION OF RESTRICTIONS ("***Declaration***") is made as of the ___ day of _____, 2023 by **ESSEX HOMES OF WNY, INC.** (hereinafter "***Declarant***") under facts and circumstances summarized by the following recitals:

WHEREAS, the Declarant is the owner of real property consisting of 2350 Sweet Home Road (hereinafter "***2350 Sweet Home Road***" or the "***Project Site***") as more particularly described in the metes and bounds legal description of 2350 Sweet Home Road attached hereto as **Schedule "A"**;

WHEREAS, in December of 2016, RAS Development I LLC submitted an application with the Town of Amherst requesting that the Town Board of the Town of Amherst ("***Town Board***") amend the zoning classification of approximately 7.14 acres of a portion of 2360 Sweet Home Road from Office Building District ("***OB***") to Multifamily Residential District Five ("***MFR-5***");

WHEREAS, in September of 2017, RAS Development I LLC submitted an application with the Town of Amherst requesting that the Town Board of the Town of Amherst ("***Town Board***") amend the zoning classification of 2350 Sweet Home Road from General Business District ("***GB***") to Multifamily Residential District Five ("***MFR-5***");

WHEREAS, during its meeting held on March 19, 2018, the Town Board adopted Resolution No. 2018-241 for the purpose of approving an amendment of the zoning classification of 2350 Sweet Home Road from GB to MFR-5 subject to eighteen (18) conditions as contained in Resolution No. 2018-241;

WHEREAS, during its meeting held on March 19, 2018, the Town Board adopted Resolution No. 2018-242 for the purpose of approving an amendment of the zoning classification of a portion of 2360 Sweet Home Road from OB to MFR-5 subject to eighteen (18) conditions as contained in Resolution No. 2018-242;

WHEREAS, the conditions contained in Resolutions 2018-241 and 2018-242 as adopted by the Town Board on March 19, 2018 are identical;

WHEREAS, pursuant to Condition No. 18 as contained in Resolutions 2018-241 and 2018-242, Conditions No. 1 to 14 as imposed by the Town Board on March 19, 2018 are to be subject to a Declaration of Restrictions recorded at the Erie County Clerk's Office;

WHEREAS, Conditions No. 1 to 14 as contained in Resolutions 2018-241 and 2018-242, Conditions No. 1 to 14 as imposed by the Town Board on March 19, 2018 were as follows:

1. That the 5.2 acres of Permanent Open Space as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 shall not be

developed as any buildings or other above ground structures, and shall remain permanently undeveloped.

2. That the residential development of the project site shall not consist of an apartment complex comprised of rental units but instead shall consist of residential units for sale.

3. That the maximum allowable density of the residential development on the project site shall be 48 units.

4. The residential buildings to be constructed on the project site shall be limited to single-story residential units with second story loft space in the front portion of the buildings such that there shall not be any second story windows provided for the second story loft space on the rear portion of the buildings.

5. That maximum allowable height of any building on the project site as measured from finished grade to the peak of the building shall be 30 ft.

6. That there shall be a maximum of four attached residential units in any residential building on the project site.

7. That the minimum setback of the residential buildings on the project site from the southern boundary and western boundary of the project site shall be 35 feet.

8. That the minimum setback of Building No. 5 as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 from the northern boundary of 574 North Ellicott Creek Road shall be 109 feet.

9. That the minimum setback of Building No. 6 as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 from the southern boundary of the project site shall be 137 feet.

10. That a solid high quality vinyl fence with a natural color (not white) with a minimum height of six feet as measured from finished grade shall be installed along portions of the eastern, western and the southern boundary of the project site as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017.

11. That extensive landscaping as required by the High Impact Screening standard as defined in the Town of Amherst Zoning Code shall be provided along the southern side and the portion of the western side of 2360 Sweet Home Road to be developed for residential purposes. The Landscaping Plan to be prepared by a licensed landscape architect during the site plan review stage for the residential project on 2360 Sweet Home Road shall be prepared based on consideration of input received by the Petitioner from the owners of the parcels directly south of the project site at

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

566, 574, 598 and 620 North Ellicott Creek Road and the owner of the parcel west of the project site at 550 North Ellicott Creek Road.

12. That the Lighting Plan to be prepared during the site plan review stage for the residential project on the project site shall demonstrate that the residential project will not result in any lighting spillover onto the parcels contiguous to the project site utilized for residential purposes at 550, 566, 574, 598 and 620 North Ellicott Creek Road. There shall not be any light poles installed on the project site with a height that exceeds 15 feet.

13. That there shall not be an internal driveway located on the Sweet Home Road frontage of the parcel at 2350 Sweet Home Road that connects to the northern side of the parcel at 2360 Sweet Home Road.

14. That with the exception of a driveway that will only service a two-unit building to be located along the North Ellicott Creek Road frontage that is depicted as Building No. 13 on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017, there shall not be any driveway or roadway connection from the project site onto North Ellicott Creek Road.

WHEREAS, a metes and bounds legal description of the 5.2 acres of Permanent Open Space referenced above in Condition No. 1, as contained in Resolutions 2018-241 and 2018-242 adopted by the Town Board on March 19, 2018, consisting of a portion of 2360 Sweet Home Road, is attached as **Schedule "B"** (hereinafter "***Permanent Open Space***");

WHEREAS, in July of 2018, RAS Development I LLC filed an Application for relief of Zoning Condition No. 14 as contained in Resolutions 2018-241 and 2018-242 for the purpose of seeking to allow a gated emergency access driveway to be installed connecting 2350 Sweet Home Road and a portion of 2360 Sweet Home to North Ellicott Creek Road;

WHEREAS, during its meeting held on October 1, 2018, the Town Board adopted Resolution No. 2018-1046 for the purpose of approving the requested Relief of Zoning Condition No. 14 as contained in Resolutions 2018-241 and 2018-242 to allow a gated emergency access driveway to be installed connecting to North Ellicott Creek Road subject to six (6) conditions as follows:

1. The gated emergency access connection will not be accessible by the future residents of the project nor the public and will only be accessible by emergency personnel.

2. Pursuant to the Town Code, all property owners within 600 ft. of the project site will receive written notice from the Town of any future proposed amendment of any of the zoning conditions.

3. The amended Zoning Condition No. 14 will be incorporated into the Declaration of Restrictions to be recorded at the Erie County Clerk's Office.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

4. That the gated emergency access driveway to North Ellicott Creek Road be paved with a hard surface and not constructed of grass pavers.

5. That the gated emergency access driveway to North Ellicott Creek Road be straightened as much as possible.

6. That the final site plan be fully compliant with fire code.

WHEREAS, on February 21, 2019, a Declaration of Restrictions recorded at the Erie County Clerk's Office at Liber 11341 of Deeds at Page 2501 containing the following sixteen (16) restrictions:

1. That the 5.2 acres of Permanent Open Space as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 and described in the attached Schedule "C" shall not be developed as any buildings or other above ground structures and shall remain permanently undeveloped.

2. That the residential development of the project site shall not consist of an apartment complex comprised of rental units but instead shall consist of residential units for sale.

3. That the maximum allowable density of the residential development on the project site shall be 48 units.

4. The residential buildings to be constructed on the project site shall be limited to single-story residential units with second story loft space in the front portion of the buildings such that there shall not be any second story windows provided for the second story loft space on the rear portion of the buildings.

5. That maximum allowable height of any building on the project site as measured from finished grade to the peak of the building shall be 30 ft.

6. That there shall be a maximum of four attached residential units in any residential building on the project site.

7. That the minimum setback of the residential buildings on the project site from the southern boundary and western boundary of the project site shall be 35 feet.

8. That the minimum setback of Building No. 5 as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 from the northern boundary of 574 North Ellicott Creek Road shall be 109 feet.

9. That the minimum setback of Building No. 6 as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 from the southern boundary of the project site shall be 137 feet.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

10. That a solid high quality vinyl fence with a natural color (not white) with a minimum height of six feet as measured from finished grade shall be installed along portions of the eastern, western and the southern boundary of the project site as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017.

11. That extensive landscaping as required by the High Impact Screening standard as defined in the Town of Amherst Zoning Code shall be provided along the southern side and the portion of the western side of 2360 Sweet Home Road to be developed for residential purposes. The Landscaping Plan to be prepared by a licensed landscape architect during the site plan review stage for the residential project on 2360 Sweet Home Road shall be prepared based on consideration of input received by the Petitioner from the owners of the parcels directly south of the project site at 566, 574, 598 and 620 North Ellicott Creek Road and the owner of the parcel west of the project site at 550 North Ellicott Creek Road.

12. That the Lighting Plan to be prepared during the site plan review stage for the residential project on the project site shall demonstrate that the residential project will not result in any lighting spillover onto the parcels contiguous to the project site utilized for residential purposes at 550, 566, 574, 598 and 620 North Ellicott Creek Road. There shall not be any light poles installed on the project site with a height that exceeds 15 feet.

13. That there shall not be an internal driveway located on the Sweet Home Road frontage of the parcel at 2350 Sweet Home Road that connects to the northern side of the parcel formerly consisting of 2360 Sweet Home Road.

14. That with the exception of a driveway that will only service a two-unit building to be located along the North Ellicott Creek Road frontage that is depicted as Building No. 13 on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 and a gated emergency access only driveway connection to North Ellicott Creek Road, there shall not be any driveway or roadway connection from the project site onto North Ellicott Creek Road.

15. The gated emergency access connection to North Ellicott Creek Road will not be accessible by the future residents of the project nor the public and will only be accessible by emergency personnel.

16. That the gated emergency access driveway to North Ellicott Creek Road be paved with a hard surface and not constructed of grass pavers.

WHEREAS, in January of 2023, the Declarant filed an Application seeking to amend the zoning classification of a portion of 2350 Sweet Home Road consisting of 0.17 acres from Office Building District ("GB") to Multifamily Residential District Five ("MFR-5");

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

WHEREAS, in January of 2023, the Declarant filed Application for Relief of Zoning Condition imposed by the Town Board on October 18, 2018 as contained in Resolution No. 2018-1046;

WHEREAS, during its meeting held on _____ __, 2023, the Town Board adopted Resolution No. 2023-__ for the purpose of approving an amendment of the zoning classification of a portion of 2350 Sweet Home Road from OB to MFR-5 and Resolution No. 2023-__ for the purpose of approving the requested Relief of Zoning Conditions contained in Resolution No. 2018-1046; subject to sixteen (16) conditions as follows:

NOW, THEREFORE, in exchange for good and valuable consideration the sufficiency of which is acknowledged, the Declarant agrees to restrict the future use of 2350 Sweet Home Road as described in **Schedule "A"** including the Permanent Open Space consisting of a portion of 2360 Sweet Home Road as described in **Schedule "B"**, in accordance with the conditions as set forth in Resolutions No. 2023-___ and 2023-____as adopted by the Town Board on _____ __, 2023 as follows:

1. That the 5.2 acres of Permanent Open Space as depicted on the Site Plan prepared by Carmina Wood Morris dated December 16, 2022 shall not be developed as any buildings or other above ground structures, and shall remain permanently undeveloped.

2. That the residential development of the project site shall not consist of an apartment complex comprised of rental units but instead shall consist of residential units for sale.

3. That the maximum allowable density of the residential development on the project site shall be 48 units.

4. The residential buildings to be constructed on the project site shall be limited to single-story residential units with second story loft space. Second story windows are not permitted on the rear side of second story loft space in Buildings Building Nos. 4, 5, 6, 7 and 8 as depicted on the Site Plan prepared by Carmina Wood Morris dated December 16, 2022.

5. That maximum allowable height of any building on the project site as measured from finished grade to the peak of the building shall be 30 ft.

6. That there shall be a maximum of four attached residential units in any residential building on the project site.

7. That the portions of the residential buildings that include second story loft space shall have a minimum setback of 35 feet from the southern boundary and the western boundary of the Project Site. Notwithstanding the minimum setback language in the preceding sentence, a first floor only sunroom shall be permitted on the rear side of the residential buildings along the southern side of the Project Site

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

so long as the minimum setback of the first floor sunroom is 22 ft. from the southern boundary of the Project Site and a first floor only sunroom shall be permitted on the rear side of the residential buildings along the western side of the Project Site so long as the minimum setback of the first floor sunroom is 25.97 ft. from the western boundary of the Project Site. Additionally, patios on the rear side of the residential buildings on the southern side of the Project Site shall have a minimum setback of 22 ft. from the southern boundary of the Project Site and patios on the rear side of the residential buildings on the western side of the Project Site shall have a minimum setback of 25.97 ft. from the western boundary of the Project Site.

8. That the minimum setback of Building No. 6 as depicted on the Site Plan prepared by Carmina Wood Morris DPC dated December 16, 2022 from the northern boundary of 574 North Ellicott Creek Road shall be 94 feet.

9. That the minimum setback of Building No. 7 as depicted on the Site Plan prepared by Carmina Wood Morris DPC dated December 16, 2022 from the southern boundary of the project site shall be 137 feet.

10. That a solid high quality vinyl fence with a natural color (not white) with a minimum height of six feet as measured from finished grade shall be installed along portions of the eastern, western and the southern boundary of the project site as depicted on the Site Plan prepared by Carmina Wood Morris DPC dated December 16, 2022.

11. That extensive landscaping as required by the High Impact Screening standard as defined in the Town of Amherst Zoning Code shall be provided along the southern side of the project site and the portion of the western side of the portion of the project site formerly consisting of 2360 Sweet Home Road to be developed for residential purposes in accordance with the Landscape Plan previously approved by the Planning Board.

12. That the lighting to be installed in connection with the residential project shall comply with the Lighting Plan previously approved by the Planning Board demonstrating that the residential project will not result in any lighting spillover onto the parcels contiguous to the project site utilized for residential purposes at 550, 566, 574, 598 and 620 North Ellicott Creek Road. There shall not be any light poles installed on the project site with a height that exceeds 15 feet.

13. That there shall not be an internal driveway located on the Sweet Home Road frontage of the parcel at 2350 Sweet Home Road that connects to the northern side of the parcel formerly consisting of 2360 Sweet Home Road.

14. That with the exception of a driveway that will only service a two-unit building to be located along the North Ellicott Creek Road frontage that is depicted as Building No. 13 on the Site Plan prepared by Carmina Wood Morris DPC dated December 16, 2022 and a gated emergency access only driveway connection to North Ellicott

Creek Road, there shall not be any driveway or roadway connection from the project site onto North Ellicott Creek Road.

15. The gated emergency access connection to North Ellicott Creek Road will not be accessible by the future residents of the project nor the public and will only be accessible by emergency personnel.

16. That the gated emergency access driveway to North Ellicott Creek Road be paved with a hard surface and not constructed of grass pavers.

The restrictions being established herein pursuant to the conditions contained in Resolutions No. 2023-___1 and 2023-___ as adopted by the Town Board on _____ __, 2023 shall be binding on all parties claiming thereunder and shall run and touch the land except that the recorded restriction can be changed, modified or eliminated by a majority vote of the Town Board.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK
SIGNATURE ON FOLLOWING PAGE]

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

IN WITNESS WHEREOF, the party hereto has the full legal authority to execute this Amended Declaration of Restrictions.

ESSEX HOMES OF WNY, INC.

By: _____
Name: Philip J. Nanula
Title: President

STATE OF NEW YORK)
ss.:
COUNTY OF ERIE)

On this ___ day of _____, 2023, before me, the undersigned, a notary public in and for said state, personally appeared Philip J. Nanula, personally known to me or proved to me on the basis of satisfactory evidence to the be the individual whose name is subscribed to within this instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

SCHEDULE A

Parcel 1:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot 82, Township 12 and Range 7 of the Holland Land Company's Survey, being more particularly described as follows:

BEGINNING at the intersection of the northerly line of North Ellicott Creek Road with the westerly line of Sweet Home Road; Thence N 01°58'37 E, along the westerly line of Sweet Home Road, a distance of 258.52 feet; Thence 88°01'23" W, a distance of 213.69 feet; Thence S 00°11'13" W, a distance of 535.55 feet to a point in the northerly line of North Ellicott Creek Road; Thence N 45°33'50" E, along the northerly line of North Ellicott Creek Road, a distance of 30.24 feet; Thence N 22°15'39" E, along the northerly line of North Ellicott Creek Road, a distance of 140.40 feet; Thence N 31°42'11" E, continuing along the northerly line of North Ellicott Creek Road, a distance of 67.33 feet; Thence N 51°23'54" E, continuing along the northerly line of North Ellicott Creek Road, a distance of 68.71 feet; Thence N 66°26'31" E, continuing along the northerly line of North Ellicott Creek Road, a distance of 46.40 feet to the point of beginning, containing 1.742 acres.

Parcel 2 [Formerly 2360 Sweet Home Road]:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York being part of Lot No 82, Township 12 Range 7 of the Holland Land Survey, so-called, bounded and described as follows:

BEGINNING at point on the west line of lands described in a deed recorded in the Erie County Clerk's Office in Liber 6673 of Deeds at page 573, distant 187.00 feet N-00-12'-50"-W from the present north right of way line of North Ellicott Creek Road, at the north corner of lands acquired by the New York State Department of Transportation, S. H. 9409, Map 83, Parcel No. 87, recorded in Liber 9210 of Deeds at page 143;

THENCE: along the bounds of the lands conveyed to North Forest Properties #5 LLC by deed recorded in the Erie County Clerk's Office in Liber 11235 of Deeds at page 6110 the following five (5) courses and distances:

1) S-89°-47'-10"-W, along a southerly line of said North Forest Properties #5 LLC lands, a distance of 360.00 feet to a point;
2) S-00°-13'-02"-E, along a easterly line of said North Forest Properties #5 LLC lands, a distance of 72.97 feet to a point;
3) S-88°-54'-31"-W, along a southerly line of said North Forest Properties #5 LLC lands, a distance of 272.22 feet to a point;
4) N-01°-05'-29"-W, along the west line of said North Forest Properties #5 LLC lands, a distance of 780.29 feet to the northwest corner thereof;
5) S-85°-40'-18"-E, along the north line of said North Forest Properties #5 LLC lands a distance of 619.92 feet to a point;

THENCE: S-00-12'-50"-E, through said North Forest Properties #5 LLC lands, a distance of 304.96 feet to a point;

THENCE: S-88-25'-26"-E, through said North Forest Properties #5 LLC lands, a distance of 26.18 feet to the west line of said lands described in Liber 6673 of Deeds at page 573;

THENCE: S-00-12'-50"-E, along the west line of said Liber 6673 of Deeds at page 573, a distance of 348.18 feet to the POINT OF BEGINNING, containing 10.22 acres more or less.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

SCHEDULE B

METES AND BOUNDS LEGAL DESCRIPTION
PERMANENT OPEN SPACE CONSISTING OF A PORTION OF
2350 SWEET HOME ROAD

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York being part of Lot No 82, Township 12 Range 7 of the Holland Land Survey, so-called, bounded and described as follows:

BEGINNING at point on the west line of lands described in a deed recorded in the Erie County Clerk's Office in Liber 6673 of Deeds at page 573, distant 187.00 feet N-00-12'-50"-W from the present north right of way line of North Ellicott Creek Road, at the north corner of lands acquired by the New York State Department of Transportation, S. H. 9409, Map 83, Parcel No. 87, recorded in Liber 9210 of Deeds at page 143;

THENCE: along the bounds of the lands conveyed to North Forest Properties #5 LLC by deed recorded in the Erie County Clerk's Office in Liber 11235 of Deeds at page 6110 the following five (5) courses and distances:

1) S-89°-47'-10"-W, along a southerly line of said North Forest Properties #5 LLC lands, a distance of 360.00 feet to a point;
2) S-00°-12'-50"-E, along an easterly line of said North Forest Properties #5 LLC lands, a distance of 72.97 feet to a point;
3) S-88°-54'-31"-W, along a southerly line of said North Forest Properties #5 LLC lands, a distance of 272.22 feet to the southwest corner thereof;
4) N-01°-05'-29"-W, along the west line of said North Forest Properties #5 LLC lands, a distance of 780.29 feet to the northwest corner thereof;
5) S-85°-40'-18"-E, along the north line of said North Forest Properties #5 LLC lands a distance of 619.92 feet to a point;

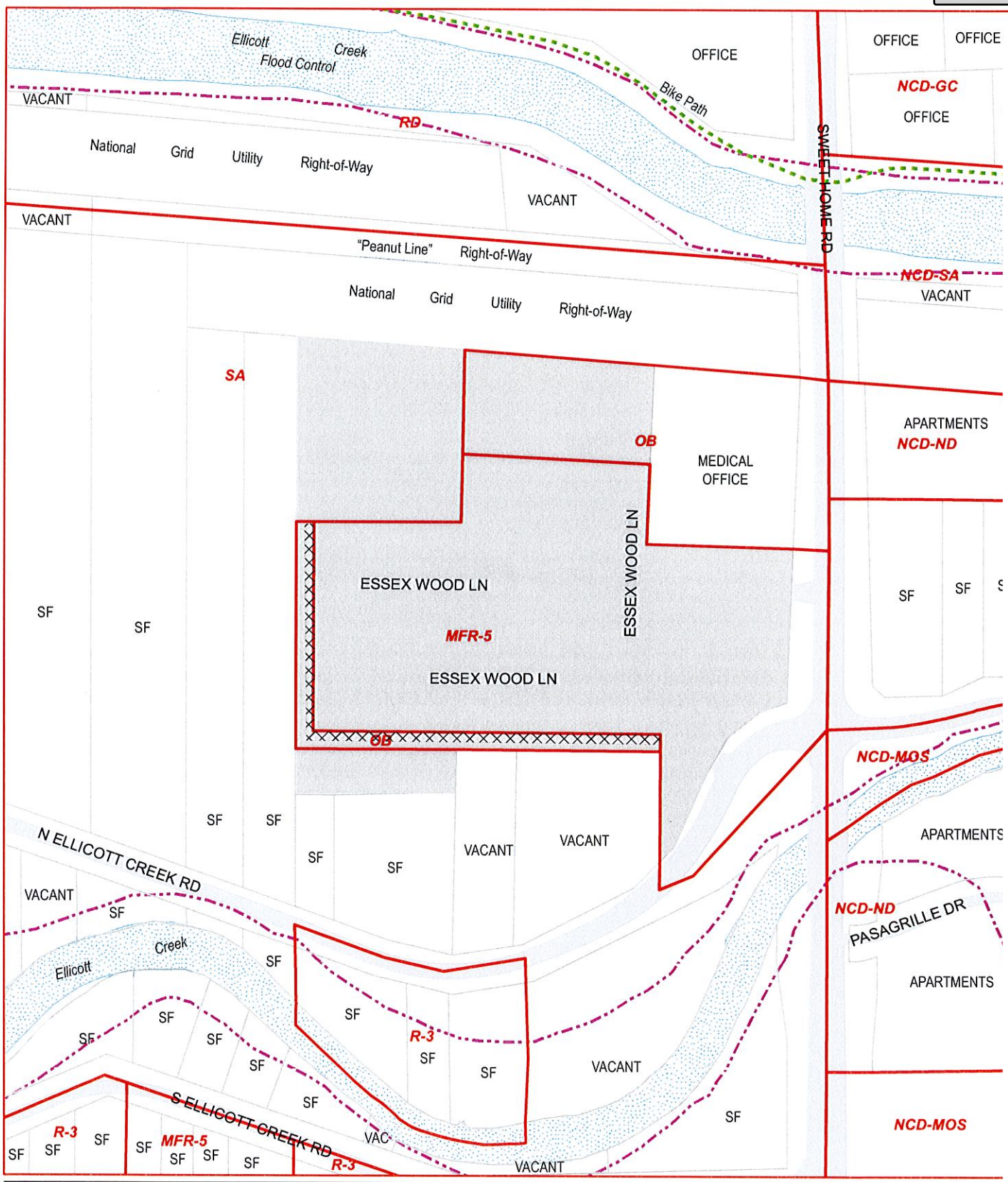
THENCE: Through said North Forest Properties #5 LLC lands, the following fifteen (15) courses and distances:

6) S-00-12'-50"-E a distance of 166.47 feet to a point;
7) N-87-51'-46"-W a distance of 16.24 feet to a point;
8) S-12-26'-56"-W a distance of 27.13 feet to a point;
9) S-58-06'-54"-W a distance of 97.91 feet to a point;
10) S-46-53'-26"-W a distance of 15.19 feet to a point;
11) S-32-16'-28"-W a distance of 17.19 feet to a point;
12) S-25-41'-59"-W a distance of 28.12 feet to a point;
13) N-80-56'-26"-W a distance of 50.68 feet to a point;
14) N-67-33'-18"-W a distance of 62.20 feet to a point;
15) S-82-26'-00"-W a distance of 63.13 feet to a point;
16) N-71-38'-03"-W a distance of 27.07 feet to a point;
17) S-00-12'-50"-E a distance of 5.50 feet to a point;

18) S-88-54'-31"-W a distance of 244.27 feet to a point;
19) S-01-05'-29"-E a distance of 353.63 feet to a point;
20) N-89-47'-10"-E a distance of 598.82 feet to the west line of said lands described in Liber 6673 of Deeds at page 573;

THENCE: S-00-12'-50"-E, along the west line of said Liber 6673 of Deeds at page 573, a distance of 30.00 feet to the POINT OF BEGINNING, containing 5.21 acres more or less.

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend



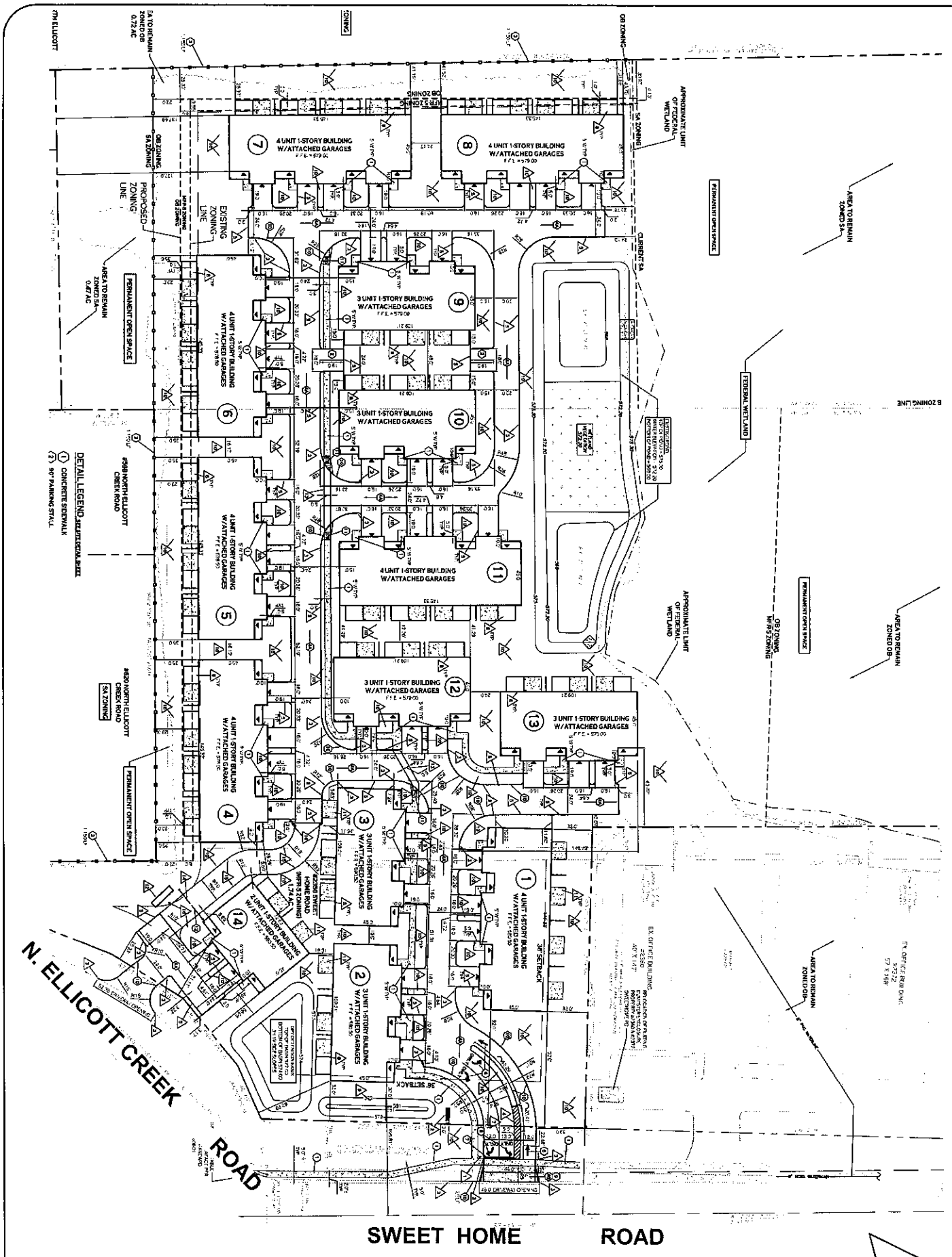
Z-2016-16 & Z-2017-11B
Request to Amend a Declaration of Restrictions as Part of a Rezoning Decision that Restricts Windows from being Constructed on the Rear Buildings and Limitng the Minimum Setbacks
Property Located at 2350 & 2360 Sweet Home Road
Essex Home of WNY, Petitioner
April 20, 2023

2350 Sweet Home Road

Floodway Boundary

Prepared by the Town of Amherst Planning Depart

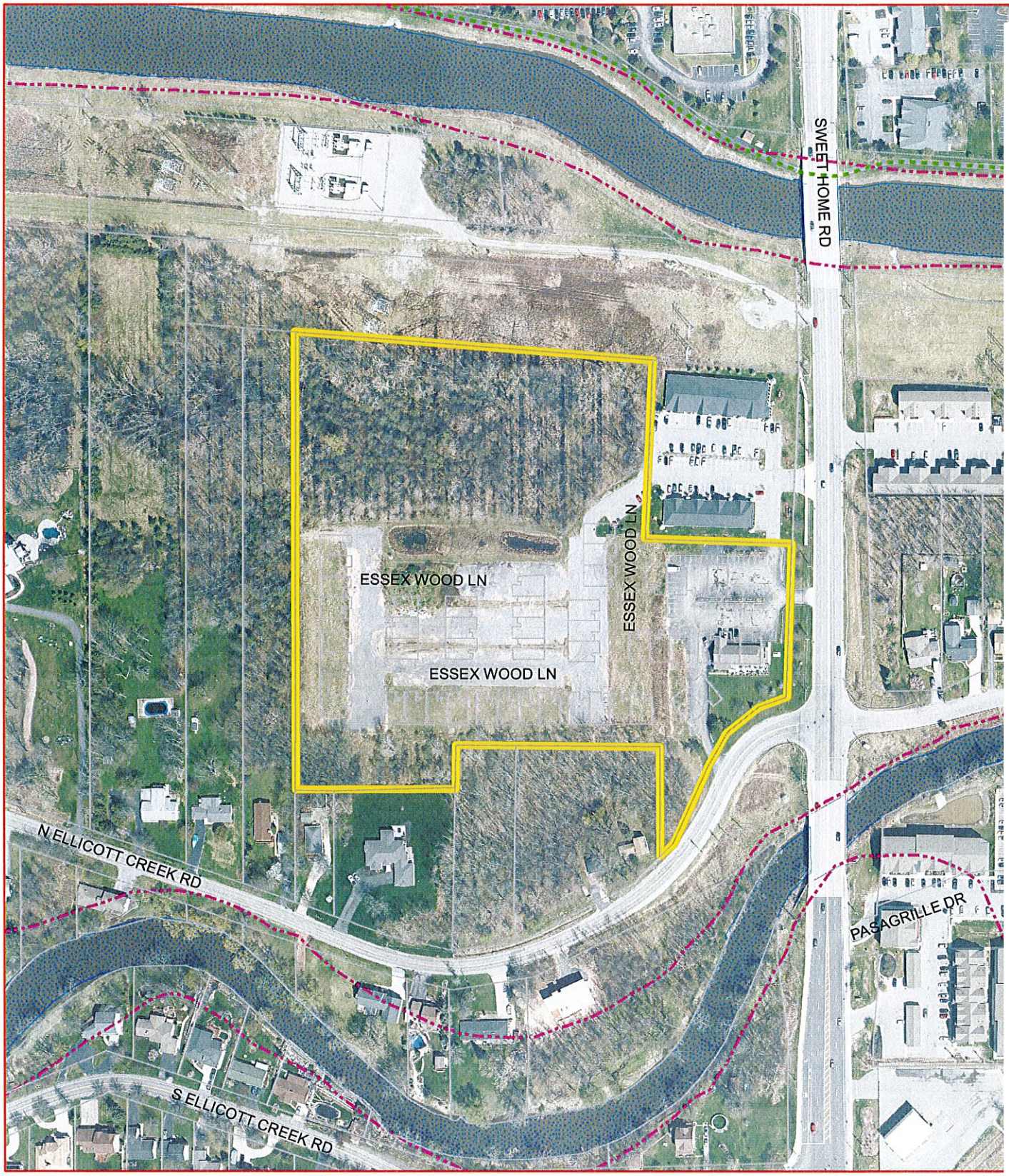
Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend



SITE PLAN

Z-2023-01
2350 Sweet Home Road

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend



Z-2016-16 & Z-2017-11B
Request to Amend a Declaration of Restrictions as Part of a Rezoning Decision that Restricts Windows from being Constructed on the Rear Buildings and Limitng the Minimum Setbacks
Property Located at 2350 & 2360 Sweet Home Road
Essex Home of WNY, Petitioner
April 20, 2023

2350 Sweet Home Road

Floodway Boundary

Prepared by the Town of Amherst Planning Depart

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Amherst

Town of Amherst Planning Department

2018.029

Erie County, New York

TOWN OF AMHERST
PLANNING
DEPARTMENT
2023 MAR 27 A 11:54

Brian J. Kul
Supervisor
Daniel C. Howard
Planning Dire
Daniel J. Ulatowsk
Assistant Planning

MEMORANDUM

March 24, 2023

TO: Daniel Ulatowski, Principal Planner
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberhold, Assistant Town Engineer

FROM: Scott Marshall, Principal Planner

SUBJECTS: REQUEST TO REZONE 0.17± ACRES OF LAND FROM **OB** TO **MFR-5, Z-2023-01**; PROPERT LOCATED AT **2350 SWEET HOME ROAD**. ESSEX HOMES OF WNY, PETITIONER.

REQUEST TO AMEND A DECLARATION OF RESTRICTIONS FROM A ZONING DECISION LIMITING A MINIMUM SETBACK (#7) AND THE OPTION TO HAVE WINDOWS ON THE REAR FAÇADE (#4), **Z-2016-16D & Z-2017-11B**; PROPERTY LOCATED AT **2360-2372 & 235 SWEET HOME ROAD**. ESSEX HOMES OF WNY, PETITIONER.

TOWN OF AMHERST EAF ADDEDUM & GEOTECHNICAL REPORT:
Received March 23, 2023

REVIEW:

Do you agree with all statements made? Yes

If you do not, briefly state why: _____

RECEIVE
MAR 31 2023
TOWN OF AMHERST
PLANNING DEPT.

General comments relative to your agency interests: None

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 3/30/31

SM/ac
X:\Current_Planning\Files\Rezonings\2023\Z-2023-01_(2350_Sweet_Home)_2023\Z-2023-01_Z-2016-16D_Z-2017-11B_EAF_Geotech_transmittal_042423.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y. AND REPLY TO MUNICIPALITY

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE
Case No.: ZR-23-113
Postmark/Delivery Date: 1/26/2023

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 l - nn
A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: Town of Amherst, New York

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.
If the county fails to reply within such period, the referring body may take final action.
However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)
The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: Date 3/16/23 Time 6:30pm Location 5583 Main Street, Williamsville, New York 142

3. Action is before: ☐ Legislative Body ☐ Board of Appeals ☑ Planning Board

4. Action consists of: ☐ New Ordinance ☐ Rezone/Map Change ☐ Ordinance Amendment
☐ Site Plan ☐ Variance ☐ Special Use Permit ☑ Other: Amendment to Dec of Restrictions

5. Location of Property: ☐ Entire Municipality ☑ Address: 2360 - 2372 Sweet Home Road

5a. S.B.L. of Property: 40.12-1-13.1
40.12-1-14
2350 Sweet Home Road

6. Referral required as site is within 500' of: ☐ State or County Property/Institution ☐ Municipal Boundary ☐ Farm Operation located in an Agricultural District
☐ Expressway ☐ County Road ☑ State Highway ☐ Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: *(specify the action, such as the scope of variances or site plans)* Request to Amend a Declaration of Restrictions

8. Other remarks: Z-2016-16D and Z-2017-11B

9. Submitted by: Thomas Voigt, Assistant Planner **Email:** tvoigt@amherst.ny.us

10. Return Address: Town of Amherst Planning Department, 5583 Main Street, Williamsville, New York 142

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 1/26/2023. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ **The proposed action is not subject to review under the law.**
2. ☐ **Comment on proposed action is attached hereto.**
3. ☐ **The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.**
4. ☒ **No Recommendation; proposed action has been reviewed and determined to be of local concern.**

By the Division of Planning: Dan M. Hall **Date:** 3/17/2023

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, AIC
Planning Director
Daniel J. Ulatowski, AI
Assistant Planning Direc

March 14, 2023

Essex Homes of WNY
c/o Sean Hopkins, Esq.
5500 Main Street, Suite 343
Williamsville, New York 14221

SUBJECT: Relief of Rezoning Conditions Review

	Z-2016-16_D
Proposed:	Amend Declaration of Restrictions imposed as part of a Rezoning Action (building setback & rear facing 2nd story windows)
Property located at:	**2350 & 2360-2372 Sweet Home Road (portion)**
Application received:	January 25, 2023
Representative:	Sean Hopkins, Esq.

Dear Mr. Hopkins,

Please consider the following comments:

1. Complete the attached revised Town of Amherst Addendum to the EAF.

2. Note that any other SEQR-related issues raised during the review process for this rezoning must be addressed prior to action by the Planning Board.

3. Provide an 8½ " x 11" reduction of any revised concept plan **and an electronic version** of any revised plans or information submitted for review.

This is a review only and does not constitute approval of the Rezoning Request. Should you have questions regarding this correspondence, please contact Scott A. Marshall, Principal Planner at smarshall@amherst.ny.us.

Very truly yours,

for Daniel C. Howard, AICP
Planning Director

DH/SM/ac
X:\Current_Plannig\Files\Rezonings\2016\Z-2016-16_D_(2360-2372_&_2350_Sweet_Home)_2023\Z-2016-16_D_Pln_Dpt_Rvw_03142023.doccc:
cc: Carmina Wood Design, 487 Main St., Suite 500, Buffalo, NY 14203

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, AI
Planning Director
Daniel J. Ulatowski, A
Assistant Planning Dire

MEMORANDUM January 26, 2023

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Emily Murphy, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/ Eric Blocher, General Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Martin Polowy, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Joseph Buffamonte, SEQR Review Coordinator, NYSDOT

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO AMEND A DECLARATION OF RESTRICTIONS FROM A ZONING DECISION LIMITING A MINIMUM SETBACK (#7) AND THE OPTION TO HAVE WINDOWS ON THE REAR FAÇADE (#4), **Z-2016-16D & Z-2017-11B**; PROPERTY LOCATED AT **2360-2372 & 2350 SWEET HOME ROAD**. ESSEX HOMES OF WNY, PETITIONER.

REVIEW:

Do you agree with all statements made? yes.

If you do not, briefly state why: _____

_____.

General comments relative to your agency interests: if rezone is for construction of single fam homes with condo status then Assessors offices is opposed.

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

_____

_____

_____.

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 2/9/23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2016\Z-2016-16_D\Z-2016-16D_&_Z-2017-11B_Transmittal_012623.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Amherst

Town of Amherst Planning Department *Erie County, New York*

RECEIVED
FEB 08 2023
TOWN OF AMHERST
PLANNING DEPT.

Brian J. Kulp
Supervisor
Daniel C. Howard,
Planning Direct
Daniel J. Ulatowski,
Assistant Planning D

MEMORANDUM

January 26, 2023

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Emily Murphy, Town Assessor
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RECEIVED
JAN 30 2023
TOWN OF AMHERST
BUILDING DEPT

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director DJU

SUBJECT: REQUEST TO AMEND A DECLARATION OF RESTRICTIONS FROM A ZONING DECISION LIMITING A MINIMUM SETBACK (#7) AND THE OPTION TO HAVE WINDOWS ON THE REAR FAÇADE (#4), **Z-2016-16D & Z-2017-11B**; PROPERTY LOCATED AT **2360-2372 & 235(**
SWEET HOME ROAD. ESSEX HOMES OF WNY, PETITIONER.

REVIEW:

Do you agree with all statements made? No objections

If you do not, briefly state why: _____

General comments relative to your agency interests: _____

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 2/7/23

DU/TV/bf
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Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard,
Planning Direct
Daniel J. Ulatowski,
Assistant Planning D r

MEMORANDUM January 26, 2023

TO: Tim Koller, Deputy Town Clerk
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Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
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Joseph Buffamonte, SEQR Review Coordinator, NYSDOT

RECEIVED
JAN 27 2023
TOWN ATTORNEY

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director DJU

SUBJECT: REQUEST TO AMEND A DECLARATION OF RESTRICTIONS FROM A ZONING DECISION LIMITING A MINIMUM SETBACK (#7) AND THE OPTION TO HAVE WINDOWS ON THE REAR FAÇADE (#4), **Z-2016-16D & Z-2017-11B**; PROPERTY LOCATED AT **2360-2372 & 2350 SWEET HOME ROAD**. ESSEX HOMES OF WNY, PETITIONER.

REVIEW:

Do you agree with all statements made? Yes

If you do not, briefly state why: _____

General comments relative to your agency interests: _____

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 2/3/23

DU/TV/bf
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5583 Main Street • Williamsville • New York • 14221 • (716) 631-7051 • Fax (716) 631-7153

2018.029

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard,
Planning Direct
Daniel J. Ulatowski,
Assistant Planning D

RECEIVED
FEB 02 2023
TOWN OF AMHERST
PLANNING DEPT.

2023 JAN 31 A 8:42

MEMORANDUM January 26, 2023

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
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SUBJECT: REQUEST TO AMEND A DECLARATION OF RESTRICTIONS FROM A ZONING DECISION LIMITING A MINIMUM SETBACK (#7) AND THE OPTION TO HAVE WINDOWS ON THE REAR FAÇADE (#4), **Z-2016-16D & Z-2017-11B**; PROPERTY LOCATED AT **2360-2372 & 2350 SWEET HOME ROAD**. ESSEX HOMES OF WNY, PETITIONER.

REVIEW:

Do you agree with all statements made? Yes

If you do not, briefly state why: _____

General comments relative to your agency interests: None at This Time

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: C. Schregel **Date:** 2/1/23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2016\Z-2016-16_D\Z-2016-16D_&_Z-2017-11B_Transmittal_012623.doc
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Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard,
Planning Direct
Daniel J. Ulatowski,
Assistant Planning D

2023 JAN 31 A 8:42

MEMORANDUM

January 26, 2023

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TOWN OF AMHERST
PLANNING DEPT.

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director TV

SUBJECT: REQUEST TO AMEND A DECLARATION OF RESTRICTIONS FROM A ZONING DECISION LIMITING A MINIMUM SETBACK (#7) AND THE OPTION TO HAVE WINDOWS ON THE REAR FAÇADE (#4), **Z-2016-16D & Z-2017-11B**; PROPERTY LOCATED AT **2360-2372 & 2350 SWEET HOME ROAD**. ESSEX HOMES OF WNY, PETITIONER.

REVIEW:

Do you agree with all statements made? YES

If you do not, briefly state why: _____

General comments relative to your agency interests: NONE

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 1/31/23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2016\Z-2016-16_D\Z-2016-16D_&_Z-2017-11B_Transmittal_012623.doc
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Town of Amherst Planning Department *Erie County, New York*

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TOWN OF AMHERST
PLANNING DEPT.

Brian J. Kulpa
Supervisor
Daniel C. Howard,
Planning Direct
Daniel J. Ulatowski,
Assistant Planning D

MEMORANDUM

January 26, 2023

RECEIVE
JAN 2 7 202
TOWN ATTOR Y

TO: Tim Koller, Deputy Town Clerk
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SUBJECT: REQUEST TO AMEND A DECLARATION OF RESTRICTIONS FROM A ZONING DECISION LIMITING A MINIMUM SETBACK (#7) AND THE OPTION TO HAVE WINDOWS ON THE REAR FAÇADE (#4), **Z-2016-16D & Z-2017-11B**; PROPERTY LOCATED AT **2360-2372 & 2350 SWEET HOME ROAD**. ESSEX HOMES OF WNY, PETITIONER.

REVIEW:

Do you agree with all statements made? Agree with all statements made.

If you do not, briefly state why: N/A

General comments relative to your agency interests: N/A

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) N/A

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 1/30/23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2016\Z-2016-16_D\Z-2016-16D_&_Z-2017-11B_Transmittal_012623.doc
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Amherst

Town of Amherst Planning Department *Erie County, New York*

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FEB 01 2023
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PLANNING DEPT.

Brian J. Kulp
Supervisor
Daniel C. Howard,
Planning Direct
Daniel J. Ulatowski,
Assistant Planning D

MEMORANDUM January 26, 2023

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
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RECEIVED
JAN 30 2023
TOWN OF AMHERST
BUILDING DEPT

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director DJU

SUBJECT: REQUEST TO AMEND A DECLARATION OF RESTRICTIONS FROM A ZONING DECISION LIMITING A MINIMUM SETBACK (#7) AND THE OPTION TO HAVE WINDOWS ON THE REAR FAÇADE (#4), **Z-2016-16D & Z-2017-11B**; PROPERTY LOCATED AT **2360-2372 & 235(**
SWEET HOME ROAD. ESSEX HOMES OF WNY, PETITIONER.

REVIEW:

Do you agree with all statements made? Yes

If you do not, briefly state why: _____

General comments relative to your agency interests: none at this time

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: Doug Gesel **Date:** 1/31/23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2016\Z-2016-16_D\Z-2016-16D_&_Z-2017-11B_Transmittal_012623.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Carrato, Amy

From: Joan Stone <enots40@gmail.com>
Sent: Tuesday, April 11, 2023 7:33 PM
To: Planning Department email; Marshall, Scott; Palumbo, Gary; Voigt, Thomas J.; Ulatowski, Daniel; Carrato, Amy
Cc: Chris Stone
Subject: 2350 & 2360 Sweet Home Rd

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

To Planning Board Members,
My name is Chris Stone and I reside at 550 North Ellicott Creek Road in Amherst with my wife and daughter. Our property is located along the entire Western side of the Essex Homes development.
We recently received a letter stating that the developer wants to change more the zoning from OB to MFR-5, and to amend a declaration of restrictions which restricts windows on the rear of the buildings on the 2nd floor. There is a Planning Board meeting scheduled on 4/20/23 for comments on the project. Unfortunately due to an unavoidable conflict, we cannot attend this meeting, therefore we are contacting you in writing prior to the meeting.
We will first comment on the zoning change. The developer is looking to get some zoning changed in order to get the foundations of "sunrooms" closer to the property line minimizing the setback to 22'-25' from the original 35'. Our opinion on that is if the rezoning is allowed, there would not be anything to stop them from moving the entire buildings closer to the property lines. Because of the size of these buildings, this would not be desirable for the neighbors. We would like a "NO" vote to this change.
The next change request is allowing windows on the back side of the buildings on the 2nd floor. This was one of the most important declarations that we fought for. Again, because of the size of these buildings, this would be an invasion of privacy. We would like a "NO" vote to this also.
Now to explain a little back story to this project. Back in 2016 through 2018 there were extensive negotiations between the neighbors and the developer regarding the entire project. The developer made many changes in order to satisfy our concerns. The neighbors made many concessions during the negotiating period also. We all came to a decision and on 3/19/2018 the Town Board unanimously adopted the resolutions with the full support of the neighbors. There are 14 declarations filed at the Erie County Clerks Office as a result of our negotiations. As we see the project moving forward, we appreciate what we fought for. We started experiencing severe flooding in our yards so we went to the Town and it was addressed because we have the declaration in place to address the drainage. We then recognized that buildings were being built with windows on the back side of the 2nd story. We again contacted the town and the windows were removed because we have the declaration in place to restrict them. We also see these units are being leased rather than sold, which is against one of the declarations. We are not sure how this is being allowed to happen, so we plan to address this issue with the town next.
In closing we want to state that we are NOT in favor of any changes being brought to the Planning Board at this time.

Thank You for your attention,

Chris and Joan Stone
550 North Ellicott Creek Road
Amherst 14228
email: enots40@gmail.com

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Attachment: Z-2016-16D & Z-2017-11B TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard,
Planning Direct

Daniel J. Ulatowski,
Assistant Planning D r

Town Board Agenda of June 20, 2023

June 13, 2023

The Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Subject: Request to rezone 0.17± acres of land from OB to MFR-5; property located at 2350 Sweet Home Road (portion), Essex Homes of WNY, Inc., Petitioner. (Z-2023-01).

Honorable Members:

The subject request is a 0.17± acre L-shaped portion of a parcel of land addressed 2350 Sweet Home Road located at the northwest corner of Sweet Home and North Ellicott Creek Roads. The area proposed to be rezoned on the west side of the site ranges in width from 4.13 feet on the north to 9.55 feet on the south and a consistent width of 8 feet along the south of the existing MFR-5 zoning and is proposed to be used as the rear yard and sun rooms or covered patio areas for the 20 of the 48 Townhomes on the west and south sides of the site as approved by the Planning Board at site plan review. Sweet Home and North Ellicott Creek Roads are Erie County highways classified in the Town of Amherst Bicentennial Comprehensive Plan as a collector and minor arterial respectively.

For information on the surrounding zoning and land use, please refer to the attached sketch.

The purpose of this request is to rezone strips of land on the south and west sides of the site adjacent to the existing MFR-5 zoning to allow for the construction of future sunrooms on the back sides of the existing/proposed residential buildings. The rezoning area on the west side of the site ranges in width from 4.13 feet on the north to 9.55 feet on the south and a consistent width of 8 feet along the south of the existing MFR-5 zoning.

History of previous rezoning requests:
The subject site was zoned Suburban Agriculture (SA) district with the adoption of the Town wide Zoning Map & Ordinance on January 19, 1976.

2350 Sweet Home Road
Z-1982-13 Request to rezone from SA to Neighborhood Business (NB) district was approved by the Town Board on December 20, 1982.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Z-2011-05 Request to rezone from SA & NB to General Business (GB) district was approved by the Town Board on August 1, 2011.

Z-2017-11 Request to rezone from GB to Multi-Family Residential District Five (MFR-5) was approved by the Town Board on March 19, 2018 with the following conditions:

1. 5.2 acres of permanent open space as shown on the concept plan dated November 16, 2017 shall not be developed as any buildings or other above ground structures, & shall remain permanently undeveloped.
2. The residential development of the project site shall not consist of rental units but shall consist of residential units for sale.
3. The maximum allowable density of the residential development shall be 48 units.
4. The residential buildings to be constructed on the project site shall be limited to 1-story residential units w/ 2nd story loft space in the front portion of the building so there shall not be any 2nd story windows provided for the 2nd story loft space on the rear portion of the buildings.
5. Maximum allowable height of any building on the project site as measured from finished grade to the peak of the building shall be 30 ft.
6. There shall be a maximum of 4 attached residential units in any residential building on the project site.
7. The min. setback of the residential buildings on the project site from the south boundary & west boundary of the project site shall be 35 ft.
8. The min. setback of building #5 as depicted on the concept plan dated 11/16/2017 from the north boundary of 574 N. Ellicott Creek Road shall be 109 ft.
9. The min. setback of Building #6 as depicted on the concept plan dated 11/16/2017 from the south boundary of the project site shall be 137 ft.
10. A solid vinyl fence with a natural color (not white) and a minimum height of 6 feet as measured from finished grade shall be installed along portions of the east, west & the south boundary of the project site as depicted on the concept plan dated November 16, 2017.
11. Landscaping as required in the TOA Zoning Code shall be provided along the south side and the portion of the west side of 2360 Sweet Home Rd to be developed for residential purposes. The Landscaping Plan for 2360 Sweet Home Road shall be prepared based on consideration of input received by the petitioner and the owners of the parcels directly south of the project site at 566, 574, 598 & 620 N Ellicott Creek Rd and owner of the parcel west of the project site at 550 N Ellicott Creek Rd.
12. The lighting plan prepared for the residential project on the project site shall demonstrate that the residential project will not result in any lighting spillover onto the parcels contiguous to the project site at 550, 566, 574, 598 & 620 North Ellicott Creek Rd. No light poles shall be installed on the project site with a height that exceeds 15 feet.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

13. There shall not be an internal driveway that connects the existing offices at 2360 Sweet Home Rd with the northern side of the parcel at 2350 Sweet Home Rd.
14. That with the exception of a driveway that will only service a 2-unit building to be located along the N Ellicott Creek Rd frontage that is depicted as building #13 on the concept plan dated November 16, 2017, there shall not be any driveway or roadway connection from the project site onto North Ellicott Creek Rd.
15. If the design of the rear yard drainage along the south side of 2360 Sweet Home Rd is such that it would provide the opportunity for the owners of the parcels at 550, 566, 574, 598 & 620 North Ellicott Creek Rd to connect into the drainage system, the petitioner will provide the owner of these parcels the ability to connect into the drainage system. The drainage system will be prepared based on consideration of input received by the petitioner from the owners of 550, 566, 574, 598 & 620 N Ellicott Creek Rd.
16. The approval of the rezoning of 2350 Sweet Home Rd from GB to MFR-5 is subject to a condition requiring that the petitioner or its assignee close on the purchase of the project site to be developed for residential use.
17. The approval of the rezoning of 2360 Sweet Home Rd from OB to MFR-5 is subject to a condition requiring that the petitioner or its assignee close on the purchase of the project site to be developed for residential use.
18. Conditions 1 to 14 shall be memorialized by recording of a Declaration of Restrictions in Erie County Clerk's Office.

Z-2017-11A On October 1, 2018 the Town Board Approved a Relief of Zoning Conditions for the rezoning from GB to MFR- 5 with the following revisions:

1. The gated emergency access connection will not be accessible by the future residents of the project nor the public and will only be accessible by emergency personnel.
2. Pursuant to the Town Zoning Code, all property owners within 600 ft. of the project site will receive notice from the Town of any future proposed amendment of any of the zoning conditions.
3. The amended Zoning Condition No. 14 will be incorporated into the Declaration of Restrictions to be recorded at the Erie County Clerk's Office.
4. That the gated emergency access driveway to North Ellicott Creek Road be paved with a hard surface and not constructed of grass pavers.
5. That the gated emergency access driveway to North Ellicott Creek Road be straightened as much as possible
6. That the final site plan be fully compliant with the fire code.

<u>2360 Sweet Home Road (former western portion of site, now part of subject site):</u>

Z-2002-19 Request to rezone 574, 598 & 620 North Ellicott Creek Road (former addresses of this site) from SA to Multi-Family Residential District Four A (MFR-4A) for 72 townhouses was recommended for denial by the Planning Board on September 9, 2002.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Z-2001-19A The rezoning application was modified to request a rezoning from SA to (Residential District Three (R3) for 51 single-family lots on a public looped road. Planning Board recommended denial on October 17, 2002. The petition was never presented to the Town Board.

Z-2003-02 Application to rezone from SA to MFR-4A for 40 townhouses. Planning Board recommended denial; Town Board denied on June 7, 2004.

Z-2005-06 On December 15, 2005 the Town Board rezoned the site from SA to OB with the condition that there be no vehicular connection between the OB zoned portion and North Ellicott Creek Road; this condition was recorded as a deed restriction.

Z-2016-16B On March 19, 2018 the Town Board rezoned from OB to MFR-5 with the following conditions:
See those listed above for Z-2017-11

Z-2016-16C On October 1, 2018 the Town Board Approved a Relief of Zoning Conditions for the rezoning from OB to MFR- 5 with the following revisions:
See those listed above for Z-2017-11_A

History of previous Site Plan approvals:

SP-1983-07 The Planning Board on April 21, 1983 approved a site plan for the relocation of the Sweet Home Café to the site necessitated by the construction of the Lockport Expressway (I-990).

SP-1983-07_A The Planning Director on April 27, 1987 approved a site plan for a cooler addition to the restaurant/tavern.

SP-1983-07_B The Planning Board on August 11, 2005 approved a site plan for 51 space parking expansion and addition of a 1,070 sq. ft. patio to the south side of the existing restaurant/tavern.

SP-1983-07_C The Planning Director on April 28, 2016 approved a site plan a 749 sq. ft. patio addition and refuse enclosure.

SP-2005-06 The Planning Board on March 17, 2005 approved a site plan for a two building (6,000 sq. ft. ea.) office development with parking for 60 vehicles.

SP-2006-07 The Planning Board on March 17, 2005 approved a site plan for a five building, 71,238 sq. ft. office development with parking for 398 vehicles.

SP-2018-08 The Planning Board on March 18, 2019 approved a site plan for a forty eight unit townhouse development the "Villas at Essex Woods" on land addressed 2350 and 2360 Sweet Home Road

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

SP-2018-08_A The Planning Director on July 16, 2019 approved a site plan for the addition of 12 ft. x 14 ft. sunrooms or covered patios to specific units internal to the site.

The Planning Board offers the following findings consistent with Section 8-3 of the Zoning Ordinance.

INTENT AND OBJECTIVES OF THE COMPREHENSIVE PLAN

With a total site size of lot 9.95± acres, the development of 48 townhouse units would create a density of 4.9± units/acre. This places it within the Mixed Residential category as described in the Comprehensive Plan. The Plan recommends locations for this type of residential development as "attractive for infill development along high access suburban and commercial corridors" and "areas of transition between commercial uses and lower density single-family neighborhoods, as well as along collector or arterial highways or other areas that are generally unattractive for large lot, single-family development." The proposal is therefore consistent with the Comprehensive Plan.

INTENT AND OBJECTIVES OF THE ZONING ORDINANCE

The proposed rezoning is consistent with Section 1-2-2K of the Zoning Ordinance which seeks to guide future development of the Town to bring about the gradual conformity of land and building uses in accordance with the objectives of the Comprehensive Plan.

CONSISTENCY/COMPATIBILITY WITH SURROUNDING DEVELOPMENT/ZONING

The mixed nature of the surrounding development indicates that the proposed townhouse development would be a compatible use at this location. The development site is situated adjacent to offices on the north side that are zoned OB and the existing MFR-5 zoned approved Townhome development. Across Sweet Home Road are single-family homes zoned NCD-SA. To the south and southwest are properties that face North Ellicott Creek Road and are zoned SA. The proposed buildings will be single-story, minimizing any negative visual impacts from single-family residential properties. The proposed MFR-5 zoning would downzone the site and provide a transition area to the nearby residences on North Ellicott Creek Road.

ADEQUATE SERVICES AND UTILITIES

All services and utilities necessary for the proposed rezoning are available and adequate at the subject location. This is an Unlisted action, and an environmental assessment consistent with SEQR has been prepared for the subject proposal.

RECOMMENDATION

The Planning Board at their meeting of April 20, 2023 held a public hearing on the subject rezoning request and recommended that the Town Board find that pursuant to Local Law #3-82, as amended, the requirements of SEQR have been completed and that the subject request will not

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

have a significant adverse effect on the environment. The Planning Board also recommended that the subject rezoning request be **denied** as the financial considerations and ability to sell units without sunrooms by the petitioner is not a justification for rezoning.

The Planning Department requests that if the Town Board desires to act on the rezoning request, that a decision date be established after the public hearing so that the Planning Department can prepare a determination of environmental significance pursuant to SEQR, and prepare a resolution for the Town Board's consideration.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

DH/SM/ac
Att.
X:\Current_Planning\Files\Rezonings\2023\Z-2023-01_(2350_Sweet_Home)_2023\Z-2023-01_TB_Ltr_06142023.docx
cc: Martin Polowy, Town Attorney

Planning Board Denial – April 20, 2023
Ayes – 4; Noes – 3 (Gilmour, Giuliani, Kahn)

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2023-01

PETITIONER

DJC Land, Inc.
c/o Sean Hopkins, Esq.
Hopkins Sorgi & McCarthy
5500 Main Street, Suite 343
Williamsville, NY 14221

PROPERTY LOCATION

2350 Sweet Home Road

WHEREAS the Town of Amherst Planning Board on Thursday, April 20, 2023 held a public hearing on the proposed rezoning of 0.17± acres of land from Office Building District (OB) to Multi-family Residential District Five (MFR-5), and

WHEREAS the Planning Board has reviewed plans and other materials regarding the rezoning proposal, and

WHEREAS the materials and plans have been referred to the Town's various review agencies, and

WHEREAS in accordance with Section 8-3-5 of the Zoning Ordinance the Planning Board finds that:

A. The proposed zoning and development plan is generally consistent with the policies of the Comprehensive Plan and the Zoning Ordinance.

B. There are adequate services and utilities available or proposed to be made available in the construction of the development.

C. The proposal is incompatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.

D. The subject property is not suitable for uses permitted by the proposed district.

E. The proposed change does not tend to improve the balance of uses, or meet a specific demand in the Town.

F. Review by the US Army Corps of Engineers under Section 404 of the Clean Water Act may be waived because a wetland investigation conducted October 2016 by Wilson Environmental Technologies concluded that no federal or state wetland areas exist within the subject portion of the site.

WHEREAS pursuant to Local Law #3-82, as amended, the Planning Board recommends that the Town Board determine that the requirements of SEQR are complete and that the subject proposal is not expected to have a significant adverse effect on the environment.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

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TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2023-01

PETITIONER

DJC Land, Inc.

PROPERTY LOCATION

2350 Sweet Home Road

NOW THEREFORE BE IT RESOLVED that the Planning Board recommends to the Town Board in accordance with Section 8-3-4 of the Zoning Ordinance, that the rezoning request be denied.

The foregoing resolution was adopted by the Town of Amherst Planning Board, April 20, 2023; moved by Penberthy; seconded by Chmiel; ayes 4, noes 3 (Gilmour, Giuliani, Kahn).

Robert J. Gilmour, Planning Board Chair

4-25-23.
Date

SM/ac
X:\Current_Planning\Files\Rezonings\2023\Z-2023-01_(2350_Sweet_Home)_2023\Z-2023-01_resolution_042023.doc
cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Traffic/Safety Coordinator
Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

'23 APR 26 PM12:59

Rezoning Application - Rezoning of Portion of 2350 Sweet Home Road from OB to MFR-5
Applicant: Essex Homes of WNY, Inc.
Date: January 23, 2023

Prepared By: Sean Hopkins, Esq.
Hopkins Sorgi & McCarthy PLLC
5500 Main Street, Suite 343
Williamsville, NY 14221
Tel: 510-4338
E-mail: shopkins@hsmlegal.com

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning Review and, if required Comprehensive Plan Amendment

For Official Use

File #: _____ **Acreage** .17 Acres **Fee $** _____

Address Verified by Assessor's Office _____ VERIFIED BY DATE

Materials Accepted by Town Clerk & Fee Paid ___ _____ AC CEP TB BY DATE

Materials Checked by Building Dept. _____ RECEIVED BY DATE

Materials Received by Planning Dept. _____ RECEIVED BY DATE

		Fill In Applicable Fees
2 ACRES OR LESS	**$1,250**	1,250.00
2 – 20 ACRES $1,250 + $250/acres or fraction thereof over 2 acres		_____
20 – 30 ACRES $5,700 + $150/acre or fraction thereof over 20 acres		_____
OVER 30 ACRES $6,900 +$75/acre or fraction thereof over 30 acres		_____
Request for Relief of/Change to Conditions of Zoning Approval	**$ 1,200**	_____
AFFIDAVIT FEE FOR PUBLIC HEARING	**$ 15.00**	$ 15.00
TOTAL FEE:	$1,265.00	

[Note: A completed Short Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act ("SEQRA") is provided at Exhibit "5".]

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

TO BE COMPLETED BY APPLICANT

1. **Petitioner:** Name: Essex Homes of WNY, Inc.

Address: c/o Sean Hopkins, Esq.
5500 Main Street, Suite 343
Williamsville, New York 14221
City State Zip Code

Phone: 716.510-4338 Fax:

E Mail shopkins@hsmlegal.com

2. **The undersigned hereby petitions the Honorable Town Board to rezone the following described property**

From: OB District

To: MFR-5 District

3. **Street address of land to be rezoned:** (must be verified by Town Assessor's Office)

Portion of 2350 Sweet Home Road

SBL #: 40.12-1-14

4. **Area of land to be rezoned** (in acres): .17 Acres

5. **Owner of Land:**

Name: Essex of WNY, Inc. c/o Sean Hopkins, Esq.

Address: 5500 Main Street, Suite 343 - Williamsville, NY 14221

Telephone: 716.510-4338 [E-mail: shopkins@hsmlegal.com]

6. **Representative** (Architect, Engineer, Landscape Architect, Surveyor or Attorney):

Name: Sean W. Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC

Address: 5500 Main Street, Suite 343
Williamsville, New York 14221
City State Zip Code

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

7. Petitioner's interest in property

_____Option to purchase

__X__Owner

_____Other (explain) _____

8. The following are all others having an interest in this application and join herein with the petitioner named above: (describe extent of interest; attach sheets as needed)

Not Applicable.

9. Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor. Legal description of property to be rezoned from OB to MFR-5 attached as Exhibit "1" and a copy of the survey prepared by GPI Engineering & Surveying is provided at Exhibit "2" Full-size copy of the survey is also attached to this Application.

10. Said property has the following deed restrictions or Covenants: (attach copy)

Liber 11341 Page 2501

Copy of Declaration of Restrictions as recorded on February 21, 2019 attached as Exhibit "3".

11. Information on proposed project:

A. Description of the character of the proposed development:

See Exhibit "4". A reduced-size copy the Site Plan prepared by Carmina Wood Design is provided at Exhibit "6" and a full-size copy is also attached to this Application.

B. Rationale for rezoning request:

1. Why was this site chosen? See Exhibit "4"

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

2. Why cannot land be used with the existing zoning?

See Exhibit "4".

3. How will this rezoning impact surrounding properties?

See Exhibit "4".

4. How will this rezoning impact the school system?

See Exhibit "4".

12. Quantitative Data:

A. Total # of dwelling units: 48 Attached Residential Units

B. Distribution of dwelling units by type: Attached Townhomes

C. Gross Residential Density per acre: 4.04 units per acre

D. Total amount of Open Space: Approximately 5.2 acres

E. Proposed Non-Residential Floor Area: Not Applicable

13. Development Schedule:

Start: Project under construction.

Finish: To be based on demand for the attached residential units.

Stages (# of): Based on market demand

14. If any portion of the proposed development is planned to be sold or leased, please describe:

The upscale residential units are for sale.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

15. Open Space ownership and maintenance provisions (if applicable):

Greenspace and landscaping will be privately owned and maintained.

16. Basis for Findings (Sec. 8-3-5 of the Town Zoning Code) (Attach sheets and supplemental materials as necessary.)

A. The proposed zoning and development plan must be generally consistent with the policies of the Comprehensive Plan and the Towr Zoning Ordinance.

1. State in detail why the proposed zoning is consistent with the adopted Town of Amherst Bicentennial Comprehensive Plan. Cite specific sections, maps, and/or figures in the plan that support the proposed zoning at this location (The Comprehensive Plan document is available at the Planning Department, Town Clerk's Office, Amherst libraries, or at www.amherst.ny.us). Add sheets as needed.

See Exhibit "7".

2. Pursuant to NYS Town Law Section 272a(11), "all Town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this Section." The Town Board adopted the Comprehensive Plan pursuant to NYS Town Law 272 on January 2, 2007. If the rezoning is approved, the Town Board may require the Plan to be amended, as applicable.

Cite all text, map, and / or figures that must be amended to support the proposed zoning at this location (attach pages as necessary) and provide detailed suggested amendments.

See Exhibit "7".

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

3. State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:

See Exhibit "7".

B. Adequate Services and Utilities are available or are proposed to be made available with the construction of the development:

1. Sanitary Sewer
   Yes.
2. Storm Sewer/Drainage
   Yes.
3. Water
   Yes.
4. Other Yes.

C. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:

See Exhibit "7".

D. Suitability of the subject property for uses permitted by the current versus the proposed district:

See Exhibit "7".

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

E. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:

See Exhibit "7".

17. The petitioner encloses herewith the sum of $ 1,265.00 to pay the fee, and consents to the placement of a sign(s) at the described location identifying this request for a period of time to be determined by the Town Clerk.

18. The undersigned certifies that all information required to be disclosed pursuant to Section 809 of the General Municipal Law (see below) is as follows:

The undersigned swears or affirms that all statements made herein are true, that all drawings submitted correctly show the situation involved in this petition.

[Authorization of Owner of the Project Site is attached.]

Signature of Petitioner

Subscribed and sworn to before me this 23rd day of January, 20 23

Notary Public, Erie County, New York

MARIANNE BRAUTLACH
Notary Public, State of New
Qualified in Erie County
My Commission Expires 01/14

N.Y.S. General Municipal Law - Section 809 Disclosure in certain applications:

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provision of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state office or any office or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children grandchildren, or the spouse of any of them

   (a) is the applicant, or
   (b) is an officer, director, partner or employee of the applicant, or
   (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
   (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such applicant, petition or request.

3. In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party Officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four or section two of the election law.

4. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Exhibit 1 – Legal Description of Portion of 2350 Sweet Homes Road to be Rezoned from OB to MFR-5

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

EXHIBIT 1

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM OFFICE BUILDING DISTRICT ("OB") TO MULTIFAMILY RESIDENTIAL DISTRICT FIVE ("MFR-5")

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York being part of Lot No 82, Township 12 Range 7 of the Holland Land Survey, so-called, bounded and described as follows:

BEGINNING at point on the west line of lands described in a deed recorded in the Erie County Clerk's Office in Liber 6673 of Deeds at page 573, distant 209.37 feet N-00-12'-50"-W from the present north right of way line of North Ellicott Creek Road, at the north corner of lands acquired by the New York State Department of Transportation, S. H. 9409, Map 83, Parcel No. 87, recorded in Liber 9210 of Deeds at page 143;

THENCE: through the lands conveyed to North Forest Properties #5 LLC by deed recorded in the Erie County Clerk's Office in Liber 11235 of Deeds at page 6110 the following five (5) courses and distances:

1) S-89°-47'-10"-W, along a line parallel and distant 22.00 feet northerly of a southerly line of said North Forest Properties #5 LLC lands as measured at right angles, a distance of 608.37 feet to a point being distant 25.33 feet easterly from the west line of said North Forest Properties #5 LLC lands;
2) N-00°-12'-48"-W, a distance of 361.56 feet to a point;
3) N-88°-54'-31"-E, a distance of 4.13 feet to a point;
4) S-01°-05'-29"-E, along a line parallel and distant 35.00 feet easterly of the west line of said North Forest Properties #5 LLC lands as measured at right angles, a distance of 353.67 feet to a point;
5) N-89°-47'-10"-E, along a line parallel and distant 30.00 feet northerly of a southerly line of said North Forest Properties #5 LLC lands as measured at right angles, a distance of 598.82 feet to the said west line of Liber 6673 of Deeds at page 573;

THENCE: S-00-12'-50"-E, along the said west line of Liber 6673 of Deeds at page 573, a distance of 8.00 feet to the POINT OF BEGINNING, containing 7,285 square feet or 0.17 acre more or less.

Exhibit 2 – Reduced-Size Copy of Survey of Property to be Rezoned from OB to MFR-5 as Prepared by Mark Andrews of GPI Engineering & Surveying [Note: Full-size copy also attached

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

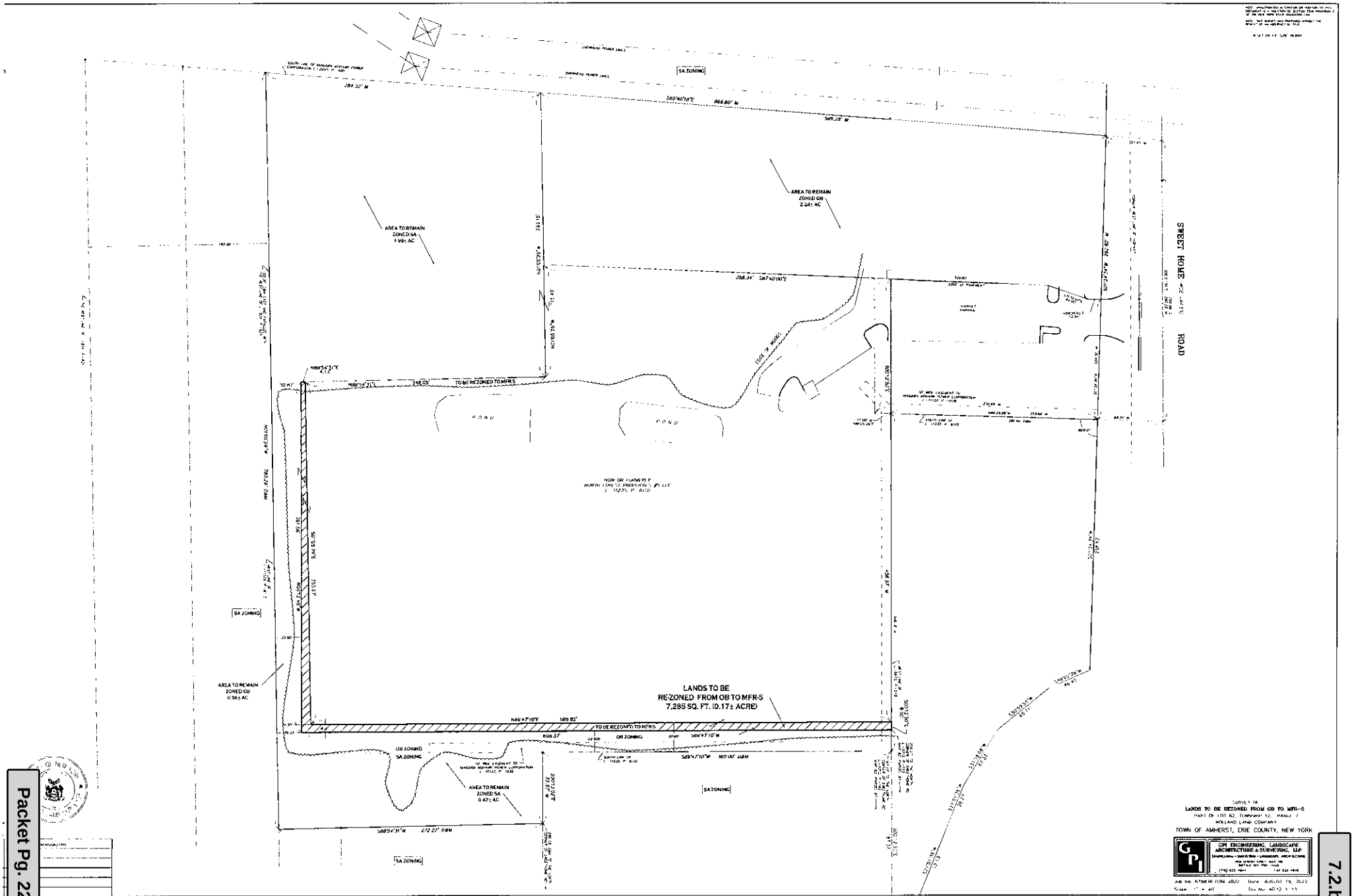

SWEET HOME ROAD
AREA TO REMAIN ZONED OB 2.24± AC
AREA TO REMAIN ZONED SA 1.99± AC
TO BE REZONED TO MFR-S
LANDS TO BE RE-ZONED FROM OB TO MFR-S 7,285 SQ. FT. (0.17± ACRE)
AREA TO REMAIN ZONED OB 0.36± AC
AREA TO REMAIN ZONED SA 0.67± AC
SA ZONING
OB ZONING
POND
LANDS TO BE REZONED FROM OB TO MFR-S
TOWN OF AMHERST, ERIE COUNTY, NEW YORK
GPI ENGINEERING, LANDSCAPE ARCHITECTURE & SURVEYING, LLP

Exhibit 3 – Copy of Declaration of Restrictions Recorded at the Erie County Clerk's Office on February 21, 2019

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

FILED

FEB 21 2019

ERIE COUNTY
CLERK'S OFFICE

Return Original to Box 460
Hopkins Sorgi & Romanowski PLLC
Attn: Sean W. Hopkins, Esq.

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS (*"Declaration"*) is made as of the 20th day of February, 2019 by **ESSEX HOMES OF WNY, INC.** (hereinafter *"Declarant"*) under facts and circumstances summarized by the following recitals:

WHEREAS, the Declarant is the owner of real property consisting of 2350 Sweet Home Road as more particularly described in the metes and bounds legal description of 2350 Sweet Home Road attached hereto as **Schedule "A";**

WHEREAS, the Declarant is the owner of real property consisting of a portion of 2360 Sweet Home Road comprised of approximately 10.22 acres as more particularly described in the metes and bounds legal description of a portion of 2360 Sweet Home Road attached hereto as **Schedule "B";**

WHEREAS, in December of 2016, RAS Development I LLC submitted an application with the Town of Amherst requesting that the Town Board of the Town of Amherst (*"Town Board"*) amend the zoning classification of approximately 7.14 acres of a portion of 2360 Sweet Home Road from Office Building District (*"OB"*) to Multifamily Residential District Five (*"MFR-5"*);

WHEREAS, in September of 2017, RAS Development I LLC submitted an application with the Town of Amherst requesting that the Town Board of the Town of Amherst (*"Town Board"*) amend the zoning classification of 2350 Sweet Home Road from General Business District (*"GB"*) to Multifamily Residential District Five (*"MFR-5"*);

WHEREAS, during its meeting held on March 19, 2018, the Town Board adopted Resolution No. 2018-241 for the purpose of approving an amendment of the zoning classification of 2350 Sweet Home Road from GB to MFR-5 subject to eighteen (18) conditions as contained in Resolution No. 2018-241;

WHEREAS, during its meeting held on March 19, 2018, the Town Board adopted Resolution No. 2018-242 for the purpose of approving an amendment of the zoning classification of a portion of 2360 Sweet Home Road from OB to MFR-5 subject to eighteen (18) conditions as contained in Resolution No. 2018-242;

WHEREAS, the conditions contained in Resolutions 2018-241 and 2018-242 as adopted by the Town Board on March 19, 2018 are identical;

WHEREAS, pursuant to Condition No. 18 as contained in Resolutions 2018-241 and 2018-242, Conditions No. 1 to 14 as imposed by the Town Board on March 19, 2018 are to be subject to a Declaration of Restrictions recorded at the Erie County Clerk's Office;

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

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WHEREAS, Conditions No. 1 to 14 as contained in Resolutions 2018-241 and 2018-242, Conditions No. 1 to 14 as imposed by the Town Board on March 19, 2018 are as follows:

1. That the 5.2 acres of Permanent Open Space as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 shall not be developed as any buildings or other above ground structures, and shall remain permanently undeveloped.

2. That the residential development of the project site shall not consist of an apartment complex comprised of rental units but instead shall consist of residential units for sale.

3. That the maximum allowable density of the residential development on the project site shall be 48 units.

4. The residential buildings to be constructed on the project site shall be limited to single-story residential units with second story loft space in the front portion of the buildings such that there shall not be any second story windows provided for the second story loft space on the rear portion of the buildings.

5. That maximum allowable height of any building on the project site as measured from finished grade to the peak of the building shall be 30 ft.

6. That there shall be a maximum of four attached residential units in any residential building on the project site.

7. That the minimum setback of the residential buildings on the project site from the southern boundary and western boundary of the project site shall be 35 feet.

8. That the minimum setback of Building No. 5 as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 from the northern boundary of 574 North Ellicott Creek Road shall be 109 feet.

9. That the minimum setback of Building No. 6 as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 from the southern boundary of the project site shall be 137 feet.

10. That a solid high quality vinyl fence with a natural color (not white) with a minimum height of six feet as measured from finished grade shall be installed along portions of the eastern, western and the southern boundary of the project site as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017.

11. That extensive landscaping as required by the High Impact Screening standard as defined in the Town of Amherst Zoning Code shall be provided along the southern side and the portion of the western side of 2360 Sweet Home Road to be developed

for residential purposes. The Landscaping Plan to be prepared by a licensed landscape architect during the site plan review stage for the residential project on 2360 Sweet Home Road shall be prepared based on consideration of input received by the Petitioner from the owners of the parcels directly south of the project site at 566, 574, 598 and 620 North Ellicott Creek Road and the owner of the parcel west of the project site at 550 North Ellicott Creek Road.

12. That the Lighting Plan to be prepared during the site plan review stage for the residential project on the project site shall demonstrate that the residential project will not result in any lighting spillover onto the parcels contiguous to the project site utilized for residential purposes at 550, 566, 574, 598 and 620 North Ellicott Creek Road. There shall not be any light poles installed on the project site with a height that exceeds 15 feet.

13. That there shall not be an internal driveway located on the Sweet Home Road frontage of the parcel at 2350 Sweet Home Road that connects to the northern side of the parcel at 2360 Sweet Home Road.

14. That with the exception of a driveway that will only service a two-unit building to be located along the North Ellicott Creek Road frontage that is depicted as Building No. 13 on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017, there shall not be any driveway or roadway connection from the project site onto North Ellicott Creek Road.

WHEREAS, a metes and bounds legal description of the 5.2 acres of Permanent Open Space referenced above in Condition No. 1, as contained in Resolutions 2018-241 and 2018-242 adopted by the Town Board on March 19, 2018, consisting of a portion of 2360 Sweet Home Road, is attached as **Schedule "C"** (hereinafter "***Permanent Open Space***");

WHEREAS, in July of 2018, RAS Development I LLC filed an Application for relief of Zoning Condition No. 14 as contained in Resolutions 2018-241 and 2018-242 for the purpose of seeking to allow a gated emergency access driveway to be installed connecting 2350 Sweet Home Road and a portion of 2360 Sweet Home to North Ellicott Creek Road;

WHEREAS, during its meeting held on October 1, 2018, the Town Board adopted Resolution No. 2018-1046 for the purpose of approving the requested Relief of Zoning Condition No. 14 as contained in Resolutions 2018-241 and 2018-242 to allow a gated emergency access driveway to be installed connecting to North Ellicott Creek Road subject to six (6) conditions as follows:

1. The gated emergency access connection will not be accessible by the future residents of the project nor the public and will only be accessible by emergency personnel.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

2. Pursuant to the Town Code, all property owners within 600 ft. of the project site will receive written notice from the Town of any future proposed amendment of any of the zoning conditions.

3. The amended Zoning Condition No. 14 will be incorporated into the Declaration of Restrictions to be recorded at the Erie County Clerk's Office.

4. That the gated emergency access driveway to North Ellicott Creek Road be paved with a hard surface and not constructed of grass pavers.

5. That the gated emergency access driveway to North Ellicott Creek Road be straightened as much as possible.

6. That the final site plan be fully compliant with fire code.

NOW, THEREFORE, in exchange for good and valuable consideration the sufficiency of which is acknowledged, the Declarant agrees to restrict the future use of 2350 Sweet Home Road as described in **Schedule "A"**, a portion of 2360 Sweet Home Road as described in **Schedule "B"** including the Permanent Open Space consisting of a portion of 2360 Sweet Home Road as described in **Schedule "C"**, in accordance with the conditions as set forth in Resolutions No. 2018-241 and 2018-242 as adopted by the Town Board on March 19, 2018 and the conditions set forth in Resolution 2018-1046 as follows:

1. That the 5.2 acres of Permanent Open Space as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 and described in the attached **Schedule "C"** shall not be developed as any buildings or other above ground structures and shall remain permanently undeveloped.

2. That the residential development of the project site shall not consist of an apartment complex comprised of rental units but instead shall consist of residential units for sale.

3. That the maximum allowable density of the residential development on the project site shall be 48 units.

4. The residential buildings to be constructed on the project site shall be limited to single-story residential units with second story loft space in the front portion of the buildings such that there shall not be any second story windows provided for the second story loft space on the rear portion of the buildings.

5. That maximum allowable height of any building on the project site as measured from finished grade to the peak of the building shall be 30 ft.

6. That there shall be a maximum of four attached residential units in any residential building on the project site.

7. That the minimum setback of the residential buildings on the project site from the southern boundary and western boundary of the project site shall be 35 feet.

8. That the minimum setback of Building No. 5 as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 from the northern boundary of 574 North Ellicott Creek Road shall be 109 feet.

9. That the minimum setback of Building No. 6 as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 from the southern boundary of the project site shall be 137 feet.

10. That a solid high quality vinyl fence with a natural color (not white) with a minimum height of six feet as measured from finished grade shall be installed along portions of the eastern, western and the southern boundary of the project site as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017.

11. That extensive landscaping as required by the High Impact Screening standard as defined in the Town of Amherst Zoning Code shall be provided along the southern side and the portion of the western side of 2360 Sweet Home Road to be developed for residential purposes. The Landscaping Plan to be prepared by a licensed landscape architect during the site plan review stage for the residential project on 2360 Sweet Home Road shall be prepared based on consideration of input received by the Petitioner from the owners of the parcels directly south of the project site at 566, 574, 598 and 620 North Ellicott Creek Road and the owner of the parcel west of the project site at 550 North Ellicott Creek Road.

12. That the Lighting Plan to be prepared during the site plan review stage for the residential project on the project site shall demonstrate that the residential project will not result in any lighting spillover onto the parcels contiguous to the project site utilized for residential purposes at 550, 566, 574, 598 and 620 North Ellicott Creek Road. There shall not be any light poles installed on the project site with a height that exceeds 15 feet.

13. That there shall not be an internal driveway located on the Sweet Home Road frontage of the parcel at 2350 Sweet Home Road that connects to the northern side of the parcel at 2360 Sweet Home Road.

14. That with the exception of a driveway that will only service a two-unit building to be located along the North Ellicott Creek Road frontage that is depicted as Building No. 13 on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 and a gated emergency access only driveway connection to North Ellicott Creek Road, there shall not be any driveway or roadway connection from the project site onto North Ellicott Creek Road.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

15. The gated emergency access connection to North Ellicott Creek Road will not be accessible by the future residents of the project nor the public and will only be accessible by emergency personnel.

16. That the gated emergency access driveway to North Ellicott Creek Road be paved with a hard surface and not constructed of grass pavers.

The restrictions being established herein pursuant to the conditions contained in Resolutions No. 2018-241 and 2018-242 as adopted by the Town Board on March 19, 2018 and Resolution No. 2018-1046 as adopted by the Town Board on October 1, 2018 shall be binding on all parties claiming thereunder and shall run and touch the land except that the recorded restriction can be changed, modified or eliminated by a majority vote of the Town Board.

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SIGNATURE ON FOLLOWIG PAGE]

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

IN WITNESS WHEREOF, the party hereto has the full legal authority to execute this Declaration of Restrictions.

ESSEX HOMES OF WNY, INC.

By: Philip J. Nanula
Name: Philip J. Nanula
Title: President

STATE OF NEW YORK)
ss.:
COUNTY OF ERIE)

On this 12th day of January, 2019, before me, the undersigned, a notary public in and for said state, personally appeared Philip J. Nanula, personally known to me or proved to me on the basis of satisfactory evidence to the be the individual whose name is subscribed to within this instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Michelle Lynn Ward
Notary Public

MICHELLE LYNN WARD
Notary Public - State of New York
NO. 01WA6275111
Qualified in Niagara County
My Commission Expires 1/14/2021

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

SCHEDULE A

METES AND BOUNDS LEGAL DESCRIPTION OF 2350 SWEET HOME ROAD

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot 82, Township 12 and Range 7 of the Holland Land Company's Survey, being more particularly described as follows:

BEGINNING at the intersection of the northerly line of North Ellicott Creek Road with the westerly line of Sweet Home Road; Thence N 01°58'37 E, along the westerly line of Sweet Home Road, a distance of 258.52 feet; Thence 88°01'23" W, a distance of 213.69 feet; Thence S 00°11'13" W, a distance of 535.55 feet to a point in the northerly line of North Ellicott Creek Road; Thence N 45°33'50" E, along the northerly line of North Ellicott Creek Road, a distance of 30.24 feet; Thence N 22°15'39" E, along the northerly line of North Ellicott Creek Road, a distance of 140.40 feet; Thence N 31°42'11" E, continuing along the northerly line of North Ellicott Creek Road, a distance of 67.33 feet; Thence N 51°23'54" E, continuing along the northerly line of North Ellicott Creek Road, a distance of 68.71 feet; Thence N 66°26'31" E, continuing along the northerly line of North Ellicott Creek Road, a distance of 46.40 feet to the point of beginning, containing 1.742 acres.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

SCHEDULE B

METES AND BOUNDS LEGAL DESCRIPTION OF PORTION OF 2360 SWEET HOME ROAD

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York being part of Lot No 82, Township 12 Range 7 of the Holland Land Survey, so-called, bounded and described as follows:

BEGINNING at point on the west line of lands described in a deed recorded in the Erie County Clerk's Office in Liber 6673 of Deeds at page 573, distant 187.00 feet N-00-12'-50"-W from the present north right of way line of North Ellicott Creek Road, at the north corner of lands acquired by the New York State Department of Transportation, S. H. 9409, Map 83, Parcel No. 87, recorded in Liber 9210 of Deeds at page 143;

THENCE: along the bounds of the lands conveyed to North Forest Properties #5 LLC by deed recorded in the Erie County Clerk's Office in Liber 11235 of Deeds at page 6110 the following five (5) courses and distances:

1) S-89°-47'-10"-W, along a southerly line of said North Forest Properties #5 LLC lands, a distance of 360.00 feet to a point;
2) S-00°-13'-02"-E, along a easterly line of said North Forest Properties #5 LLC lands, a distance of 72.97 feet to a point;
3) S-88°-54'-31"-W, along a southerly line of said North Forest Properties #5 LLC lands, a distance of 272.22 feet to a point;
4) N-01°-05'-29"-W, along the west line of said North Forest Properties #5 LLC lands, a distance of 780.29 feet to the northwest corner thereof;
5) S-85°-40'-18"-E, along the north line of said North Forest Properties #5 LLC lands a distance of 619.92 feet to a point;

THENCE: S-00-12'-50"-E, through said North Forest Properties #5 LLC lands, a distance of 304.96 feet to a point;

THENCE: S-88-25'-26"-E, through said North Forest Properties #5 LLC lands, a distance of 26.18 feet to the west line of said lands described in Liber 6673 of Deeds at page 573;

THENCE: S-00-12'-50"-E, along the west line of said Liber 6673 of Deeds at page 573, a distance of 348.18 feet to the POINT OF BEGINNING, containing 10.22 acres more or less.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

SCHEDULE C

METES AND BOUNDS LEGAL DESCRIPTION
PERMANENT OPEN SPACE CONSISTING OF A PORTION OF
2360 SWEET HOME ROAD

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York being part of Lot No 82, Township 12 Range 7 of the Holland Land Survey, so-called, bounded and described as follows:

BEGINNING at point on the west line of lands described in a deed recorded in the Erie County Clerk's Office in Liber 6673 of Deeds at page 573, distant 187.00 feet N-00-12'-50"-W from the present north right of way line of North Ellicott Creek Road, at the north corner of lands acquired by the New York State Department of Transportation, S. H. 9409, Map 83, Parcel No. 87, recorded in Liber 9210 of Deeds at page 143;

THENCE: along the bounds of the lands conveyed to North Forest Properties #5 LLC by deed recorded in the Erie County Clerk's Office in Liber 11235 of Deeds at page 6110 the following five (5) courses and distances:

1) S-89°-47'-10"-W, along a southerly line of said North Forest Properties #5 LLC lands, a distance of 360.00 feet to a point;
2) S-00°-12'-50"-E, along an easterly line of said North Forest Properties #5 LLC lands, a distance of 72.97 feet to a point;
3) S-88°-54'-31"-W, along a southerly line of said North Forest Properties #5 LLC lands, a distance of 272.22 feet to the southwest corner thereof;
4) N-01°-05'-29"-W, along the west line of said North Forest Properties #5 LLC lands, a distance of 780.29 feet to the northwest corner thereof;
5) S-85°-40'-18"-E, along the north line of said North Forest Properties #5 LLC lands a distance of 619.92 feet to a point;

THENCE: Through said North Forest Properties #5 LLC lands, the following fifteen (15) courses and distances:

6) S-00-12'-50"-E a distance of 166.47 feet to a point;
7) N-87-51'-46"-W a distance of 16.24 feet to a point;
8) S-12-26'-56"-W a distance of 27.13 feet to a point;
9) S-58-06'-54"-W a distance of 97.91 feet to a point;
10) S-46-53'-26"-W a distance of 15.19 feet to a point;
11) S-32-16'-28"-W a distance of 17.19 feet to a point;
12) S-25-41'-59"-W a distance of 28.12 feet to a point;
13) N-80-56'-26"-W a distance of 50.68 feet to a point;
14) N-67-33'-18"-W a distance of 62.20 feet to a point;
15) S-82-26'-00"-W a distance of 63.13 feet to a point;
16) N-71-38'-03"-W a distance of 27.07 feet to a point;
17) S-00-12'-50"-E a distance of 5.50 feet to a point;

18) S-88-54'-31"-W a distance of 244.27 feet to a point;
19) S-01-05'-29"-E a distance of 353.63 feet to a point;
20) N-89-47'-10"-E a distance of 598.82 feet to the west line of said lands described in Liber 6673 of Deeds at page 573;

THENCE: S-00-12'-50"-E, along the west line of said Liber 6673 of Deeds at page 573, a distance of 30.00 feet to the POINT OF BEGINNING, containing 5.21 acres more or less.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

MICHAEL P. KEARNS, ERIE COUNTY CLERK
REF:

DATE:2/21/2019
TIME:2:22:37 PM
RECEIPT: 19024620

HOPKINS SORGI & ROMANOWSKI PLLC- BOX 460
ACCOUNT #: 9074

ITEM - 01 781
RECD: 2/21/2019 2:24:28 PM
FILE: 2019035107 BK/PG D 11341/2501
ESSEX HOMES OF WNY INC
Recording Fees 100.00
Subtotal 100.00

TOTAL DUE	$100.00
PAID TOTAL	$100.00
PAID CHECK	$100.00
Check #1264:	100.00

REC BY: Megan
COUNTY RECORDER

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Exhibit 4 – Responses to Question No. 11 of the Application

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

EXHIBIT 4

RESPONSES TO QUESTION 11 OF REZONING APPLICATION FOR PORTION OF 2350 SWEET HOME ROAD FROM OB TO MFR-5

Question 11(A): Description of the character of the proposed development:

Response to Question 11(A): The residential project as previously approved by the Planning Board consists of 48 upscale attached residential units with attached garages for sale as depicted on the Site Plan prepared by Carmina Wood Design. The Project Sponsor is seeking the necessary approvals consisting of the rezoning of a small portion of the Project Site from OB to MFR-5 and relief of the Declaration of Restrictions recorded on February 21, 2019 to accommodate the proposed minor modifications to the approved project layout consisting primarily of first floor sunrooms to be constructed on the rear side of the attached townhome buildings on the southern and western boundaries of the Project Site as depicted on the Site Plan [Drawing C-100 – Date: 12/16/22] prepared by Carmina Wood Morris DPC. A reduced-size copy of the Site Plan is provided at **Exhibit "6"** and a full-size copy is also attached to this Application. A draft of the Amended Declaration of Restrictions is provided at **Exhibit "8"**.[1]

Question 11(B)(1): Rationale for rezoning request: 1. What was this site chosen?

Response to Question 11(B)(1): The majority of the Project Site is currently zoned MFR-5 in accordance with decisions issued by the Town Board on March 19, 2018. The Project Sponsor is seeking to amend a small portion of the Project Site from OB to MFR-5 to accommodate minor modifications to the approved project layout. It is important to mention that a large portion of the Project Site

[1] A copy of the Declaration of Restrictions recorded at the Erie County Clerk's Office on February 21, 2019 is provided at **Exhibit "3"**.

will consist of Permanent Open Space to ensure the residential project is consistent with the character of the surrounding vicinity.[2]

Question 11(B)(2): Why cannot land be used with the existing zoning?

Response to Question 11(B)(2): The Project Site is currently being developed in the accordance with the existing MFR-5 zoning of a majority of the Project Site that was approved by the Town Board on March 19, 2018.

Question 11(B)(3): How will this rezoning impact surrounding properties?

Response to Question 11(B)(3): The proposed rezoning of a small portion of the Project Site from OB to MFR-5 and the requested relief of the Declaration of Restriction in order to accommodate minor modifications to the approved project layout will have any adverse impacts on surrounding properties.

Question 11(B)(4): How will this rezoning impact the school system?

Response to Question 11(B)(4): The project will continue to have positive impacts on the school district. The approved residential project consisting of attached townhomes for sale will not result in any significant increased demand for educational services since the target market for the residential units is empty nesters, seniors and young professionals.

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[2] The approximately 5.2 acres of Permanent Open Space shall remain undeveloped in accordance with the Declarations of Restrictions recorded on at the Erie County Clerk's Office on February 21, 2019.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Exhibit 5 – Short Environmental Assessment Form with Attached Page 5[a]

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Short Environmental Assessment Form
Part 1 - Project Information

Prepared By: Sean Hopkins,
Hopkins Sorgi & McCarthy I
5500 Main Street, Suite 343
Williamsville, NY 14221
Tel: 510-4338
E-mail: shopkins@hsmlegal.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:
Villas at Essex Woods Project

Project Location (describe, and attach a location map):
2350 Sweet Home Road - Town of Amherst - Erie County

Brief Description of Proposed Action:
The action involves the rezoning of approximately 0.17 acres of the Project Site from Office Building District ("OB") to Multifamily Residential District Five ("MFR-5") and a request to modify a Declaration of Restrictions containing zoning conditions imposed by the Town of Amherst Town Board to accommodate minor modifications to the previously approved residential project consisting of 48 attached residential units for sale including the addition of single-story sun rooms on the rear sides of the approved buildings. The project layout is depicted on the Site Plan [Drawing C-100] prepared by Carmina Wood Design dated December 16, 2022. The project is an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") since the impact do not cross any of the thresholds for a Type I action per 6 NYCRR Part 617.4. It is important to mention that the Town Board, Planning Board and Zoning Board of Appeals have all previously issued negative declarations pursuant to the SEQRA with respect to the approved residential project that is currently under construction.

Name of Applicant or Sponsor:	Telephone: 716.510-4338
Essex Homes of WNY, Inc. c/o Sean W. Hopkins, Esq.	E-Mail: shopkins@hsmlegal.com

Address:
Hopkins Sorgi & McCarthy PLLC - 5500 Main Street, Suite 343

City/PO:	State:	Zip Code:
Williamsville	NY	14221

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town Board - Rezoning, Zoning Board of Appeals - Area Variances; Planning Department - Minor Site Plan Amendment	☐	☑

3.a. Total acreage of the site of the proposed action? 11.89 acres
b. Total acreage to be physically disturbed? .12 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 11.89 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? [Project Sponsor is seeking to amend the zoning classification of .17 acres of the Project Site from OB to MFR-5 to accomodate single-story sun rooms on the rear side of attached townhome buildings.]	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☑	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☑	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☑	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	☐	☑	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water:	☐	☑	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment:	☐	☑	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☑	☐	
b. Is the proposed action located in an archeological sensitive area? [SHPO issued a No Impact determination for the Project Site on April 21, 2005.]	☐	☑	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☑	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	☑	☐	
There are not any wetlands located on the portion of the Project Site to be developed. A wetland permit was issued by the USACE on April 20, 2006 and the 0.49 acres of impacts authorized by the permit have previously occurred.			
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☑ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐	
16. Is the project site located in the 100 year flood plain?	☑	☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☑ NO ☐ YES	☐	☑	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☑ YES Existing on-site stormwater management system will be utilized as previously approved.			

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	☑	☐

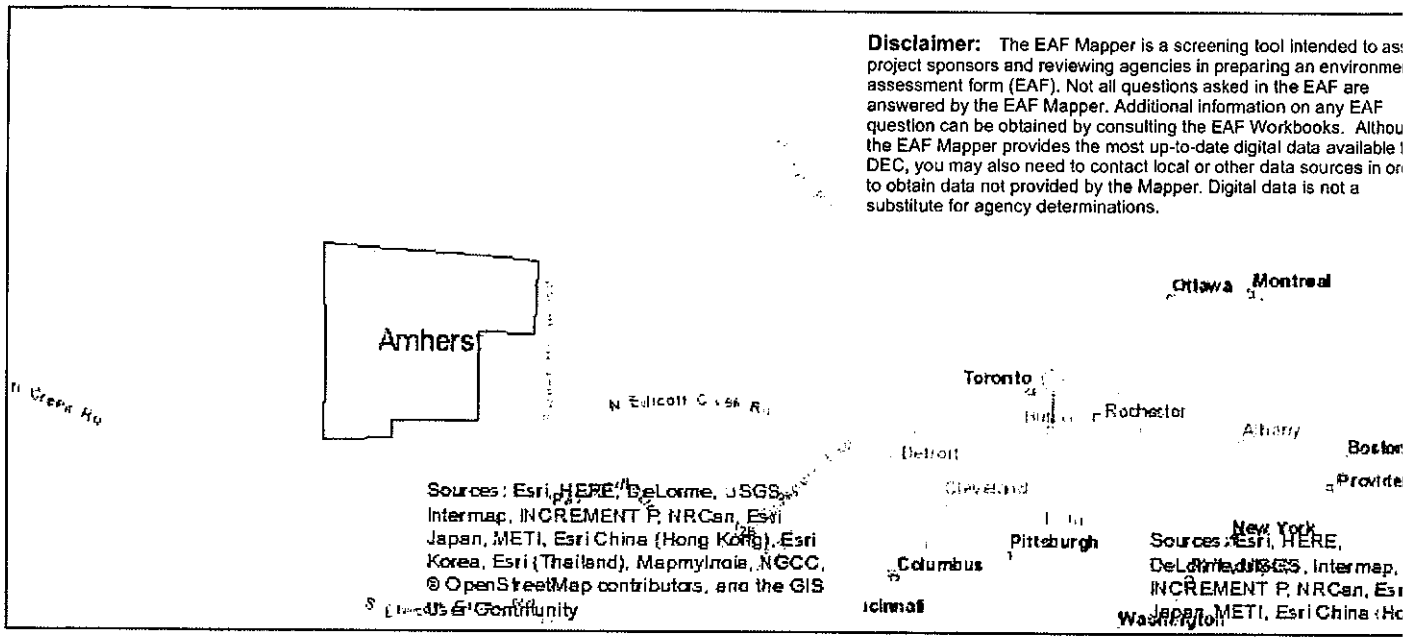
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Essex Homes of WNY, Inc. Date: January 23, 2023

Signature: Sean W. Hopkins, Esq., Counsel for Applicant

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

EAF Mapper Summary Report



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

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TOWN OF AMHERST ATTACHMENT
State Environmental Quality Review
ENVIRONMENTAL ASSESSMENT FORM

2350 Sweet Home Road

1. For each applicable category of proposed new structures, including additions to existing structures, provide the following information for all soil types on the project site (*according to Soil Survey of Erie County, NY; Table 11, Building Site Development, pp 294-305):*

Soil Name	Shallow excavations	Dwellings without basements	Dwellings with basements	Small commercial buildings	Local roads and streets
Cosad [Cv]	Severe	Severe	Severe	Severe	Moderate
Swormville [Sw]	Severe	Severe	Severe	Severe	Severe

2. If the Soil survey indicates either "severe" or "moderate" suitability for the proposed types of construction, a geotechnical and hydrological analysis based on one test per 3.5 acres of project area must be provided (per Town Board resolution, 3/17/03, amended 6/16/03).

   _x_ Geotechnical report attached _____ Not applicable

   [Note: Three copies of the Geotechnical Report prepared by Barron & Associates dated October 11, 2017 have been submitted with the land use applications dated January 23, 2023.]

3. Is your property located: On Youngs Road between Dodge and Klein Roads? ☐ Yes ● No

   On Wehrle Dr. between Spindrift Dr. and Oakwood Rd? ☐ Yes ● No

   If so, the property may be within an area of the Town that is affected by a moratorium on connections to the sanitary sewer system.

4. Are there alternative locations on the site for this project? ☐ Yes ● No

5. Location and size of real property owned by petitioner within one (1) mile of subject proposal: **Not Applicable.**

6. Are you aware of current or future plans or intentions by others in the Town of Amherst to develop property within 1000± ft. of the present project request: ☐ Yes ● No

   Describe: **Not Applicable.**

   (Potential environmental impacts from adjacent or nearby projects undergoing the approval process will receive a coordinated environmental review to determine cumulative effects on common receivers (e.g. traffic and drainage corridors) and other relevant environmental concerns.)

7. Maximum number of vehicular trips to be generated per hour upon completion of project: **Not Applicable.**

8. Will blasting occur during construction? ☐ Yes ● No

9. Does the project propose to connect and be tributary to the public sanitary sewer system? ● Yes ☐ No

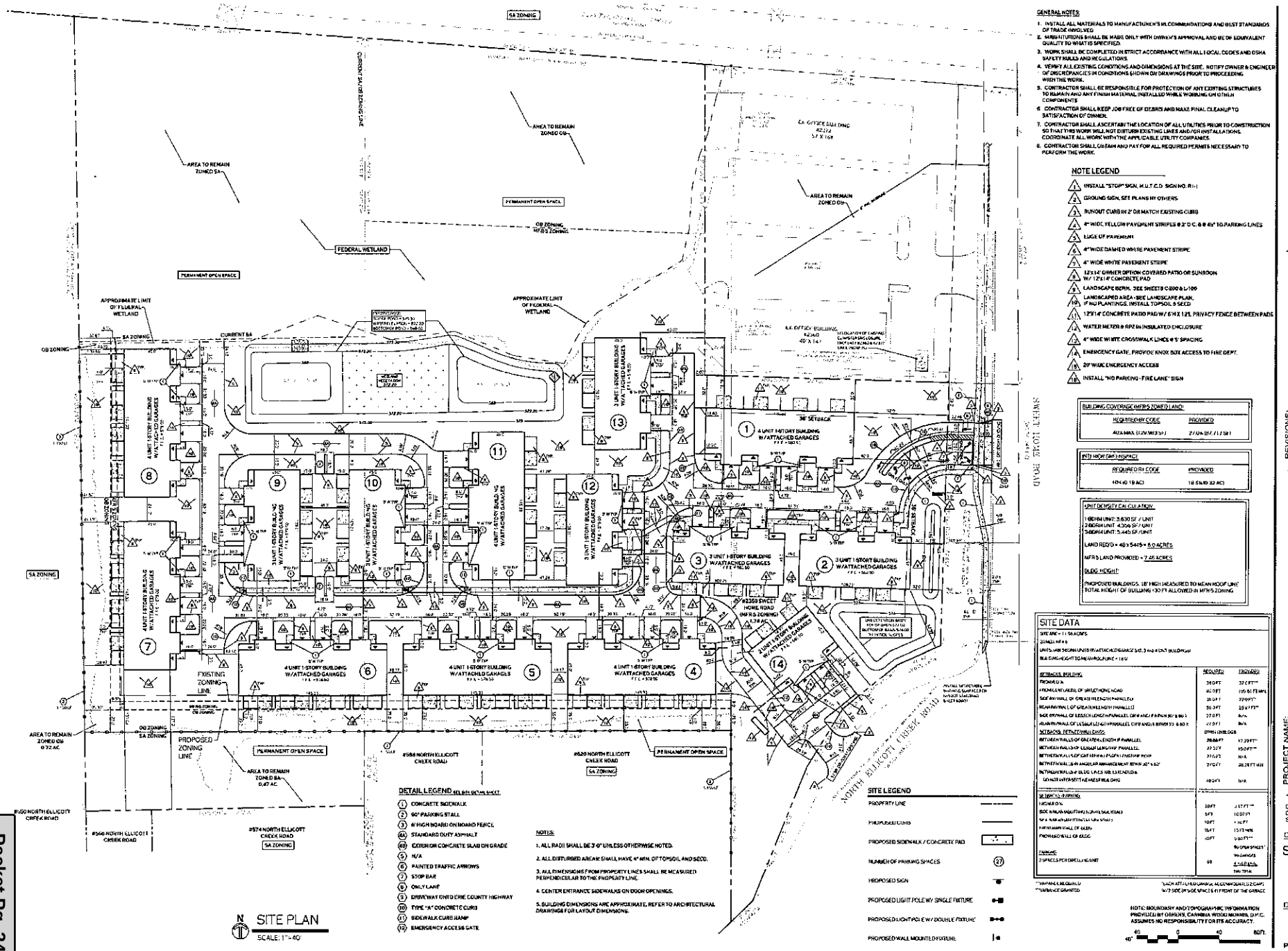
10. Proposed net additional gallons per day (gpd) of sanitary sewer discharge upon completion of project: **Not applicable. The Project Sponsor is not proposing any modifications to approved number of upscale townhome units per the Site Plan approved by the Planning Board for the 48-unit project.**

(Please note that average flows of 2,500 gpd or greater will require an Engineer's Report that includes a detailed downstream sewer capacity analysis and the identification of and commitment to required I/I offset work during peak wastewater flow conditions.)

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Exhibit 6 – Reduced-Size Copy of Site Plan [Drawing C-100] as Prepared by Carmina Wood Morris DPC [Note: Full-size copy also attached

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of



DETAIL LEGEND SEE SHEET C-10 FOR MORE DETAILS

1. CONCRETE SIDEWALK
2. 90° PARKING STALL
3. 6' HIGH BOARD ON BOARD FENCE
4A. STANDARD DUTY ASPHALT
4B. EXTERIOR CONCRETE SLAB ON GRADE
5. N/A
6. PAINTED TRAFFIC ARROWS
7. STOP BAR
8. ONLY LANE
9. DRIVEWAY ONTO ERIE COUNTY HIGHWAY
10. TYPE "A" CONCRETE CURB
11. SIDEWALK CURB RAMP
12. EMERGENCY ACCESS GATE

NOTES:

1. ALL RADII SHALL BE 3'-0" UNLESS OTHERWISE NOTED.
2. ALL DISTURBED AREAS SHALL HAVE 4" MIN. OF TOPSOIL AND SEED.
3. ALL DIMENSIONS FROM PROPERTY LINES SHALL BE MEASURED PERPENDICULAR TO THE PROPERTY LINE.
4. CENTER ENTRANCE SIDEWALKS ON DOOR OPENINGS.
5. BUILDING DIMENSIONS ARE APPROXIMATE. REFER TO ARCHITECTURAL DRAWINGS FOR LAYOUT DIMENSIONS.

SITE LEGEND

- PROPERTY LINE
- PROPOSED CURBS
- PROPOSED SIDEWALK / CONCRETE PAD
- NUMBER OF PARKING SPACES (27)
- PROPOSED SIGN
- PROPOSED LIGHT POLE W/ SINGLE FIXTURE
- PROPOSED LIGHT POLE W/ DOUBLE FIXTURE
- PROPOSED WALL MOUNTED FIXTURE

GENERAL NOTES:

1. INSTALL ALL MATERIALS TO MANUFACTURER'S RECOMMENDATIONS AND BEST STANDARDS OF TRADE INVOLVED.
2. SUBSTITUTIONS SHALL BE MADE ONLY WITH OWNER'S APPROVAL AND BE OF EQUIVALENT QUALITY TO WHAT IS SPECIFIED.
3. WORK SHALL BE COMPLETED IN STRICT ACCORDANCE WITH ALL LOCAL CODES AND OSHA SAFETY RULES AND REGULATIONS.
4. VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS AT THE SITE. NOTIFY OWNER & ENGINEER OF DISCREPANCIES IN CONDITIONS SHOWN ON DRAWINGS PRIOR TO PROCEEDING WITH THE WORK.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF ANY EXISTING STRUCTURES TO REMAIN AND ANY FINISH MATERIAL INSTALLED WHILE WORKING ON OTHER COMPONENTS.
6. CONTRACTOR SHALL KEEP JOB FREE OF DEBRIS AND MAKE FINAL CLEANUP TO SATISFACTION OF OWNER.
7. CONTRACTOR SHALL ASCERTAIN THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION SO THAT THIS WORK WILL NOT DISTURB EXISTING LINES AND/OR INSTALLATIONS. COORDINATE ALL WORK WITH THE APPLICABLE UTILITY COMPANIES.
8. CONTRACTOR SHALL OBTAIN AND PAY FOR ALL REQUIRED PERMITS NECESSARY TO PERFORM THE WORK.

NOTE LEGEND

1. INSTALL "STOP" SIGN, M.U.T.C.D. SIGN NO. R1-1
2. GROUND SIGN, SEE PLANS BY OTHERS
3. RUNOUT CURB IN 2' OR MATCH EXISTING CURB
4. 4" WIDE YELLOW PAVEMENT STRIPES @ 2' O.C. @ 45° TO PARKING LINES
5. EDGE OF PAVEMENT
6. 4" WIDE DASHED WHITE PAVEMENT STRIPE
7. 4" WIDE WHITE PAVEMENT STRIPE
8. 12'x14' OWNER OPTION COVERED PATIO OR SUNROOM W/ 12'x14' CONCRETE PAD
9. LANDSCAPE BERM, SEE SHEETS C-200 & L-100
10. LANDSCAPED AREA - SEE LANDSCAPE PLAN, IF NO PLANTINGS, INSTALL TOPSOIL & SEED
11. 12'X14' CONCRETE PATIO PAD W/ 6'HX 12'L PRIVACY FENCE BETWEEN PADS
12. WATER METER & RPZ IN INSULATED ENCLOSURE
13. 4" WIDE WHITE CROSSWALK LINES @ 5' SPACING
14. EMERGENCY GATE. PROVIDE KNOX BOX ACCESS TO FIRE DEPT.
15. 20' WIDE EMERGENCY ACCESS
16. INSTALL "NO PARKING - FIRE LANE" SIGN

BUILDING COVERAGE (MFRS ZONED LAND)

REQUIRED BY CODE	PROVIDED
40% MAX. (1.20 MEASY.)	27.0% (17.7 SF)

OPEN SPACE

REQUIRED BY CODE	PROVIDED
10% (0.19 AC)	18.5% (0.32 AC)

UNIT DENSITY CALCULATION

1 BDRM UNIT: 5,630 SF / UNIT
2 BDRM UNIT: 4,306 SF / UNIT
3 BDRM UNIT: 5,445 SF/UNIT

LAND REQ'D = 48 x 5445 = 5.0 ACRES

MFRS LAND PROVIDED = 7.45 ACRES

BLDG HEIGHT

PROPOSED BUILDINGS: 18' HIGH (MEASURED TO MEAN ROOF LINE)
TOTAL HEIGHT OF BUILDING (30 FT ALLOWED IN MFRS ZONING)

SITE DATA

SITE AREA = 11.18 ACRES

ZONING: MFRS

UNITS: (48) SIDE BY SIDE UNITS W/ ATTACHED GARAGES (#2, 3 AND 4 UNIT BUILDINGS)

BUILDING HEIGHT TO MEAN ROOF LINE = 18'

	REQUIRED	PROVIDED
SETBACKS, BUILDING		
FRONT (E.)	30.0 FT	32.0 FT**
FRONT (E.) FROM EDGE OF STREET HOME ROAD	80.0 FT	105.8 / 77.8 FT
SIDE (N.) WALL OF GREATEST LENGTH PARALLEL	20.0 FT	22.9 FT**
REAR (W.) WALL OF GREATEST LENGTH PARALLEL	30.0 FT	28.9 FT**
SIDE (N.) WALL OF LESSER LENGTH PARALLEL OR @ ANGLE FROM 30° TO 90°	27.0 FT	N/A
REAR (W.) WALL OF LESSER LENGTH PARALLEL OR @ ANGLE FROM 30° TO 90°	27.0 FT	N/A
SETBACKS, DETACHED GARAGES	(SAME AS BLDGS)	
BETWEEN WALLS OF GREATEST LENGTH IF PARALLEL	29.8 FT	47.2 FT**
BETWEEN WALLS OF LESSER LENGTH IF PARALLEL	27.0 FT	45.0 FT**
BETWEEN WALLS OF GREATEST & LESSER LENGTH IF PERP.	27.0 FT	N/A
BETWEEN WALLS IN ANGULAR ARRANGEMENT WITHIN 30° TO 90°	27.0 FT	28.2 FT MIN
BETWEEN WALLS OF BLDG LINES NOT EXTENDED IN SAME HORIZONTAL PLANE OF BUILDING	48.0 FT	N/A
SETBACKS, PARKING		
FRONT (S.)	30 FT	31.7 FT**
SIDE & REAR (NORTH & WEST)	5 FT	10.0 FT
SIDE & REAR (EAST)	10 FT	11.0 FT
FROM MAIN WALL OF BLDG	15 FT	15.3 FT***
FROM SIDE WALL OF BLDG	10 FT	9.8 FT***
PARKING		
2 SPACES PER DWELLING UNIT	96	96 GARAGE SPACES*** (W/ 2 SIDE BY SIDE SPACES IN FRONT OF THE GARAGE)
		4 VISITOR SPACES
		100 TOTAL

**VARIANCE REQUIRED
***VARIANCE GRANTED

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OWNER. CARMINA WOOD MORRIS, D.P.C. ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

40' 0 40 80'

Carmina Wood Morris DPC
447 Main Street Suite 600
Buffalo, New York 14203
P 716 842 3100
F 716 842 3263

REVISIONS:
No: Description Date

PROJECT NAME:
Civil Plans For
Villas at Essex Woods
2350 Sweet Home Road
Amherst, New York

Date: 12/16/2022
Drawn by: JPB
Scale: As Noted

DRAWING NAME:
Site Plan

DRAWING NO.
C-10
Project no.: 17.117

© Carmina Wood Morris DPC

Exhibit 7 – Responses to Question No. 16 of the Application

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

EXHIBIT 7

RESPONSES TO QUESTION 16 OF REZONING APPLICATION FOR PORTION OF 2350 SWEET HOME ROAD FROM OB TO MFR-5

Question 16(A)(1): **State in detail why the proposed zoning is consistent with the adopted Town of Amherst Bicentennial Comprehensive Plan. Cite specific sections, maps and/or figures in the plan that support the proposed zoning at this location.**

Response to Question 16(A)(1): The Project Sponsor is seeking to amend the zoning classification of a small portion of 2350 Sweet Home Road consisting of only 0.17 acres from OB to MFR-5 to allow first floor sunrooms to be constructed on the rear side of the attached townhome buildings on the southern and western boundaries of the Project Site as depicted on the Site Plan [Drawing C-100 – Date: 12/16/22] prepared by Carmina Wood Morris DPC. A reduced-size copy of the Site Plan is provided at **Exhibit "6"** and a full-size copy is also attached to this Application. The Project Sponsor is simultaneously seeking to modify a Declaration of Restrictions Containing Zoning Conditions Imposed in Connection with a Rezoning Decision. A copy of the Declaration of Restrictions recorded at the Erie County Clerk's Office on February 21, 2019 is provided **at Exhibit "3"** and a draft of the Amended Declaration of Restrictions is provided at **Exhibit "8"**.

The requested rezoning of a small portion of the Project Site from OB to MFR-5 to accommodate the proposed minor modifications to the project layout as depicted on the Site Plan approved by the Planning Board for the residential project at 2350 Sweet Home Road (the "***Project Site***") is consistent with the adopted Bicentennial Comprehensive Plan. The Town of Amherst adopted the Bicentennial Comprehensive Plan in January of 2007 after completing a lengthy planning process that included numerous public meetings and public hearings involving the

Comprehensive Plan Advisory Committee, the Planning Board and the Town Board.[1] In December of 2020, the Town Board most recently adopted amendments to the Bicentennial Comprehensive Plan. The Comprehensive Plan is intended to guide future growth and redevelopment in the Town.

Figure 6 of the Bicentennial Comprehensive Plan is the Conceptual Land Use Plan and the areas in the vicinity of the Project Site is designated as being appropriate for Mixed Residential uses. The Conceptual Land Use Plan is intended to communicate the overall direction and concept of future development in the Town of Amherst. "Mixed Residential" is described on Page 3-30 of the Comprehensive Plan as 4 to 12 units per acre. The Comprehensive Plan indicates that typical locations for the Mixed Residential category include "Areas of transition between commercial uses and lower density single-family neighborhoods, as well as along collector or arterial highways or other areas that are generally unattractive for large lot, single-family development. Other areas of the Town designated for concentrations of Mixed Residential use include underutilized areas near designated activity centers and commercial areas. Examples include areas adjacent to mixed-use centers at UB, near the I-290/I-990 interchange..." It is also important to mention that the Comprehensive Plan recognizes the need for diverse housing options including housing multifamily units.

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[1] A copy of the resolution adopted by the Town Board on January 2, 2007 for the purpose of adopting the Bicentennial Comprehensive Plan pursuant to Town Law Section 272-a is included at the beginning of the Comprehensive Plan. This resolution recites the lengthy planning history that incorporated numerous opportunities for public input as well as a coordinated environmental review pursuant to SEQRA that involved the preparation a Generic EIS and the issuance of a Findings Statement.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Question 16(A)(2): Cite all text, map, and/or figures that must be amended to support the proposed zoning at this location and provide detailed suggested amendments.

Response to Question 16(A)(2): The requested rezoning of a small portion of the Project Site from OB to MFR-5 does not require an amendment to the Bicentennial Comprehensive Plan.

Question 16(A)(3): State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:

Response to Question 16(A)(3): Section 1-2-1 of the Zoning Code is titled "Purpose" and it states as follows:

> *"The purpose of this Zoning Ordinance and the intent of the legislative authority in its adoption is to promote the environment of the town and its public health, safety, convenience, comfort, prosperity and the general welfare by regulating the use of buildings, other structures and land for residences, open space, public facilities, business, services, industry or other purposes; by regulating and restricting the bulk, height, design, building coverage and location of structures; by regulating and limiting population density; and for the aforesaid purposes, to divide the land within the limits of the town into districts of such number and dimensions generally consistent with the policies of the Comprehensive Plan and to provide procedures for the administration and amendment of said Zoning Ordinance."*

The requested rezoning of a small portion of the Project Site from OB to MFR-5 and the requested modification of the Declaration of Restrictions to accommodate the minor modifications to the approved project layout are consistent with the "Purpose" of the Zoning Code. Section 1-2-2 of the Zoning Code sets forth the objectives of the Zoning Code. This section of the Zoning Code lists thirteen objectives that are discussed below as follows:

A. To protect the character and values of residential, institutional and public uses, business, commercial and manufacturing uses and to insure their orderly and beneficial development;

Response: The residential project is consistent with the objective of protecting the character and value of existing land uses. The proposed rezoning of a small portion of the

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Project Site from OB to MFR-5 and the request to modify the Declaration of Restrictions in order to accommodate minor modifications to the approved project layout represents orderly and beneficial development.

B. To provide adequate open spaces for light, air and outdoor uses to include public, common and private open space areas;

Response: The proposed minor modification to the layout of the residential project are not inconsistent with this objective.

C. To prevent overcrowding of land;

Response: The Project Sponsor is not proposing any increase to the density of the approved residential project.

D. To prevent excessive concentration of population and to prevent spare and uncoordinated development;

Response: The Project Sponsor is not proposing any increase to the density of the approved residential project and the minor modifications to the approved project layout represents coordinated development. The minor modifications to the previously approved project layout will require an amendment of the Site Plan previously approved by the Planning Board.

E. To regulate and control the location and spacing of buildings on the lot and in relation to the surrounding property generally consistent with the policies of the Comprehensive Plan.

Response: The requested rezoning of a small portion of the Project Site from OB to MFR-5 and the requested modification of the Declaration of Restrictions to accommodate the minor modifications to the approved project layout are consistent with the policies of the Comprehensive Plan.

F. To protect persons and property from damage and injury due to fire or flood;

Response: The minor modifications to the approved project layout will not increase the likelihood of damage and injury due to fire and flood. The residential buildings will

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

continue to be constructed in accordance with building permits issued by the Town of Amherst Building Department.

G. To preserve and protect significant natural features and vegetation, thereby preventing ecological damage and visual blight which occur when those features or vegetation are eliminated or substantially altered to serve development purposes only.

Response: There are not significant natural features located on the previously disturbed portion of the Project Site currently being developed.

H. To assure that structure and land use arrangements are aesthetically harmonious with nearby areas and structures.

Response: The development of the Project Site in a manner generally consistent with the updated Site Plan [Drawing C-100] prepared by Carmina Wood Design will be aesthetically harmonious with nearby areas and structures.

I. To regulate the location of buildings and intensity of uses in relation to streets according to plans so as to cause the least interference with and be damaged least by traffic movements and hence result in lessened street congestion and improved public safety.

Response: The minor modifications to the approved project layout do not involve changes to the access from the Project Site from public roadways.

J. To establish zoning patterns that insure economical extensions for sewers, water supply waste disposal and other public utilities, as well as development of recreation, schools and other public facilities;

Response: The Project Site has access to sanitary sewer and water lines as well as necessary public utilities to service the project.

K. To guide the future development of the town so as to being the gradual conformity of land, structures and uses generally consistent with the policies of the Comprehensive Plan.

Response: The minor modifications to the approved project layout are consistent with this objective since the residential project that is currently under construction is consistent with the policies contained in the Comprehensive Plan.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

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L. To accomplish the specific intents and goals set forth in the introduction to the respective sections.

Response: The minor modifications to the approved project layout are consistent with this objective.

M. To protect the community from visual pollution resulting from the unregulated use of signs and other advertising devices.

Response: The minor modifications to the approved project layout are not inconsistent with this objective.

Question 16(C): Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:

Response to Question 16(C): The Project Sponsor is seeking to amend the zoning classification of a small portion of the Project Site from OB to MFR-5, which is the zoning classification of the portion of the Project Site currently being developed as a residential project pursuant to the Site Plan approved by the Planning Board.

Question 16(D): Suitability of the subject property for uses permitted by the current versus the proposed district:

Response to Question 16(D): The small portion of the Project Site the Project Sponsor seeks to rezone from OB to MFR-5 is more suitable for uses permitted by the proposed MFR-5 zoning classification than the existing OB zoning classification.

Question 16(E): Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:

Response to Question 16(D): The project has and will continue to improve the balance of uses and to satisfy a specific demand for upscale attached townhome style units for sale in the Town.

Exhibit 8 – Draft of Amended Declaration of Restrictions

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Return Original to Box 460
Hopkins Sorgi & McCarthy PLLC
Attn: Sean W. Hopkins, Esq.

AMENDED DECLARATION OF RESTRICTIONS

THIS AMENDED DECLARATION OF RESTRICTIONS ("***Declaration***") is made as of the ___ day of _____, 2023 by **ESSEX HOMES OF WNY, INC.** (hereinafter "***Declarant***") under facts and circumstances summarized by the following recitals:

WHEREAS, the Declarant is the owner of real property consisting of 2350 Sweet Home Road (hereinafter "***2350 Sweet Home Road***" or the "***Project Site***") as more particularly described in the metes and bounds legal description of 2350 Sweet Home Road attached hereto as **Schedule "A"**;

WHEREAS, in December of 2016, RAS Development I LLC submitted an application with the Town of Amherst requesting that the Town Board of the Town of Amherst ("***Town Board***") amend the zoning classification of approximately 7.14 acres of a portion of 2360 Sweet Home Road from Office Building District ("***OB***") to Multifamily Residential District Five ("***MFR-5***");

WHEREAS, in September of 2017, RAS Development I LLC submitted an application with the Town of Amherst requesting that the Town Board of the Town of Amherst ("***Town Board***") amend the zoning classification of 2350 Sweet Home Road from General Business District ("***GB***") to Multifamily Residential District Five ("***MFR-5***");

WHEREAS, during its meeting held on March 19, 2018, the Town Board adopted Resolution No. 2018-241 for the purpose of approving an amendment of the zoning classification of 2350 Sweet Home Road from GB to MFR-5 subject to eighteen (18) conditions as contained in Resolution No. 2018-241;

WHEREAS, during its meeting held on March 19, 2018, the Town Board adopted Resolution No. 2018-242 for the purpose of approving an amendment of the zoning classification of a portion of 2360 Sweet Home Road from OB to MFR-5 subject to eighteen (18) conditions as contained in Resolution No. 2018-242;

WHEREAS, the conditions contained in Resolutions 2018-241 and 2018-242 as adopted by the Town Board on March 19, 2018 are identical;

WHEREAS, pursuant to Condition No. 18 as contained in Resolutions 2018-241 and 2018-242, Conditions No. 1 to 14 as imposed by the Town Board on March 19, 2018 are to be subject to a Declaration of Restrictions recorded at the Erie County Clerk's Office;

WHEREAS, Conditions No. 1 to 14 as contained in Resolutions 2018-241 and 2018-242, Conditions No. 1 to 14 as imposed by the Town Board on March 19, 2018 were as follows:

1. That the 5.2 acres of Permanent Open Space as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 shall not be

developed as any buildings or other above ground structures, and shall remain permanently undeveloped.

2. That the residential development of the project site shall not consist of an apartment complex comprised of rental units but instead shall consist of residential units for sale.

3. That the maximum allowable density of the residential development on the project site shall be 48 units.

4. The residential buildings to be constructed on the project site shall be limited to single-story residential units with second story loft space in the front portion of the buildings such that there shall not be any second story windows provided for the second story loft space on the rear portion of the buildings.

5. That maximum allowable height of any building on the project site as measured from finished grade to the peak of the building shall be 30 ft.

6. That there shall be a maximum of four attached residential units in any residential building on the project site.

7. That the minimum setback of the residential buildings on the project site from the southern boundary and western boundary of the project site shall be 35 feet.

8. That the minimum setback of Building No. 5 as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 from the northern boundary of 574 North Ellicott Creek Road shall be 109 feet.

9. That the minimum setback of Building No. 6 as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 from the southern boundary of the project site shall be 137 feet.

10. That a solid high quality vinyl fence with a natural color (not white) with a minimum height of six feet as measured from finished grade shall be installed along portions of the eastern, western and the southern boundary of the project site as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017.

11. That extensive landscaping as required by the High Impact Screening standard as defined in the Town of Amherst Zoning Code shall be provided along the southern side and the portion of the western side of 2360 Sweet Home Road to be developed for residential purposes. The Landscaping Plan to be prepared by a licensed landscape architect during the site plan review stage for the residential project on 2360 Sweet Home Road shall be prepared based on consideration of input received by the Petitioner from the owners of the parcels directly south of the project site at

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

566, 574, 598 and 620 North Ellicott Creek Road and the owner of the parcel west of the project site at 550 North Ellicott Creek Road.

12. That the Lighting Plan to be prepared during the site plan review stage for the residential project on the project site shall demonstrate that the residential project will not result in any lighting spillover onto the parcels contiguous to the project site utilized for residential purposes at 550, 566, 574, 598 and 620 North Ellicott Creek Road. There shall not be any light poles installed on the project site with a height that exceeds 15 feet.

13. That there shall not be an internal driveway located on the Sweet Home Road frontage of the parcel at 2350 Sweet Home Road that connects to the northern side of the parcel at 2360 Sweet Home Road.

14. That with the exception of a driveway that will only service a two-unit building to be located along the North Ellicott Creek Road frontage that is depicted as Building No. 13 on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017, there shall not be any driveway or roadway connection from the project site onto North Ellicott Creek Road.

WHEREAS, a metes and bounds legal description of the 5.2 acres of Permanent Open Space referenced above in Condition No. 1, as contained in Resolutions 2018-241 and 2018-242 adopted by the Town Board on March 19, 2018, consisting of a portion of 2360 Sweet Home Road, is attached as **Schedule "B"** (hereinafter "***Permanent Open Space***");

WHEREAS, in July of 2018, RAS Development I LLC filed an Application for relief of Zoning Condition No. 14 as contained in Resolutions 2018-241 and 2018-242 for the purpose of seeking to allow a gated emergency access driveway to be installed connecting 2350 Sweet Home Road and a portion of 2360 Sweet Home to North Ellicott Creek Road;

WHEREAS, during its meeting held on October 1, 2018, the Town Board adopted Resolution No. 2018-1046 for the purpose of approving the requested Relief of Zoning Condition No. 14 as contained in Resolutions 2018-241 and 2018-242 to allow a gated emergency access driveway to be installed connecting to North Ellicott Creek Road subject to six (6) conditions as follows:

1. The gated emergency access connection will not be accessible by the future residents of the project nor the public and will only be accessible by emergency personnel.

2. Pursuant to the Town Code, all property owners within 600 ft. of the project site will receive written notice from the Town of any future proposed amendment of any of the zoning conditions.

3. The amended Zoning Condition No. 14 will be incorporated into the Declaration of Restrictions to be recorded at the Erie County Clerk's Office.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

4. That the gated emergency access driveway to North Ellicott Creek Road be paved with a hard surface and not constructed of grass pavers.

5. That the gated emergency access driveway to North Ellicott Creek Road be straightened as much as possible.

6. That the final site plan be fully compliant with fire code.

WHEREAS, on February 21, 2019, a Declaration of Restrictions recorded at the Erie County Clerk's Office at Liber 11341 of Deeds at Page 2501 containing the following sixteen (16) restrictions:

1. That the 5.2 acres of Permanent Open Space as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 and described in the attached Schedule "C" shall not be developed as any buildings or other above ground structures and shall remain permanently undeveloped.

2. That the residential development of the project site shall not consist of an apartment complex comprised of rental units but instead shall consist of residential units for sale.

3. That the maximum allowable density of the residential development on the project site shall be 48 units.

4. The residential buildings to be constructed on the project site shall be limited to single-story residential units with second story loft space in the front portion of the buildings such that there shall not be any second story windows provided for the second story loft space on the rear portion of the buildings.

5. That maximum allowable height of any building on the project site as measured from finished grade to the peak of the building shall be 30 ft.

6. That there shall be a maximum of four attached residential units in any residential building on the project site.

7. That the minimum setback of the residential buildings on the project site from the southern boundary and western boundary of the project site shall be 35 feet.

8. That the minimum setback of Building No. 5 as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 from the northern boundary of 574 North Ellicott Creek Road shall be 109 feet.

9. That the minimum setback of Building No. 6 as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 from the southern boundary of the project site shall be 137 feet.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

10. That a solid high quality vinyl fence with a natural color (not white) with a minimum height of six feet as measured from finished grade shall be installed along portions of the eastern, western and the southern boundary of the project site as depicted on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017.

11. That extensive landscaping as required by the High Impact Screening standard as defined in the Town of Amherst Zoning Code shall be provided along the southern side and the portion of the western side of 2360 Sweet Home Road to be developed for residential purposes. The Landscaping Plan to be prepared by a licensed landscape architect during the site plan review stage for the residential project on 2360 Sweet Home Road shall be prepared based on consideration of input received by the Petitioner from the owners of the parcels directly south of the project site at 566, 574, 598 and 620 North Ellicott Creek Road and the owner of the parcel west of the project site at 550 North Ellicott Creek Road.

12. That the Lighting Plan to be prepared during the site plan review stage for the residential project on the project site shall demonstrate that the residential project will not result in any lighting spillover onto the parcels contiguous to the project site utilized for residential purposes at 550, 566, 574, 598 and 620 North Ellicott Creek Road. There shall not be any light poles installed on the project site with a height that exceeds 15 feet.

13. That there shall not be an internal driveway located on the Sweet Home Road frontage of the parcel at 2350 Sweet Home Road that connects to the northern side of the parcel formerly consisting of 2360 Sweet Home Road.

14. That with the exception of a driveway that will only service a two-unit building to be located along the North Ellicott Creek Road frontage that is depicted as Building No. 13 on the Concept Plan prepared by Carmina Wood Morris DPC dated November 16, 2017 and a gated emergency access only driveway connection to North Ellicott Creek Road, there shall not be any driveway or roadway connection from the project site onto North Ellicott Creek Road.

15. The gated emergency access connection to North Ellicott Creek Road will not be accessible by the future residents of the project nor the public and will only be accessible by emergency personnel.

16. That the gated emergency access driveway to North Ellicott Creek Road be paved with a hard surface and not constructed of grass pavers.

WHEREAS, in January of 2023, the Declarant filed an Application seeking to amend the zoning classification of a portion of 2350 Sweet Home Road consisting of 0.17 acres from Office Building District ("GB") to Multifamily Residential District Five ("MFR-5");

WHEREAS, in January of 2023, the Declarant filed Application for Relief of Zoning Condition imposed by the Town Board on October 18, 2018 as contained in Resolution No. 2018-1046;

WHEREAS, during its meeting held on _____ __, 2023, the Town Board adopted Resolution No. 2023-__ for the purpose of approving an amendment of the zoning classification of a portion of 2350 Sweet Home Road from OB to MFR-5 and Resolution No. 2023-__ for the purpose of approving the requested Relief of Zoning Conditions contained in Resolution No. 2018-1046; subject to sixteen (16) conditions as follows:

NOW, THEREFORE, in exchange for good and valuable consideration the sufficiency of which is acknowledged, the Declarant agrees to restrict the future use of 2350 Sweet Home Road as described in **Schedule "A"** including the Permanent Open Space consisting of a portion of 2360 Sweet Home Road as described in **Schedule "B"**, in accordance with the conditions as set forth in Resolutions No. 2023-___ and 2023-____as adopted by the Town Board on _____ __, 2023 as follows:

1. That the 5.2 acres of Permanent Open Space as depicted on the Site Plan prepared by Carmina Wood Morris dated December 16, 2022 shall not be developed as any buildings or other above ground structures, and shall remain permanently undeveloped.

2. That the residential development of the project site shall not consist of an apartment complex comprised of rental units but instead shall consist of residential units for sale.

3. That the maximum allowable density of the residential development on the project site shall be 48 units.

4. The residential buildings to be constructed on the project site shall be limited to single-story residential units with second story loft space. Second story windows are not permitted on the rear side of second story loft space in Buildings Building Nos. 4, 5, 6, 7 and 8 as depicted on the Site Plan prepared by Carmina Wood Morris dated December 16, 2022.

5. That maximum allowable height of any building on the project site as measured from finished grade to the peak of the building shall be 30 ft.

6. That there shall be a maximum of four attached residential units in any residential building on the project site.

7. That the portions of the residential buildings that include second story loft space shall have a minimum setback of 35 feet from the southern boundary and the western boundary of the Project Site. Notwithstanding the minimum setback language in the preceding sentence, a first floor only sunroom shall be permitted on the rear side of the residential buildings along the southern side of the Project Site

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

so long as the minimum setback of the first floor sunroom is 22 ft. from the southern boundary of the Project Site and a first floor only sunroom shall be permitted on the rear side of the residential buildings along the western side of the Project Site so long as the minimum setback of the first floor sunroom is 25.97 ft. from the western boundary of the Project Site. Additionally, patios on the rear side of the residential buildings on the southern side of the Project Site shall have a minimum setback of 22 ft. from the southern boundary of the Project Site and patios on the rear side of the residential buildings on the western side of the Project Site shall have a minimum setback of 25.97 ft. from the western boundary of the Project Site.

8. That the minimum setback of Building No. 6 as depicted on the Site Plan prepared by Carmina Wood Morris DPC dated December 16, 2022 from the northern boundary of 574 North Ellicott Creek Road shall be 94 feet.

9. That the minimum setback of Building No. 7 as depicted on the Site Plan prepared by Carmina Wood Morris DPC dated December 16, 2022 from the southern boundary of the project site shall be 137 feet.

10. That a solid high quality vinyl fence with a natural color (not white) with a minimum height of six feet as measured from finished grade shall be installed along portions of the eastern, western and the southern boundary of the project site as depicted on the Site Plan prepared by Carmina Wood Morris DPC dated December 16, 2022.

11. That extensive landscaping as required by the High Impact Screening standard as defined in the Town of Amherst Zoning Code shall be provided along the southern side of the project site and the portion of the western side of the portion of the project site formerly consisting of 2360 Sweet Home Road to be developed for residential purposes in accordance with the Landscape Plan previously approved by the Planning Board.

12. That the lighting to be installed in connection with the residential project shall comply with the Lighting Plan previously approved by the Planning Board demonstrating that the residential project will not result in any lighting spillover onto the parcels contiguous to the project site utilized for residential purposes at 550, 566, 574, 598 and 620 North Ellicott Creek Road. There shall not be any light poles installed on the project site with a height that exceeds 15 feet.

13. That there shall not be an internal driveway located on the Sweet Home Road frontage of the parcel at 2350 Sweet Home Road that connects to the northern side of the parcel formerly consisting of 2360 Sweet Home Road.

14. That with the exception of a driveway that will only service a two-unit building to be located along the North Ellicott Creek Road frontage that is depicted as Building No. 13 on the Site Plan prepared by Carmina Wood Morris DPC dated December 16, 2022 and a gated emergency access only driveway connection to North Ellicott

Creek Road, there shall not be any driveway or roadway connection from the project site onto North Ellicott Creek Road.

15. The gated emergency access connection to North Ellicott Creek Road will not be accessible by the future residents of the project nor the public and will only be accessible by emergency personnel.

16. That the gated emergency access driveway to North Ellicott Creek Road be paved with a hard surface and not constructed of grass pavers.

The restrictions being established herein pursuant to the conditions contained in Resolutions No. 2023-___1 and 2023-___ as adopted by the Town Board on _____ __, 2023 shall be binding on all parties claiming thereunder and shall run and touch the land except that the recorded restriction can be changed, modified or eliminated by a majority vote of the Town Board.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK
SIGNATURE ON FOLLOWING PAGE]

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

IN WITNESS WHEREOF, the party hereto has the full legal authority to execute this Amended Declaration of Restrictions.

ESSEX HOMES OF WNY, INC.

By: _____
Name: Philip J. Nanula
Title: President

STATE OF NEW YORK)
ss.:
COUNTY OF ERIE)

On this ___ day of _____, 2023, before me, the undersigned, a notary public in and for said state, personally appeared Philip J. Nanula, personally known to me or proved to me on the basis of satisfactory evidence to the be the individual whose name is subscribed to within this instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

SCHEDULE A

Parcel 1:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot 82, Township 12 and Range 7 of the Holland Land Company's Survey, being more particularly described as follows:

BEGINNING at the intersection of the northerly line of North Ellicott Creek Road with the westerly line of Sweet Home Road; Thence N 01°58'37 E, along the westerly line of Sweet Home Road, a distance of 258.52 feet; Thence 88°01'23" W, a distance of 213.69 feet; Thence S 00°11'13" W, a distance of 535.55 feet to a point in the northerly line of North Ellicott Creek Road; Thence N 45°33'50" E, along the northerly line of North Ellicott Creek Road, a distance of 30.24 feet; Thence N 22°15'39" E, along the northerly line of North Ellicott Creek Road, a distance of 140.40 feet; Thence N 31°42'11" E, continuing along the northerly line of North Ellicott Creek Road, a distance of 67.33 feet; Thence N 51°23'54" E, continuing along the northerly line of North Ellicott Creek Road, a distance of 68.71 feet; Thence N 66°26'31" E, continuing along the northerly line of North Ellicott Creek Road, a distance of 46.40 feet to the point of beginning, containing 1.742 acres.

Parcel 2 [Formerly 2360 Sweet Home Road]:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York being part of Lot No 82, Township 12 Range 7 of the Holland Land Survey, so-called, bounded and described as follows:

BEGINNING at point on the west line of lands described in a deed recorded in the Erie County Clerk's Office in Liber 6673 of Deeds at page 573, distant 187.00 feet N-00-12'-50"-W from the present north right of way line of North Ellicott Creek Road, at the north corner of lands acquired by the New York State Department of Transportation, S. H. 9409, Map 83, Parcel No. 87, recorded in Liber 9210 of Deeds at page 143;

THENCE: along the bounds of the lands conveyed to North Forest Properties #5 LLC by deed recorded in the Erie County Clerk's Office in Liber 11235 of Deeds at page 6110 the following five (5) courses and distances:

1) S-89°-47'-10"-W, along a southerly line of said North Forest Properties #5 LLC lands, a distance of 360.00 feet to a point;
2) S-00°-13'-02"-E, along a easterly line of said North Forest Properties #5 LLC lands, a distance of 72.97 feet to a point;
3) S-88°-54'-31"-W, along a southerly line of said North Forest Properties #5 LLC lands, a distance of 272.22 feet to a point;
4) N-01°-05'-29"-W, along the west line of said North Forest Properties #5 LLC lands, a distance of 780.29 feet to the northwest corner thereof;
5) S-85°-40'-18"-E, along the north line of said North Forest Properties #5 LLC lands a distance of 619.92 feet to a point;

THENCE: S-00-12'-50"-E, through said North Forest Properties #5 LLC lands, a distance of 304.96 feet to a point;

THENCE: S-88-25'-26"-E, through said North Forest Properties #5 LLC lands, a distance of 26.18 feet to the west line of said lands described in Liber 6673 of Deeds at page 573;

THENCE: S-00-12'-50"-E, along the west line of said Liber 6673 of Deeds at page 573, a distance of 348.18 feet to the POINT OF BEGINNING, containing 10.22 acres more or less.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

SCHEDULE B

METES AND BOUNDS LEGAL DESCRIPTION
PERMANENT OPEN SPACE CONSISTING OF A PORTION OF
2350 SWEET HOME ROAD

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York being part of Lot No 82, Township 12 Range 7 of the Holland Land Survey, so-called, bounded and described as follows:

BEGINNING at point on the west line of lands described in a deed recorded in the Erie County Clerk's Office in Liber 6673 of Deeds at page 573, distant 187.00 feet N-00-12'-50"-W from the present north right of way line of North Ellicott Creek Road, at the north corner of lands acquired by the New York State Department of Transportation, S. H. 9409, Map 83, Parcel No. 87, recorded in Liber 9210 of Deeds at page 143;

THENCE: along the bounds of the lands conveyed to North Forest Properties #5 LLC by deed recorded in the Erie County Clerk's Office in Liber 11235 of Deeds at page 6110 the following five (5) courses and distances:

1) S-89°-47'-10"-W, along a southerly line of said North Forest Properties #5 LLC lands, a distance of 360.00 feet to a point;
2) S-00°-12'-50"-E, along an easterly line of said North Forest Properties #5 LLC lands, a distance of 72.97 feet to a point;
3) S-88°-54'-31"-W, along a southerly line of said North Forest Properties #5 LLC lands, a distance of 272.22 feet to the southwest corner thereof;
4) N-01°-05'-29"-W, along the west line of said North Forest Properties #5 LLC lands, a distance of 780.29 feet to the northwest corner thereof;
5) S-85°-40'-18"-E, along the north line of said North Forest Properties #5 LLC lands a distance of 619.92 feet to a point;

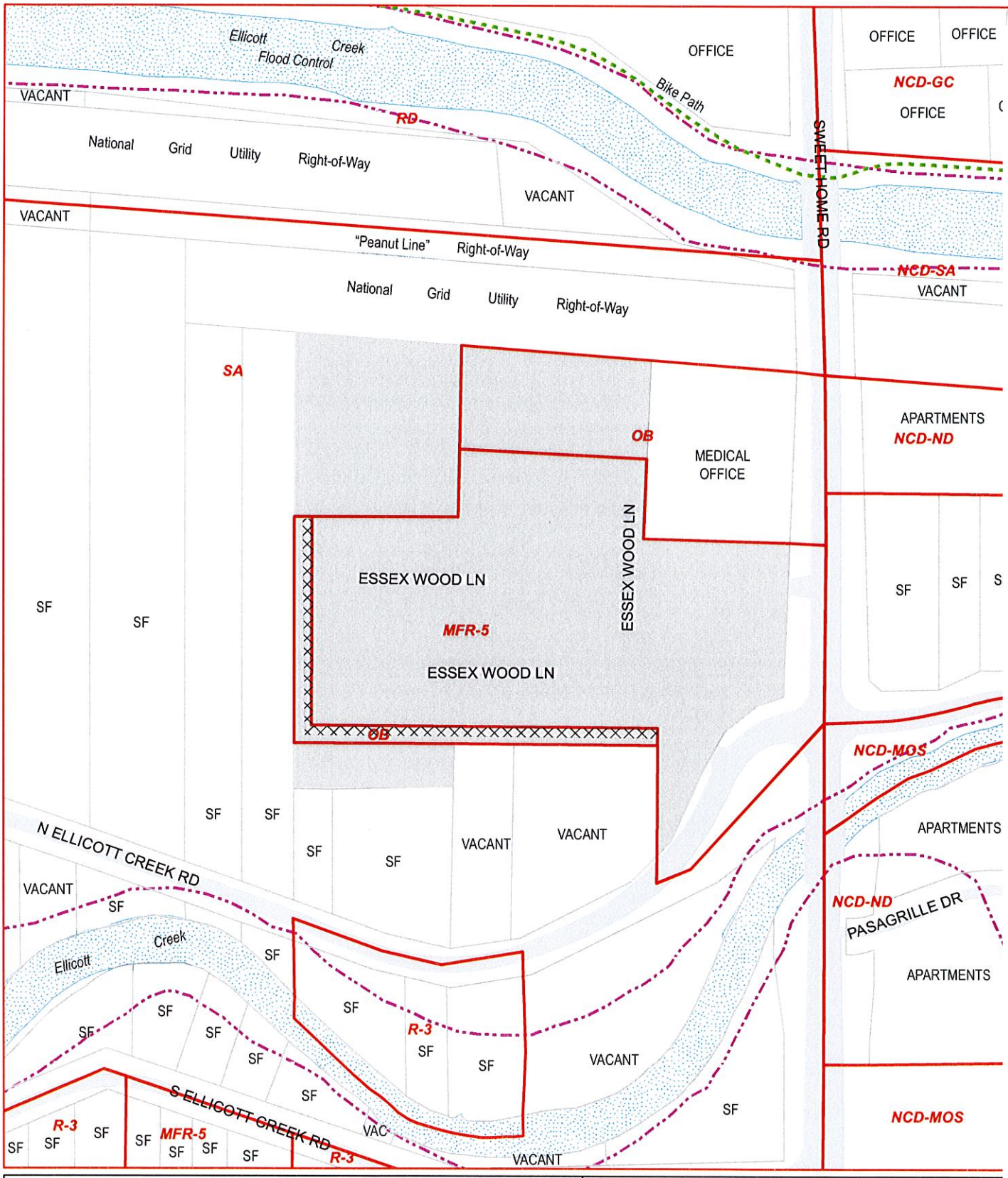
THENCE: Through said North Forest Properties #5 LLC lands, the following fifteen (15) courses and distances:

6) S-00-12'-50"-E a distance of 166.47 feet to a point;
7) N-87-51'-46"-W a distance of 16.24 feet to a point;
8) S-12-26'-56"-W a distance of 27.13 feet to a point;
9) S-58-06'-54"-W a distance of 97.91 feet to a point;
10) S-46-53'-26"-W a distance of 15.19 feet to a point;
11) S-32-16'-28"-W a distance of 17.19 feet to a point;
12) S-25-41'-59"-W a distance of 28.12 feet to a point;
13) N-80-56'-26"-W a distance of 50.68 feet to a point;
14) N-67-33'-18"-W a distance of 62.20 feet to a point;
15) S-82-26'-00"-W a distance of 63.13 feet to a point;
16) N-71-38'-03"-W a distance of 27.07 feet to a point;
17) S-00-12'-50"-E a distance of 5.50 feet to a point;

18) S-88-54'-31"-W a distance of 244.27 feet to a point;
19) S-01-05'-29"-E a distance of 353.63 feet to a point;
20) N-89-47'-10"-E a distance of 598.82 feet to the west line of said lands described in Liber 6673 of Deeds at page 573;

THENCE: S-00-12'-50"-E, along the west line of said Liber 6673 of Deeds at page 573, a distance of 30.00 feet to the POINT OF BEGINNING, containing 5.21 acres more or less.

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of



Z-2023-01

Request to Rezone .77 AC± of Land from OB to MFR-5
Property Located at 2350 Sweet Home Road

Essex Home of WNY, Petitioner

April 20, 2023

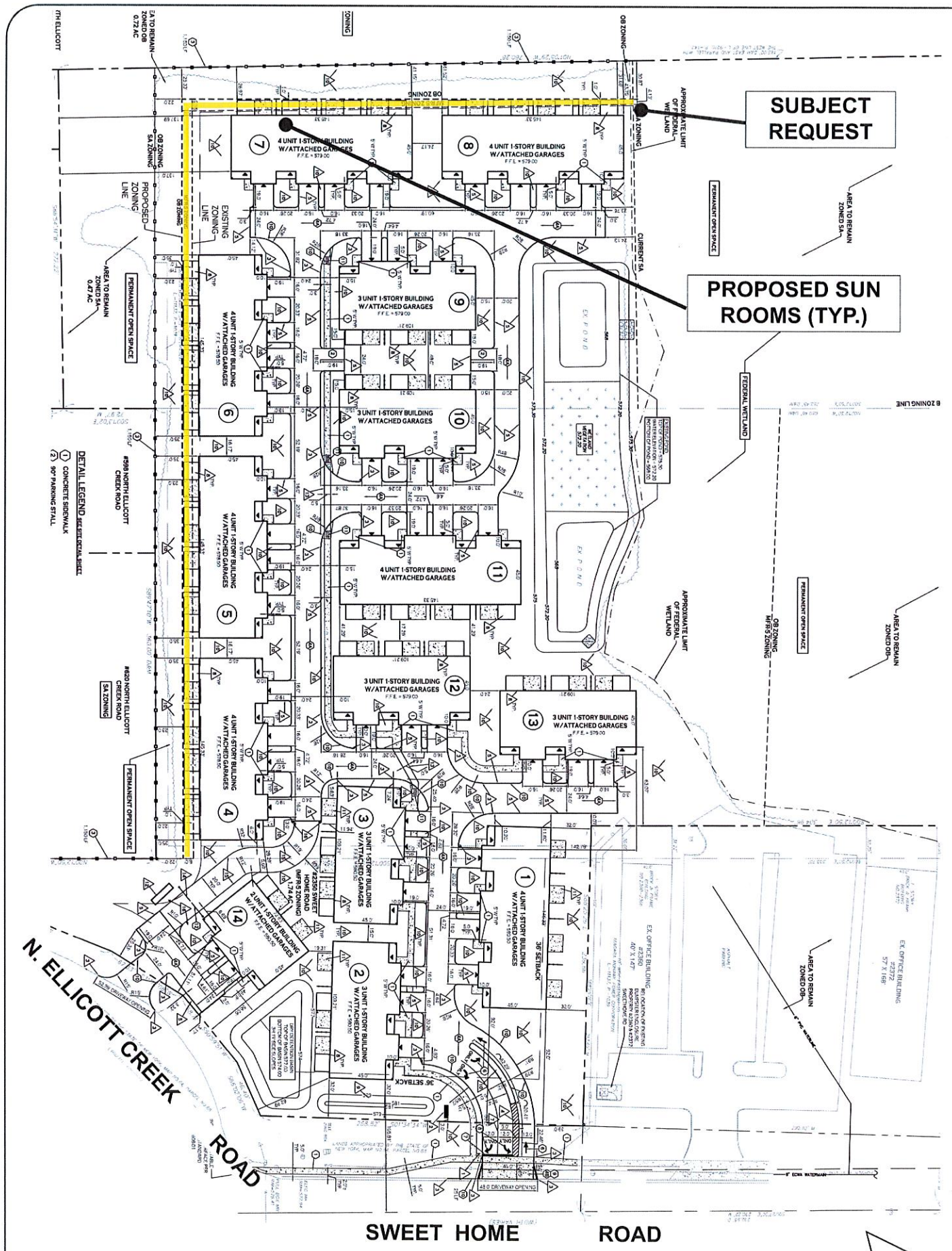
2350 Sweet Home Road

Floodway Boundary

Subject Request

Prepared by the Town of Amherst Planning Departm

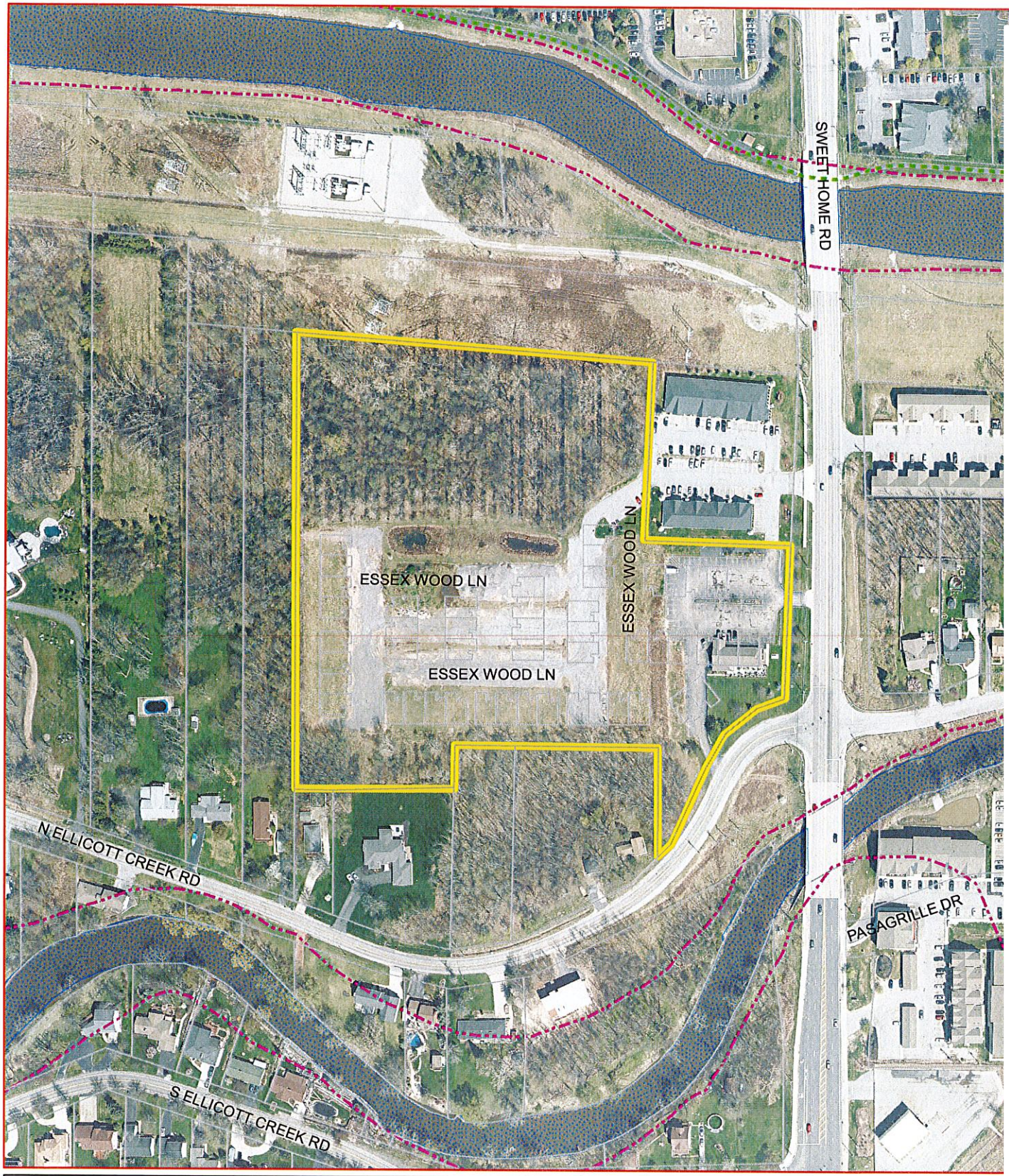
Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of



SITE PLAN

Z-2023-01
2350 Sweet Home Road

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of



Z-2023-01

Request to Rezone .77 AC± of Land from OB to MFR-5
Property Located at 2350 Sweet Home Road

Essex Home of WNY, Petitioner

April 20, 2023

2350 Sweet Home Road

Floodway Boundary

Prepared by the Town of Amherst Planning Departm

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kul
Supervisor
Daniel C. Howar CP
Planning Dire
Daniel J. Ulatowsk CP
Assistant Planning tor

MEMORANDUM

March 24, 2023

TO: Daniel Ulatowski, ~~Principal Planner~~
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberhold, Assistant Town Engineer

FROM: Scott Marshall, Principal Planner

SUBJECTS: REQUEST TO REZONE 0.17± ACRES OF LAND FROM **OB** TO **MFR-5, Z-2023-01**; PROPERT LOCATED AT **2350 SWEET HOME ROAD**. ESSEX HOMES OF WNY, PETITIONER.

REQUEST TO AMEND A DECLARATION OF RESTRICTIONS FROM A ZONING DECISION LIMITING A MINIMUM SETBACK (#7) AND THE OPTION TO HAVE WINDOWS ON THE REAR FAÇADE (#4), **Z-2016-16D & Z-2017-11B**; PROPERTY LOCATED AT **2360-2372 & 235 SWEET HOME ROAD**. ESSEX HOMES OF WNY, PETITIONER.

TOWN OF AMHERST EAF ADDEDUM & GEOTECHNICAL REPORT:
Received March 23, 2023

REVIEW:

Do you agree with all statements made? NO COMMENT REGARDING PETITIONER'S ST

If you do not, briefly state why: _____

General comments relative to your agency interests: LANDS NOTED TO REMAIN OPENSPACE ALONG THE WEST AND SOUTH SHOULD BE DEED RESTRICTED TO LI ANY FUTURE DEVELOPMENT BEYOND THE PROPOSED SUN ROOM ADDITI S

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 4/13/2023
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cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Amherst

Town of Amherst Planning Department

2018.029

Erie County, New York

TOWN OF AMHERST
PLANNING
DEPARTMENT
2023 MAR 27 A 11:54

Brian J. Kulp
Supervisor
Daniel C. Howard
Planning Direc
Daniel J. Ulatowsk
Assistant Planning

MEMORANDUM

March 24, 2023

TO: Daniel Ulatowski, Principal Planner
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberhold, Assistant Town Engineer

FROM: Scott Marshall, Principal Planner

SUBJECTS: REQUEST TO REZONE 0.17± ACRES OF LAND FROM **OB** TO **MFR-5, Z-2023-01**; PROPERT LOCATED AT **2350 SWEET HOME ROAD**. ESSEX HOMES OF WNY, PETITIONER.

REQUEST TO AMEND A DECLARATION OF RESTRICTIONS FROM A ZONING DECISION LIMITING A MINIMUM SETBACK (#7) AND THE OPTION TO HAVE WINDOWS ON THE REAR FAÇADE (#4), **Z-2016-16D & Z-2017-11B**; PROPERTY LOCATED AT **2360-2372 & 235 SWEET HOME ROAD**. ESSEX HOMES OF WNY, PETITIONER.

TOWN OF AMHERST EAF ADDEDUM & GEOTECHNICAL REPORT:
Received March 23, 2023

REVIEW:

RECEIVED
MAR 31 2023
TOWN OF AMHERST
PLANNING DEPT.

Do you agree with all statements made? Yes

If you do not, briefly state why: _____

General comments relative to your agency interests: None

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 3/30/31

SM/ac
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cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

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Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. K
Supervis
Daniel C. Howa
Planning Di
Daniel J. Ulatow
Assistant Plannir

RECEIVED
MAR 27 2023
TOWN OF AMHERST
BUILDING DEPT

MEMORANDUM March 24, 2023

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TOWN OF AMHI
PLANNING DE

TO: Daniel Ulatowski, Principal Planner
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberhold, Assistant Town Engineer

FROM: Scott Marshall, Principal Planner

SUBJECTS: REQUEST TO REZONE 0.17± ACRES OF LAND FROM **OB** TO **MFR-5, Z-2023-01**; PROPER LOCATED AT **2350 SWEET HOME ROAD**. ESSEX HOMES OF WNY, PETITIONER.

REQUEST TO AMEND A DECLARATION OF RESTRICTIONS FROM A ZONING DECISIOI LIMITING A MINIMUM SETBACK (#7) AND THE OPTION TO HAVE WINDOWS ON THE REAR FAÇADE (#4), **Z-2016-16D & Z-2017-11B**; PROPERTY LOCATED AT **2360-2372 & 23 SWEET HOME ROAD**. ESSEX HOMES OF WNY, PETITIONER.

TOWN OF AMHERST EAF ADDEDUM & GEOTECHNICAL REPORT:
Received March 23, 2023

REVIEW:

Do you agree with all statements made? Yes

If you do not, briefly state why: _____

General comments relative to your agency interests: None at this time

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: Doug Gesel **Date:** 3/27/2023

SM/ac
X:\Current_Planning\Files\Rezonings\2023\Z-2023-01_(2350_Sweet_Home)_2023\Z-2023-01_Z-2016-16D_Z-2017-11B_EAF_Geotech_transmittal_042423.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

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Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, AI(
Planning Director
Daniel J. Ulatowski, AI
Assistant Planning Dire

March 14, 2023

Essex Homes of WNY
c/o Sean Hopkins, Esq.
5500 Main Street, Suite 343
Williamsville, New York 14221

SUBJECT:	Rezoning Application Review	**Z-2023-01**
	Proposed:	Rezoning of 0.17± ac. from OB to MFR-5
	Property located at:	**2350 Sweet Home Road (portion)**
	Application received:	January 25, 2023
	Representative:	Sean Hopkins, Esq.

Dear Mr. Hopkins,

Please consider the following comments:

1. Complete the attached revised Town of Amherst Addendum to the EAF.

2. Note that any other SEQR-related issues raised during the review process for this rezoning must be addressed prior to action by the Planning Board.

3. Provide an 8½ " x 11" reduction of any revised concept plan **and an electronic version** of any revised plans or information submitted for review.

This is a review only and does not constitute approval of the Rezoning Request. Should you have questions regarding this correspondence, please contact Scott A. Marshall, Principal Planner at smarshall@amherst.ny.us.

Very truly yours,

for Daniel C. Howard, AICP
Planning Director

DH/SM/ac
X:\Current_Planning\Files\Rezonings\2023\Z-2023-01_(2350_Sweet_Home)_2023\Z-2023-01_Pln_Dpt_Rvw_03142023.docx
cc: Carmina Wood Design, 487 Main St., Suite 500, Buffalo, NY 14203

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard,
Planning Direct
Daniel J. Ulatowski,
Assistant Planning D

MEMORANDUM

January 26, 2023

RECEIVED
JAN 27 2023
TOWN ATTORNEY

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Emily Murphy, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/ Eric Blocher, General Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Martin Polowy, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Joseph Buffamonte, SEQR Review Coordinator, NYSDOT

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 0.17± ACRES OF LAND FROM **OB** TO **MFR-5**, **Z-2023-01**; PROPERTY LOCATED AT **2350 SWEET HOME ROAD**. ESSEX HOMES OF WNY, PETITIONER.

REVIEW:

Do you agree with all statements made? Yes

If you do not, briefly state why: –

General comments relative to your agency interests: –

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) –

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 2/3/23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-01\Z-2023-01_Transmittal_012623.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Amherst

Town of Amherst Planning Department — *Erie County, New York*

RECEIVED
JAN 27 2023
TOWN OF AMHERST
BUILDING DEPT

Brian J. Kulp
Supervisor
Daniel C. Howard,
Planning Direct
Daniel J. Ulatowski,
Assistant Planning D

MEMORANDUM

January 26, 2023

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Emily Murphy, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/ Eric Blocher, General Crew Chief
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Martin Polowy, Town Attorney (Local Law Only)
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Integrated Review Coordinator, ECDEP
Joseph Buffamonte, SEQR Review Coordinator, NYSDOT

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TOWN OF AMH
PLANNING D

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 0.17± ACRES OF LAND FROM **OB** TO **MFR-5, Z-2023-01**; PROPERTY LOCATED AT **2350 SWEET HOME ROAD**. ESSEX HOMES OF WNY, PETITIONER.

REVIEW:

Do you agree with all statements made? No objections

If you do not, briefly state why: _____

General comments relative to your agency interests: _____

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: Kurt B. Hale **Date:** 2/7/23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-01\Z-2023-01_Transmittal_012623.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Amherst

Town of Amherst Planning Department *Erie County, New York*

RECEIVED
JAN 31 2023
TOWN OF AMHERST
PLANNING DEPT.

Brian J. Kulpa
Supervisor
Daniel C. Howard, A
Planning Directo
Daniel J. Ulatowski,
Assistant Planning Di

MEMORANDUM

January 26, 2023

RECEIVED
JAN 27 2023
TOWN ATTORNEY

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Emily Murphy, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/ Eric Blocher, General Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Martin Polowy, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Joseph Buffamonte, SEQR Review Coordinator, NYSDOT

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 0.17± ACRES OF LAND FROM **OB** TO **MFR-5**, **Z-2023-01**; PROPERTY LOCATED AT **2350 SWEET HOME ROAD**. ESSEX HOMES OF WNY, PETITIONER.

REVIEW:

Do you agree with all statements made? Agree with all statements m

If you do not, briefly state why: N/A

General comments relative to your agency interests: N/A

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) N/A

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 1/30/23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-01\Z-2023-01_Transmittal_012623.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Amherst

Town of Amherst Planning Department

~~350477~~
2018.029
Erie County, New York

Brian J. Kulpa
Supervisor
Daniel C. Howard,
Planning Direct
Daniel J. Ulatowski,
Assistant Planning D

MEMORANDUM

January 26, 2023

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JAN 31 20
TOWN OF AMHE
PLANNING DE

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REVIEW:

Do you agree with all statements made? YES

If you do not, briefly state why: _____

General comments relative to your agency interests: NONE

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 1/31/23

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-01\Z-2023-01_Transmittal_012623.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Amherst

Town of Amherst Planning Department *Erie County, New York*

RECEIVED
JAN 30 2023
TOWN OF AMHERST
PLANNING DEPT.

Brian J. Kulpa
Supervisor
Daniel C. Howard, A
Planning Direct
Daniel J. Ulatowski,
Assistant Planning D

MEMORANDUM

January 26, 2023

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Emily Murphy, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
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Integrated Review Coordinator, ECDEP
Joseph Buffamonte, SEQR Review Coordinator, NYSDOT

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director TV

SUBJECT: REQUEST TO REZONE 0.17± ACRES OF LAND FROM **OB** TO **MFR-5**, **Z-2023-01**; PROPERTY LOCATED AT **2350 SWEET HOME ROAD**. ESSEX HOMES OF WNY, PETITIONER.

REVIEW:

Do you agree with all statements made? YES

If you do not, briefly state why: _____

General comments relative to your agency interests: _____

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 1/29/23

C. Schregel

DU/TV/bf
X:\Current_Planning\Files\Rezonings\2023\Z-2023-01\Z-2023-01_Transmittal_012623.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

TOWN OF AMHERST

ASSESSOR'S OFFICE

5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
PHONE: 716-631-7038
FAX 716-631-7144

Emily A. Murphy
Assessor
emurphy@amherst.ny.us

MEMORANDUM

TO: Daniel Ulatowski, AICP, Associate Planning Director
Douglas Gesel, Supervising Code Enforcement Officer
Jeff Burroughs, Town Engineer
Scott Marshall, Principle Planner

FROM: Bonnie B. Arnold, Real Property Appraiser

DATE: January 27, 2023

SUBJECT: Request to Rezone 0.17±Acres of Land from OB to MFR-5,Z-2023-01
Property Location: **2350 Sweet Home Road**
Petitioner: **Essex Homes of WNY**

Site plan Conditionally Approved as submitted.
If rezone is being done for construction of single family homes w/condo status then Assessors office does not agree

cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Carrato, Amy

From: Joan Stone <enots40@gmail.com>
Sent: Tuesday, April 11, 2023 7:33 PM
To: Planning Department email; Marshall, Scott; Palumbo, Gary; Voigt, Thomas J.; Ulatowski, Daniel; Carrato, Amy
Cc: Chris Stone
Subject: 2350 & 2360 Sweet Home Rd

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

To Planning Board Members,
My name is Chris Stone and I reside at 550 North Ellicott Creek Road in Amherst with my wife and daughter. Our property is located along the entire Western side of the Essex Homes development.
We recently received a letter stating that the developer wants to change more the zoning from OB to MFR-5, and to amend a declaration of restrictions which restricts windows on the rear of the buildings on the 2nd floor. There is a Planning Board meeting scheduled on 4/20/23 for comments on the project. Unfortunately due to an unavoidable conflict, we cannot attend this meeting, therefore we are contacting you in writing prior to the meeting.
We will first comment on the zoning change. The developer is looking to get some zoning changed in order to get the foundations of "sunrooms" closer to the property line minimizing the setback to 22'-25' from the original 35'. Our opinion on that is if the rezoning is allowed, there would not be anything to stop them from moving the entire buildings closer to the property lines. Because of the size of these buildings, this would not be desirable for the neighbors. We would like a "NO" vote to this change.
The next change request is allowing windows on the back side of the buildings on the 2nd floor. This was one of the most important declarations that we fought for. Again, because of the size of these buildings, this would be an invasion of privacy. We would like a "NO" vote to this also.
Now to explain a little back story to this project. Back in 2016 through 2018 there were extensive negotiations between the neighbors and the developer regarding the entire project. The developer made many changes in order to satisfy our concerns. The neighbors made many concessions during the negotiating period also. We all came to a decision and on 3/19/2018 the Town Board unanimously adopted the resolutions with the full support of the neighbors. There are 14 declarations filed at the Erie County Clerks Office as a result of our negotiations. As we see the project moving forward, we appreciate what we fought for. We started experiencing severe flooding in our yards so we went to the Town and it was addressed because we have the declaration in place to address the drainage. We then recognized that buildings were being built with windows on the back side of the 2nd story. We again contacted the town and the windows were removed because we have the declaration in place to restrict them. We also see these units are being leased rather than sold, which is against one of the declarations. We are not sure how this is being allowed to happen, so we plan to address this issue with the town next.
In closing we want to state that we are NOT in favor of any changes being brought to the Planning Board at this time.

Thank You for your attention,

Chris and Joan Stone
550 North Ellicott Creek Road
Amherst 14228
email: enots40@gmail.com

Attachment: Z-2023-01 TB letter 062023 (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of

Town of Amherst, NY
Office of the Assessor
Emily A. Murphy Assessor

5583 Main Street
Williamsville, New York 14221
Phone: (716) 631-7038
www.amherst.ny.us
emurphy@amherst.ny.us

Memorandum

May 26, 2023

To: Francina Spoth, Town Clerk
Timothy Koller, Deputy Town Clerk
Re: Petition – 2350 Sweet Home Rd

The protest petition for 2350 Sweet Home Rd has been signed by the required property owners as stated in two of Town Law §265 (1) paragraphs (a) (b) or (c). The signatures satisfied tests (b) and (c). The Super Majority calculations are based on three tests:

(a) The owners of twenty percent or more of the area of land included in such proposed change; or
(b) The owners of twenty percent or more of the area of land immediately adjacent to that land included in such proposed change, extending 100 feet therefrom; or
(c) The owners of twenty percent or more of the area of land directly opposite thereto, extending one hundred feet from the street frontage of such opposite land.

Therefore a super majority vote will be required to enact the change in zoning, as it relates to 2350 Sweet Home Rd.

Should you have questions, please feel free to contact me.

Sincerely,

Jeffrey E. Hennard
Senior Real Property Appraiser

cc: Emily A. Murphy
Assessor

Attachment: protest petition (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of Restrictions)

PROTEST PETITION

5/22/23

We the residents in the vicinity of the Essex Woods project located at 2350 Sweet home Rd. in Amherst are protesting a proposal being brought to the Town Board by Essex Homes. We are looking to get the super majority vote rule put into effect. The below residents represent "20 percent or more of the area of land immediately adjacent to the land included in such proposed change, extending one hundred feet therefrom" which is a condition required by Town Law to get a super majority vote. This is also signed by additional concerned residents.

The item being protested is:

1. Request to rezone .77 acres from OB to MFR-5 at 2350 Sweet home Rd. Petitioner is Essex Homes of WNY.

Decision can be sent to Christopher Stone

NAME	ADDRESS	SIGNATURE
Anthony Chumbim	598, 620, 645 North Ellicott Creek Rd	
Lorraine Townsend	598, 620, 645 North Ellicott Creek Rd	
Christopher Stone	550 North Ellicott Crk Rd.	
Joan Stone	550 North Ellicott Crk Rd	Joan Stone
James Bartley	574 N. Ellicott Creek Rd	
Kim Bartley	574 N. Ellicott Creek Rd	
Nicholas Fabbo	566 North Ellicott Creek Rd	

'23 MAY 25 PM12:43

Attachment: protest petition (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of Restrictions)

PROTEST PETITION

5/22/23

We the residents in the vicinity of the Essex Woods project located at 2350 Sweet home Rd. in Amherst are protesting a proposal being brought to the Town Board by Essex Homes. We are looking to get the super majority vote rule put into effect. The below residents represent "20 percent or more of the area of land immediately adjacent to the land included in such proposed change, extending one hundred feet therefrom" which is a condition required by Town Law to get a super majority vote. This is also signed by additional concerned residents.

The item being protested is:

1. Request to rezone .77 acres from OB to MFR-5 at 2350 Sweet home Rd. Petitioner is Essex Homes of WNY.

Decision can be sent to Christopher Stone

NAME	ADDRESS	SIGNATURE
CORI FENSTER	520 N ELLICOTT CREEK RD	

Attachment: protest petition (RES-2023-529 : 2350 & 2360-2372 Sweet Home Road Rezoning & Request to Amend Declaration of Restrictions)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Finance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 27643 **RESOLUTION 2023-530** **ADOPTED**

2023-2028 CIP Amendment

Please adopt the attached amendment to the recommended funding for fiscal year 2023 in the 2023-2028 Capital Improvement Plan. Projects that are having funding eliminated will be re-evaluated during the 2024 CIP process.

6/20/2023
Consent

FINANCIAL IMPACT:

(940) LA, 17 RF

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2023 CIP Amendment

CIP Project	Description	Current Funding	Amended Funding
F-15	Town Hall Renovations	100 LA	0
PO-5	Police & Fire Emergency Communications Tower	200 ARPA	70 ARPA
E-4	Misc. Sanitary Sewer Relining and Manhole Rehabilitation	1,500 LG 150 I/M	1,500 LG 150 I/M 130 ARPA
YR-7A	Lou Gehrig Diamond #10 Renovation Phase 2	150 LA	0
YR-8A	Lou Gehrig Parking Lot Phases 1 & 2	390 LA (move to 2024)	0
YR-1B	Audubon Library Park	300 LA 400 F/S	400 F/S 17 RF
	TOTALS	940 LA 1,500 LG 200 ARPA 150 I/M 400 F/S	0 LA 1,500 LG 200 ARPA 150 I/M 400 F/S 17 RF

Attachment: 2023 CIP Amendments - 6-20-2023 (RES-2023-530 : 2023-2028 CIP Amendment)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Supervisor
Initiated by: **Brian J. Kulpa**
Co-Sponsored by:

DOC ID: 27653 **RESOLUTION 2023-531** **ADOPTED**

Delegation of Certifying Officer in Accordance with 24 CFR Part 58

WHEREAS, the Town of Amherst is a recipient of funds from the U.S. Department of Housing and Urban Development; and,

WHEREAS, these funds are subject to environmental review, decision-making and action responsibilities under the National Environmental Policy Act (NEPA) and 24 C.F.R. Part 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities"; and,

WHEREAS, the Town of Amherst Supervisor may delegate to another individual the authority to carry out the responsibilities of certifying officer as provided in 24 C.F.R. Part 58, its related Federal authorities listed in Sections 58.5 and 58.6, as well as Section 102 of NEPA and its related provisions in 40 CFR parts 1500 through 1508;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves and authorizes the Town Supervisor to delegate to Daniel J. Ulatowski, Amherst Assistant Planning Director the authority to carry out the responsibilities of certifying officer as provided in 24 C.F.R. Part 58, its related Federal authorities listed in Sections 58.5 and 58.6, as well as Section 102 of NEPA and its related provisions in 40 CFR parts 1500 through 1508.

BE IT FURTHER RESOLVED, that as the delegated certifying officer, Mr. Ulatowski is also authorized to and accepts, on behalf of the Town of Amherst, the jurisdiction of the federal courts for the enforcement of all these responsibilities; and,

BE IT FURTHER RESOLVED, that the effective date of this delegation is immediate and shall run until revoked by the Town Supervisor or by the end of Supervisor Brian Kulpa's term in office; and,

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute any necessary documents relating to the issuance of the delegation to Daniel J. Ulatowski.

6/20/2023
Consent

FINANCIAL IMPACT:

The resolution will have no impact on the Town's current budget or tax rate.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

TOWN OF AMHERST

5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
PHONE: 716-631-7013
www.amherst.ny.us

BRIAN J. KULPA
Supervisor
716-631-7032

DEBORAH BRUCH BUCKI RN, PhD
Deputy Supervisor/ Councilmember

Councilmembers:
JACQUALINE G. BERGER
SHAWN A. LAVIN
MICHAEL SZUKALA

William T. O'Connell
Director, Community Planning Development
US Department of Housing and Urban Development
465 Main Street, Lafayette Court, 2nd Floor
Buffalo, NY 14203

SUBJECT: Delegation of Certifying Officer in accordance with 24 C.F.R. 58

Dear Mr. O'Connell,

The Town of Amherst is a recipient of funds from the U.S. Department of Housing and Urban Development. These funds are subject to environmental review, decision-making and action responsibilities under the National Environmental Policy Act (NEPA) and 24 C.F.R. Part 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities".

As Supervisor of the Town of Amherst, I hereby delegate to Daniel J. Ulatowski, Amherst Assistant Planning Director the authority to carry out the responsibilities of certifying officer as provided in 24 C.F.R. Part 58, its related Federal authorities listed in Sections 58.5 and 58.6, as well as Section 102 of NEPA and its related provisions in 40 CFR parts 1500 through 1508.

Further, as the delegated certifying officer, Mr. Ulatowksi, is also authorized to and accepts on behalf of the Amherst the jurisdiction of the federal courts for the enforcement of all these responsibilities.

The effective date of this delegation is immediate and shall run until revoked by me or by the end of my term in office. The authority delegated is not subject to sub-delegation.

_____
Brian J. Kulpa, Town Supervisor
Town of Amherst
Signed on this __ day of June, 2023

NAME & CONTACT INFORMATION FOR CERTIFYING OFFICER:
Daniel J. Ulatowski, AICP
Amherst Assistant Planning Director
5583 Main Street, Williamsville, NY 14221
(716) 631-7051

cc: Office of Environment and Energy

Attachment: Certifying Officer Designation Letter to HUD (RES-2023-531 : Delegation of Certifying Officer in Accordance with 24 CFR Part 58)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Councilmembers
Initiated by: **Jacqualine Berger**
Co-Sponsored by:

DOC ID: 27613 **RESOLUTION 2023-532** **ADOPTED**

Arts & Culture in Public Places Board Appointment

WHEREAS, Town of Amherst created the Arts & Culture in Public Places Board to promote public art and culture within the town and to collaborate and cooperate with various and appropriate individuals, groups, associations, organizations and institutions concerned with art and culture; and

WHEREAS, to promote, ensure and enhance the function, object and mission of the visual and performing arts; and

WHEREAS, the Arts & Culture in Public Places Board, also known as Arts & Culture, consists of nine (9) members, each serving a term of two (2) years; and

WHEREAS, the Arts & Culture in Public Places Board currently has a Board of nine (9) members, who shall continue to serve until their term of appointment expires, as follows:

Maureen Cilano, Member, with a term that expires 12-31-2023
Jennifer Colwell, Member, with a term that expires 12-31-2023
Deborah Doucette, Member, with a term that expires 12-31-2023
Mary Jo Kahley-Wolf, Member, with a term that expires 12-31-2023
Barbara Pickelhaupt, Member, with a term that expires 12-31-2023
Michael R. Russo, Member, with a term that expires 12-31-2025
Sharon Seamans, Member, with a term that expires 12-31-2025
Penny Wolfgang, Member, with a term that expires 12-31-2025; and

WHEREAS, Burton Merriam has expressed interest in serving on the Arts & Culture Board and has attended a meeting(s).

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board appoints Burton Merriam for his first term to conclude December 31, 2024.

6/20/2023
Consent

FINANCIAL IMPACT:

None

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jacqualine Berger, Councilmember
SECONDER:	Brian J. Kulpa, Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 27646 **RESOLUTION 2023-533** **ROLL CALL VOTE (ADOPTED)**

Dellwood Park Inclusive Field & Park Improvements (Bond Resolution - $360,000)

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **June 13, 2023**

RE: **Dellwood Park Inclusive Field & Park Improvements**
2023-2028 C.I.P. - Project YR-2B
Bond Resolution - $360,000

Kindly take the following action with respect to the above bond request:

(1) Adopt the attached SEQR determination for the above project as determined by the Town of Amherst Planning Department; and

(2) Adopt the attached bond resolution authorizing the issuance of $360,000.00 in serial bonds for the above-referenced Town improvement.

The adoption of the bond resolution does not require a public hearing to be held because the improvement is a Town improvement not involving a special district.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk (*w/attachments*, **Agenda Item - June 20, 2023**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Jessica Boudreau, Project Manager (*w/attachments*)
Mary-Diana Pouli, Executive Director, Town of Amherst Youth and Recreation (*w/attachments*)

6/20/2023
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Councilmember Berger and

unanimously approved via Roll Call vote 5-0.

FINANCIAL IMPACT:

Bond Resolution - $360,000

RESULT:	**ROLL CALL VOTE (ADOPTED) [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Transmitted electronically

MEMORANDUM May 25, 2023

TO: Marc A. Bellacose, Junior Municipal Engineer
Engineering Department

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

RE: SEQR Determination
Dellwood Park Inclusive Baseball Field & Park Improvements
2023-2028 C.I.P. Project YR-2B

The Planning Department has reviewed the Map, Plan & Report for the subject project and has determined it to be a Type II action under the provisions of SEQR according to Part 617.5. Therefore, no further environmental work is required.

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\Dellwood Park Inclusive Baseball Field & Park Improvements_YR-2B_05_25_2023.docx

cc:
Martin Polowy, Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: SEQR YR-2B (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution - $360,000))

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the

County of Erie, New York

June 20, 2023

* * *

A regular meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, was held at the Town Hall, 5583 Main Street, Williamsville, New York, on June 20, 2023.

There were present:	Hon. Brian J. Kulpa, Supervisor; and
Board members:	Jacqualine Berger, Councilwoman Deborah Bruch Bucki, Deputy Supervisor/ Councilwoman Shawn Lavin, Councilman Michael R. Szukala, Councilman
There were absent:	
Also present:	Francina J. Spoth, Town Clerk

* * *

_____ offered the following resolution and moved its adoption:

Attachment: CertBondReso (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution - $360,000))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED JUNE 20, 2023, AUTHORIZING IMPROVEMENTS TO THE DELLWOOD INCLUSIVE BASEBALL FIELD AND PARK, STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS $760,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $360,000 TO FINANCE A PORTION OF SAID APPROPRIATION AND THE APPLICATION OF $400,000 IN STATE AND GRANT FUNDS RECEIVED OR EXPECTED TO BE RECEIVED AND TO BE EXPENDED TOWARDS THE COST OF SAID OBJECT OR PURPOSE

THE TOWN BOARD OF THE TOWN OF AMHERST, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Amherst, in the County of Erie, New York (herein called the "Town"), is hereby authorized to undertake improvements to the Dellwood Inclusive Baseball Field and Park, as described in the map, plan and report dated May 2023, prepared by the Town Youth and Recreation Department (2023-2028 Capital Improvement Program Project YR-2B). The estimated total maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $760,000 and said amount is hereby appropriated for such purpose. The plan of financing includes (i) the issuance of bonds in the aggregate principal amount of $360,000 to finance said appropriation, (ii) $400,000 in a Dormitory Authority of the State of New York grant, and (iii) the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of $360,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter

Attachment: CertBondReso (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution - $360,000))

33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said objects or purposes as set forth in section 1 hereof.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the specific object or purpose for which said $360,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 19(c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made

Attachment: CertBondReso (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution - $360,000))

annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds, and any notes in anticipation thereof to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Attachment: CertBondReso (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution - $360,000))

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in "The Amherst Bee," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

Attachment: CertBondReso (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution - $360,000))

TOWN OF AMHERST. NEW YORK

PLEASE TAKE NOTICE that on June 20, 2023, the Town Board of the Town of Amherst, in the County of Erie, New York, adopted a bond resolution entitled:

"BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED JUNE 20, 2023, AUTHORIZING IMPROVEMENTS TO THE DELLWOOD INCLUSIVE BASEBALL FIELD AND PARK, STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS $760,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $360,000 TO FINANCE A PORTION OF SAID APPROPRIATION AND THE APPLICATION OF $400,000 IN STATE GRANT FUNDS RECEIVED OR EXPECTED TO BE RECEIVED AND TO BE EXPENDED TOWARDS THE COST OF SAID OBJECT OR PURPOSE,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town is authorized to undertake improvements to the Dellwood Inclusive Baseball Field and Park, as described in the map, plan and report dated May 2023, prepared by the Town Youth and Recreation Department (2023-2028 Capital Improvement Program Project YR-2B); STATING the estimated total maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is $760,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes (i) the issuance of bonds in the principal amount of $360,000 to finance said appropriation, (ii) $400,000 in a Dormitory Authority of the State of New York grant, and (iii) the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of $360,000 pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

Attachment: CertBondReso (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution - $360,000))

FOURTH: DETERMINING that said bonds, and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds, and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: June 20, 2023

FRANCINA J. SPOTH,
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

Attachment: CertBondReso (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution - $360,000))

The adoption of the foregoing resolution was seconded by _____and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

****

Attachment: CertBondReso (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution - $360,000))

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Amherst duly called and held on June 20, 2023, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this _____day of May, 2023.

(SEAL)

_____
Town Clerk

Attachment: CertBondReso (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution - $360,000))

AFFIDAVIT OF POSTING

STATE OF NEW YORK)
:ss:
COUNTY OF ERIE)

FRANCINA J. SPOTH, being duly sworn, deposes and says:

That she is and at all times hereinafter mentioned she was the duly elected, qualified and acting Town Clerk of the Town of Amherst, State of New York;

That on _____, 2023, she has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond resolution duly adopted by the Town Board on June 20, 2023, a copy of which is annexed hereto and made a part hereof, on the sign board of the Town maintained pursuant to the Town Law.

_____
Town Clerk

Subscribed and sworn to before me

this _____ day of May, 2023.

_____
Notary Public, State of New York

Attachment: CertBondReso (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution - $360,000))

Town of Amherst
Recreation Department

2023
Dellwood Park Inclusive Field & Park Improvements
2023 – 2028 C.I.P.
Project YR-2B

Map, Plan & Report
May 2023

Contents:

- Proposed Scope of Improvements
- Financial / Taxation Summary
- Environmental Assessment Form
- Town of Amherst Planning Department SEQR Determination
  - Type II Action
- Exhibit Maps 1 & 2

Town of Amherst Engineering Department
1100 North Forest Rd., Williamsville, NY 14221
(716) 631-7154 / (716) 631-7222

Attachment: MPR YR-2B Dellwood Inclusive Field (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution -

Town of Amherst
Engineering Department

Recreation Department
Dellwood Park Inclusive Baseball Field & Park Improvements

PROPOSED ANTICIPATED SCOPE OF IMPROVEMENTS:

INCLUSIVE BASEBALL FIELD

The proposed scope of improvements includes replacement of the existing baseball/softball field with a inclusive ball field, allowing people with disabilities to play baseball, softball or kickball using an adaptive diamond. The field will be constructed using an artificial turf system that is designed for enhanced maneuverability for players and mobility equipment. The turf system is designed with drainage provisions and with a low fiber height and tight gauge allowing for enhanced mobility. Bases, home plate, and the pitcher's mound will also be integrated using the artificial system. Other improvements include dugouts and hardscape surfaces for access to areas surrounding the field.

RESTROOM AND STORAGE FACILITIES

In an effort to enhance the user experience and comfort, the Town of Amherst is proposing the following improvements to be completed during this and/or future phases. Proposed improvements include the construction of a restroom and storage facility directly adjacent to the proposed inclusive baseball field, to include all applicable utility services. Hardscape surface will connect the proposed building to the baseball field and adjacent parking area.

MISCELLANEOUS IMPROVEMENTS

Other improvements that may also be implemented include; additional asphalt parking area, and additional landscaping and hardscape area to facilitate mobility. Any other required ancillary improvements required to support the above facilities will also be included.

Attachment: MPR YR-2B Dellwood Inclusive Field (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution -

Attachment: MPR YR-2B Dellwood Inclusive Field (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution -

FINANCIAL SUMMARY:

The improvements outlined above will begin in 2024 and completed in 2025. The above projects will be bonded against the Town of Amherst General Fund. The total project cost of $760,000.00 will be financed from a grant received through the Dormitory Authority of the State of New York in the amount of $400,000.00, with the remaining $360,000.00 financed through serial bonds. The above project can be characterized as a replacement-in-kind. All of the improvements will have a minimum useful life of 15-years.

PROJECT COST ESTIMATE:

○ Estimated Construction Costs	$ 683,200
○ Professional Services	75,000
○ Legal / Administrative	1,800
Total Project Costs	760,000
DASNY Grant Match	(400,000)
Total Amount to be bonded	**$ 360,000**

Taxation Summary:

- Total Bond Request: $360,000.00
- Bond Term: 15 years (General Fund)
- Annual Tax Impacts:
  - General Account: $0.0030 per year, per $1,000 AV
- Typical Property Taxation Impacts:
  - General Account: $0.76 per year, per $250,000 property

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:
Dellwood Park Inclusive Ballfield and Park Improvements

Project Location (describe, and attach a location map):
Dellwood Park - 387 North Ivyhurst Road, Amherst, NY 14226

Brief Description of Proposed Action:
Replacement of an existing baseball field with an inclusive baseball field. Future phases to include restroom/storage building.

Name of Applicant or Sponsor:	Telephone: 716-631-7154
Town of Amherst Engineering Department - Marc A. Bellacose	E-Mail: marc.bellacose@amherst.ny.us

Address:
1100 N. Forest Road

City/PO:	State:	Zip Code:
Williamsville	NY	14221

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Municipal Bond and DASNY Grant	☐	☑

3.a. Total acreage of the site of the proposed action? 0.5 acres
b. Total acreage to be physically disturbed? 0.5 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 4.72 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☑ Parkland

Attachment: MPR YR-2B Dellwood Inclusive Field (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution -

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☑	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☑
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☑	☐
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	☑	☐
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☐	☑
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☐	☑
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☑	☐
b. Is the proposed action located in an archeological sensitive area?	☑	☐
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☑	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☑	☐

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☐ Urban ☑ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100 year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES		

Attachment: MPR YR-2B Dellwood Inclusive Field (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution -

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	☑	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Marc A. Bellacose - Junior Municipal Engineer Date: 5-10-23

Signature: Marc A. Bellacose

PRINT FORM

Attachment: MPR YR-2B Dellwood Inclusive Field (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution -

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Transmitted electronically

MEMORANDUM May 25, 2023

TO: Marc A. Bellacose, Junior Municipal Engineer
Engineering Department

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

RE: SEQR Determination
Dellwood Park Inclusive Baseball Field & Park Improvements
2023-2028 C.I.P. Project YR-2B

The Planning Department has reviewed the Map, Plan & Report for the subject project and has determined it to be a Type II action under the provisions of SEQR according to Part 617.5. Therefore, no further environmental work is required.

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\Dellwood Park Inclusive Baseball Field & Park Improvements_YR-2B_05_25_2023.docx

cc:
Martin Polowy, Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: MPR YR-2B Dellwood Inclusive Field (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution -



EXHIBIT 1 – DELLWOOD PARK (EXISTING)

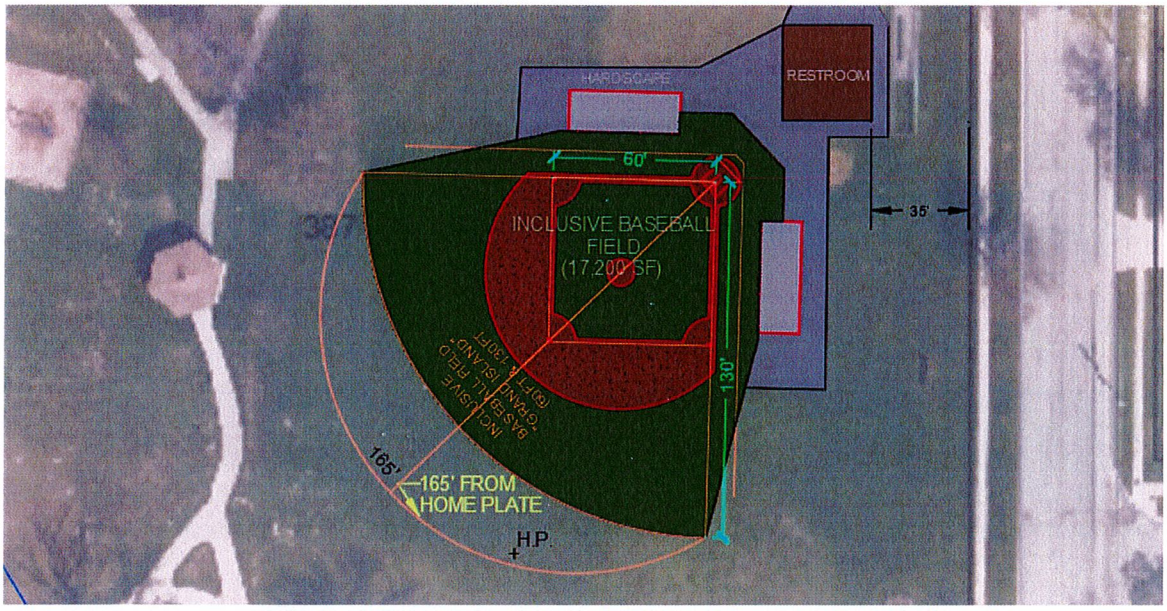


EXHIBIT 2 – DELLWOOD PARK (PROPOSED IMPROVEMENTS)

Attachment: MPR YR-2B Dellwood Inclusive Field (RES-2023-533 : Dellwood Park Inclusive Field & Park Improvements (Bond Resolution -

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 27650 **RESOLUTION 2023-534** **ROLL CALL VOTE (ADOPTED)**

2023 Police Department Vehicles (Bond Resolution - $255,000)

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **June 13, 2023**

RE: **2023 Police Department Vehicles**
2023-2028 C.I.P. - Project PO-1
Bond Resolution - $255,000

Kindly take the following action with respect to the above bond request:

(1) Adopt the attached bond resolution authorizing the issuance of $255,000.00 in serial bonds for the above-referenced Town improvement.

The adoption of the bond resolution does not require a public hearing to be held because the improvement is a Town improvement not involving a special district.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(*w/attachments*, **Agenda Item - June 20, 2023**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Scott P. Chamberlin, Chief of Police (*w/attachments*)
Kevin Brown, Captain (*w/attachments*)

6/20/2023
A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved via Roll Call vote 5-0.

FINANCIAL IMPACT:

Bond Resolution - $255,000

RESULT:	**ROLL CALL VOTE (ADOPTED) [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the

County of Erie, New York

June 20, 2023

* * *

A regular meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, was held at the Town Hall, 5583 Main Street, Williamsville, New York, on June 20, 2023.

There were present:	Hon. Brian J. Kulpa, Supervisor; and
Board members:	Jacqualine Berger, Councilwoman Deborah Bruch Bucki, Deputy Supervisor/ Councilwoman Shawn Lavin, Councilman Michael R. Szukala, Councilman
There were absent:	
Also present:	Francina J. Spoth, Town Clerk

* * *

_____ offered the following resolution and moved its adoption:

Attachment: CertBondReso (RES-2023-534 : 2023 Police Department Vehicles (Bond Resolution - $255,000))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED JUNE 20, 2023, AUTHORIZING THE ACQUISITION OF POLICE DEPARTMENT VEHICLES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $255,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $255,000 TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF AMHERST, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Amherst, in the County of Erie, New York (herein called the "Town"), is hereby authorized to undertake the acquisition of Police Department vehicles, as described in the memo dated June 8, 2023 and prepared by the Town Police Department (2023-2028 Capital Improvement Program Project P0-1). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $255,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of $255,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of $255,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Attachment: CertBondReso (RES-2023-534 : 2023 Police Department Vehicles (Bond Resolution - $255,000))

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the class of objects or purposes for which said bonds are authorized to be issued, within the limitations of Section Sections 11.00 a. 77 of the Law, is three (3) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds, and any notes in anticipation thereof to mature in such year, and (b) the payment of interest to be due and payable in such year.

Attachment: CertBondReso (RES-2023-534 : 2023 Police Department Vehicles (Bond Resolution - $255,000))

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the

Attachment: CertBondReso (RES-2023-534 : 2023 Police Department Vehicles (Bond Resolution - $255,000))

"Amherst Bee," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

The adoption of the foregoing resolution was seconded by _____and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

****

Attachment: CertBondReso (RES-2023-534 : 2023 Police Department Vehicles (Bond Resolution - $255,000))

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Amherst duly called and held on June 20, 2023, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this _____day of June, 2023.

(SEAL)

_____
Town Clerk

Attachment: CertBondReso (RES-2023-534 : 2023 Police Department Vehicles (Bond Resolution - $255,000))

Amherst Police Department
Chief Scott P. Chamberlin
500 John James Audubon Parkway
Amherst, New York 14228
716-689-1311
Fax 716-689-1310

TO: **Lynda Juul, Finance Director**
Martin Polowy, Esq., Town Attorney

FROM: **Kevin Brown, Captain**

DATE: **June 8, 2023**

RE: **Requested Bond Project**
2023 Police Department Vehicles
2023-2028
C.I.P. Project # PO-1

The following is a list of vehicles that are scheduled to be purchased this year for the Police Department. The prices listed below are estimated costs based on prior year's costs for the purchase of comparable vehicles. Funding may be moved between lines, if necessary. Additional vehicles may be purchased if funding allows.

Item#	Quantity	Description	Unit Price	Total
1	2	2024 or Newer Ford Police Interceptor Utility (Unmarked Detective)	$45,500.00	$91,000.00
2	1	2024 or Newer Ford Utility Police Interceptor AWD (Unmarked)	$48,000.00	$48,000.00
3	2	2024 or Newer Ford Utility Police Interceptor AWD (Patrol)	$46,857.00	$93,714.00

The Police Department will be purchasing a quantity of 5 vehicles from line item(s) #1, #2 and line item #3. Therefore the Police Department is requesting a bond issuance of $255,000.00. Bond counsel legal fees in the amount of $1,275.00 will be subtracted from the total bond amount therefore allowing the use of $253,725.00 to purchase the outlined vehicles. Any balance after the use of the bond funds will be taken out of the Amherst Police Operating Budget (A 3120 .2200).

Attachment: MPR PO-1 Police Vehicles (RES-2023-534 : 2023 Police Department Vehicles (Bond Resolution - $255,000))

TAXATION SUMMARY

Total Bond Amount:	$255,000.00 (General Fund)
Bond Term:	3 Years
Annual Tax Impacts:	$.0086 per $1,000 AV
Typical Property Taxation Impact:	$2.1440 per $250,000.00 Property

---

This is a requested General Fund bond action and thus does not require a public hearing. After your review, if this project is deemed acceptable, please forward this MPR to the Town Attorney's Office to generate and process all of the required documents. We kindly ask that this bond resolution be placed on the next Town Board agenda.

Should you have any questions regarding this request, please feel free to contact us directly. Thank you.

Attachment: MPR PO-1 Police Vehicles (RES-2023-534 : 2023 Police Department Vehicles (Bond Resolution - $255,000))

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 27652 **RESOLUTION 2023-535** **ROLL CALL VOTE (ADOPTED)**

Amherst Central Park Facilities Professional Services (Bond Resolution - $248,000)

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **June 13, 2023**

RE: **Amherst Central Park Facilities Professional Services**
2023-2028 C.I.P. - Project F-21
Bond Resolution - $248,000

Kindly take the following action with respect to the above bond request:

(1) Adopt the attached as determined by the Town of Amherst Planning Department; and

(2) Adopt the attached bond resolution authorizing the issuance of $248,000.00 in serial bonds for the above-referenced Town improvement.

The adoption of the bond resolution does not require a public hearing to be held because the improvement is a Town improvement not involving a special district.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk (*w/attachments*, **Agenda Item - June 20, 2023**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Brian J. Armstrong, EIT, Director Engineering Services (*w/attachments*)

6/20/2023
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and

unanimously approved via Roll Call vote 5-0.

FINANCIAL IMPACT:

Bond Resolution - $248,000

RESULT:	**ROLL CALL VOTE (ADOPTED) [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Transmitted electronically

MEMORANDUM June 12, 2023

TO: Brian J. Armstrong, Director Engineering Services
Engineering Department

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

RE: SEQR Determination
Amherst Central Park Clubhouse Commissioning /
Amherst Central Park Facilities Professional Services
2023-2028 C.I.P. Projects F-20 & F-21

The Planning Department has reviewed the Map, Plan & Report for the subject project and has determined it to be a Type II action under the provisions of SEQR according to Part 617.5. Therefore, no further environmental work is required.

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\June 12_2023_Amherst Central Park Clubhouse Commissoning_ Professsional Services for ACP Facilities_F20 &F21.docx

cc:
Daniel Howard, Planning Director
Martin Polowy, Town Attorney

Attachment: SEQR F-20 & F-21 (RES-2023-535 : Amherst Central Park Facilities Professional Services (Bond Resolution - $248,000))

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the

County of Erie, New York

June 20, 2023

* * *

A regular meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, was held at the Town Hall, 5583 Main Street, Williamsville, New York, on June 20, 2023.

There were present:	Hon. Brian J. Kulpa, Supervisor; and
Board members:	Jacqualine Berger, Councilwoman Deborah Bruch Bucki, Deputy Supervisor/ Councilwoman Shawn Lavin, Councilman Michael R. Szukala, Councilman
There were absent:	
Also present:	Francina J. Spoth, Town Clerk

* * *

_____ offered the following resolution and moved its adoption:

Attachment: CertBondReso (RES-2023-535 : Amherst Central Park Facilities Professional Services (Bond Resolution - $248,000))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED JUNE 20, 2023, AUTHORIZING PROFESSIONAL SERVICES STUDIES FOR AMHERST CENTRAL PARK FACILITIES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $248,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $248,000 TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF AMHERST, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Amherst, in the County of Erie, New York (herein called the "Town"), is hereby authorized to undertake professional services studies for Amherst Central Park facilities, as described in the map, plan and report dated June 2023 and prepared by the Town of Amherst Engineering Department (2023-2028 Capital Improvement Program, Project F-21). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $248,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of $248,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of $248,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Attachment: CertBondReso (RES-2023-535 : Amherst Central Park Facilities Professional Services (Bond Resolution - $248,000))

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the specific object or purpose for which said bonds are authorized to be issued, within the limitations of Section Sections 11.00 a. 62(2nd) of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds, and any notes in anticipation thereof to mature in such year, and (b) the payment of interest to be due and payable in such year.

Attachment: CertBondReso (RES-2023-535 : Amherst Central Park Facilities Professional Services (Bond Resolution - $248,000))

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the

Attachment: CertBondReso (RES-2023-535 : Amherst Central Park Facilities Professional Services (Bond Resolution - $248,000))

"Amherst Bee," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

The adoption of the foregoing resolution was seconded by _____and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

****

Attachment: CertBondReso (RES-2023-535 : Amherst Central Park Facilities Professional Services (Bond Resolution - $248,000))

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Amherst duly called and held on June 20, 2023, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this _____day of June, 2023.

(SEAL)

_____
Town Clerk

Attachment: CertBondReso (RES-2023-535 : Amherst Central Park Facilities Professional Services (Bond Resolution - $248,000))

Town of Amherst
Facilities Department

Amherst Central Park Facilities Professional Services

2023 - 2028 C.I.P. Project F-21

Map, Plan & Report

June 2023

CONTENTS:

- Approved 2023 - 2028 CIP Project F-21 (to be amended 6/20/23)
- Introductions / Existing Conditions
- Proposed Scope
- Financial / Taxation Summary
- SEQR Determination

Prepared by:
Town of Amherst Engineering Services Division
1100 North Forest Road
Williamsville, NY 14221

Attachment: MPR F-21 Amherst Central Park Professional Services (RES-2023-535 : Amherst Central Park Facilities Professional Services

TOWN OF AMHERST
Amherst Central Park Facilities Professional Services

TOWN OF AMHERST
Approved 2023 – 2028 Capital Improvement Program

Project ID	Project Title/Description	2023	2024	2025	2026	2027	2028	Total Cost
F-11	**Senior Center Carpet Replacement:** Remove and replace carpeting where deteriorated	92 LA						$92,000
F-12	**Senior Center Roof System Improvements:** Restoration of the existing roof system.				750 LA			$750,000
F-13	**Harlem Road Community Center HVAC Controls Replacement:** Replace antiquated pneumatic control system with low voltage digital controls at HRCC	320 LA						$320,000
F-14	**Harlem Road Community Center Auditorium Renovations:** Replacement and abatement of ceiling, replace seating and carpeting, and paint the entire room					475 LA		$475,000
F-15	**Town Hall Renovations:** Renovate and reconfigure space within select departments to create space efficiencies for office and storage functions and improve public interactions, conduct a study to determine risk of short circuits and arc flash, and resurface deteriorated areas and replace terrazzo hallway floors.	100 LA	300 LA	500 LA	250 LA	250 LA		$1,400,000
F-16	**Additional Town Space:** Purchase of additional offices and improvements to archival space.				1,500 LA			$1,500,000
F-17	**Senior Center Café/Giftshop:** Construction of a café/giftshop to service the Senior Center.	200 LA						$200,000
F-18 (new)	**Upper Ellicott Creek & Channel Improvements** (amended by Town Board Action: May 8, 2023)	600 LA						$600,000
F-19 (new)	**Building Maintenance / Facilities Equipment** (to be amended by Town Board action on June 20, 2023)	117 LA						$117,000
F-20 (new)	**Amherst Central Park Clubhouse Commissioning & Building and Grounds Improves** (to be amended by Town Board action on June 20, 2023)	100 LA						$100,000
F-21 (new)	**Amherst Central Park Facilities Professional Services** (to be amend by Town Board action on June 20, 2023)	248 LA						$248,000

Key: Funding Source T – Tax; L – Bond; S – Surplus; E - Encumbered; RF – Recreation Fund; OF – Open Space Fund; F/S – Federal or State Aid X – Private Source; Funding Account A – General Account; B – Part Town; C – Community Environment; D – Highway; F – Lighting; G – Sanitary Sewer District; H – Storm Drainage District I – Water District; W – Water Pollution Control Facility; # – Special District Number; NS – None Submitted

INTRODUCTION / EXISTING CONDITIONS:

The Town of Amherst owns and maintains dozens of facilities for many different purposes. These facilities are all located within the town boundaries in many locations. Due to a decentralized system of maintenance budgeting and repair activities, the current physical condition of all Townwide facilities can vary significantly from new and well-maintained to poorly maintained. As such, several facilities will be improved via capital maintenance improvements as well as the demolition and reconstruction of existing facilities. In some cases, entirely new facilities will be designed and constructed at Town-owned sites.

Attachment: MPR F-21 Amherst Central Park Professional Services (RES-2023-535 : Amherst Central Park Facilities Professional Services

TOWN OF AMHERST
Amherst Central Park Facilities Professional Services

Attachment: MPR F-21 Amherst Central Park Professional Services (RES-2023-535 : Amherst Central Park Facilities Professional Services

PROPOSED SCOPE:

As numerous improvements are slated to be constructed within Amherst Central Park, formerly known as the Westwood Country Club, the Town is desirous to commission a number of firms to complete several types of professional services. At this point in time, several professional services are anticipated to include but not limited to; environmental and geotechnical assessments as needed to accommodate for any of the planned improvements within Amherst Central Park as well as design of an Ice Ribbon skating surface, associated Ice Ribbon systems and restroom building as well as a feasibility study and design for the relocation of a number of historic structures from the Buffalo Niagara Heritage Village (BNHV) potentially be relocated to the new Amherst Central Park.

Amongst other aspects, the planned ice ribbon skating area requires numerous design services, including the ice facility itself, the ice surface as well as for the required mechanical system design. Associated with the design of the skating surface and mechanicals, an adjacent building must also be designed to house the skating mechanical equipment and also provide storage, concessions and restrooms for the public to utilize in conjunction with the skating surface. In addition to the above services, a feasibility study will also be commissioned in order to determine the viability and design elements required in order to potentially relocate numerous historic structures form the BNHV location to a site possibly located within Amherst Central Park.

The above assessments, studies, designs and other professional services will begin in 2023 and be completed during 2025. The above project will be bonded against the Town of Amherst General Fund at a *total project cost* of $248,000.00, financed entirely with serial bonds.

FINANCIAL SUMMARY:

	Amherst Central Park Facilities Professional Services
Professional Services Costs	$246,750
Legal / Administrative	$1,250
Total Bonded Amount	**$248,000**

TAXATION SUMMARY:

Total Bond Amount:	$ 248,000 (General Fund)
Bond Term:	5 Years
Annual Tax Impacts:	$0.0052 per $1,000 AV
Typical Property Taxation Impact:	$1.30 per $250,000 property

SEQR DETERMINATION:

See attached memo from the Amherst Planning Department.

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Transmitted electronically

MEMORANDUM June 12, 2023

TO: Brian J. Armstrong, Director Engineering Services
Engineering Department

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

RE: SEQR Determination
Amherst Central Park Clubhouse Commissioning /
Amherst Central Park Facilities Professional Services
2023-2028 C.I.P. Projects F-20 & F-21

The Planning Department has reviewed the Map, Plan & Report for the subject project and has determined it to be a Type II action under the provisions of SEQR according to Part 617.5. Therefore, no further environmental work is required.

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\June 12_2023_Amherst Central Park Clubhouse Commissoning_ Professsional Services for ACP Facilities_F20 &F21.docx

cc:
Daniel Howard, Planning Director
Martin Polowy, Town Attorney

Attachment: MPR F-21 Amherst Central Park Professional Services (RES-2023-535 : Amherst Central Park Facilities Professional Services

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 27648 **RESOLUTION 2023-536** **ADOPTED**

Engineering Department Sewer Building Improvements and Demolition (OCPH - $185,000)

AGENDA ITEM : JUNE 20TH, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **June 13, 2023**

RE: **2023 Engineering Department Sewer Building Improvements and Demolition**
2023 CIP Project No. F-6
Order Calling Public Hearing - $185,000

Kindly adopt the attached Order Calling Public Hearing regarding the above matter by scheduling a Public Hearing for the project on July 10, 2023 at 3:00 p.m.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

MAP:nmb
Attachment
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - June 20, 2023**)
Daryl C. Bramer, Comptroller *(w/attachment)*
Lynda Juul, Director of Finance *(w/attachment)*
Dan Howard, Director of Planning *(w/attachment)*
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachment*)
Vaishali Reberholt, PE, Assistant Town Engineer (*w/attachment*)
Anne Dafchik, AIA, NCARB, Architect (*w/attachment*)

6/20/2023
Consent

FINANCIAL IMPACT:

Public Hearing To Authorize Eventual Bond Resolution - $185,000

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

At a regular meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 20th day of June, 2023.

PRESENT:

Hon. Brian J. Kulpa, Supervisor
Jacqualine Berger, Councilwoman,
Deborah Bruch Bucki, Deputy Supervisor/Councilwoman
Shawn Lavin, Councilman
Michael R. Szukala, Councilman

In the Matter

of the

Increase and Improvement of Facilities of the Consolidated Sanitary Sewer District, in the Town of Amherst, in the County of Erie, New York, pursuant to Section 202-b of the Town Law

---

Offered by:

Seconded by:

ORDER CALLING FOR A PUBLIC
HEARING TO BE HELD ON
JULY 10, 2023

WHEREAS, the Town Board of the Town of Amherst (herein called the "Town"), in the County of Erie, New York, on behalf of the Consolidated Sanitary Sewer District, in the Town (herein referred to as the "District"), has caused the Town Engineering Department, engineers duly licensed by the State of New York (the "Engineer"), to prepare the map, plan and report, dated June 2023, for the increase and improvement of facilities of the District, consisting of the demolition of the existing LAB building at the former Sanitary Sewer Treatment Plant 1, at the estimated maximum cost of $185,000 (CIP Project No. F-6); and

Attachment: CertOCPH (RES-2023-536 : Engineering Department Sewer Building Improvements and Demolition (OCPH - $185,000))

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the total cost thereof to be $185,000; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment and has determined that the project is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5;

NOW, THEREFORE, BE IT

ORDERED, that a regular meeting of the Town Board of the Town be held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 20th day of June, 2023 at 7:00 o'clock P.M. (Prevailing Time) to consider said increase and improvement of the facilities of the District and to hear all persons interested in the subject thereof concerning the same

FURTHER ORDERED, that the Town Clerk publish at least once in the "*Amherst Bee,"* hereby designated as the official newspaper of the Town for such publication, and post on the Town's website at www.amherst.ny.us, on the front entrance door and rear doors of Town Hall and on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing, substantially in the form attached hereto as Exhibit A, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

Attachment: CertOCPH (RES-2023-536 : Engineering Department Sewer Building Improvements and Demolition (OCPH - $185,000))

DATED: June 20, 2023

TOWN BOARD OF THE TOWN OF AMHERST

(SEAL)

The adoption of the foregoing Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Brian J. Kulpa	voting_____
Councilwoman Jacqualine Berger	voting_____
Deputy Supervisor/Councilwoman Deborah Bruch Bucki	voting_____
Councilman Shawn Lavin	voting _____
Councilman Michael R. Szukala	voting _____

The Order was declared adopted.

* * * * *

Attachment: CertOCPH (RES-2023-536 : Engineering Department Sewer Building Improvements and Demolition (OCPH - $185,000))

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling for a Public Hearing with the original thereof filed in the office of the Town Clerk on the 20th day of June, 2023, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 20th day of June, 2023.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertOCPH (RES-2023-536 : Engineering Department Sewer Building Improvements and Demolition (OCPH - $185,000))

Exhibit A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Amherst, in the County of Erie, State of New York (the "Town"), will meet at the Town Hall, 5583 Main Street, Williamsville, New York, on July 10, 2023, at 7 o'clock P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to the proposed increase and improvement of facilities of the Town's Consolidated Sanitary Sewer District (the "District"), consisting of the demolition of the existing LAB building at the former Sanitary Sewer Treatment Plant 1, at the estimated maximum cost of $185,000 (CIP Project No. F-6), as described in the map, plan and report, dated June 2023, prepared by the Town Engineering Department. The current approved total estimated maximum cost of the projects is $185,000, which is proposed to be financed through issuance of bonds by the Town of Amherst on behalf of the District, payable by levy and collections of assessments on real property in the District. Therefore, the project cost burden is expected to be borne by District property owners throughout the expected term of the bonds. However, the bonds to be issued shall be general obligation bonds of the Town and in the event the amount of assessments collected within the District is insufficient to pay the cost of the project and/or the debt service related to the project, such costs and/or debt service shall be paid from the general Town taxes.

Further details concerning such proposed increase and improvement of facilities and the estimated costs thereof are set forth in the above-mentioned map, plan and report which is available for review at the office of the Town Clerk.

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF AMHERST

Dated: June 20, 2023
Williamsville, New York

Francina J. Spoth.
Town Clerk

Attachment: CertOCPH (RES-2023-536 : Engineering Department Sewer Building Improvements and Demolition (OCPH - $185,000))

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling for a Public Hearing with the original thereof filed in the office of the Town Clerk on the 20th day of June, 2023, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 20th day of June, 2023.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertOCPH (RES-2023-536 : Engineering Department Sewer Building Improvements and Demolition (OCPH - $185,000))

Town of Amherst

Facilities Department

2023 – 2028 Capital Improvement Project F-6
"Engineering Department Sewer Building Improvements and Demolition"
MAP, PLAN & REPORT

June 2023

Contents:

• Background
• Location
• Project Description and Improvements
• Project Justification
• Anticipated Project Schedule
• Financial Summary
• Taxation Summary
• Town of Amherst SEQR Determination

Prepared by:
Town of Amherst
Facilities Department
5583 Main Street, Williamsville, NY 14221
(716) 631 – 7080 | (716) 631 – 7109

Attachment: MPR F-6 Eng Dept Sewer Bldg Impr & Demo (RES-2023-536 : Engineering Department Sewer Building Improvements and

Background

The Town of Amherst has identified Project "F-6", as a two-phase project. Phase 1, set for 2023, includes demolition of the existing LAB building at the former Sanitary Sewer Treatment Plant 1, adding a privacy fence behind Plant 1 and building envelope upgrades to the main garage. Phase 2, set for 2025, includes a generator replacement project that serves the main garage operations and office building, and installing a new storage building.

The buildings identified for improvements and demolition are located at 1042 N. Forest Rd., behind the Highway Dept. facilities.

The former lab building, also known as "**Plant 1**" is approximately 1,400 square feet in size. The building was constructed in 1947 and is severely deteriorated. The one-story structure was originally used as a laboratory and chlorine plant, and is currently used for storage of hoses, spill containers, and files/paperwork. The building has not been occupied for years. Much of the building systems have been removed, no longer exist, or are no longer operable.

Buildings 4 and 5 are also referred to as the "Pump House and Filtration Building". The Pump House and Filtration Building is a single building, with mixed program facility that is part of the Amherst Engineering Department, and is intended for water distribution and filtration services. This area was previously known as Wastewater Treatment Plant 1. It is broken into three distinct function areas: Pump house at west end, filtration building at east end, and connecting building in the middle. It consists of a single-story, 6,500 square foot building that houses storage/workshop areas, office and lab rooms, electrical and mechanical rooms, and restrooms. Currently, Sewer Maintenance operations and equipment storage are housed in this building.

Please note that the CIP description for this project will be amended on June 20, 2023 to clarify the scope of work being performed in each phase of the project. The funding source will also be amended at that time to correct the funding source as LG (Sanitary Sewer District Bond).

Attachment: MPR F-6 Eng Dept Sewer Bldg Impr & Demo (RES-2023-536 : Engineering Department Sewer Building Improvements and

Approved 2023 – 2028 Capital Improvement Program (11-7-22)

Facilities Department (cont'd) *Recommended Schedule (X $1,000)*

Project ID	Project Title/Description	2023	2024	2025	2026	2027	2028	Total Cost
F-4	**Town Parking Lot Sealing & Striping:** Parking lot seal coating, crack filling and striping at Town buildings and facilities to prevent premature failure of asphalt surfacing.	100 LA	100 LA	100 LA	100 LA	100 LA	100 LA	**$600,000**
F-5	**Highway Garage Roof & Sprinkler System Replacement:** Replacement of sheet metal garage roof, and inspection and replacement of the fire suppressant sprinkler heads.			3,654.5 LA	490.4 LA			**$4,144,900**
F-6	**Engineering Department Building Improvements:** Phase 1 includes demolition of the existing LAB building at Plant 1 and installing a storage building. Phase 2 includes updating generators, replacing existing siding, and adding a privacy fence behind Plant 1.	185 LA		325 LA				**$510,000**
F-7	**Museum Improvements:** Maintain Town-owned buildings at the Buffalo Niagara Heritage Village required by the Town's contract.		100 LA	100 LA	100 LA	100 LA	100 LA	**$500,000**
F-8	**Williamsville Youth & Family Roof Restoration:** Roof restoration (coating) at 5005 Sheridan, Amherst Youth Foundation, to restore failing roof membrane and to protect building integrity.		458 LA					**$458,000**
F-9	**Jurek Post Renovations:** Replace the low slope roof and sloped shingle roof on the main building as well as the shingle roofs on the BBQ pit and the pavilion, and repair the south facing façade of the Jurek Post Building.	465 LA						**$465,000**
F-10	**Senior Center HVAC Replacement:** Replace three large rooftop air handler units that have exceeded their useful life.	500 LA 45 X	500 LA					**$1,045,000**

Key:

Funding Source
T – Tax
L – Bond
S – Surplus
E - Encumbered
I/M – I&I or Mitigation Funds
RF – Recreation Fund
OF – Open Space Fund
F/S – Federal or State Aid
X – Private Source

Funding Account
A – General Account
B – Part Town
C – Community Environment
D – Highway
F – Lighting
G – Sanitary Sewer District
H – Storm Drainage District
I – Water District
W – Water Pollution Control Facility
– Special District Number
NS – None Submitted

6

Attachment: MPR F-6 Eng Dept Sewer Bldg Impr & Demo (RES-2023-536 : Engineering Department Sewer Building Improvements and

Location

The parcel is 1042 N. Forest Road, Amherst NY 14228. SBL: **55.19-3-33.21**.

The former wastewater treatment plant known as "Plant 1" is located at the southwest area of the site. The lab building, which once tested water samples, is east of the topsoil storage structure and south of the abandoned wastewater treatment clarifiers. Building 4 and 5 are located at the southern-most area of the site. It should be noted that Building 4 and 5 have been merged into one building and are no longer two separate buildings.

The Engineering garage and office building are located on the eastern side of the site, as indicated below. The Engineering Department occupies the office space at the front of the facility and the Sewer Maintenance Division occupies the garage space at the rear of the facility.



Attachment: MPR F-6 Eng Dept Sewer Bldg Impr & Demo (RES-2023-536 : Engineering Department Sewer Building Improvements and



Attachment: MPR F-6 Eng Dept Sewer Bldg Impr & Demo (RES-2023-536 : Engineering Department Sewer Building Improvements and



Attachment: MPR F-6 Eng Dept Sewer Bldg Impr & Demo (RES-2023-536 : Engineering Department Sewer Building Improvements and

Project Description and Improvements

The project includes hazardous material testing, demolition survey and demolition of Lab Building "Plant 1". The project also includes hazardous material testing, design, and reconstruction / upgrades to Buildings 4 and 5, as used by the Sewer Maintenance Department for storage and operations of the man-hole crew. Building upgrades may include exterior or interior renovations, as well as plumbing, mechanical or electrical upgrades.

Other projects may be prioritized on an as-needed basis.

Project Justification

The project is necessary because Plant 1 has significant structural damage, based on a condition assessment conducted by Cannon/FOS in summer of 2022. Load bearing exterior walls and steel structural components inside the building are deteriorated to a point beyond reasonable reconstruction. Additionally, Cannon/FOS provided a letter to the Town stating that the building should be considered unsafe.

Buildings 4 & 5 have also been evaluated by Cannon/FOS, and deficiencies were noted with building exterior and interior components, as well has mechanical, electrical and plumbing concerns.

The Sewer Maintenance Department is tasked with providing necessary infrastructure services to residents and businesses. The department's ability to respond to issues that require the man-hole crew is critical to performing this task.

Anticipated Project Schedule

Bond Action: June 2023
Public Hearing: July 2023
Construction: July 2023 through December 2025

Financial Summary

The Town of Amherst allocated funding in the 2023-2028 Capital Improvement Program under Project F-6, for a total of $185,000. The funds have been identified as a Sanitary Sewer District Bond with a minimum useful life of 15 years. (See also 2023 CIP Amendment reallocating funds from General Fund to Sanitary Sewer District funds).

Demolition and Construction	173,430
Design/Testing	10,645
Legal / Admin	925
TOTAL	**$ 185,000**

Attachment: MPR F-6 Eng Dept Sewer Bldg Impr & Demo (RES-2023-536 : Engineering Department Sewer Building Improvements and

Taxation Summary

Total Bond Amount	$185,000 (Sewer District Bond)
Bond Term	15 Years
Annual Tax Impact per $1,000 of AV	$0.0013
Annual Impact on Property with AV of $250,000	$0.2647

SEQR Determination

See attached memo from the Amherst Planning Department.

Attachment: MPR F-6 Eng Dept Sewer Bldg Impr & Demo (RES-2023-536 : Engineering Department Sewer Building Improvements and

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Transmitted electronically

MEMORANDUM June 9, 2023

TO: Anne Dafchik, AIA, NCARB, Architect
Facilities Department

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

RE: SEQR Determination
2023–2028 CIP – Engineering Department Building Improvements – F-6

The Planning Department has reviewed the scope of work for the subject project and has determined it to be a Type II action under the provisions of SEQR according to Part 617.5. Therefore, no further environmental work is required.

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\2023 Facility Improvements_ Engineering Dept Building - F-6.docx

cc:
Martin A. Polowy, Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: MPR F-6 Eng Dept Sewer Bldg Impr & Demo (RES-2023-536 : Engineering Department Sewer Building Improvements and

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 27649 **RESOLUTION 2023-537** **ROLL CALL VOTE (ADOPTED)**

Building Maintenance/Facilities Equipment (Bond Resolution - $117,000)

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **June 13, 2023**

RE: **Building Maintenance/Facilities Equipment**
2023-2028 C.I.P. - Project F-19
Bond Resolution - $117,000

Kindly take the following action with respect to the above bond request:

(1) Adopt the attached bond resolution authorizing the issuance of $117,000.00 in serial bonds for the above-referenced Town improvement.

The adoption of the bond resolution does not require a public hearing to be held because the improvement is a Town improvement not involving a special district.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(*w/attachments*, **Agenda Item - June 20, 2023**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Daniel Rizzo, Director of Facilities (*w/attachments*)

6/20/2023
A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved via Roll Call vote 5-0.

FINANCIAL IMPACT:

Bond Resolution - $117,000

RESULT:	**ROLL CALL VOTE (ADOPTED) [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the

County of Erie, New York

June 20, 2023

* * *

A regular meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, was held at the Town Hall, 5583 Main Street, Williamsville, New York, on June 20, 2023.

There were present:	Hon. Brian J. Kulpa, Supervisor; and
Board members:	Jacqualine Berger, Councilwoman Deborah Bruch Bucki, Deputy Supervisor/ Councilwoman Shawn Lavin, Councilman Michael R. Szukala, Councilman
There were absent:	
Also present:	Francina J. Spoth, Town Clerk

* * *

_____ offered the following resolution and moved its adoption:

Attachment: CertBondReso (RES-2023-537 : Building Maintenance/Facilities Equipment (Bond Resolution - $117,000))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED JUNE 20, 2023, AUTHORIZING THE ACQUISITION OF BUILDING MAINTENANCE/FACILITY EQUIPMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $117,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $117,000 TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF AMHERST, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Amherst, in the County of Erie, New York (herein called the "Town"), is hereby authorized to undertake the acquisition of building maintenance/facility equipment, as described in the map, plan and report dated June 2023 and prepared by the Town of Amherst Engineering Department (2023-2028 Capital Improvement Program, Project F-19). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $117,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of $117,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of $117,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Attachment: CertBondReso (RES-2023-537 : Building Maintenance/Facilities Equipment (Bond Resolution - $117,000))

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the class of objects or purposes for which said bonds are authorized to be issued, within the limitations of Section Sections 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds, and any notes in anticipation thereof to mature in such year, and (b) the payment of interest to be due and payable in such year.

Attachment: CertBondReso (RES-2023-537 : Building Maintenance/Facilities Equipment (Bond Resolution - $117,000))

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Attachment: CertBondReso (RES-2023-537 : Building Maintenance/Facilities Equipment (Bond Resolution - $117,000))

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in "The Amherst Bee," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

Attachment: CertBondReso (RES-2023-537 : Building Maintenance/Facilities Equipment (Bond Resolution - $117,000))

TOWN OF AMHERST. NEW YORK

PLEASE TAKE NOTICE that on June 20, 2023, the Town Board of the Town of Amherst, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Amherst, New York, adopted June 20, 2023, authorizing the acquisition of building maintenance/facility equipment, stating the estimated maximum cost thereof is $117,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of $117,000 to finance said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to undertake the acquisition of building maintenance/facility equipment, as described in the map, plan and report dated June 2023 and prepared by the Town of Amherst Engineering Department (2023-2028 Capital Improvement Program, Project F-19); STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is $117,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of $117,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of $117,000 pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds, and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds, and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

Attachment: CertBondReso (RES-2023-537 : Building Maintenance/Facilities Equipment (Bond Resolution - $117,000))

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: June 20, 2023

FRANCINA J. SPOTH
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

Attachment: CertBondReso (RES-2023-537 : Building Maintenance/Facilities Equipment (Bond Resolution - $117,000))

The adoption of the foregoing resolution was seconded by _____and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

****

Attachment: CertBondReso (RES-2023-537 : Building Maintenance/Facilities Equipment (Bond Resolution - $117,000))

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Amherst duly called and held on June 20, 2023, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this _____day of June, 2023.

(SEAL)

_____
Town Clerk

Attachment: CertBondReso (RES-2023-537 : Building Maintenance/Facilities Equipment (Bond Resolution - $117,000))

AFFIDAVIT OF POSTING

STATE OF NEW YORK)
:ss:
COUNTY OF ERIE)

FRANCINA J. SPOTH, being duly sworn, deposes and says:

That she is and at all times hereinafter mentioned he was the duly elected, qualified and acting Town Clerk of the Town of Amherst, State of New York;

That on _____, 2023, she has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond resolution duly adopted by the Town Board on June 20, 2023, a copy of which is annexed hereto and made a part hereof, on the sign board of the Town maintained pursuant to the Town Law.

_____
Town Clerk

Subscribed and sworn to before me

this _____ day of June, 2023.

_____
Notary Public, State of New York

Attachment: CertBondReso (RES-2023-537 : Building Maintenance/Facilities Equipment (Bond Resolution - $117,000))

Town of Amherst
Facilities Department

Building Maintenance / Facility Equipment

2023 - 2028 C.I.P. Project F-19

Map, Plan & Report

June 2023

CONTENTS:

- Approved 2023 - 2028 CIP Project F-19 (to be amended 6/20/23)
- Introductions / Existing Conditions
- Proposed Scope
- Financial / Taxation Summary

Prepared by:
Town of Amherst Engineering Services Division
1100 North Forest Road
Williamsville, NY 14221

Attachment: F-19 Facilities Dept. Equipment (RES-2023-537 : Building Maintenance/Facilities Equipment (Bond Resolution - $117,000))

TOWN OF AMHERST
Building Maintenance / Facility Equipment

TOWN OF AMHERST
Approved 2023 – 2028 Capital Improvement Program

Project ID	Project Title/Description	2023	2024	2025	2026	2027	2028	Total Cost
F-11	**Senior Center Carpet Replacement:** Remove and replace carpeting where deteriorated	92 LA						$92,000
F-12	**Senior Center Roof System Improvements:** Restoration of the existing roof system.				750 LA			$750,000
F-13	**Harlem Road Community Center HVAC Controls Replacement:** Replace antiquated pneumatic control system with low voltage digital controls at HRCC	320 LA						$320,000
F-14	**Harlem Road Community Center Auditorium Renovations:** Replacement and abatement of ceiling, replace seating and carpeting, and paint the entire room					475 LA		$475,000
F-15	**Town Hall Renovations:** Renovate and reconfigure space within select departments to create space efficiencies for office and storage functions and improve public interactions, conduct a study to determine risk of short circuits and arc flash, and resurface deteriorated areas and replace terrazzo hallway floors.	100 LA	300 LA	500 LA	250 LA	250 LA		$1,400,000
F-16	**Additional Town Space:** Purchase of additional offices and improvements to archival space.				1,500 LA			$1,500,000
F-17	**Senior Center Café/Giftshop:** Construction of a café/giftshop to service the Senior Center.	200 LA						$200,000
F-18 (new)	**Upper Ellicott Creek & Channel Improvements** (amended by Town Board Action: May 8, 2023)	600 LA						$600,000
F-19 (new)	**Building Maintenance / Facilities Equipment** (to be amended by Town Board action on June 20, 2023)	117 LA						$117,000
F-20 (new)	**Amherst Central Park Clubhouse Commissioning & Building and Grounds Improves** (to be amended by Town Board action on June 20, 2023)	100 LA						$100,000
F-21 (new)	**Amherst Central Park Facilities Professional Services** (to be amend by Town Board action on June 20, 2023)	248 LA						$248,000

Key: Funding Source T – Tax; L – Bond; S – Surplus; E - Encumbered; RF – Recreation Fund; OF – Open Space Fund; F/S – Federal or State Aid X – Private Source

Funding Account A – General Account; B – Part Town; C – Community Environment; D – Highway; F – Lighting; G – Sanitary Sewer District; H – Storm Drainage District I – Water District; W – Water Pollution Control Facility; # – Special District Number; NS – None Submitted

INTRODUCTION / EXISTING CONDITIONS:

The Town of Amherst owns and maintains dozens of facilities for many different purposes. These facilities are all located within the town boundaries in many locations. Due to a decentralized system of maintenance budgeting and repair activities, the current physical condition of all Townwide facilities can vary significantly from new and well-maintained to poorly maintained. As such, several facilities will be improved via capital maintenance improvements as well as the demolition and reconstruction of existing facilities. In some cases, entirely new facilities will be designed and constructed at Town-owned sites.

Attachment: F-19 Facilities Dept. Equipment (RES-2023-537 : Building Maintenance/Facilities Equipment (Bond Resolution - $117,000))

TOWN OF AMHERST
Building Maintenance / Facility Equipment

PROPOSED SCOPE:

In an effort to provide an efficient means of maintaining and improving vast acreages of Town-owned parcels such as Amherst Central Park, the Town's Facilities Department is desirous to procure a utility tractor that could be utilized for many purposes, including brush clearing at various Town-owned facilities. The utility tractor to be procured will likely include additional various modular implements to include (but not limited to) a loader attachment as well as a rotary cutter attachment. This tractor in combination with additional implements will allow the Facility Department to more adequately and efficiently maintain and improve Town-owned parcels. The tractor and additional modular implements to be procured will have a minimum useful life of well over 5 years.

The procurements described above will all be completed during 2023. The above project will be bonded against the Town of Amherst General Fund at a *total project cost* of $117,000.00, financed entirely with serial bonds. The procurements completed within the scope of this project will have minimum lifecycles that will exceed 5 years.

FINANCIAL SUMMARY:

	Building Maintenance / Facility Equipment
Construction Costs	$116,400
Legal / Administrative	$600
Total Bonded Amount	**$117,000**

TAXATION SUMMARY:

Total Bond Amount:	$ 117,000
Bond Term:	5 Years
Annual Tax Impacts:	$0.0025 per $1,000 AV (General Fund)
Typical Property Taxation Impact:	$0.61 per $250,000 property

Attachment: F-19 Facilities Dept. Equipment (RES-2023-537 : Building Maintenance/Facilities Equipment (Bond Resolution - $117,000))

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 27651 **RESOLUTION 2023-538** **ROLL CALL VOTE (ADOPTED)**

Amherst Central Park Clubhouse Commissioning (Bond Resolution - $100,000)

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **June 13, 2023**

RE: **Amherst Central Park Clubhouse Commissioning and Building and Grounds Improvements**
2023-2028 C.I.P. - Project F-20
Bond Resolution - $100,000

Kindly take the following action with respect to the above bond request:

(1) Adopt the attached as determined by the Town of Amherst Planning Department; and

(2) Adopt the attached bond resolution authorizing the issuance of $100,000.00 in serial bonds for the above-referenced Town improvement.

The adoption of the bond resolution does not require a public hearing to be held because the improvement is a Town improvement not involving a special district.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk (*w/attachments*, **Agenda Item - June 20, 2023**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Brian J. Armstrong, EIT, Director Engineering Services (*w/attachments*)

6/20/2023
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. A motion to approve the Bond

resolution was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved via Roll Call vote 5-0.

FINANCIAL IMPACT:

Bond Resolution - $100,000

RESULT:	**ROLL CALL VOTE (ADOPTED) [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the

County of Erie, New York

June 20, 2023

* * *

A regular meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, was held at the Town Hall, 5583 Main Street, Williamsville, New York, on June 20, 2023.

There were present:	Hon. Brian J. Kulpa, Supervisor; and
Board members:	Jacqualine Berger, Councilwoman Deborah Bruch Bucki, Deputy Supervisor/ Councilwoman Shawn Lavin, Councilman Michael R. Szukala, Councilman
There were absent:	
Also present:	Francina J. Spoth, Town Clerk

* * *

_____ offered the following resolution and moved its adoption:

Attachment: CertBondReso (RES-2023-538 : Amherst Central Park Clubhouse Commissioning (Bond Resolution - $100,000))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED JUNE 20, 2023, AUTHORIZING IMPROVEMENTS TO AMHERST CENTRAL PARK FACILITIES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $100,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $100,000 TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF AMHERST, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Amherst, in the County of Erie, New York (herein called the "Town"), is hereby authorized to undertake improvements to Amherst Central Park facilities, as described in the map, plan and report dated June 2023 and prepared by the Town of Amherst Engineering Department (2023-2028 Capital Improvement Program, Project F-20). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $100,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of $100,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of $100,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Attachment: CertBondReso (RES-2023-538 : Amherst Central Park Clubhouse Commissioning (Bond Resolution - $100,000))

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the specific object or purpose for which said bonds are authorized to be issued, within the limitations of Section Sections 11.00 a. 19(c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds, and any notes in anticipation thereof to mature in such year, and (b) the payment of interest to be due and payable in such year.

Attachment: CertBondReso (RES-2023-538 : Amherst Central Park Clubhouse Commissioning (Bond Resolution - $100,000))

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Attachment: CertBondReso (RES-2023-538 : Amherst Central Park Clubhouse Commissioning (Bond Resolution - $100,000))

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in "The Amherst Bee," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

Attachment: CertBondReso (RES-2023-538 : Amherst Central Park Clubhouse Commissioning (Bond Resolution - $100,000))

TOWN OF AMHERST. NEW YORK

PLEASE TAKE NOTICE that on June 20, 2023, the Town Board of the Town of Amherst, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Amherst, New York, adopted June 20, 2023, authorizing improvements to Amherst Central Park facilities, stating the estimated maximum cost thereof is $100,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of $100,000 to finance said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to undertake improvements to Amherst Central Park facilities, as described in the map, plan and report dated June 2023 and prepared by the Town of Amherst Engineering Department (2023-2028 Capital Improvement Program, Project F-20); STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is $100,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of $100,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of $100,000 pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds, and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds, and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

Attachment: CertBondReso (RES-2023-538 : Amherst Central Park Clubhouse Commissioning (Bond Resolution - $100,000))

DATED: June 20, 2023

FRANCINA J. SPOTH
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

Attachment: CertBondReso (RES-2023-538 : Amherst Central Park Clubhouse Commissioning (Bond Resolution - $100,000))

The adoption of the foregoing resolution was seconded by _____and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

****

Attachment: CertBondReso (RES-2023-538 : Amherst Central Park Clubhouse Commissioning (Bond Resolution - $100,000))

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Amherst duly called and held on June 20, 2023, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this _____day of June, 2023.

(SEAL)

_____
Town Clerk

Attachment: CertBondReso (RES-2023-538 : Amherst Central Park Clubhouse Commissioning (Bond Resolution - $100,000))

AFFIDAVIT OF POSTING

STATE OF NEW YORK)
:ss:
COUNTY OF ERIE)

FRANCINA J. SPOTH, being duly sworn, deposes and says:

That she is and at all times hereinafter mentioned he was the duly elected, qualified and acting Town Clerk of the Town of Amherst, State of New York;

That on _____, 2023, she has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond resolution duly adopted by the Town Board on June 20, 2023, a copy of which is annexed hereto and made a part hereof, on the sign board of the Town maintained pursuant to the Town Law.

_____
Town Clerk

Subscribed and sworn to before me

this _____ day of June, 2023.

_____
Notary Public, State of New York

Attachment: CertBondReso (RES-2023-538 : Amherst Central Park Clubhouse Commissioning (Bond Resolution - $100,000))

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Transmitted electronically

MEMORANDUM June 12, 2023

TO: Brian J. Armstrong, Director Engineering Services
Engineering Department

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

RE: SEQR Determination
Amherst Central Park Clubhouse Commissioning /
Amherst Central Park Facilities Professional Services
2023-2028 C.I.P. Projects F-20 & F-21

The Planning Department has reviewed the Map, Plan & Report for the subject project and has determined it to be a Type II action under the provisions of SEQR according to Part 617.5. Therefore, no further environmental work is required.

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\June 12_2023_Amherst Central Park Clubhouse Commissoning_ Professsional Services for ACP Facilities_F20 &F21.docx

cc:
Daniel Howard, Planning Director
Martin Polowy, Town Attorney

Attachment: SEQR F-20 & F-21 (RES-2023-538 : Amherst Central Park Clubhouse Commissioning (Bond Resolution - $100,000))

Town of Amherst
Facilities Department

Amherst Central Park Clubhouse Commissioning & Building and Grounds Improvements

2023 - 2028 C.I.P. Project F-20

Map, Plan & Report

June 2023

CONTENTS:

- Approved 2023 - 2028 CIP Project F-20 (to be amended 6/20/23)
- Introductions / Existing Conditions
- Proposed Scope
- Financial / Taxation Summary
- SEQR Determination

Prepared by:
Town of Amherst Engineering Services Division
1100 North Forest Road
Williamsville, NY 14221

Attachment: MPR F-20 Amherst Central Park Club House & Facility Improvements (RES-2023-538 : Amherst Central Park Clubhouse

TOWN OF AMHERST
Amherst Central Park Clubhouse Commissioning & Building and Grounds Improvements

TOWN OF AMHERST
Approved 2023 – 2028 Capital Improvement Program

Project ID	Project Title/Description	2023	2024	2025	2026	2027	2028	Total Cost
F-11	**Senior Center Carpet Replacement:** Remove and replace carpeting where deteriorated	92 LA						$92,000
F-12	**Senior Center Roof System Improvements:** Restoration of the existing roof system.				750 LA			$750,000
F-13	**Harlem Road Community Center HVAC Controls Replacement:** Replace antiquated pneumatic control system with low voltage digital controls at HRCC	320 LA						$320,000
F-14	**Harlem Road Community Center Auditorium Renovations:** Replacement and abatement of ceiling, replace seating and carpeting, and paint the entire room					475 LA		$475,000
F-15	**Town Hall Renovations:** Renovate and reconfigure space within select departments to create space efficiencies for office and storage functions and improve public interactions, conduct a study to determine risk of short circuits and arc flash, and resurface deteriorated areas and replace terrazzo hallway floors.	100 LA	300 LA	500 LA	250 LA	250 LA		$1,400,000
F-16	**Additional Town Space:** Purchase of additional offices and improvements to archival space.				1,500 LA			$1,500,000
F-17	**Senior Center Café/Giftshop:** Construction of a café/giftshop to service the Senior Center.	200 LA						$200,000
F-18 (new)	**Upper Ellicott Creek & Channel Improvements** (amended by Town Board Action: May 8, 2023)	600 LA						$600,000
F-19 (new)	**Building Maintenance / Facilities Equipment** (to be amended by Town Board action on June 20, 2023)	117 LA						$117,000
F-20 (new)	**Amherst Central Park Clubhouse Commissioning & Building and Grounds Improves** (to be amended by Town Board action on June 20, 2023)	100 LA						$100,000
F-21 (new)	**Amherst Central Park Facilities Professional Services** (to be amend by Town Board action on June 20, 2023)	248 LA						$248,000

Key: Funding Source T – Tax; L – Bond; S – Surplus; E - Encumbered; RF – Recreation Fund; OF – Open Space Fund; F/S – Federal or State Aid X – Private Source; Funding Account A – General Account; B – Part Town; C – Community Environment; D – Highway; F – Lighting; G – Sanitary Sewer District; H – Storm Drainage District I – Water District; W – Water Pollution Control Facility; # – Special District Number; NS – None Submitted

INTRODUCTION / EXISTING CONDITIONS:

The Town of Amherst owns and maintains dozens of facilities for many different purposes. These facilities are all located within the town boundaries in many locations. Due to a decentralized system of maintenance budgeting and repair activities, the current physical condition of all Townwide facilities can vary significantly from new and well-maintained to poorly maintained. As such, several facilities will be improved via capital maintenance improvements as well as the demolition and reconstruction of existing facilities. In some cases, entirely new facilities will be designed and constructed at Town-owned sites.

Attachment: MPR F-20 Amherst Central Park Club House & Facility Improvements (RES-2023-538 : Amherst Central Park Clubhouse

TOWN OF AMHERST
Amherst Central Park Clubhouse Commissioning & Building and Grounds Improvements

PROPOSED SCOPE:

The Town of Amherst owns and maintains the entire former Westwood Country Club facility located at 772 North Forest Road within the Town of Amherst. The facility is made up of numerous buildings that supported the former golf course operation, including a historically designated clubhouse that was originally built in the early 1900's, after which a number of building modifications, alterations and additions were implemented over time. Currently, the clubhouse can be shown to be in various forms of failure mode and in an effort to more adequately maintain this facility as well as the surrounding grounds, numerous assessment and improvements will be commissioned.

In an effort to allow for the clubhouse building to function adequately during the winter months, the building's heating and climate control systems will be studied and commissioned to restore and ensure proper functionality. This functionality is essential to the long-term viability of this historic structure.

In addition, the building envelope of this clubhouse building will also be assessed and improvements made in order to provide protection against the elements and additional moisture and environmental degradation. Lastly, the grounds of the Amherst Central Park parcel will be evaluated for security and safety risk and improvements will be implemented in an effort to ensure that the surrounding residents can co-exist safely in close proximity to this park. These improvements are likely to include fencing improvements, but other measures may also be implemented.

The assessments, studies, commissioning and improvements described above will all be completed during 2023, 2024 and 2025. It is anticipated that all of the above referenced improvements will be completed by the end of 2025. The above project will be bonded against the Town of Amherst General Fund at a *total project cost* of $100,000.00, financed entirely with serial bonds. The improvements completed within the scope of this project will have minimum lifecycles that will exceed 15 years.

FINANCIAL SUMMARY:

Amherst Central Park Improvements	
Construction Costs	$99,500
Legal / Administrative	$500
Total Bonded Amount	**$100,000**

TAXATION SUMMARY:

Total Bond Amount:	$ 100,000 (General Fund)
Bond Term:	15 Years
Annual Tax Impacts:	$0.0008 per $1,000 AV
Typical Property Taxation Impact:	$0.21 per $250,000 property

SEQR DETERMINATION:

See attached memo from the Amherst Planning Department.

Attachment: MPR F-20 Amherst Central Park Club House & Facility Improvements (RES-2023-538 : Amherst Central Park Clubhouse

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Transmitted electronically

MEMORANDUM June 12, 2023

TO: Brian J. Armstrong, Director Engineering Services
Engineering Department

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

RE: SEQR Determination
Amherst Central Park Clubhouse Commissioning /
Amherst Central Park Facilities Professional Services
2023-2028 C.I.P. Projects F-20 & F-21

The Planning Department has reviewed the Map, Plan & Report for the subject project and has determined it to be a Type II action under the provisions of SEQR according to Part 617.5. Therefore, no further environmental work is required.

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\June 12_2023_Amherst Central Park Clubhouse Commissoning_ Professsional Services for ACP Facilities_F20 &F21.docx

cc:
Daniel Howard, Planning Director
Martin Polowy, Town Attorney

Attachment: MPR F-20 Amherst Central Park Club House & Facility Improvements (RES-2023-538 : Amherst Central Park Clubhouse

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 27642 **RESOLUTION 2023-539** **ADOPTED**

Roadway and Infrastructure Improvement Agreement (CRS #4143)

AGENDA ITEM : JUNE 20TH, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **June 13, 2023**

RE: **Roadway and Infrastructure Improvement Agreement (CRS #4143)**

Kindly adopt the following resolution with respect to the above matter:

RESOLVED, that the Town Board authorizes the Supervisor to execute the attached agreement pending successful completion of the Contract Routing System (CRS).

Thank you.

MAP:nmb
Attachment
c: Tim Koller, Deputy Town Clerk (*w/attachment*, **Agenda Item : June 20, 2023**)

6/20/2023
Consent

FINANCIAL IMPACT:

$3,020,233 (subject to adjustment) - KP Account TBD

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

ROADWAY & INFRASTUCTURE IMPROVEMENT AGREEMENT

THIS ROADWAY AND INFRASTRUCTURE IMPROVEMENT AGREEMENT (this "***Agreement***") is made this _____ day of _____, 2023 (the "***Effective Date***"), by and between **TOWN OF AMHERST**, a municipal corporation formed pursuant to the laws of the State of New York ("***Town***"), AMHERST **111 APL RKC, LLC**, a Delaware limited liability company ("***Owner***") and **111 NORTH MAPLEMERE LLC**, a New York limited liability company ("***111 NM LLC***"). Town, Owner and 111 NM LLC are each referred to herein individually as a "***Party***" and, collectively, as the "***Parties***").

WITNESSETH:

WHEREAS, Owner is the record owner of that certain parcel of land having an address of 2605 Amherst Manor Drive, Amherst, New York (also known as 111 North Maplemere Road, Amherst, New York) identified as SBL 55.03-1-12 as more particularly described pursuant to the legal description attached hereto as Exhibit "A" and incorporated herein by reference (the "***Property***"); and

WHEREAS, Owner has entered into a certain contract dated as of October 24, 2022 (the "***Construction Agreement***") with ARC Building Partners LLC, as Construction Manager as Constructor ("***General Contractor***") to construct and/or reconfigure the public roadway (the "***Roadway***") and intersection realignments and associated public utilities for water, sanitary and storm sewers, together with associated grading, lighting, sidewalks, paving, landscaping , a portion of which is upon and under the Property (the "***Onsite Improvements***") and a portion of which will be constructed upon land adjacent to the Property and owned by the Town (the "***Offsite Improvements***," and with the Roadway and Onsite Improvements, the "***Improvements***"); as further described and depicted on attached Exhibit "B"; and

WHEREAS, for efficiency the Owner has agreed to construct all of the Improvements in accordance with the approvals and permits issued by the Town, the New York State Department of Transportation and the Erie County Department of Public Works; and

WHEREAS, the Town has agreed to accept ownership and dedication of the Roadway and all infrastructure to be located therein and thereon, in accordance with the Town's process for dedication as described on attached Exhibit "C" ("***Dedication Process***"); and

WHEREAS, on _____, the Town adopted Resolution 2023-__ for the purpose of authorizing entering into this Agreement, a copy of which is attached hereto as Exhibit "E"; and

WHEREAS, the Parties now desire to enter in this Agreement to address the rights and obligations of the Owner and the Town related to the Improvements and to address reimbursement for the Improvements as described in the Town's Resolution; and

NOW, THEREFORE, in consideration of the mutual promises, covenants, representations, conditions and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree to the following terms and conditions:

Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

1. Infrastructure Improvements.

(a) The Owner shall cause the General Contractor pursuant to the Construction Agreement, at Owner's sole cost and expense, construct the Improvements, as set forth within the Amended Site Plan for the Property approved by the Town Planning Board on September 23, 2021 and stamped as an Approved Plan by the Town Planning Director on October 7, 2022 (the "***Amended Site Plan***"), and/or any subsequently approved amended site plan by the Town Planning Board, and/or any administrative modification to the Amended Site Plan by the Town Planning Director, as well as any other approvals and permits issued or to be issued by the Town and/or any other governmental agency, including, but not necessarily limited to, the New York State Department of Transportation ("***DOT***"), which may be granted prior to the issuance of final certificate of occupancy by the Town.

(b) Town has received and approved the plans and specifications for the Improvements (the "***Approved Plans and Specifications***").

(c) The Improvements shall be diligently performed and completed in a lien-free manner with respect to the Property and in accordance with the Town's specifications for a public roadway and all applicable laws, rules and regulations. In furtherance thereof, pursuant to the Construction Agreement, the General Contractor shall provide releases from all contractors and subcontractors prior to the Reimbursement.

(d) Reference is made to that certain Purchase and Sale Agreement concerning the Property dated as of July 7, 2020 between Town and Bones & Guts LLC, a New York limited liability company ("***Bones & Guts***"), as amended by that certain First Amendment of Purchase and Sale Agreement dated as of July 29, 2020 (as amended, the "***Bones & Guts Agreement***"), which Bones & Guts Agreement was subsequently assigned by Bones & Guts to 111 North Maplemere LLC ("***Seller***"). Seller has since conveyed the Property to Owner, pursuant to that certain Agreement for Purchase and Sale of Real Property and Escrow Instructions dated as of June 10, 2022 ("***PSA***"). Consistent with Section 11.26 of the PSA, and consistent with Section 12.5 of the Bones & Guts Agreement and subject to the terms of this Agreement the Town shall accept Dedication.

(e) As soon as reasonably practicable following written notice from General Contractor to the Town that the Roadway is complete, the Town of Amherst or its designated agent shall inspect the Roadway, and in accordance with the Dedication Process, the Town shall use its best reasonable efforts pursuant to the law to accept the dedication of the Roadway, in each case in a timely manner that does not prejudice the timely issuance of a certificate of compliance for the building that has been constructed on the Property (the "***Project***").

Further consistent with 11.26 of the PSA, within thirty (30) days of the Town receiving the funds from the sale of Bonds, the Town shall reimburse 111 NM LLC for costs incurred in constructing same. The categories of hard costs and soft costs to be reimbursed by the Town are set forth in the attached Exhibit "D". The projected amount of the costs to be reimbursed by the Town as listed in Exhibit "D" totals $3,020,233.00 and is subject to adjustment based on the actual costs incurred by 111 NM LLC for the eighteen (18) categories of hard costs and soft costs listed in Exhibit "D". 111 NM LLC shall provide the Town with copies of all invoices, Contracts, Payment

Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

Applications and other documentation requested by the Town for costs to be reimbursed. In no event shall the issuance of the Bonds impact the timely acceptance of the dedication of the Roadway in accordance with the Dedication Process as stated hereinabove.

2. Bones & Guts Agreement Easements. Consistent with Section 11.26 of the PSA, and with Section 12.9 of the Bones & Guts Agreement, as amended, and in connection therewith, simultaneously with the execution of this Agreement, Town Board has previously agreed to enter into certain easements and a license agreement with Owner to effectuate the development of the Project on the Property.

3. Reserved.

4. Miscellaneous.

(a) Authority. The person(s) executing this Agreement on behalf of each party covenants that such person(s) has full power and authority to execute this Agreement. Each party shall have the right, power, and authority to execute this Agreement and to effectuate the obligations set forth in this Agreement, The Town's Resolution authorizes the Supervisor to execute this Agreement on behalf of the Town of Amherst. All approvals necessary and appropriate to effectuate the obligations set forth in this Agreement have been obtained from all affected persons and parties (other than the resolution to be adopted by the Town Board that authorizes the Town to accept dedication of the roadway and with respect to the reimbursement set forth in Section 1.F above [the "Future Approvals"]). The Parties will use their best reasonable efforts, pursuant to the law, to obtain all Future Approvals in a timely manner from all affected persons and parties. Pursuant to the Town's Resolution, the Town represents and warrants that all necessary funds will be appropriated to enable Town to reimburse the Owner for the costs of the Improvements and otherwise perform all of its obligations under this Agreement.

(b) Effective Date. The terms hereof and covenants created and imposed by this Agreement shall be effective upon the Effective Date.

(c) Severance and Waiver. The invalidity or unenforceability of any portion or provision of this Agreement shall not affect the remaining portions or provisions hereof. No waiver of any other provisions of this Agreement shall be effective unless it is in writing, signed by the party against whom it is asserted, and any such waiver shall only be applicable to the specific instance to which it relates and shall not be deemed to be a continuing or future waiver.

(d) Binding Effect. This Agreement shall inure to the benefit of the parties and each subsequent owner of the Property and shall be fully binding upon each such party's respective shareholders, beneficiaries, parties, trustees, receivers, affiliates, agents, legal representatives, heirs, and all successors and permitted assigns.

(e) Time Critical. Time is of the essence for all matters specified in, addressed by, or relating to this Agreement.

Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

(f) Counterpart Copies. This Agreement may be executed in one (1) or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement that shall be enforceable as one complete document.

(g) Construction. This Agreement shall not be construed more strictly or more favorably toward one party or the other, regardless of which party requested or drafted this Agreement.

(h) Entire Agreement. This Agreement constitutes the entire Agreement and understanding between the parties relating to the subject matter hereof and may not be modified except by a written instrument executed by all parties subject hereto.

(i) Jurisdiction. This Agreement shall be governed by, interpreted under, and construed and enforced in accordance with the laws of the State of New York. Each party hereby irrevocably submits in any suit, action or proceeding arising out of or relating to this Agreement, or any party's performance hereof or thereof or rights or obligations hereunder, to the jurisdiction of the New York State Supreme Court in the County of Erie and waives any and all objections to the jurisdiction of, or venue in, such court that such party may have under applicable laws.

(j) Attorneys' Fees and Costs. In connection with any dispute by or between the parties subject to this Agreement or any of them regarding the negotiation, interpretation, application or enforcement of this Agreement or any document executed pursuant hereto, the prevailing party shall be entitled to recover all actual and reasonable, out-of-pocket attorneys' fees, together with all costs and expenses without regard to any statutory presumption.

(k) Waiver of Jury Trial. TO THE FULLEST EXTENT PERMITTED BY LAW, EACH PARTY WAIVES TRIAL BY JURY IN ANY LITIGATION, SUIT OR PROCEEDING AMONG THEM IN ANY COURT WITH RESPECT TO, IN CONNECTION WITH OR ARISING OUT OF THIS AGREEMENT, OR THE VALIDITY, INTERPRETATION OR ENFORCEMENT HEREOF OR THEREOF.

(l) Headings. The Paragraph headings used herein are inserted for the convenience of the reader only and are not intended to be part of this Agreement or in any way to define, limit, or describe this Agreement and the intent the particular provision to which they refer.

(m) Reserved.

(n) Further Assurances. Town and Owner each agree to execute any and all other documents and to take any further actions (including, without limitation, the granting of easements or access to Owner by the Town) reasonably necessary to consummate the transactions contemplated hereby provided same do not impose any obligations or liabilities on such party not contemplated in this Agreement.

(o) Termination. Except for those obligations that expressly survive the termination of this Agreement (including, without limitation, the covenant that the Roadway will be lien-free as of the date of acceptance of the Roadway pursuant to the Dedication Process), this Agreement shall terminate immediately upon the latter to occur of (1) the completion and

Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

satisfaction of all obligations to be performed pursuant to this Agreement, (2) the payment and/or reimbursement of all amounts required to be paid and/or reimbursed by the Town to the Owner pursuant to this Agreement, and (3) the acceptance by Town of the dedication of the Roadway and the associated infrastructure, sidewalks, lighting and roadway markings to be installed pursuant to this Agreement. Following the events described in the preceding sentence, the parties agree to execute any and all other documents and to take any further actions reasonably necessary to effectuate such termination.

(p) Assignment. Town may not assign this Agreement without the prior written consent of Owner. Owner may sell, assign, delegate, transfer, convey, or encumber all or a portion of its rights or duties under this Agreement without any other party's prior consent to (i) any direct or indirect members or affiliates of Owner, (ii) any lender, (iii) any person to whom Owner transfers the Property.

(q) Notice. Any notice, demand, request, covenant, approval or other communication to be given by one party to any other party or parties shall be given by personal service, express mail, email, Federal Express, DHL or any other similar form of nationally recognized airborne/overnight delivery service (and, to the extent any notice is provided by a method other than email, such notice shall be simultaneously sent by email to constitute valid notice), addressed to the parties at their respective addresses as follows:

If to Owner:

c/o Remedy Medical Properties, Inc.
800 West Madison, Suite 400
Chicago, Illinois 60607
Attention: Mr. Peter J. Westmeyer
and Gregg S. Graines, Esq.
Email: PWestmeyer@remedymed.com
and GGraines@remedymed.com

With a copy to:

Harris Beach PLLC
726 Exchange Street, Suite 1000
Buffalo, New York 14210
Attention: Robert G. Murray
Email: BMurray@HarrisBeach.com

If to Town, to each the:

Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

[Amherst Town Supervisor &
The Amherst Town Atty
5583 Main Street
Williamsville, New York 14221

Any such notice shall be deemed to have been given (i) upon delivery, if personally delivered, one (1) business day after sending if sent by any nationally recognized form of airborne/overnight delivery service, or (ii) the date of sending if sent by email before 5:00 p.m. ET, otherwise such notice shall be deemed delivered the next business day. Any party may change the address at which it desires to receive notice upon giving written notice of such request to the other parties. Notice given by email in accordance herewith shall be effective upon the entrance of such email into the information processing system designated by the recipient's electronic mail address. The parties, and their respective counsel, hereby agree that notices may be given hereunder by the parties' respective counsel, and that if any communication is given hereunder by a parties' counsel, such counsel may send such communication directly to all principals so long as such other counsel is copied, as required to comply with the foregoing provisions.

2. Exhibits/Schedules. The following Exhibits attached to this Agreement are incorporated herein by this reference:

a) Exhibit A: Legal Description of the Property

b) Exhibit B: Approved Plans and Specs/Improvements.

c) Exhibit C: Dedication Process

d) Exhibit D: Scope of Town Reimbursement

e) Exhibit E: Resolution No 202_-_____, as adopted by Amherst Town Board on _____

[SIGNATURE(S) ON FOLLOWING PAGE]

Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

IN WITNESS WHEREOF, the parties hereto have by their duly authorized representatives, executed and delivered this Agreement as of the date and year first above written.

OWNER:

AMHERST 111 APL RKC, LLC,
a Delaware limited liability company

By: _____
Name: Krista Bavlsik
Title: Authorized Signatory

111 NORTH MAPLEMERE LLC
a New York limited liability company

By: _____
Name:
Title:

TOWN:

TOWN OF AMHERST,
a New York municipal corporation

By: _____
Name: Brian J. Kulpa
Title: Supervisor

[*End Signatures*]

Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

IN WITNESS WHEREOF, the parties hereto have by their duly authorized representatives, executed and delivered this Agreement as of the date and year first above written.

OWNER:

AMHERST 111 APL RKC, LLC,
a Delaware limited liability company

By: _____
Name: _____
Title: _____

111 NORTH MAPLEMERE LLC
a New York limited liability company

By: _____
Name: Paul Ciminelli
Title: Member

TOWN:

TOWN OF AMHERST,
a New York municipal corporation

By: _____
Name: Brian J. Kulpa
Title: Supervisor

[*End Signatures*]

Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

EXHIBIT A

Legal Description of Property

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town Amherst, County of Erie, and State of New York, being part of lot 67, Township 12, Range 7 of the Holland Land Company's Survey and being bound and described as follows:

BEGINNING at a point on the northerly line of Map Cover 2268, as filed in the Erie County Clerk's Office, said point being the northeasterly corner of sublot 9 of said Map Cover, also being the southeasterly corner of lands conveyed to the Town of Amherst as recorded in the Erie County Clerk's Office in Liber 10957 of Book of Deeds at page 7085;

THENCE N 00 ° 51'37" W, along an easterly line of said lands of the Town Amherst, a distance of 326.87 feet;

THENCE N 00°52'01" E, a distance of 514.48 feet;

THENCE N 01°37'08" W, along an easterly line of said lands of the Town Amherst, a distance of 213.06 ;

THENCE N 88°28'30" E a distance of 980.00 feet;

THENCE S 03°25'50" W a distance of 150.00 feet;

THENCE S 10°25'45" E a distance of 280.41 feet;

THENCE southwesterly along a curve turning to the right, with an arc length of 92.54 feet with a radius of 50.00 feet;

THENCE N 83°36'39" W a distance of 535.87 feet;

THENCE S 83°09'32" W a distance of 44. 33 feet;

THENCE S 07°01'16" E a distance of 181.14 feet;

THENCE S 87°31 '29" W a distance of 18.17 feet;

THENCE S 01°24'52" W a distance of 19.93 feet;

THENCE S 08°04' 10"E a distance of 28.72 feet;

THENCE S 16°17'34" E a distance of 40.98 feet;

THENCE S 73°07'47" W a distance of 40.00 feet;

Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

THENCE S 04°18' 02"E a distance of 190.00 feet;

THENCE S 85°41' 58"W a distance of 60.00 feet;

THENCE S 04°18'02" E a distance of 96.60 feet;

THENCE S 89°05'15" W, parallel with the northerly line of said Map Cover 2268, a distance of 261.11 feet,

THENCE S 00°51'37" E a distance of 75.00 feet to the northerly line of said Map Cover;

THENCE S 89°05'15" W a distance of 70.00 feet, to the point of beginning containing 14.91 acres, more or less.

Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

EXHIBIT B

Improvements - Approved Plans and Specifications

Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

INDEX OF PIP DRAWINGS

C000 1A	NOTES
C0112	PIP-DEMOLITION & ESC PLAN
C0113	PIP-DEMOLITION & ESC PLAN
C0114	PIP-DEMOLITION & ESC PLAN
C0149	PIP- TYPICAL ROADWAY SECTIONS
C0149A	PIP - TYPICAL ROADWAY SECTIONS
C0150	PIP- LAYOUT PLAN
C0151	PIP-LAYOUT PLAN
C0152	PIP-LAYOUT PLAN
C0153	PIP-LAYOUT PLAN
C0154	NOT USED
C0155	NOT USED
C0156	PIP MAPLE & N. MAPLEMERE INTERSECTION IMPROVEMENT
C0160	PIP GRADING & UTILITY PLAN
C0161	PIP GRADING & UTILITY PLAN
C0162	PIP GRADING & UTILITY PLAN
C0163	PIP GRADING & UTILITY PLAN
C0251	NOT USED
C0252	PIP-MAPLEMERE PROFILE
C0253	PIP-MAPLEMERE WATER PROFILE
C0254	NOT USED
C0255	PIP-SEWER PROFILE
C0501	PIP - EROSION & SEDIMENT CONTROL DETAILS
C0502	PIP - EROSION & SEDIMENT CONTROL DETAILS
C0551	PIP- WATERLINE DETAILS
C0552	PIP- WATERLINE DETAILS
C0553	PIP- WATERLINE DETAILS
C0554	PIP- WATERLINE DETAILS
C0555	PIP- WATERLINE DETAILS
C0556	PIP- WATERLINE DETAILS
C0557	PIP- WATERLINE DETAILS
C0558	PIP- SANITARY SEWER DETAILS
C0559	PIP- STORM SEWER DETAILS
C0560	PIP- ROADWAY DETAILS
C0561	PIP- CURB RAMP DETAILS
C0562	PIP- CURB RAMP DETAILS
C0563	PIP- CURB RAMP DETAILS
C0564	PIP -SECURITY BOLLARD DETAILS LOOP DETECTORS
C0565	PIP WORK ZONE CONTROL DETAILS
C0566	PIP WORK ZONE CONTROL DETAILS
C0567	PIP WORK ZONE CONTROL DETAILS
C0568	PIP WORK ZONE CONTROL DETAILS
C0569	PIP WORK ZONE CONTROL DETAILS
C0570	PIP WORK ZONE CONTROL DETAILS
C0571	PIP WORK ZONE CONTROL DETAILS
C0572	PIP WORK ZONE CONTROL DETAILS
C0573	PIP WORK ZONE CONTROL DETAILS
C0574	PIP WORK ZONE CONTROL DETAILS
C0575	PIP WORK ZONE CONTROL DETAILS
C0576	PIP WORK ZONE CONTROL DETAILS

GENERAL SITE WORK NOTES

1. COORDINATE START-UP AND ALL CONSTRUCTION ACTIVITIES WITH THE ARCHITECT AND CONSTRUCTION MANAGER FOR THE ASSOCIATED SITE WORK.
2. CONSTRUCTION METHODS AND MATERIALS NOT SPECIFIED ON THESE PLANS ARE TO MEET OR EXCEED THE STANDARD SPECIFICATIONS AS SPECIFIED IN THE CONTRACT PROJECT MANUAL.
3. ALL CONSTRUCTION IN LOCAL, COUNTY OR STATE RIGHT-OF-WAYS SHALL BE IN CONFORMANCE WITH ALL REQUIREMENTS, RULES AND SPECIFICATIONS OF THE CORRESPONDING AGENCY. ALL WORK PERMITS AND FEES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
4. THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN ON THE PLANS ARE BASED ON FIELD LOCATIONS OF SURFACE STRUCTURES AND/OR RECORD PLANS AND IS APPROXIMATE AND INCOMPLETE. THE CONTRACTOR SHALL CONFIRM THE DEPTH AND LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION. CONTACT DIG SAFELY NEW YORK (UFPO), 1-800-962-7962.
5. THE CONTRACTOR SHALL CONDUCT THE WORK IN A MANNER THAT WILL INSURE, AS FAR AS PRACTICABLE, THE LEAST OBSTRUCTION TO TRAFFIC AND SHALL PROVIDE FOR THE CONVENIENCE AND SAFETY OF THE GENERAL PUBLIC AND RESIDENTS ALONG AND ADJACENT TO HIGHWAYS IN THE CONSTRUCTION AREA IN AN ADEQUATE AND SATISFACTORY MANNER.
6. THE CONTRACTOR SHALL MAINTAIN SERVICE OF ALL EXISTING SITE UTILITIES DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISRUPTION OF UTILITY SERVICE AND DAMAGE TO EXISTING SITE FEATURES, INCLUDING UNDERGROUND UTILITIES, RESULTING FROM THEIR OPERATIONS IN EXECUTION OF THE WORK.
7. THE CONTRACTOR SHALL LOCATE MARK SAFEGUARD AND PRESERVE ALL SURVEY CONTROL MONUMENTS AND R.O.W. MONUMENTS IN THE AREAS OF CONSTRUCTION.
8. REFERENCES TO N.Y.S.D.O.T. STANDARDS SHALL MEAN THE "STANDARD SPECIFICATIONS, CONSTRUCTION AND MATERIALS, OFFICE OF ENGINEERING, NEW YORK STATE DEPARTMENT OF TRANSPORTATION MAY 1, 2008" WITH ALL CURRENT ADDENDA.
9. DEMOLITION, STAGING AND GRADING SHALL BE KEPT WITHIN THE CONTRACT LIMIT LINE AS SHOWN ON THE PLANS. CONTRACTOR SHALL PROTECT EXISTING TREES AND VEGETATION DESIGNATED TO BE SAVED, BOTH INSIDE AND OUTSIDE THE CONTRACT LIMIT LINE.
10. THE CONTRACTOR SHOULD LOCATE ALL PERTINENT PROPERTY, EASEMENT AND/OR RIGHT OF WAY LINES PRIOR TO COMMENCEMENT OF THE WORK. THE CONTRACTOR SHALL NOT TRESPASS OR COMMENCE WORK ON OTHER PROPERTIES, EASEMENTS, OR RIGHT OF WAYS WITHOUT PROPERLY NOTIFYING AND MEETING THE NECESSARY REQUIREMENTS OF THE PROPERTY OWNER OR AUTHORIZED AGENCY.

DEMOLITION GENERAL NOTES:

1. SEE ASSOCIATED SITE CONTRACT FOR DEMOLITION DONE BY OTHERS.

UTILITY ENVIRONMENTAL NOTES:

1. THE SCOPE OF THE PROJECT POTENTIALLY INCLUDES MODIFICATION TO UTILITIES THAT MAY CONTAIN ACM. SHOULD THE UTILITY ASSESSMENT REVEAL THE PRESENCE OF ACM, ALL REMOVALS WILL REQUIRE SPECIAL HANDLING AND DISPOSAL IN ACCORDANCE WITH NEW YORK STATE DEPARTMENT OF LABOR (DOL) INDUSTRIAL CODE RULE 56. ABATEMENT WOULD REQUIRE A LICENSED PERSON OR A LICENSED CONSULTANT ASBESTOS DESIGNER.

GENERAL UTILITY CONSTRUCTION NOTES:

1. ALL EXISTING CONDITIONS HAVE BEEN SURVEYED OR DESIGNED BY OTHERS. NO WARRANTY OF THE ACCURACY OF THE LOCATIONS OF EXISTING SITE IMPROVEMENTS BY OTHERS AS SHOWN HEREON IS EXPRESSED OR IMPLIED BY WATTS ENGINEERS.
2. THE CONTRACTOR SHALL VERIFY ALL GRADES, ELEVATIONS AND DIMENSIONS IN THE FIELD. ANY DISCREPANCIES AND/OR CONFLICTS WITH OTHER EXISTING OR PROPOSED IMPROVEMENTS SHALL BE REPORTED TO THE ARCHITECT AND ENGINEER FOR RESOLUTION.
3. ALL CONSTRUCTION IN PUBLIC RIGHT-OF-WAYS SHALL BE IN CONFORMANCE WITH ALL SPECIFICATIONS, RULES AND REGULATIONS OF THE CORRESPONDING AGENCY HAVING JURISDICTION. ALL NECESSARY WORK PERMITS, TAP PERMITS, AND FEES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
4. THE LOCATIONS AND DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN HEREON ARE APPROXIMATE AND INCOMPLETE. THE CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFICATION OF THE LOCATIONS AND DEPTHS OF ALL EXISTING UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION. CONTACT UNDERGROUND FACILITY PROTECTION ORGANIZATION (UFPO) 1-800-962-7962 TWO (2) FULL WORKING DAYS BEFORE EXCAVATION OPERATIONS.
5. THE CONTRACTOR SHALL RESTORE ALL EXISTING SITE IMPROVEMENTS TO THEIR ORIGINAL CONDITION AS NECESSARY INCLUDING EXISTING UTILITIES, LAWN AREAS, SIDEWALKS, PAVEMENT, CURBS, SIGNS, FENCES, ETC.
6. THE CONTRACTOR SHALL MAINTAIN SERVICE OF ALL EXISTING SITE UTILITIES DURING CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR ANY DISRUPTION OF UTILITY SERVICES AND DAMAGE TO EXISTING SITE IMPROVEMENTS, INCLUDING UNDERGROUND UTILITIES, RESULTING FROM THE OPERATIONS IN EXECUTION OF THE WORK.
7. IT IS THE CONTRACTOR'S RESPONSIBILITY TO SECURE THE WORK AREA AND PROVIDE SAFETY BARRIERS AROUND ANY AREAS OF INCOMPLETE WORK. MINIMUM REQUIREMENTS SHALL BE THAT ANY OPEN TRENCHES SHALL BE SURROUNDED BY CONTINUOUS FOUR-FOOT HIGH ORANGE PLASTIC CONSTRUCTION BARRIER FENCING OR COVERED WITH 1-INCH THICK STEEL PLATE.
8. WHERE EXCAVATIONS CROSS EXISTING UTILITIES THE CONTRACTOR SHALL PROVIDE TEMPORARY SUPPORTS AS REQUIRED. TEMPORARY SUPPORTS SHALL BE REMOVED UPON COMPLETION OF BACKFILLING AND COMPACTION.
9. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF STABLE TEMPORARY TRENCHES INCLUDING UTILIZATION OF TEMPORARY SHEETING, BRACING AND DEWATERING AS NECESSARY TO MAINTAIN TRENCH STABILITY AND SAFETY.
10. UTILITIES CONSTRUCTED IN FILL OR BACKFILL SHALL UTILIZE SELECT FILL MATERIAL COMPACTED TO 95% OF MAXIMUM DENSITY AT +/- 2% OF THE OPTIMUM MOISTURE CONTENT AS DETERMINED BY THE MODIFIED PROCTOR METHOD (ASTM D1557). FILL OR BACKFILL MATERIAL SHALL BE PLACED PRIOR TO EXCAVATION OF UTILITY TRENCHES.
11. FINAL RESTORATION SHALL INCLUDE CLEARING OF DEBRIS FROM ALL EXISTING AND NEW MANHOLES AND JET-FLUSHING OF ALL EXISTING AND NEW STORM AND SANITARY SEWER LINES AFFECTED BY CONSTRUCTION.

WATER CONSTRUCTION NOTES:

1. ALL WATER LINES CONSTRUCTED UNDER PAVED AREAS SHALL BE BACKFILLED WITH SELECT BACKFILL, PLACED IN UNIFORM LIFTS OF A MAXIMUM THICKNESS NOT EXCEEDING A LOOSE MEASUREMENT OF SIX (6) INCHES AND MECHANICALLY COMPACTED.
2. ALL WATER MAIN CONSTRUCTION SHALL CONFORM TO THE AUTHORITY HAVING JURISDICTION (AHJ) PLUMBING DEPT. REQUIREMENTS.
3. NEW WATERLINES SHALL BE INSTALLED TO MAINTAIN A MINIMUM 5 FEET HORIZONTAL AND 1.5 FEET VERTICAL SEPARATION FROM EXISTING AND PROPOSED SANITARY AND STORM SEWERS.
4. ALL NEW WATER SERVICES SHALL BE PRESSURE TESTED, CLEANED, CHLORINATED, FLUSHED AND BACTERIOLOGICALLY TESTED IN ACCORDANCE WITH AWWA C600, SECTION 4 AND AWWA C-651 (EXCLUDING SECTION 5.1), LATEST REVISIONS. DISINFECTION SHALL ALSO BE IN COMPLIANCE WITH AWWA C-651.

STORM SEWER NOTES:

1. ALL PROPOSED CATCH BASINS (CB) SHALL BE PRECAST CONCRETE AND SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE STANDARD DETAILS. PROVIDE A OIL & GRIT TRAP AND/OR SUMPS AT ALL CATCH BASINS IN CONFORMANCE WITH THE DETAILS.
2. THE CONTRACTOR SHALL PROVIDE FOR TEMPORARY DRAINAGE DURING CONSTRUCTION UTILIZING THE EXISTING OR PROPOSED CATCH BASINS WITH PUMP BYPASS LINES AS NECESSARY. OTHER TEMPORARY DRAINAGE METHODS MAY BE NECESSARY AS DIRECTED BY THE ENGINEER.

SANITARY CONSTRUCTION NOTES:

1. ALL SANITARY SEWERS CONSTRUCTED UNDER PAVED AREAS SHALL BE BACKFILLED WITH SELECT BACKFILL, PLACED IN UNIFORM LIFTS OF A MAXIMUM THICKNESS NOT EXCEEDING A LOOSE MEASUREMENT OF SIX (6) INCHES AND MECHANICALLY COMPACTED.
2. ALL SANITARY SEWER CONSTRUCTION SHALL CONFORM TO THE TOWN OF AMHERST REQUIREMENTS AND SPECIFICATIONS.
3. ALL NEW SANITARY SEWERS SHALL BE TESTED IN ACCORDANCE WITH THE METHODS AS SHOWN IN THE PROJECT MANUAL.

PERMIT NOTES:

1. HIGHWAY PERMITS REQUIRED PRIOR TO PIP CONSTRUCTION INCLUDE:
   TOWN OF AMHERST PIP PERMITS
   ERIE COUNTY HIGHWAY WORK PERMIT (TO BE SUBMITTED BY THE CONTRACTOR)
   NYSDOT PERM33COM
2. ALL REQUIREMENTS OF THE ABOVE PERMITS SHALL BE MET.

GRADING AND UTILITY PLAN NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW EXISTING AND PROPOSED GROUND CONTOURS AND SPOT ELEVATIONS, AND DRAINAGE FLOW PATTERNS. PROPOSED STORM SEWERS, STORM WATER INLETS, RECEIVERS, CATCH BASINS, LAWN DRAINS, SWALES ON THE SITE AREA ARE SHOWN FOR COORDINATION ONLY.
2. EMBANKMENT CONSTRUCTION AND PLACEMENT OF LOOSE FILL SHALL CONFORM TO THE FOLLOWING:
   A. REMOVE ALL TOPSOIL, ORGANIC MATERIAL AND DEBRIS PRIOR TO PLACEMENT OF FILL.
   B. PROOF ROLL EXISTING SUBGRADES AND REPLACE UNSUITABLE MATERIAL WITH APPROVED FILL. NO FILL MATERIAL SHALL BE PLACED IN WATER OR OVER FROZEN SUBGRADE.
   C. ACCEPTABLE FILL MATERIAL FOR EMBANKMENTS AND BUILDING SUBGRADES SHALL BE SOILS CLASSIFIED AS UNIFIED SM, GM OR ML. NATIVE ON-SITE SOILS SHALL BE USED AT A MOISTURE CONTENT WHICH WILL ALLOW FOR OBTAINING THE REQUIRED DENSITY AFTER PLACEMENT AND COMPACTION. ORGANIC SOILS, WOODY MATERIAL, CONSTRUCTION DEBRIS OR LARGE BOULDERS SHALL NOT BE USED FOR FILL.
   D. FILL SHALL BE PLACED AT A MAXIMUM LIFT THICKNESS NOT EXCEEDING A LOOSE MEASUREMENT OF SIX (6) INCHES. LAYERS SHOULD BE LEVEL AND FILL SHOULD BE PLACED SIMULTANEOUSLY ON BOTH SIDES OF THE AREA TO BE FILLED. COMPACT FILL SOILS TO 95% OF THE MAXIMUM MODIFIED PROCTOR BULK DENSITY AT +/- 2% OF THE OPTIMUM MOISTURE CONTENT. (LAWN AREAS SHOULD BE COMPACTED TO 85%).
   E. PROVIDE FOR DRAINAGE OF SURFACE AND SUBSURFACE WATER AS SHOWN ON THE PLANS.
3. ALL AREAS WITHIN THE PROJECT LIMITS WHERE THERE IS NO PAVING OR STRUCTURES SHALL BE REGRADED, TOPSOILED AND SEEDED AS PER THE SPECIFICATIONS UNLESS OTHERWISE NOTED OR DIRECTED BY THE ENGINEER OR ARCHITECT.
4. ALL DISTURBED EXISTING LAWN AREAS OUTSIDE THE PROPERTY/PROJECT LIMITS SHALL BE RESTORED TO THEIR PRE-EXISTING CONDITION.
5. ALL PROPOSED CURB HAS A 6-INCH REVEAL UNLESS INDICATED OTHERWISE.
6. ALL SIDEWALKS AND CONCRETE PADS SHALL HAVE A MINIMUM DESIGNED TRANSVERSE SLOPE OF 1.5% AND A MINIMUM CONSTRUCTION SLOPE OF 2.0% UNLESS INDICATED OTHERWISE.
7. KEY TO SPOT ELEVATION ABBREVIATIONS:

BC = BOTTOM OF CURB	EP = EDGE OF PAVEMENT
TC = TOP OF CURB OR TOP OF CONCRETE	
EC = EDGE OF CONCRETE	EW = EDGE OF SIDEWALK
CL = CENTERLINE	FG = FINISHED GRADE
TWALL = TOP OF WALL	BWALL = BOTTOM OF WALL
TS = TOP OF STAIRS	BS = BOTTOM OF STAIRS

8. ALL AREAS OF DISTURBANCE WITHIN NYSDOT ROW SHALL BE RESTORED USING THE FOLLOWING:
   ITEM 610.1402 TOPSOIL - ROADSIDE AND ITEM 610.1602 TURF ESTABLISHMENT - LAWNS AND COMPLY WITH NYSDOT STANDARD SPECIFICATION SECTION 713 - LANDSCAPE DEVELOPMENT MATERIALS. PLEASE INCORPORATE THIS INTO THE PLANS.

EROSION AND SEDIMENT CONTROL NOTES: (SEE SITE DEMOLITION & ESC PLAN)

1. THE CONTRACTOR SHALL CONFINE GRADING OPERATIONS AND GROUND DISTURBANCE INSIDE THE DESIGNATED PROJECT LIMITS. DISTURBANCE OF AREAS OUTSIDE PROJECT LIMITS SHALL NOT BE PERMITTED WITHOUT PRIOR APPROVAL FROM THE OWNER AND ENGINEER.
2. PERIMETER CONTROL FOR UTILITY TRENCHES IN UNSECURED SITE AREAS SHALL CONSIST OF TEMP. STANCHION FENCING IN COMBINATION WITH SILT FENCING, STRAW BALES AND/OR GRAVEL BAG CHECK DAMS.
3. STORM DRAIN INLET PROTECTION SHALL BE INSTALLED AT ALL CATCH BASINS. TYPE OF INLET PROTECTION MEASURES TO BE SELECTED BASED ON INDIVIDUAL FIELD CONDITIONS. INLET PROTECTION MEASURES MAY BE USED IN COMBINATION AS NECESSARY.
4. ALL TEMPORARY EROSION CONTROL MEASURES SHALL BE INSTALLED WHERE INDICATED ON PLANS. OTHERS MAY BE REQUIRED AS ORDERED BY THE QUALIFIED INSPECTOR OR ARCHITECT OR AS NECESSARY FOR FIELD CONDITIONS.
5. EXISTING UTILITY MANHOLES IN CONSTRUCTION LIMITS SHALL BE COVERED AND SEALED TO PREVENT DAMAGE AND WATER ENTRY.
6. PROMPT PERMANENT SEEDING AND MULCHING OF NEWLY CONSTRUCTED EARTH SLOPES AND DITCHES WILL BE DONE AS SPECIFIED IN THE PROJECT MANUAL AND IN ACCORDANCE WITH THE NEW YORK GUIDELINES FOR URBAN EROSION AND SEDIMENT CONTROL. RE-VEGETATION AREAS SHALL BE MONITORED PERIODICALLY AND RESEEDED IF NECESSARY UNTIL ALL DISTURBED AREAS HAVE BECOME STABILIZED.
7. EROSION AND EROSION CONTROL MEASURES WILL BE CONTINUOUSLY MONITORED AND EVALUATED BY THE CONTRACTOR DURING CONSTRUCTION, AND MAINTAINED AND MODIFIED AS NECESSARY. SEE SITE CONTRACT EROSION AND SEDIMENT CONTROL NOTES, SHALL AND DEMOLITION PLAN.
8. STORMWATER DISCHARGES FROM PROJECT CONSTRUCTION ACTIVITY ARE REGULATED UNDER THE NEW YORK STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES). A SPDES PERMIT HAS BEEN OBTAINED FOR THIS PROJECT WITH THE SITE CONTRACT. COORDINATION OF ESC WITH THE SITE CONTRACTOR AND OWNER'S CONFORM WITH THE SWPPP THAT HAS BEEN APPROVED. ALL CONTRACTORS AND SUBCONTRACTORS SHALL BE FAMILIAR WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITY (GP-0-20-001) AND COMPLY WITH ALL CONDITIONS OF THAT PERMIT.

WORK WITHIN NYSDOT ROW

THE PROPOSED PROJECT MAY REQUIRE DIGGING OR ALTERATIONS TO THE STATE ROW. AS PART OF THE HIGHWAY WORK PERMIT THE CONTRACTOR MAY ENCOUNTER HAZARDOUS OR CONTAMINATED MATERIAL AND SHOULD BE ADVISED OF THE FOLLOWING WITH A NOTE ON THE PLANS:

> THE PERMITTEE ACCEPTS THE RIGHT-OF-WAY OF THE STATE HIGHWAY IN ITS "AS IS" CONDITION. THE DEPARTMENT OF TRANSPORTATION MAKES NO REPRESENTATION AS TO THE ABSENCE OF UNDERGROUND STORAGE TANKS, CONTAMINATION, STRUCTURES, FEATURES OR SIMILAR IMPEDIMENTS. SHOULD THE PERMITTEE ENCOUNTER PREVIOUSLY UNKNOWN AIRSPACE OR UNDERGROUND IMPEDIMENTS TO ITS WORK, THE DEPARTMENT OF TRANSPORTATION SHALL HAVE NO OBLIGATION TO REMOVE, REMEDY, OR OTHERWISE DEAL WITH SUCH IMPEDIMENTS. THE DEPARTMENT WILL ALLOW THE PERMITTEE TO REMOVE, MODIFY, OR OTHERWISE DEAL WITH SUCH IMPEDIMENTS, IF SUCH IS DONE IN A MANNER, WHICH MEETS ACCEPTABLE ENGINEERING PRACTICES, AND IS PRE-APPROVED BY THE DEPARTMENT OF TRANSPORTATION THROUGH ISSUANCE OF A HIGHWAY WORK PERMIT. SHOULD THE PERMITTEE DETERMINE THAT SUCH UNFORESEEN AIRSPACE OR UNDERGROUND IMPEDIMENTS RENDER THE PERMITTEE'S WORK AS AUTHORIZED BY THIS PERMIT, UNFEASIBLE, THE PERMITTEE SHALL RESTORE THE RIGHT-OF-WAY TO ITS PRE-PERMIT CONDITION BEFORE THE PERMIT IS TERMINATED.

TEMPORARY STABILIZATION MATERIAL NOTES:

A. MULCH: MULCH SHALL BE IN CONFORMANCE WITH NYSDOT 659-3 HAY, 659-5 STRAW, OR 659-13 WOOD FIBER MULCH.
B. TEMPORARY SEED: SEED SHALL BE RYEGRASS BES (ANNUAL OR PERENNIAL) OR CEREAL GRASSES SUITABLE TO THE AREA AND AS A TEMPORARY COVER WHICH WILL NOT COMPETE WITH THE GRASSES SOWN LATER FOR PERMANENT COVER.

TEMPORARY SEEDING NOTES:

A. THE CONTRACTOR SHALL APPLY SEED AND MULCH ON DISTURBED AREAS CONSISTENT WITH THE APPROVED PROJECT WORK SEQUENCE.
B. PRIOR TO THE APPLICATION OF SEED, ALL AREAS WHERE COMPACTION HAS OCCURRED SHALL BE SCARIFIED. THE SEED BED SHALL BE LOOSE AND FRIABLE FOR POSITIVE SEED RETENTION.
C. RYEGRASSES SHALL BE SPREAD AT A RATE OF 30 LB./ACRE (.07 LB./1000 SQ. FT.) TO UNIFORMLY COVER THE GROUND. CEREAL GRASSES SHALL BE SPREAD AT A RATE OF 100 LB./ACRE (2.3 LB./1000 SQ. FT.) TO UNIFORMLY COVER THE GROUND. SEEDS SHALL BE EVENLY DISTRIBUTED BY ANY METHOD OF SOWING THAT DOES NOT INJURE THE SEEDS IN THE PROCESS OF SPREADING.
D. MULCH SHALL BE SPREAD IMMEDIATELY FOLLOWING APPLICATION OF SEED. MULCH SHALL BE SPREAD UNIFORMLY IN A CONTINUOUS BLANKET AT AN APPROXIMATE RATE OF 2 TONS/ACRE (90 LB./1000 SQ. FT.). MULCH MAY BE SPREAD BY HAND, MECHANICAL SPREADERS OR BLOWERS. MULCH AND SEED SHALL NOT BE PLACED SIMULTANEOUSLY, EXCEPT IN THE CASE OF HYDROSEEDING.
E. THE TEMPORARY SEED AND MULCH WORKS SHALL BE INSPECTED FOR EFFECTIVENESS ON A WEEKLY BASIS.

Town of Amherst
APPROVED PLAN
☑ MAJOR SITE PLAN
☐ MINOR SITE PLAN ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐ _____
PLANNING DIRECTOR — DATE: OCT - 7 2022
FILE NUMBER: SP-2022-098 — CHECKED BY: SM

Ciminelli REAL ESTATE CORPORATION

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STATE OF NEW YORK — JOSEPH M. KOZUCH — 081005 — LICENSED PROFESSIONAL ENGINEER

⚠ PER NYSDOT COMMENTS 05 AUGUST 2022
NEW DRAWING BASED ON SITE CONTRACT NOTES

No.	Description	Date

RECEIVED SEP 28 2022 TOWN OF AMHERST PLANNING DEPT.

Drawing Title:

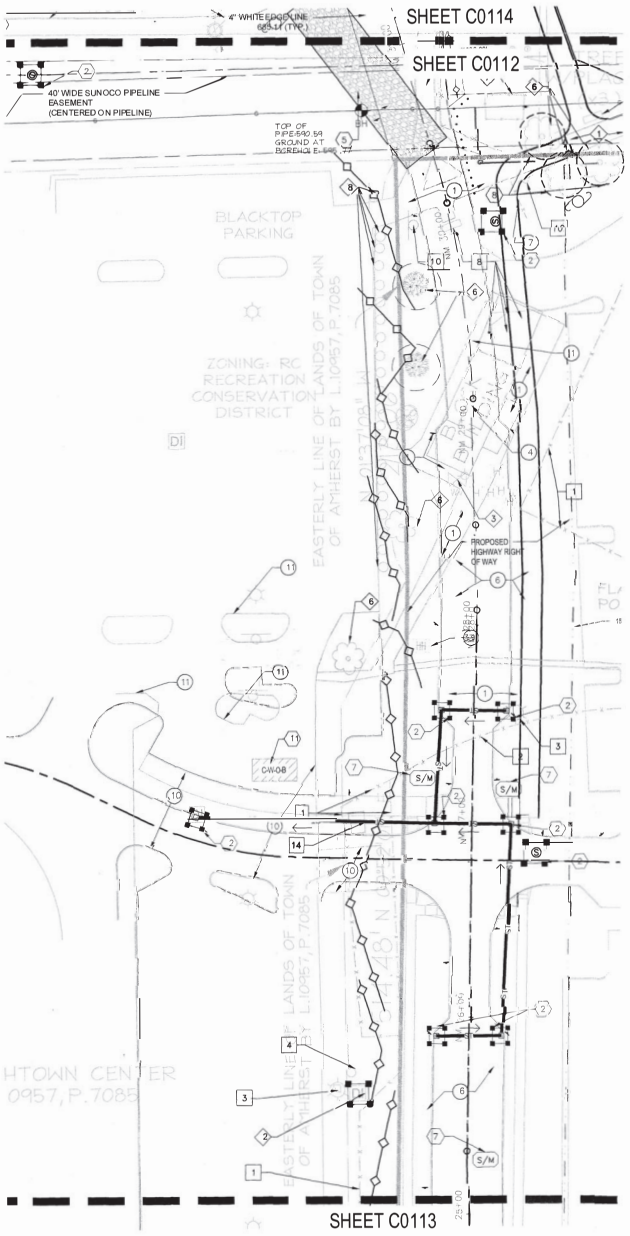
PIP NOTES

Project No.: 006254.00 Checked by: JCK

C0001A

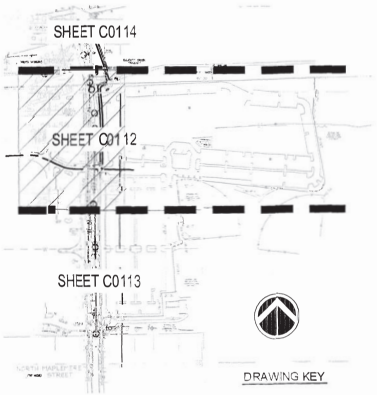
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Aug 18, 2022 - 3:15pm

13.A.7.a



1 **PIP DEMOLITION AND ESC PLAN**
SCALE: 1" = 30'

SCALE: 1" = 30'-0"



DRAWING KEY

EROSION CONTROL LEGEND

#	KEY#	FEATURE/ DETAIL & DWG REF.	SYMBOL
1	1	SILT FENCE - 4/ C0504, 1 &5/C0502	
2	2	INLET PROTECTION (TYPE VARIES) - 6&8/ C0501 & 2-4/C0502	
3A	3A	TEMPORARY SUMP PIT - 7/ C0501	
3B	3B	TEMP PUMP DISCHARGE LINE	
4	4	TEMPORARY PORTABLE SEDIMENT TANK - 3/ C0501	
5	5	STABILIZED CONSTRUCTION ENTRANCE - 2/ C0501	
6	6	PROPOSED SITE STRUCTURES - (FOR COORDINATION ONLY)	
7	7	TEMPORARY SEED AND MULCH PER SPECIFICATION 312800	S/M
8	8	TREE PROTECTION FENCING DETAIL - 5/C0501	
9	9	STAGING AREA	
10	10	TOPSOIL STOCKPILE AREA	
11	11	CONCRETE WASH-OUT BASIN	CW-OB

LEGEND
- HANDHOLE
- DROP INLET
- LIGHT POLE
- STORM MANHOLE
- UTILITY BOX
- POST
- WATER SPIGOT
- WATER VALVE
- CLEAN OUT
- MANHOLE
- YARD DRAIN
- GAS LINE MARKER
- GAS FLAG
- CABLE LINE MARKER
- TELEPHONE MANHOLE

(X) REMOVALS/ DEMOLITION (BY OTHERS SEE SITE CONTRACT)

1 EXISTING PAVEMENT OR CONCRETE TO BE REMOVED
2 EXISTING STRUCTURE TO BE REMOVED
3 EXISTING UNDERGROUND FACILITY TO BE REMOVED
4 EXISTING BUILDING DEMOLITION
5 EXISTING CURB TO BE REMOVED
6 EXISTING TREE/ LANDSCAPING TO BE REMOVED
7 EXISTING WOODEN FENCE TO BE REMOVED
8 EXISTING LAWN (6" MIN) TO BE STRIPPED AND REMOVED
9 EXISTING SIGN TO BE REMOVED

(X) REMOVALS/ DEMOLITION

10 EXISTING PAVEMENT OR CONCRETE TO BE REMOVED
11 EXISTING CURB TO BE REMOVED
12 EXISTING DRAINAGE TO BE REMOVED
13 EXISTING SIGN TO BE REMOVED

(X) TO REMAIN/RELOCATED (BY OTHERS SEE SITE CONTRACT)

1 EXISTING PAVEMENT OR CONCRETE TO REMAIN
2 EXISTING STRUCTURE TO REMAIN
3 EXISTING UNDERGROUND FACILITY TO REMAIN
4 EXISTING BUILDING TO REMAIN
5 EXISTING CURB TO REMAIN
6 EXISTING TREE/ LANDSCAPING TO REMAIN
7 EXISTING FENCE TO REMAIN
8 EXISTING SIGN TO REMAIN
9 EXISTING LIGHT POLE TO REMAIN
10 EXISTING BENCH TO REMAIN
11 EXISTING BOLLARD TO REMAIN

(X) REMOVALS & STORE (BY OTHERS SEE SITE CONTRACT)

1 EXISTING CHAINLINK FENCE TO BE REMOVED AND STORED.
2 EXISTING WOODEN FENCE TO BE REMOVED AND STORED.
3 EXISTING LIGHT POLE TO BE REMOVED AND STORED. DISCONNECTED AND REMOVE ASSOCIATED WIRING. UNDERGROUND CONDUIT TO BE ABANDONED IN PLACE.
4 EXISTING MISCELLANEOUS POLE TO BE REMOVED AND STORED.
5 EXISTING GOAL POST TO BE REMOVED AND STORED.
6 EXISTING SCORE BOARD TO BE REMOVED AND STORED.
7 EXISTING BLEACHERS TO BE REMOVED AND STORED.
8 EXISTING BENCHES TO BE REMOVED AND STORED.
9 EXISTING DUGOUT TO BE REMOVED AND DISPOSED.
10 EXISTING SIGN TO BE REMOVED AND STORED.
11 EXISTING FOOTBALL TACKLE SLED TO BE REMOVED AND STORED.
12 EXISTING BOLLARD TO BE REMOVED AND STORED.
13 GEESE DETERRENT TO BE REMOVED AND STORED
14 EXISTING SHED TO BE REMOVED AND STORED

* SITE ITEMS TO BE REMOVED AND STORED IN A DESIGNATED LOCATION PROVIDED BY TOWN.

Town of Amherst
APPROVED PLAN
- ☒ MAJOR SITE PLAN
- ☐ MINOR SITE PLAN/ADJUSTMENT
- ☐ COORDINATED SIGN PLAN
- ☐

PLANNING DIRECTOR — DATE
CHIEF ENGINEER — CHECKED BY

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No.	Description	Date
1	PER NYSDOT COMMENTS (NEW SHEET)	05 AUGUST 2022

Drawing Title:

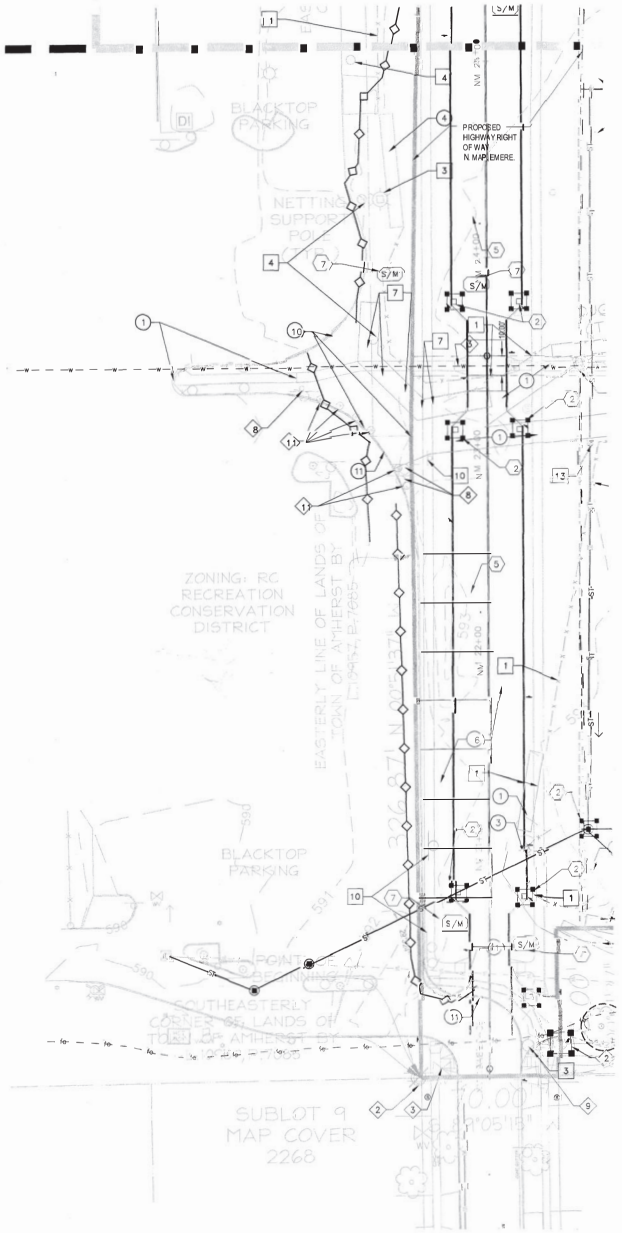
PIP DEMOLITION & ESC PLAN-

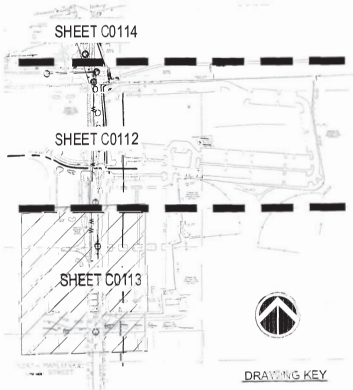
Project No.: 000254.00 Checked by: KJW

C-112

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Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement





DRAWING KEY

1 PIP DEMOLITION AND ESC PLAN
SCALE: 1" = 30'

SCALE: 1" = 30'-0"

EROSION CONTROL LEGEND

# KEY#	FEATURE/ DETAIL & DWG REF.	SYMBOL
1	SILT FENCE - 4/ C0507	
2	INLET PROTECTION (TYPE VARIES) - 6&8/ C0507	
3A	TEMPORARY SUMP PIT - 7/ C0507	
3B	TEMP PUMP DISCHARGE LINE	
4	TEMPORARY PORTABLE SEDIMENT TANK - 3/ C0507	
5	STABILIZED CONSTRUCTION ENTRANCE - 2/ C0507	
6	PROPOSED UTILITY STRUCTURE (FOR COORDINATION ONLY)	
7	TEMPORARY SEED AND MULCH PER SPECIFICATION 312000	S/M
8	TREE PROTECTION FENCING DETAIL- SC/0307	
9	STAGING AREA -COORDINATE WITH CM	
10	TOPSOIL STOCKPILE AREA	

LEGEND

- MANHOLE
- DROP INLET
- LIGHT POLE
- STORM MANHOLE
- UTILITY BOX
- POST
- WATER SPIGOT
- WATER VALVE
- CLEAN OUT
- MANHOLE
- YARD DRAIN
- GAS LINE MARKER
- GAS FLAG
- CABLE LINE MARKER
- TELEPHONE MANHOLE

⊗ REMOVALS/ DEMOLITION
(BY OTHERS SEE SITE CONTRACT)

1 EXISTING PAVEMENT OR CONCRETE TO BE REMOVED
2 EXISTING STRUCTURE TO BE REMOVED
3 EXISTING UNDERGROUND FACILITY TO BE REMOVED
4 EXISTING BUILDING DEMOLITION
5 EXISTING CURB TO BE REMOVED
6 EXISTING TREE/LANDSCAPING TO BE REMOVED
7 EXISTING WOODEN FENCE TO BE REMOVED
8 EXISTING LAWN (6" MIN) TO BE STRIPPED AND REMOVED
9 EXISTING SIGN TO BE REMOVED

⊗ REMOVALS/ DEMOLITION

10 EXISTING PAVEMENT OR CONCRETE TO BE REMOVED
11 EXISTING CURB TO BE REMOVED
12 EXISTING DRAINAGE TO BE REMOVED
13 EXISTING SIGN TO BE REMOVED

② TO REMAIN/RELOCATED
(BY OTHERS SEE SITE CONTRACT)

1 EXISTING PAVEMENT OR CONCRETE TO REMAIN
2 EXISTING STRUCTURE TO REMAIN
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7 EXISTING FENCE TO REMAIN
8 EXISTING SIGN TO REMAIN
9 EXISTING LIGHT POLE TO REMAIN
10 EXISTING BENCH TO REMAIN
11 EXISTING BOLLARD TO REMAIN

⊠ REMOVALS & STORE
(BY OTHERS SEE SITE CONTRACT)

1 EXISTING CHAIN LINK FENCE TO BE REMOVED AND STORED.
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13 GEESE DETERRENT TO BE REMOVED AND STORED.
14 EXISTING SHED TO BE REMOVED AND STORED
* SITE ITEMS TO BE REMOVED AND STORED IN A DESIGNATED LOCATION PROVIDED BY TOWN.

Town of Amherst
APPROVED PLAN
☐ MAJOR SITE PLAN
☐ MINOR SITE PLAN AMENDMENT
☐ CORRIGAN STADIUM PLANS
☐
OCT 17 2022
PLANNING DIRECTOR DATE
FILE NUMBER RD-2022-098 SPA
CHECKED BY

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△ PER NYSDOT COMMENTS (NEW SHEET) 05 AUGUST 2022

No.	Description	Date

RECEIVED AUG 26 2022 Town of Amherst Planning Dept.

Drawing Title:

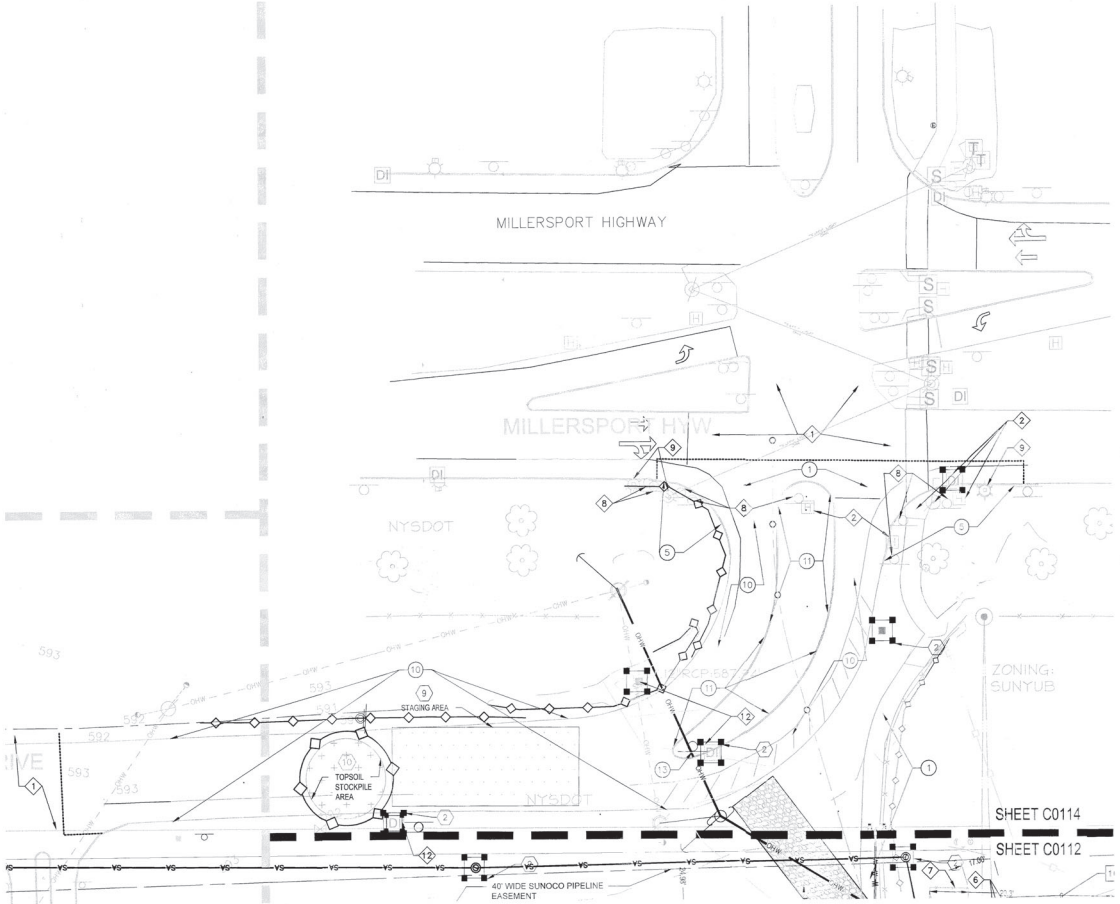
PIP DEMOLITION & ESC PLAN-

Project No.: 006254.00 Checked by: KJW

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Aug 22, 2022 2:47pm

13.A.7.a



1 SITE DEMOLITION AND ESC PLAN
SCALE: 1" = 30'

SCALE: 1"= 30'-0"

EROSION CONTROL LEGEND

KEY#	FEATURE/ DETAIL & DWG REF.	SYMBOL
1	SILT FENCE - 4/ C0507	
2	INLET PROTECTION (TYPE VARIES) - 6&8/ C0507	
3A	TEMPORARY SUMP PIT - 7/ C0507	
3B	TEMP PUMP DISCHARGE LINE	PU
4	TEMPORARY PORTABLE SEDIMENT TANK - 3/ C0507	
5	STABILIZED CONSTRUCTION ENTRANCE - 2/ C0507	
6	PROPOSED UTILITY STRUCTURES - (FOR COORDINATION ONLY)	
7	TEMPORARY SEED AND MULCH PER SPECIFICATION 312500	S/M
8	TREE PROTECTION FENCING DETAIL- 5/C0507	

LEGEND

- HANDHOLE
- DROP INLET
- LIGHT POLE
- STORM MANHOLE
- UTILITY BOX
- POST
- WATER SPIGOT
- WATER VALVE
- CLEAN OUT
- MANHOLE
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(X) REMOVALS/ DEMOLITION (BY OTHERS SEE SITE CONTRACT)

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(X) REMOVALS/ DEMOLITION

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11 EXISTING CURB TO BE REMOVED
12 EXISTING DRAINAGE TO BE REMOVED
13 EXISTING SIGN TO BE REMOVED

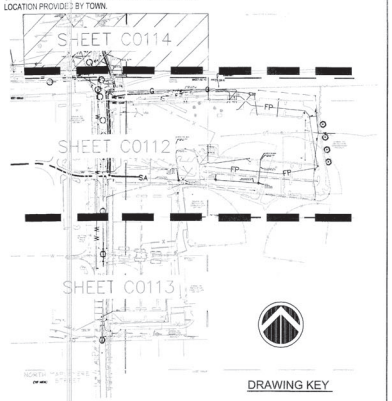
TO REMAIN/RELOCATED (BY OTHERS SEE SITE CONTRACT)

1 EXISTING PAVEMENT OR CONCRETE TO REMAIN -
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[x] REMOVALS & STORE (BY OTHERS SEE SITE CONTRACT)

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13 GEESE DETERRENT TO BE REMOVED AND STORED.
14 EXISTING SHED TO BE REMOVED AND STORED

- SITE ITEMS TO BE REMOVED AND STORED IN A DESIGNATED LOCATION PROVIDED BY TOWN.



DRAWING KEY

Town of Amherst
APPROVED PLAN
☐ MAJOR SITE PLAN
☐ MINOR SITE PLAN/ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐
PLANNING DIRECTOR — DATE
FIRE MARSHAL — CHECKED BY

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THE STATE OF NEW YORK — JENNIFER COLLEEN WATTS — 095905 — LICENSED PROFESSIONAL ENGINEER

⚠ PER NYSDOT COMMENTS (NEW SHEET) — 05 AUGUST 2022

No.	Description	Date

RECEIVED AUG 26 2022 Town Of Amherst PLANNING DEPT

Drawing Title:

PIP DEMOLITION & ESC PLAN-

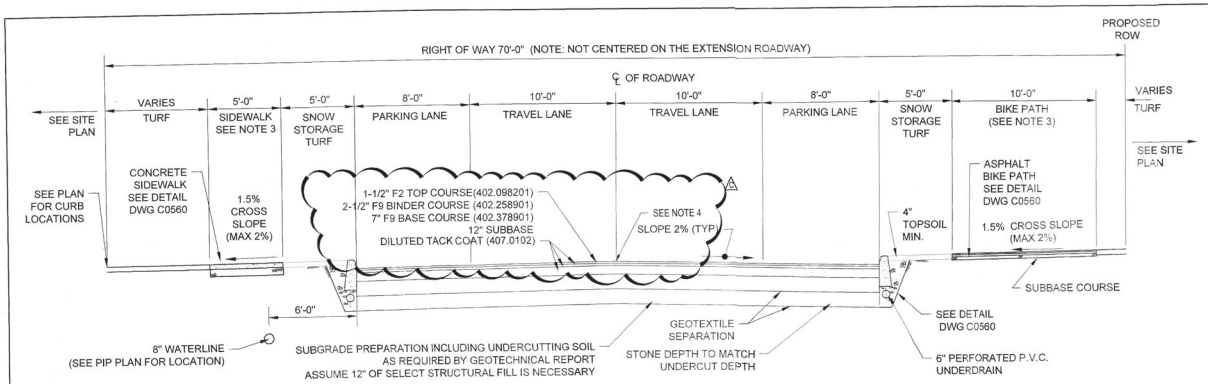
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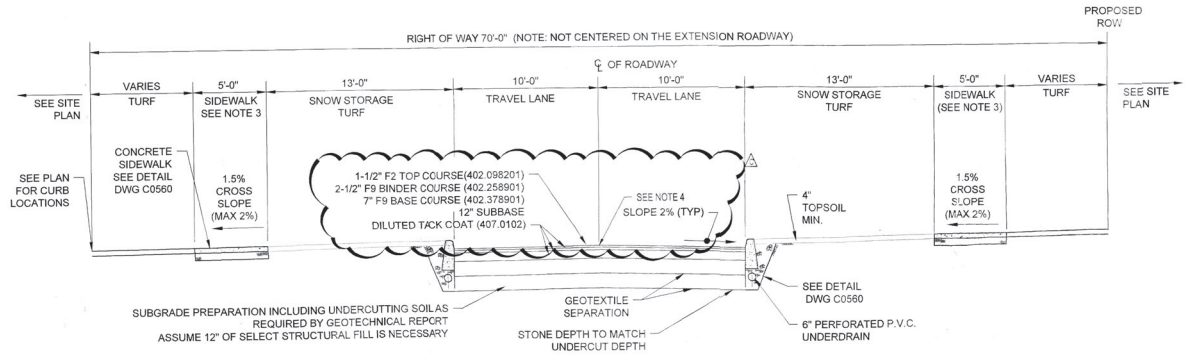
Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

13.A.7.a



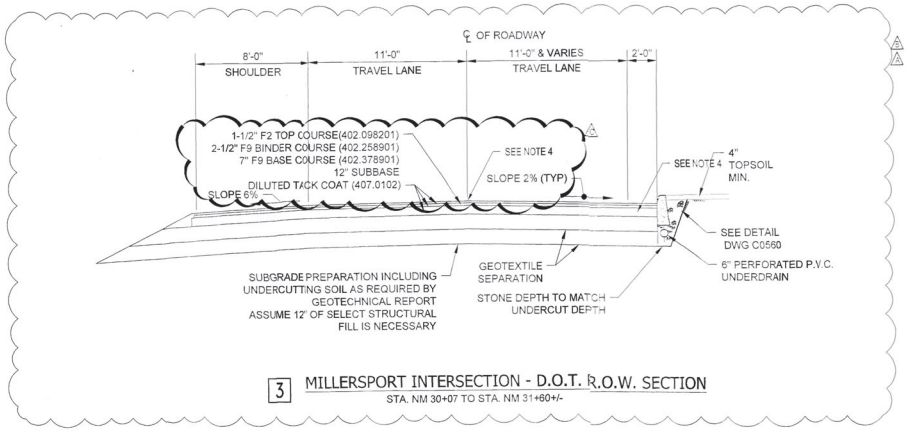
1 TYPICAL SECTION NORTH MAPLEMERE EXTENSION

STA. NM 20+79 TO STA. NM 23+20; STA. NM 23+81 TO STA. NM 25+97; STA. NM 27+61 TO STA. 29+05



2 TYPICAL SECTION NORTH MAPLEMERE EXTENSION

STA. NM 20+40 TO STA. NM 20+71; STA. NM 23+27 TO STA. NM 23+73
STA. NM 26+05 TO STA. NM 26+43; STA. NM 27+27 TO STA. NM 27+52



3 MILLERSPORT INTERSECTION - D.O.T. R.O.W. SECTION

STA. NM 30+07 TO STA. NM 31+60+/-

NOTES

1. REFER TO DRAWING C0560 FOR PAVING, CURB AND SIDEWALK DETAILS.
2. REFER TO DRAWINGS C0160 THROUGH C0162 FOR INTERSECTION GRADING.
3. THE SIDEWALK BEGINS AT STA. NM 20+30+/- TO STA. 26+70+/-. THE BIKE PATH BEGINS AT STA. NM NM 27+07+/- TO STA. NM 30+23+/-.
4. ASPHALT JOINT ADHESIVE (418.7603) SHALL BE USED ALONG ANY JOINTS IN THE TOP COURSE

Town of Amherst
APPROVED PLAN
☒ MAJOR SITE PLAN
☐ MINOR SITE PLAN/ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐
OCT - 7 2022
PLANNING DIRECTOR — DATE
SP-2020-09A — SM
FILE NUMBER — CHECKED BY

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No.	Description	Date
3	PER NYSDOT COMMENTS	05 AUGUST 202
2	DOT COMMENT RESPONSE	18 JULY 2022
1	DOT COMMENT RESPONSE	7 JULY 2022
	TOWN OF AMHERST	15 JUNE 2022

RECEIVED AUG 26 2022 TOWN OF AMHERST PLANNING DEPT

Drawing Title:

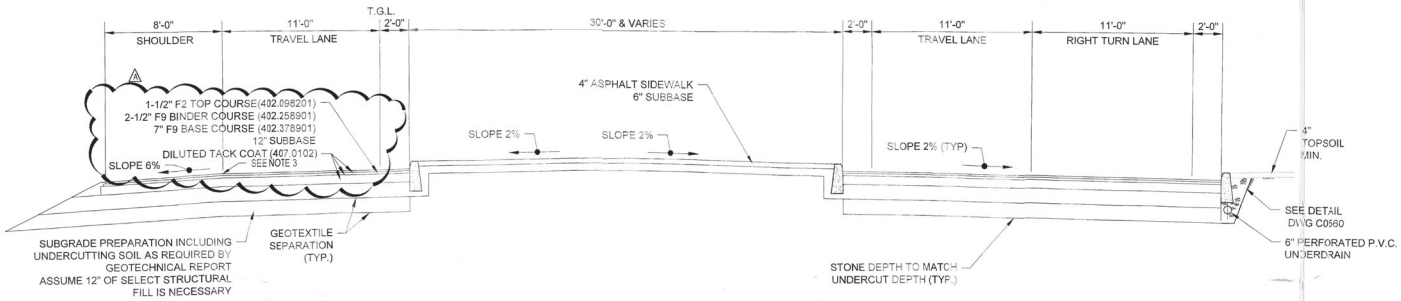
PIP TYPICAL ROADWAY SECTIONS

Project No.: 006254.00 Checked by: BLS

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1 MILLERSPORT INTERSECTION - D.O.T. R.O.W. SECTION

STA. NM 31+60+/- TO STA. NM 32+85

NOTES

1. REFER TO DRAWING C0560 FOR PAVING, CURB AND SIDEWALK DETAILS.
2. REFER TO DRAWINGS C0160 THROUGH C0162 FOR INTERSECTION GRADING.
3. ASPHALT JOINT ADHESIVE (418.7603) SHALL BE USED ALONG ANY JOINTS IN THE TOP COURSE

Town of Amherst
APPROVED PLAN
☒ MAJOR SITE PLAN
☐ MINOR SITE PLAN ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐
PLANNING DIRECTOR — DATE: OCT - 7 2022
FILE NUMBER — CHECKED BY

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No.	Description	Date
2	DOT COMMENT RESPONSE	18 JULY 2022

RECEIVED
JUL 25 2022
TOWN OF AMHERST PLANNING DEPT.

Drawing Title:

PIP TYPICAL ROADWAY SECTIONS

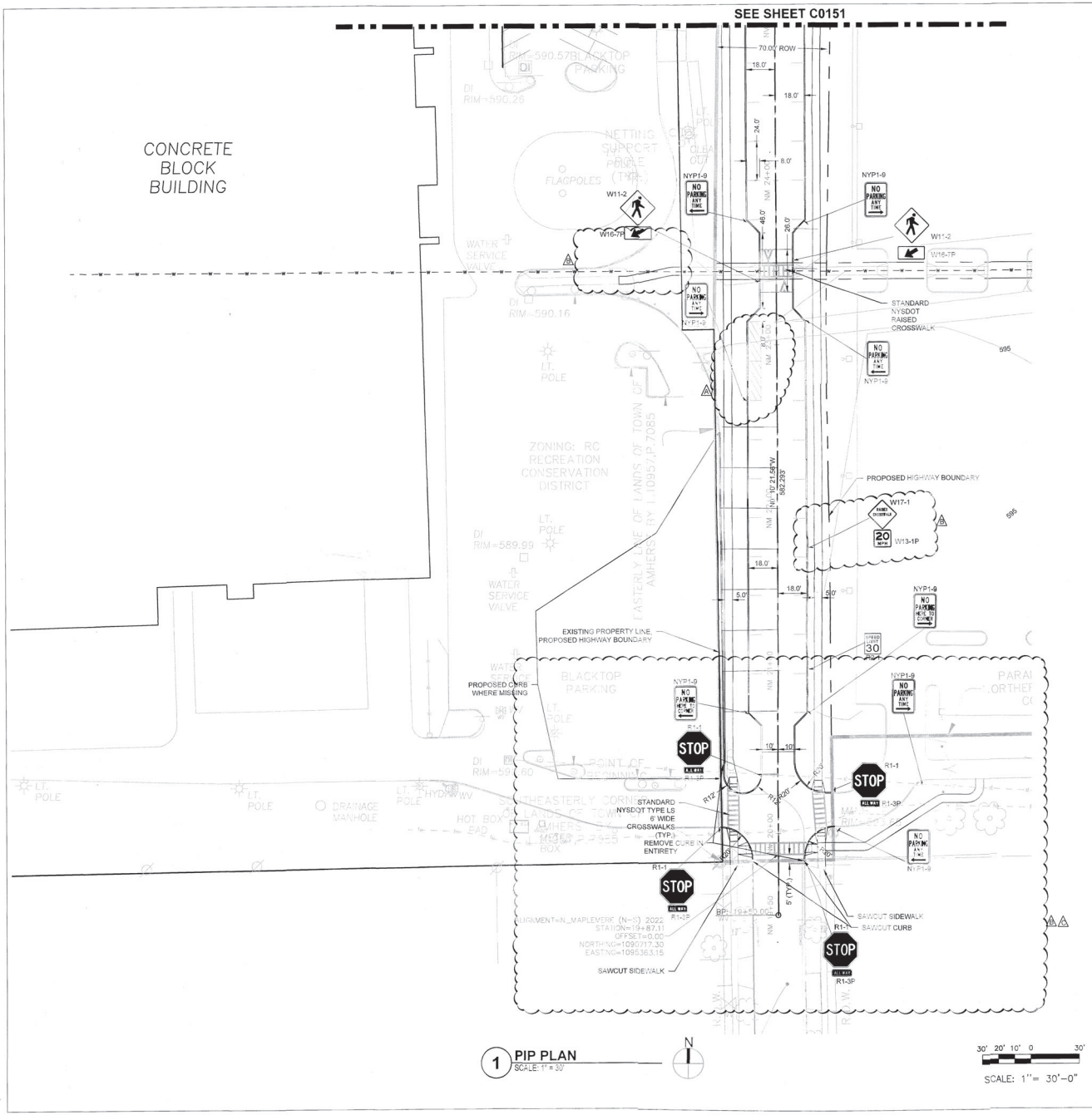
Project No.: 006254.00 Checked by: BLS

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Aug 09, 2022, 3:43pm

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1 PIP PLAN
SCALE: 1" = 30'

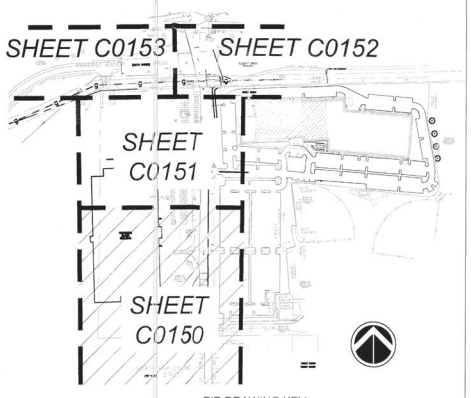
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30' 20' 10' 0 30'
SCALE: 1"= 30'-0"

LEGEND
- HANDHOLE
- DROP INLET
- LIGHT POLE
- STORM MANHOLE
- UTILITY BOX
- POST
- WATER SPIGOT
- WATER VALVE
- CLEAN OUT
- MANHOLE
- YARD DRAIN
- GAS LINE MARKER
- GAS FLAG
- CABLE LINE MARKER
- TELEPHONE MANHOLE

GENERAL NOTES

1. ITEM NUMBERS REFERRED TO ON THIS DRAWINGS REFER TO NYSDOT STANDARD SPECIFICATIONS DATED JANUARY 2021.
2. SEE SITE UTILITY PLAN FOR PROPOSED SERVICE INFORMATION SHEET C0143. (SITE PLAN CONTRACT)
3. SEE SHEET C0149 FOR TYPICAL SECTION AND MATERIALS.
4. SEE SHEET C0560 FOR ROAD DETAILS.
5. SEE SHEET C0160 FOR GRADING AND UTILITY PLANS.
6. SEE SITE STORMWATER MANAGEMENT PLANS FOR ADDITION DRAINAGE INFORMATION STORMWATER MANAGEMENT SHOWN OFF THE ROW IS PART OF THE SITE PLANS
7. SEE PIP LANDSCAPING PLANS FOR LANDSCAPING INFORMATION WITHIN THE ROW .
8. ALL UTILITIES ARE PUBLIC UNLESS OTHERWISE NOTED.
9. SEE SHEET NO. C0563 FOR RAISED CROSSWALK DETAILS AND ADDITIONAL SIGNS
10. PEDESTRIAN SIGN FACE COLOR SHALL BE FLUORESCENT YELLOW-GREEN.



PIP DRAWING KEY
SHEET C0156 NOT SHOWN ON KEY

Town of Amherst
APPROVED PLAN
- MAJOR SITE PLAN
- MINOR SITE PLAN ADJUSTMENT
- COORDINATED SIGN PLAN

OCT - 7 2022

PLANNING DIRECTOR — DATE
SP-2020-098
ENGINEER — CHECKED BY

Ciminelli REAL ESTATE CORPORATION

PIP PACKAGE

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Watts Architecture & Engineering
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Buffalo, NY 14203
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PER TOWN COMMENTS	15 AUGUST 2022
PER TOWN COMMENTS	26 JULY 2022
PER TOWN COMMENTS TOWN OF AMHERST	20 JULY 2022 15 JUNE 2022

RECEIVED
AUG 29 2022
TOWN OF AMHERST PLANNING DEPT.

Drawing Title:

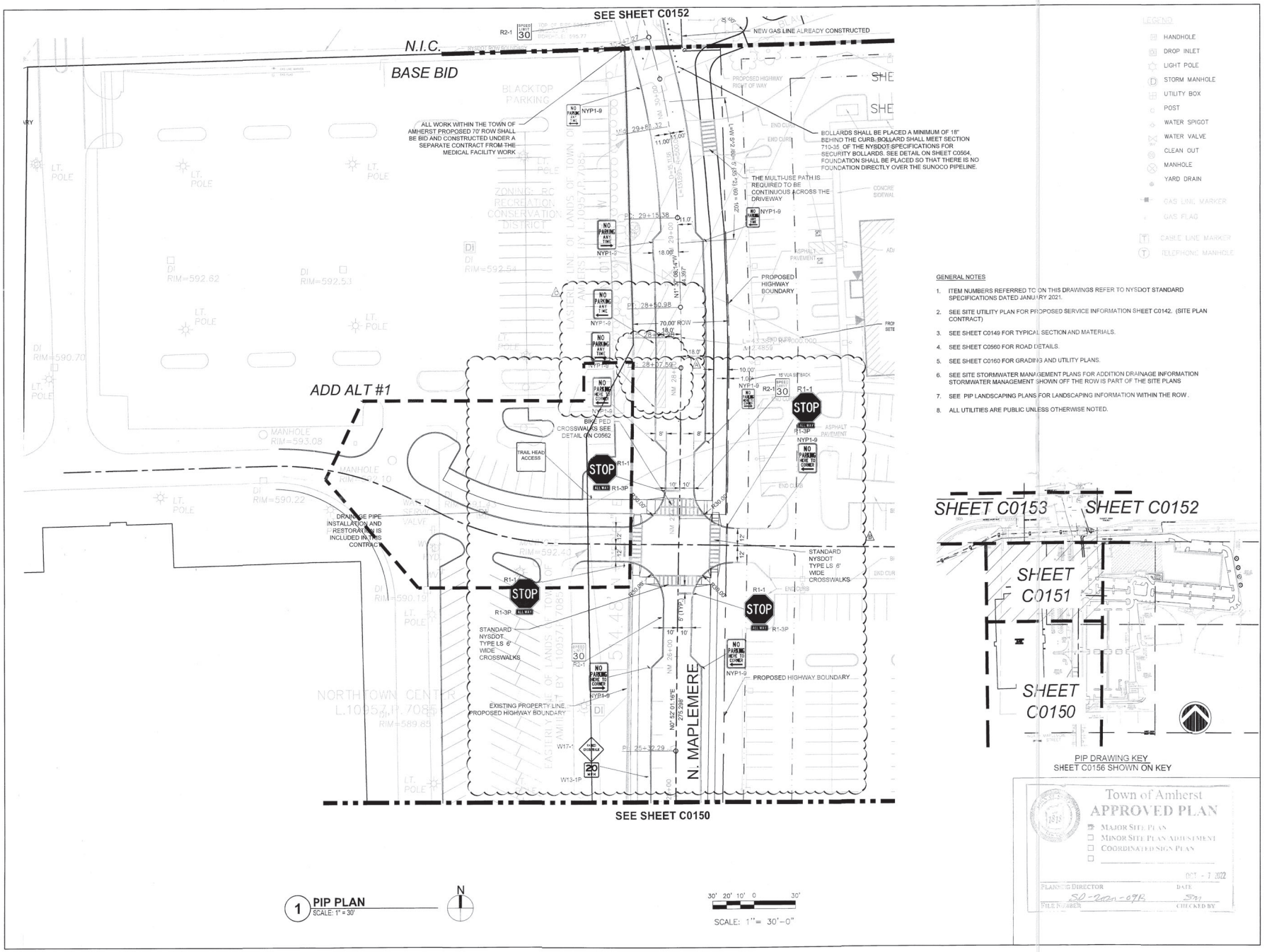
PIP LAYOUT PLAN

Project No.: 006254.00 Checked by: BLS

C0150

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GENERAL NOTES

1. ITEM NUMBERS REFERRED TO ON THIS DRAWINGS REFER TO NYSDOT STANDARD SPECIFICATIONS DATED JANUARY 2021.
2. SEE SITE UTILITY PLAN FOR PROPOSED SERVICE INFORMATION SHEET C0142. (SITE PLAN CONTRACT)
3. SEE SHEET C0149 FOR TYPICAL SECTION AND MATERIALS.
4. SEE SHEET C0560 FOR ROAD DETAILS.
5. SEE SHEET C0160 FOR GRADING AND UTILITY PLANS.
6. SEE SITE STORMWATER MANAGEMENT PLANS FOR ADDITION DRAINAGE INFORMATION STORMWATER MANAGEMENT SHOWN OFF THE ROW IS PART OF THE SITE PLANS
7. SEE PIP LANDSCAPING PLANS FOR LANDSCAPING INFORMATION WITHIN THE ROW.
8. ALL UTILITIES ARE PUBLIC UNLESS OTHERWISE NOTED.

PIP DRAWING KEY
SHEET C0156 SHOWN ON KEY

1 PIP PLAN
SCALE: 1" = 30'

N

30' 20' 10' 0 30'
SCALE: 1"= 30'-0"

Town of Amherst
APPROVED PLAN
☒ MAJOR SITE PLAN
☐ MINOR SITE PLAN ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐
OCT - 7 2022
PLANNING DIRECTOR DATE
SP-2022-078
FILE NUMBER
CHECKED BY

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PIP PACKAGE

No.	Description	Date
A	PER TOWN COMMENTS	15 AUGUST 2022
B	PER TOWN COMMENTS	26 JULY 2022
A	PER TOWN COMMENTS TOWN OF AMHERST	20 JULY 2022 15 JUNE 2022

Drawing Title:

PIP LAYOUT PLAN

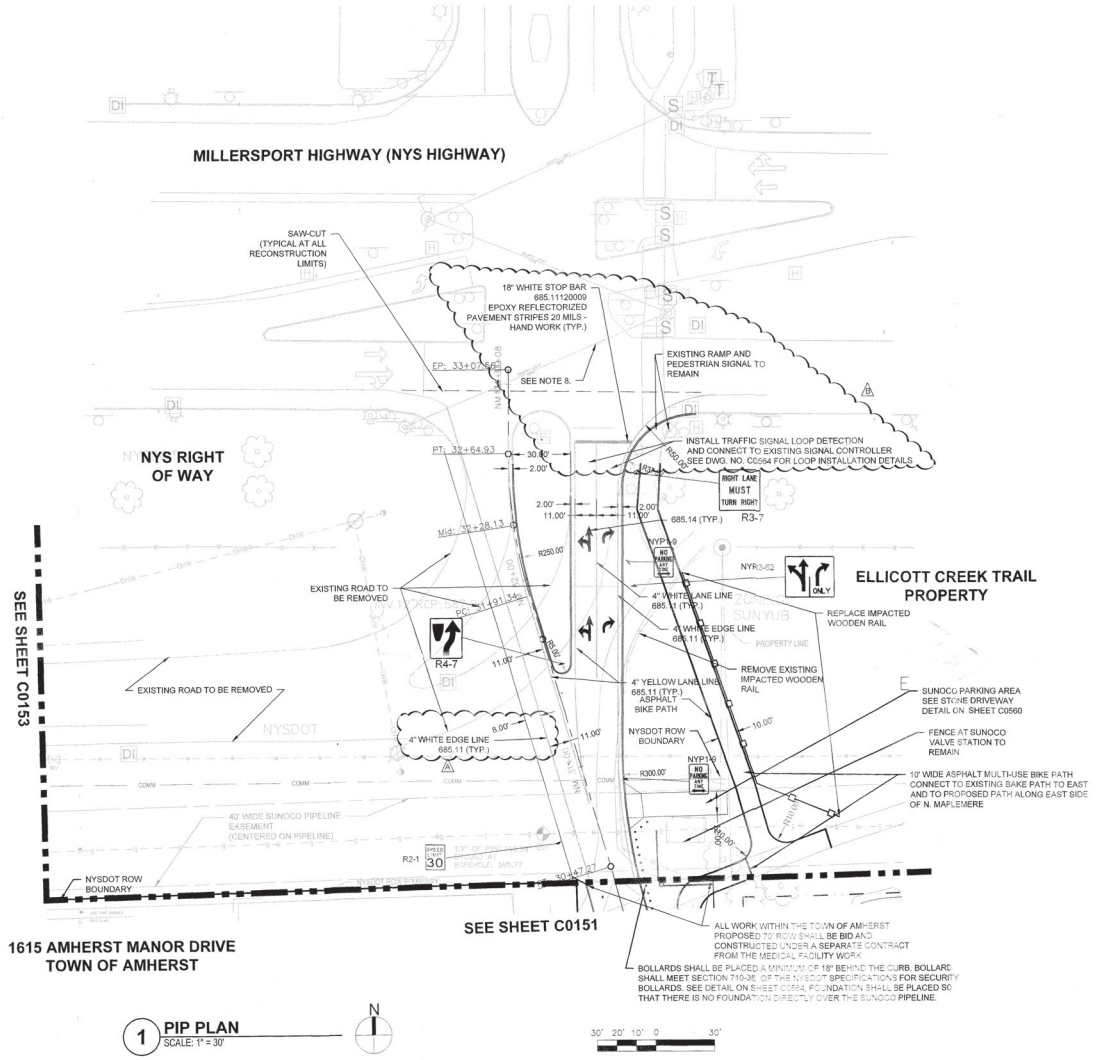
Project No.: 006254.00 Checked by: BLS

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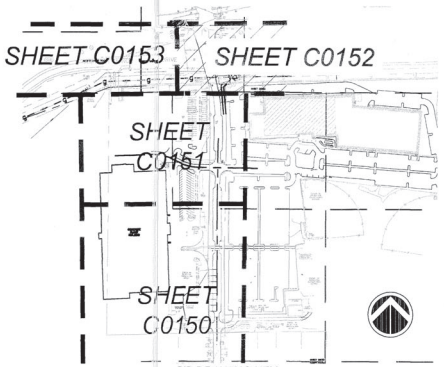
1 PIP PLAN
SCALE: 1" = 30'

LEGEND

- HANDHOLE
- DROP INLET
- LIGHT POLE
- STORM MANHOLE
- UTILITY BOX
- POST
- WATER SPIGOT
- WATER VALVE
- CLEAN OUT
- MANHOLE
- YARD DRAIN
- GAS LINE MARKER
- GAS FLAG
- CABLE LINE MARKER
- TELEPHONE MANHOLE

GENERAL NOTES

1. ITEM NUMBERS REFERRED TO ON THIS DRAWINGS REFER TO NYSDOT STANDARD SPECIFICATIONS DATED JANUARY 2021.
2. SEE SITE UTILITY PLAN FOR PROPOSED SERVICE INFORMATION SHEET C0143 (SITE PLAN CONTRACT).
3. SEE SHEET C0560 FOR ROAD DETAILS.
4. SEE SHEET C0162 FOR GRADING AND UTILITY PLANS.
5. SEE SITE STORMWATER MANAGEMENT PLANS FOR ADDITION DRAINAGE INFORMATION
   STORMWATER MANAGEMENT SHOWN OFF THE ROW IS PART OF THE SITE PLANS
6. SEE PIP LANDSCAPING PLANS FOR LANDSCAPING INFORMATION WITHIN THE ROW.
7. ALL UTILITIES ARE PUBLIC UNLESS OTHERWISE NOTED.
8. ANY ADJUSTMENTS TO THE SIGNAL HEADS FOR NORTH BOUND N. MAPLMERE EXTENSION WILL BE THE RESPONSIBILITY OF THE CONTRACTOR IN COORDINATION WITH NYSDOT SIGNALS UNIT.



PIP DRAWING KEY
SHEET C0156 NOT SHOWN ON KEY

Town of Amherst
APPROVED PLAN
☑ MAJOR SITE PLAN
☐ MINOR SITE PLAN/ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐
OCT - 7 2022
PLANNING DIRECTOR — DATE
SP-2020-098 — CHECKED BY

Ciminelli REAL ESTATE CORPORATION

Surgery Center and Medical Office Space

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No.	Description	Date
B	PER NYSDOT COMMENTS	05 AUGUST 2022
A	PER TOWN COMMENTS TOWN OF AMHERST	26 JULY 2022 15 JUNE 2022

TOWN OF AMHERST PLANNING DEPT

Drawing Title:

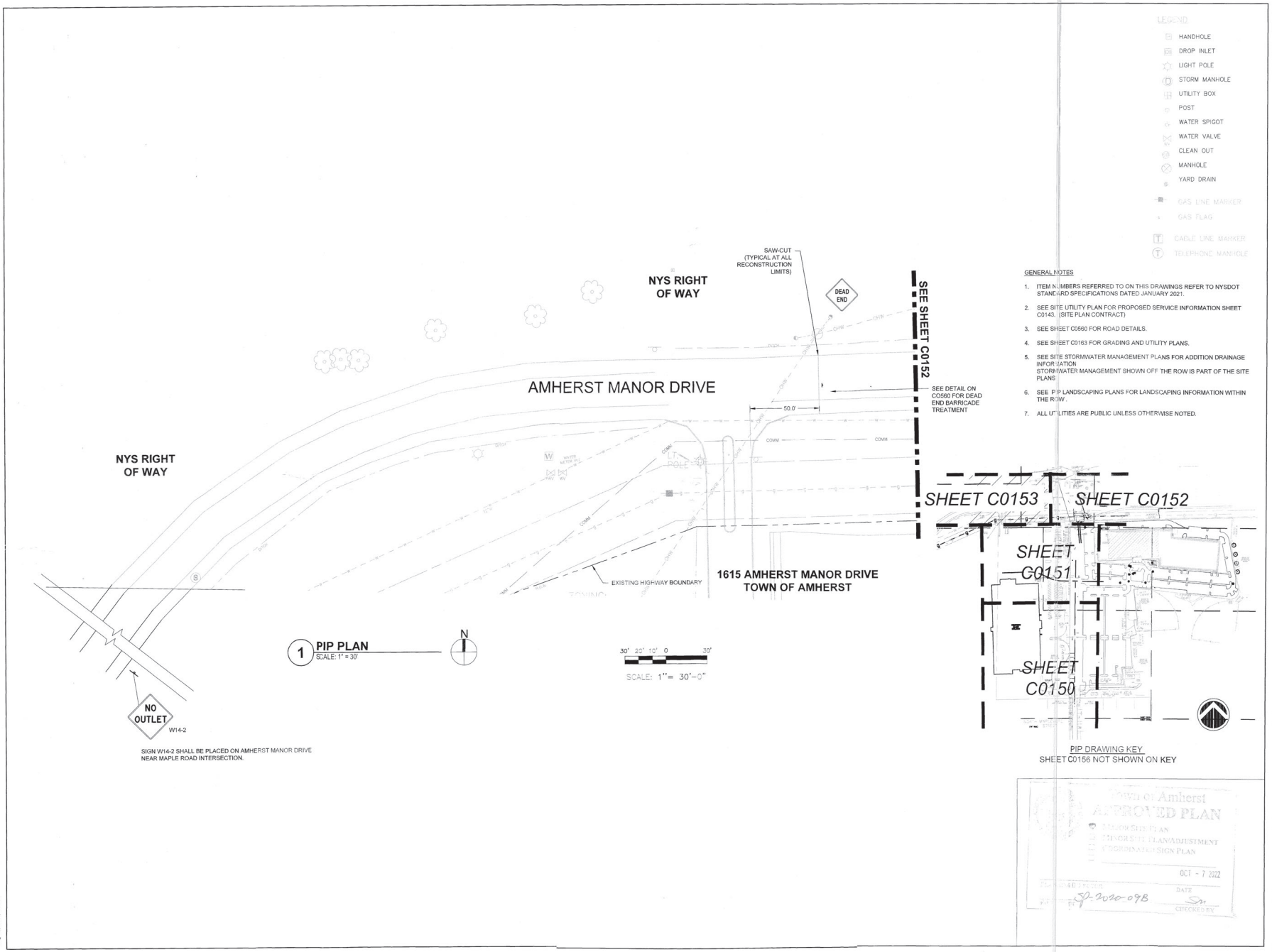
PIP LAYOUT PLAN

Project No.: 006254.00 Checked by: BLS

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GENERAL NOTES

1. ITEM NUMBERS REFERRED TO ON THIS DRAWINGS REFER TO NYSDOT STANDARD SPECIFICATIONS DATED JANUARY 2021.
2. SEE SITE UTILITY PLAN FOR PROPOSED SERVICE INFORMATION SHEET C0143. (SITE PLAN CONTRACT)
3. SEE SHEET C0560 FOR ROAD DETAILS.
4. SEE SHEET C0163 FOR GRADING AND UTILITY PLANS.
5. SEE SITE STORMWATER MANAGEMENT PLANS FOR ADDITION DRAINAGE INFORMATION
   STORMWATER MANAGEMENT SHOWN OFF THE ROW IS PART OF THE SITE PLANS
6. SEE P.I.P. LANDSCAPING PLANS FOR LANDSCAPING INFORMATION WITHIN THE ROW.
7. ALL UTILITIES ARE PUBLIC UNLESS OTHERWISE NOTED.

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STATE OF NEW YORK · ASHLEY L. SENDLAK · LICENSED PROFESSIONAL ENGINEER

No.	Description	Date
	TOWN OF AMHERST	15 JUNE 2022

RECEIVED OCT 26 2022 TOWN OF AMHERST PLANNING DEPT.

Town of Amherst APPROVED PLAN
MINOR SITE PLAN
MINOR SITE PLAN/ADJUSTMENT
SIGN PLAN
OCT - 7 2022
DATE
SP-2020-098
CHECKED BY

Drawing Title:

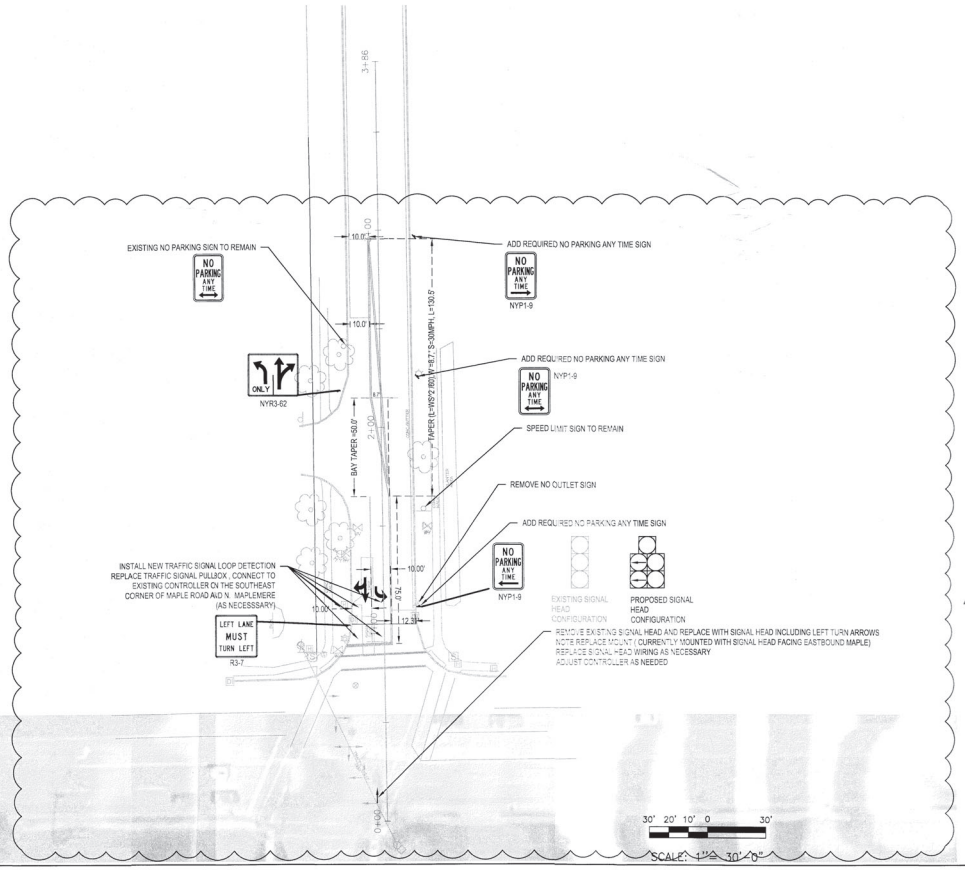
PIP LAYOUT PLAN

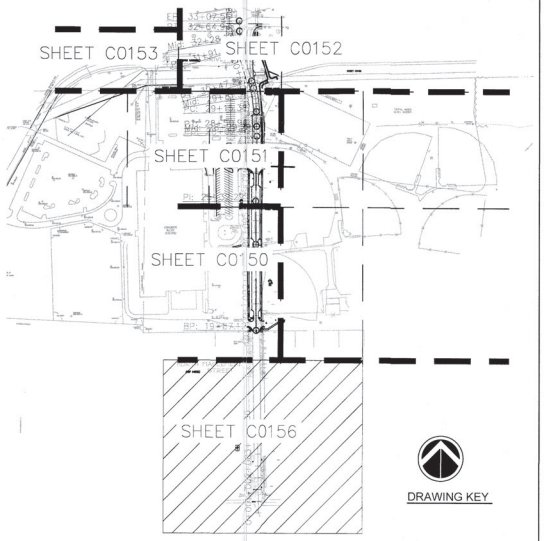
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DRAWING KEY

LEGEND

- HANDHOLE
- DROP INLET
- LIGHT POLE
- STORM MANHOLE
- UTILITY BOX
- POST
- WATER SPIGOT
- WATER VALVE
- CLEAN OUT
- MANHOLE
- YARD DRAIN
- GAS LINE MARKER
- GAS FLAG
- CABLE LINE MARKE
- TELEPHONE MANHOL

Town of Amherst
APPROVED PLAN
- MAJOR SITE PLAN
- MINOR SITE PLAN/ADJUSTMENT
- COORDINATED SIGN PLAN

OCT - 7 2022
PLANNING DIRECTOR — DATE
SP-2022-028 — CHECKED BY
FILE NUMBER

Ciminelli
REAL ESTATE CORPORATION

PIP PACKAGE

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Civil Engineer
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Buffalo, NY 14203
(716) 206-5100

No.	Description	Date
2	PER TOWN COMMENTS	26 JULY 2022
1	TOWN OF AMHERST	15 JUNE 2022

TOWN OF AMHERST PLANNING DEPT.

Drawing Title:

PIP
MAPLE & N. MAPLEMERE INTERSECTION IMPROVEMENT

Project No.: 006254.00 Checked by: BLS

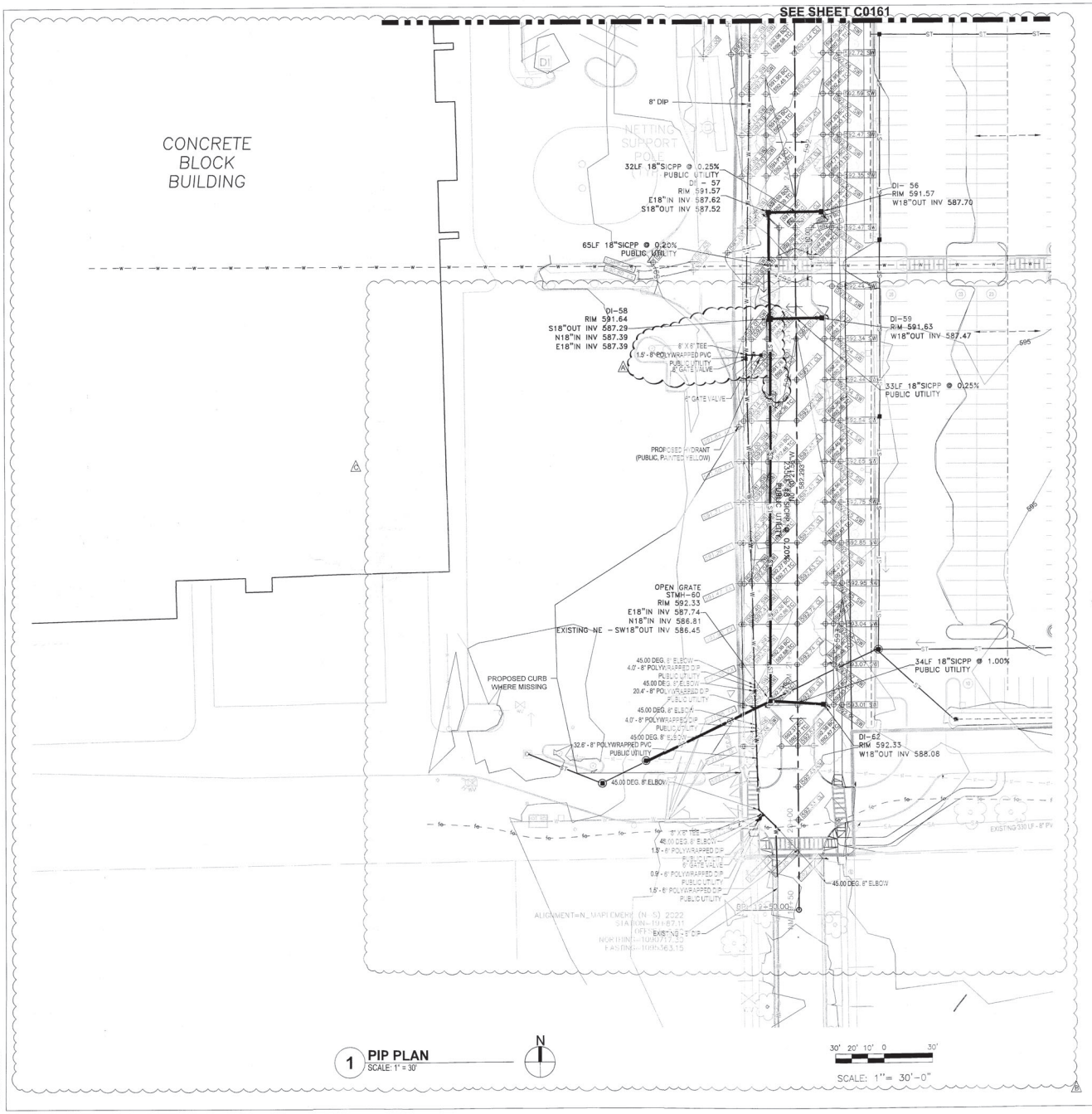
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R:\006254.00\CD\ Arkwin\VUE CADD\CN-VSS\PLS\006254 -PIP_Maple N+1-6555.dwg
Aug 19, 2022, 10:56pm

13.A.7.a

Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement



1 **PIP PLAN**
SCALE: 1" = 30'

N

30' 20' 10' 0 30'
SCALE: 1"= 30'-0"

PIP UTILITY LEGEND

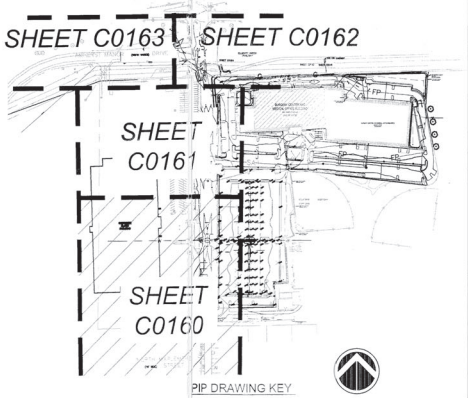
- W — WATER
- SA — SANITARY SEWER
- ST — STORM SEWER
- CATCH BASIN (CB)
- STORM MANHOLE (STMH)
- SANITARY MANHOLE (SAMH)
- HYDRANT
- GATE VALVE
- TEE FITTING (AS NOTED)
- ANGLE FITTINGS (AS NOTED)
- REDUCER FITTING (AS NOTED)
- COUPLING
- DIP — DUCTILE IRON PIPE
- SP — SAMPLE POINT

LEGEND

- HANDHOLE
- DI — DROP INLET
- LIGHT POLE
- D — STORM MANHOLE
- UTILITY BOX
- POST
- WATER SPIGOT
- WATER VALVE
- C — CLEAN OUT
- MANHOLE
- YARD DRAIN
- GAS LINE MARKER
- GAS FLAG
- T — CABLE LINE MARKER
- T — TELEPHONE MANHOLE

GENERAL NOTES

1. SEE SITE UTILITY PLAN FOR PROPOSED SERVICE INFORMATION. (SITE PLAN CONTRACT)
2. SEE SHEETS C0551- C0557 FOR WATERLINE DETAILS.
3. SEE SHEETS C0558 FOR SEWER DETAILS.
4. SEE SHEET C0559 FOR DRAINAGE DETAILS.
5. SEE SHEET C0560 FOR ROAD DETAILS.
6. SEE SHEET C0150 FOR ROADWAY PLAN.
7. SEE SITE STORMWATER MANAGEMENT PLANS FOR ADDITIONAL DRAINAGE INFORMATION. STORMWATER MANAGEMENT SHOWN OFF THE ROW IS PART OF THE SITE PLANS.
8. SEE PIP LANDSCAPING PLAN C0105 FOR LANDSCAPING INFORMATION WITHIN THE ROW.
9. ALL UTILITIES SHOWN WITHIN THE PROPOSED ROW ARE PUBLIC OWNED UNLESS OTHERWISE NOTED.



PIP DRAWING KEY
SHEET C0163 & C0165 NOT SHOWN ON KEY

Town of Amherst
APPROVED PLAN
☑ MAJOR SITE PLAN
☐ MINOR SITE PLAN ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐
OCT - 7 2022
PLANNING DIRECTOR — DATE
FOR ZONING — CHECKED BY

Ciminelli REAL ESTATE CORPORATION

PIP PACKAGE

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Buffalo, NY 14203
(716) 206-5100

1	TOA ENG. COMMENT (EXTEND. WATERLINE)	10 AUGUST 2022
2	GRADING REVISIONS ALONG NORTHTOWN	01 AUGUST 2022
3	PER TOWN COMMENTS TOWN OF AMHERST	22 JULY 2022 15 JUNE 2022

RECEIVED
SEP 26 2022
TOWN OF AMHERST PLANNING DEPT.

Drawing Title:

PIP- GRADING AND UTILITY PLAN

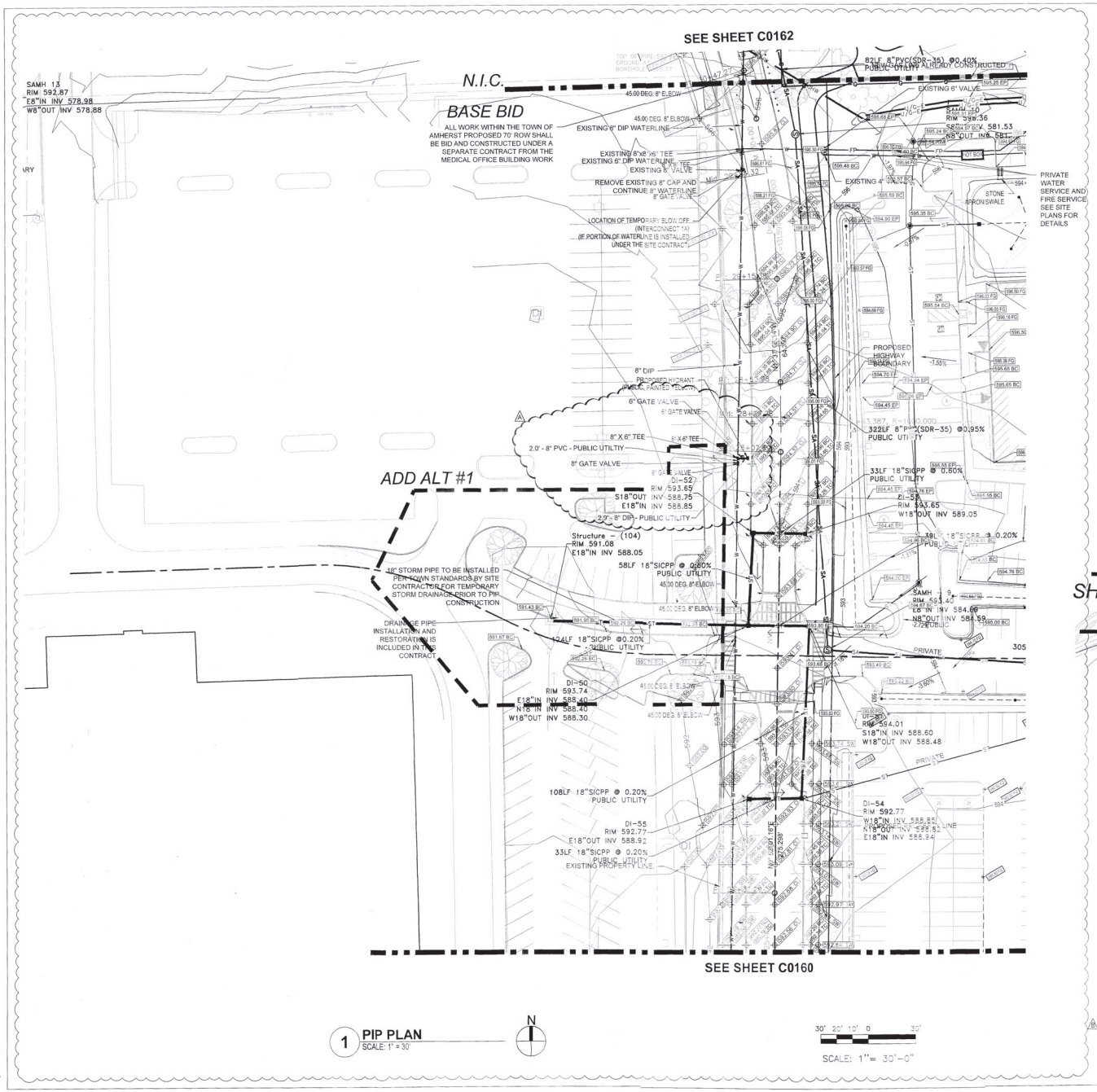
Project No.: 006254.00 Checked by: BLS

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PIP UTILITY LEGEND

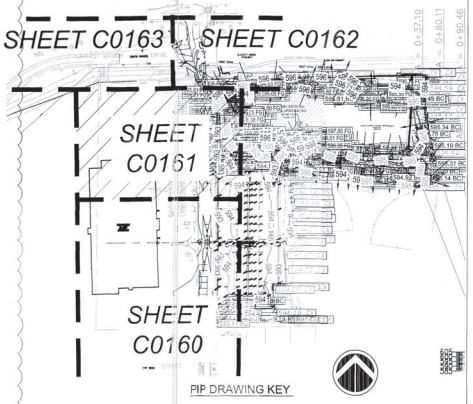
W	WATER
SA	SANITARY SEWER
ST	STORM SEWER
	CATCH BASIN (CB)
	STORM MANHOLE (STMH)
	SANITARY MANHOLE (SAMH)
	HYDRANT
	GATE VALVE
	TEE FITTING (AS NOTED)
	ANGLE FITTINGS (AS NOTED)
	REDUCER FITTING (AS NOTED)
	COUPLING
DIP	DUCTILE IRON PIPE
SP	SAMPLE POINT

LEGEND

	HANDHOLE
	DROP INLET
	LIGHT POLE
	STORM MANHOLE
	UTILITY BOX
	POST
	WATER SPIGOT
	WATER VALVE
	CLEAN OUT
	MANHOLE
	YARD DRAIN
	GAS LINE MARKER
	GAS FLAG
T	CABLE LINE MARKER
T	TELEPHONE MANHOLE

GENERAL NOTES

1. SEE SITE UTILITY PLAN FOR PROPOSED SERVICE INFORMATION. (SITE PLAN CONTRACT)
2. SEE SHEETS C0551- C0557 FOR WATERLINE DETAILS.
3. SEE SHEETS C0558 FOR SEWER DETAILS.
4. SEE SHEET C0559 FOR DRAINAGE DETAILS.
5. SEE SHEET C0510 FOR ROAD DETAILS.
6. SEE SITE STORMWATER MANAGEMENT PLANS FOR ADDITIONAL DRAINAGE INFORMATION, STORMWATER MANAGEMENT SHOWN OFF THE ROW IS PART OF THE SITE PLANS.
7. SEE PIP LANDSCAPING PLAN C0104 FOR LANDSCAPING INFORMATION WITHIN THE ROW.
8. ALL UTILITIES SHOWN WITHIN THE PROPOSED ROW ARE PUBLIC OWNED UNLESS OTHERWISE NOTED.



PIP DRAWING KEY

Town of Amherst
APPROVED PLAN
MAJOR SITE PLAN
MINOR SITE PLAN/ADJUSTMENT
COORDINATED SIGN PLAN
OCT - 7 2022
PLANNING DIRECTOR
DATE
SP-2020-098
FILE NUMBER
CHECKED BY

Ciminelli
REAL ESTATE CORPORATION

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Buffalo, NY 14203
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PIP PACKAGE

A	GRADING REVISIONS ALONG NORTHTOWN	01 AUGUST 2022
A	PER TOWN COMMENTS TOWN OF AMHERST	22 JULY 2022 15 JUNE 2022

Drawing Title:

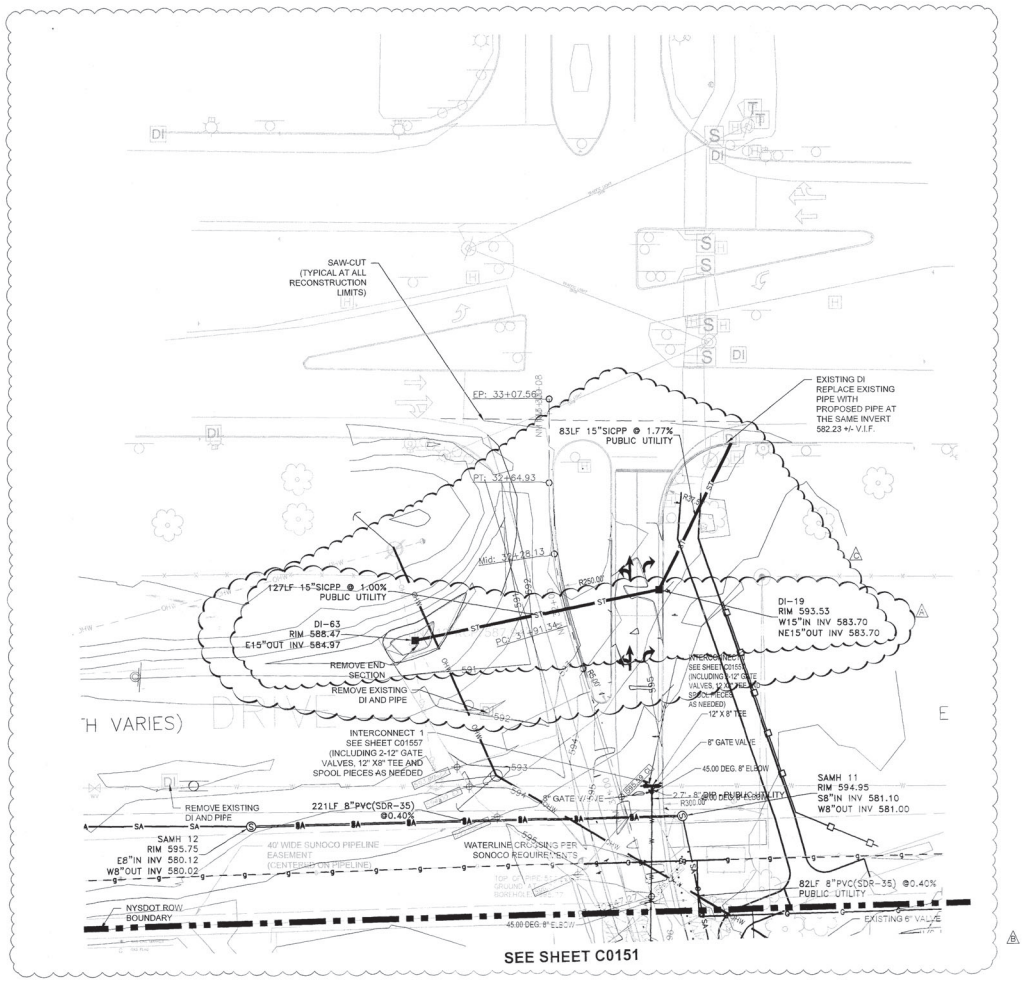
PIP- GRADING AND UTILITY PLAN

Project No.: 006254.00 Checked by: BLS

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Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement



1 **PIP PLAN**
SCALE: 1" = 30'

N

30' 20' 10' 0 30'
SCALE: 1"= 30'-0"

PIP UTILITY LEGEND

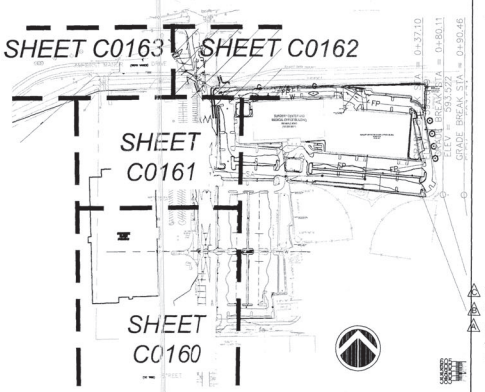
W	WATER
SA	SANITARY SEWER
ST	STORM SEWER
	CATCH BASIN (CB)
	STORM MANHOLE (STMH)
	SANITARY MANHOLE (SAMH)
	HYDRANT
	GATE VALVE
	TEE FITTING (AS NOTED)
	ANGLE FITTINGS (AS NOTED)
	REDUCER FITTING (AS NOTED)
	COUPLING
DIP	DUCTILE IRON PIPE
SP	SAMPLE POINT

LEGEND

	HANDHOLE
DI	DROP INLET
	LIGHT POLE
D	STORM MANHOLE
	UTILITY BOX
	POST
	WATER SPIGOT
	WATER VALVE
	CLEAN OUT
	MANHOLE
	YARD DRAIN
	GAS LINE MARKER
	GAS FLAG
T	CABLE LINE MARKER
T	TELEPHONE MANHOLE

GENERAL NOTES

1. SEE SITE UTILITY PLAN FOR PROPOSED SERVICE INFORMATION. (SITE PLAN CONTRACT)
2. SEE SHEETS C0551- C0557 FOR WATERLINE DETAILS.
3. SEE SHEETS C0558 FOR SEWER DETAILS.
4. SEE SHEET C0559 FOR DRAINAGE DETAILS.
5. SEE SHEET C0560 FOR ROAD DETAILS.
6. SEE SITE STORMWATER MANAGEMENT PLANS FOR ADDITIONAL DRAINAGE INFORMATION. STORMWATER MANAGEMENT SHOWN OFF THE ROW IS PART OF THE SITE PLANS.
7. ALL UTILITIES SHOWN WITHIN THE PROPOSED ROW ARE PUBLIC OWNED UNLESS OTHERWISE NOTED.



PIP DRAWING KEY

Town of Amherst
APPROVED PLAN
☑ MAJOR SITE PLAN
☐ MINOR SITE PLAN ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐ _____
OCT - 7 2022
PLANNING DIRECTOR — DATE
SP-2022-08 — SM
FILE NUMBER — CHECKED BY

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No.	Description	Date
3	NYSDOT COMMENTS	05 AUGUST 2022
2	GRADING REVISIONS ALONG NORTHTOWN	01 AUGUST 2022
1	NEW CB 63 TOWN OF AMHERST	11 JULY 2022 15 JUNE 2022

RECEIVED SEP 26 2022 TOWN OF AMHERST PLANNING DEPT

Drawing Title:

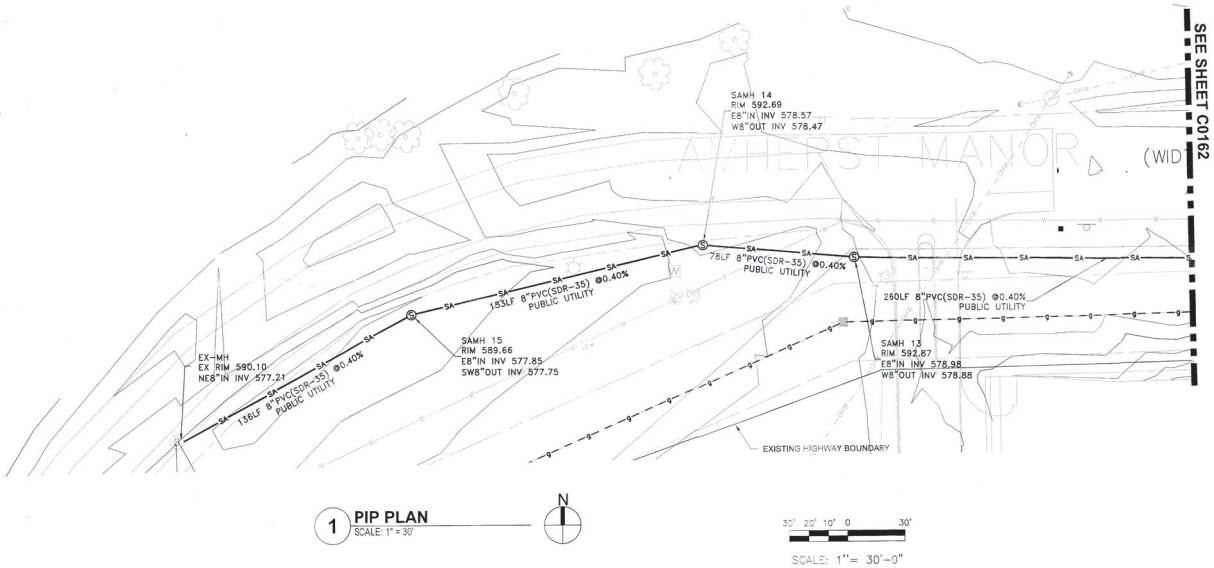
PIP GRADING AND UTILITY PLAN

Project No.: 006254.00 Checked by: BLS

162

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1 **PIP PLAN**
SCALE: 1" = 30'

N

30' 20' 10' 0 30'

SCALE: 1"= 30'-0"

PIP UTILITY LEGEND

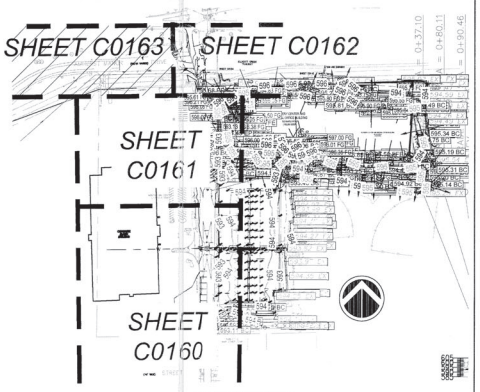
W	WATER
SA	SANITARY SEWER
ST	STORM SEWER
	CATCH BASIN (CB)
	STORM MANHOLE (STMH)
	SANITARY MANHOLE (SAMH)
	HYDRANT
	GATE VALVE,
	TEE FITTING (AS NOTED)
	ANGLE FITTINGS (AS NOTED)
	REDUCER FITTING (AS NOTED)
	COUPLING
DIP	DUCTILE IRON PIPE
SP	SAMPLE POINT

LEGEND

	HANDHOLE
	DROP INLET
	LIGHT POLE
	STORM MANHOLE
	UTILITY BOX
	POST
	WATER SPIGOT
	WATER VALVE
	CLEAN OUT
	MANHOLE
	YARD DRAIN
	GAS LINE MARKER
	GAS FLAG
T	CABLE LINE MARKER
T	TELEPHONE MANHOLE

GENERAL NOTES

1. SEE SITE UTILITY PLAN FOR PROPOSED SERVICE INFORMATION. (SITE PLAN CONTRACT)
2. SEE SHEETS C0551- C0557 FOR WATERLINE DETAILS.
3. SEE SHEETS C0558 FOR SEWER DETAILS.
4. SEE SHEET C0559 FOR DRAINAGE DETAILS.
5. SEE SHEET C0560 FOR ROAD DETAILS.
6. SEE SHEET C0563 FOR RAISED CROSSWALK DETAILS.
7. SEE SITE STORMWATER MANAGEMENT PLANS FOR ADDITION DRAINAGE INFORMATION
STORMWATER MANAGEMENT SHOWN OFF THE ROW IS PART OF THE SITE PLANS
8. SEE PIP LANDSCAPING PLANS FOR LANDSCAPING INFORMATION WITHIN THE ROW.



PIP DRAWING KEY

Town of Amherst
APPROVED PLAN
☒ MAJOR SITE PLAN
☐ MINOR SITE PLAN ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐
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No.	Description	Date
	TOWN OF AMHERST	15 JUNE 2022

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Drawing Title:

PIP GRADING AND UTILITY PLAN AMHERST MANOR DRIVE AND UB MD BLVD.

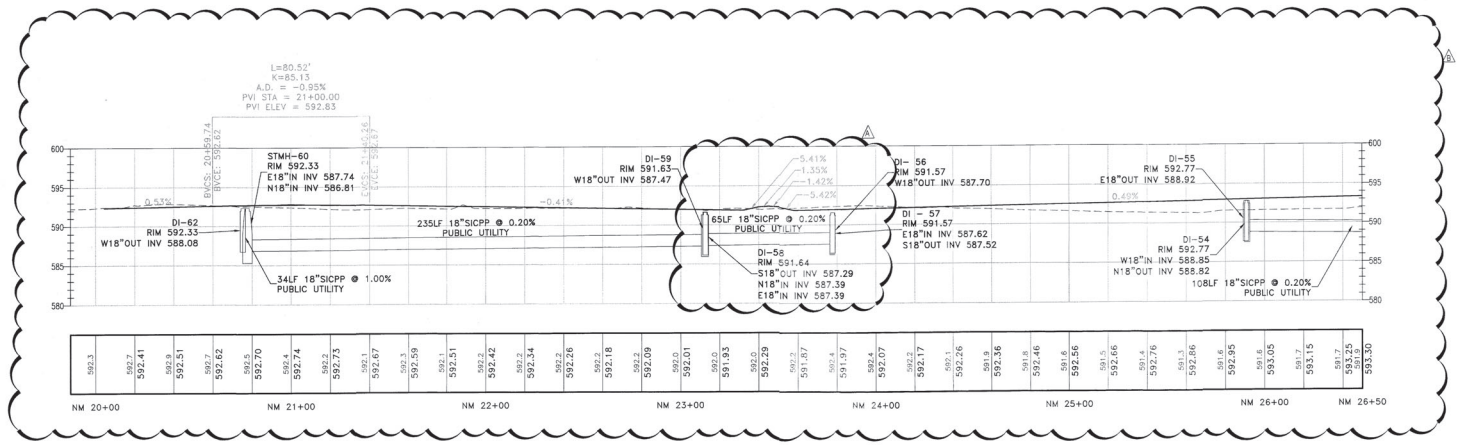
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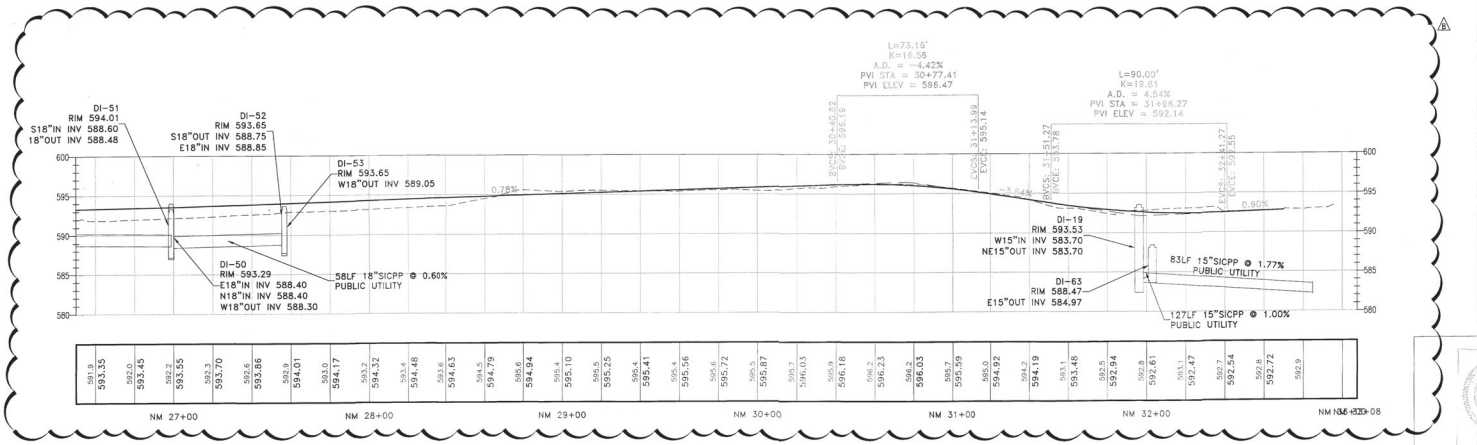
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13.A.7.a



1 **NORTH MAPLEMERE PROFILE**
SCALE: 1" = 30'

30' 20' 10' 0 30'
SCALE: 1"= 30'-0"



2 **NORTH MAPLEMERE PROFILE**
SCALE: 1" = 30'

30' 20' 10' 0 30'
SCALE: 1"= 30'-0"

GENERAL NOTES

1. SEE SITE UTILITY PLAN FOR PROPOSED SERVICE INFORMATION.
2. SEE GRADING PLAN FOR UTILITY LOCATIONS.

Town of Amherst
APPROVED PLAN
☑ MAJOR SITE PLAN
☐ MINOR SITE PLAN/ADJUSTMENT
☐ COORDINATED SIGN PLAN
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3	PROFILE UPDATED TO SHOW DRAINAGE & ADDRESS NYSDOT DRAINAGE COMMENTS	05 AUGUST 2022
2	PER TOWN COMMENTS TOWN OF AMHERST	26 JULY 2022 15 JUNE 2022

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PIP- MAPLEMERE PROFILES

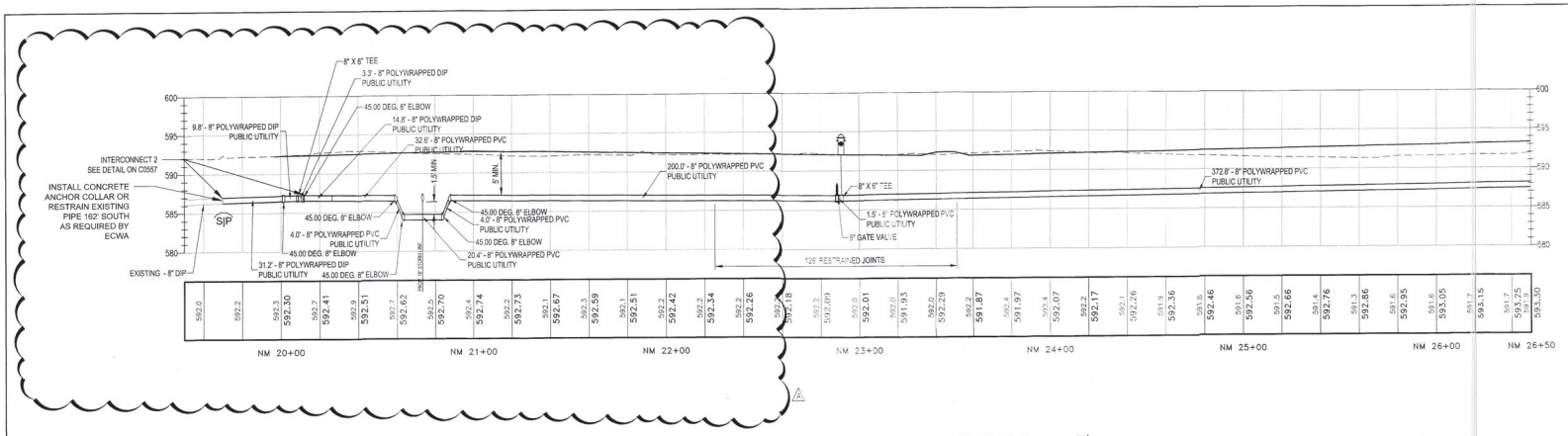
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Aug 26, 2022 - 2:27pm
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Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement



1 (N-S) WATERLINE PROFILE

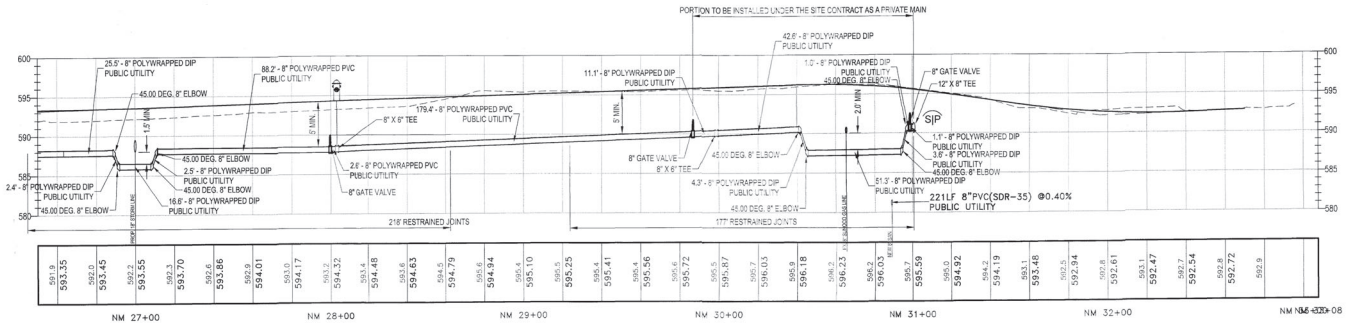
SCALE: 1" = 7.5' V; 1"=30' H

30' 20' 10' 0 30'

SCALE: 1"= 30'-0"

PIP WATERLINE NOTES

1. SEE PIP PLAN FOR WATERLINE LOCATION.
2. WATERLINE MATERIAL SHALL BE DUCTILE IRON UNDER ALL ROADWAYS AND COMMERSICIAL DRIVEWAYS. PVC MAY ONLY BE USED IN GRASS AND SIDEWALKS AREAS.



2 (N-S) WATERLINE PROFILE

SCALE: 1" = 7.5' V; 1"=30' H

30' 20' 10' 0 30'

SCALE: 1"= 30'-0"

Town of Amherst
APPROVED PLAN
☑ MAJOR SITE PLAN
☐ MINOR SITE PLAN/ADJUSTMENT
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STATE OF NEW YORK · RANDY L. SENGA · 090599 · LICENSED PROFESSIONAL ENGINEER

No.	Description	Date
⚠	TOA ENG. COMMENT (EXTEND. WATERLINE)	10 AUGUST 2022
	TOWN OF AMHERST	15 JUNE 2022

RECEIVED AUG 10 2022 TOWN OF AMHERST PLANNING DEPT.

Drawing Title:

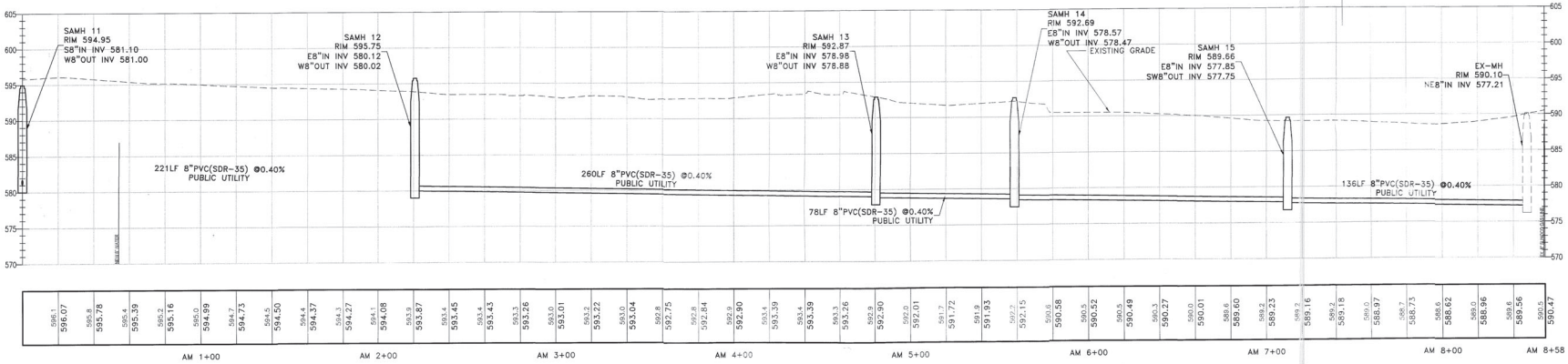
PIP- N. MAPLEMERE WATER PROFILE

Project No.: 006254.00 Checked by: KJW

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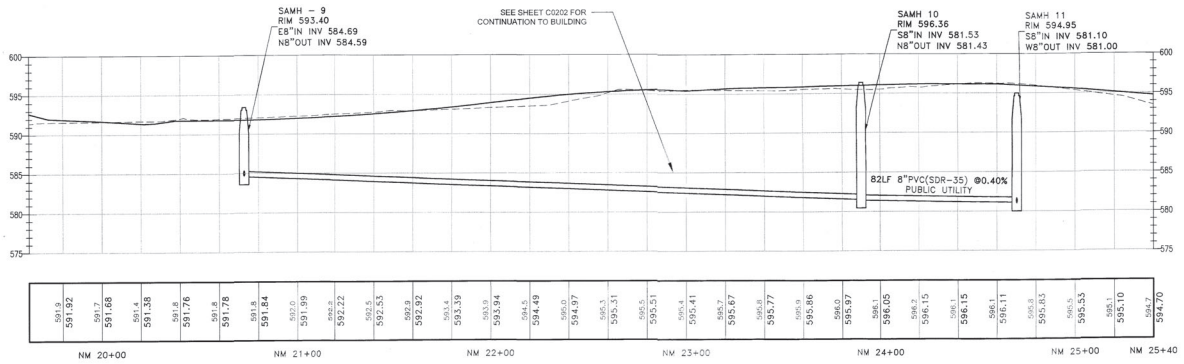


1 AMHERST MANOR DR. SEWER PROFILE

SCALE: 1" = 7.5'V; 1"=30'H

30' 20' 10' 0 30'

SCALE: 1"= 30'-0"



2 UB MD (N-S) SEWER PROFILE

SCALE: 1" = 7.5' V; 1" = 30' H

30' 20' 10' 0 30'

SCALE: 1"= 30'-0"

PIP SANITARY SEWER NOTES

1. SEE PIP GRADING PLAN FOR SANITARY SEWER LOCATION.
2. 8" SEWER IS RUN AT THE MINIMUM SLOPE OF 0.4% TO OUTLET AT THE EXISTING SEWER ELEVATION ON NORTH MAPLEMERE ROAD.

Town of Amherst
APPROVED PLAN
☐ MAJOR SITE PLAN
☐ MINOR SITE PLAN/ADJUSTMENT
☐ COORDINATED SIGN PLAN
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No.	Description	Date
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PIP- AMHERST MANOR DR. SEWER PROFILE

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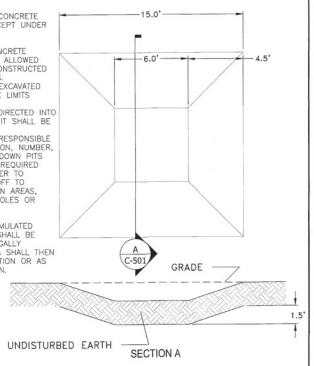
Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

CONCRETE MIXER WASH DOWN

CONTRACTOR SHALL WASH DOWN CONCRETE DELIVERY VEHICLES OFF-SITE, EXCEPT UNDER THE FOLLOWING CONDITIONS:

1. ON-SITE WASH DOWN OF CONCRETE DELIVERY VEHICLES SHALL BE ALLOWED ONLY IN WASH DOWN PITS CONSTRUCTED AS SHOWN ON THE DRAWINGS.
2. WASH DOWN PITS SHALL BE EXCAVATED INSIDE THE DESIGNATED WORK LIMITS ONLY.
3. ALL WASH WATER SHALL BE DIRECTED INTO THE WASH DOWN PIT WHERE IT SHALL BE ALLOWED TO EVAPORATE.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE LOCATION, NUMBER, SIZE AND VOLUME OF WASH DOWN PITS NECESSARY TO CONTAIN THE REQUIRED VOLUME OF WASH DOWN WATER TO PREVENT SPILLAGE AND RUNOFF TO ROADS, UNCONTAMINATED LAWN AREAS, DRAINAGE STRUCTURES, MANHOLES OR WATERWAYS.

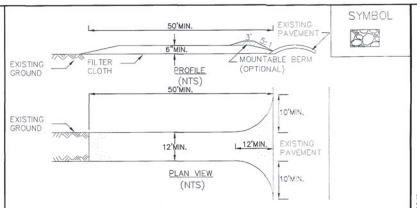
WHEN NO LONGER NEEDED, ACCUMULATED RESIDUE, SEDIMENT AND DEBRIS SHALL BE REMOVED FROM THE SITE AND LEGALLY DISPOSED. WASH DOWN PIT AREA SHALL THEN BE RESTORED TO ORIGINAL CONDITION OR AS REQUIRED FOR NEW CONSTRUCTION.



1 C-501 TEMP. CONCRETE MIXER WASH DOWN PIT
NOT TO SCALE

U.S. DEPARTMENT OF AGRICULTURE
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NEW YORK STATE SOIL & WATER CONSERVATION COMMITTEE

SYMBOL



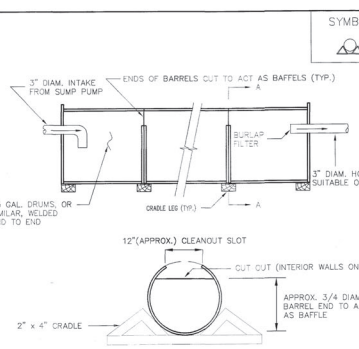
CONSTRUCTION SPECIFICATIONS

1. STONE SIZE – USE 2" STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
2. LENGTH – NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
3. THICKNESS – NOT LESS THAN SIX (6) INCHES.
4. WIDTH – TWELVE (12) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. TWENTY-FOUR (24) FOOT IF SINGLE ENTRANCE TO SITE.
5. FILTER CLOTH – WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
6. SURFACE WATER – ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
7. MAINTENANCE – THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACTED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
8. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

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2 C-501 STABILIZED CONSTRUCTION ENTRANCE (NTS)

SYMBOL



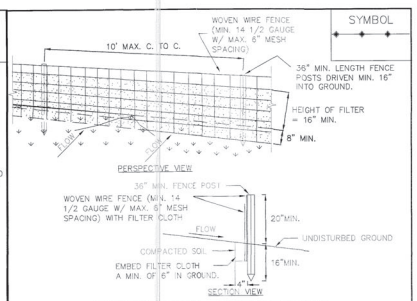
CONSTRUCTION SPECIFICATIONS
NOT TO SCALE

1. CLEAN OUT THE SEDIMENT TANK WHEN ONE THIRD (1/3) FILLED WITH SILT.
2. STEEL DRUMS ARE USED AS AN EXAMPLE DUE TO THEIR READY AVAILABILITY. ANY TANKS MAY BE USED, PROVIDING THAT THE VOLUME REQUIREMENTS ARE MET.
3. ALL SEDIMENT COLLECTED IN THE TANK SHALL BE DISPOSED OF IN A SEDIMENT TRAPPING DEVICE OR AS APPROVED BY THE INSPECTOR.

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3 C-501 TEMPORARY PORTABLE SEDIMENT TANK

SYMBOL



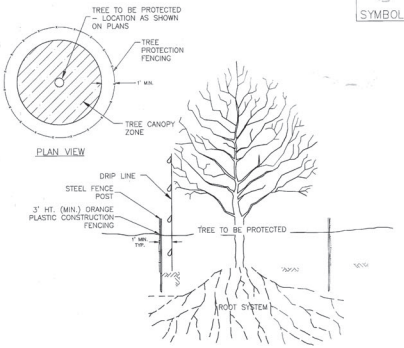
CONSTRUCTION SPECIFICATIONS

1. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
2. FILTER CLOTH TO BE TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION. FENCE SHALL BE WOVEN WIRE, 12 1/2 GAUGE, 6" MAXIMUM MESH OPENING.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER, THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.
4. PREFABRICATED UNITS SHALL BE GEOFAB, ENVIROFENCE, OR APPROVED EQUIVALENT.
5. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

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4 C-501 SILT FENCE (NTS)

SYMBOL

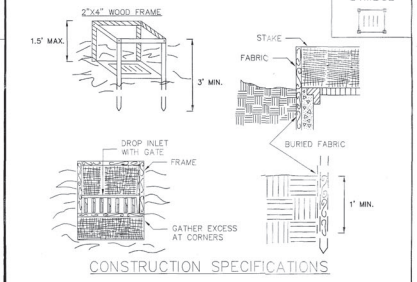


TREE PROTECTION FENCING DETAIL
NOT TO SCALE

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
NEW YORK STATE SOIL & WATER CONSERVATION COMMITTEE

5 C-501 TREE PROTECTION (NTS)

SYMBOL



CONSTRUCTION SPECIFICATIONS

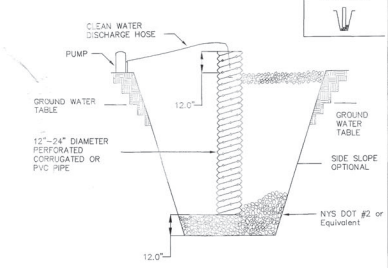
1. FILTER FABRIC SHALL HAVE AN EOS OF 40-85. BURLAP MAY BE USED FOR SHORT TERM APPLICATIONS.
2. CUT FABRIC FROM A CONTINUOUS ROLL TO ELIMINATE JOINTS. IF JOINTS ARE NEEDED THEY WILL BE OVERLAPPED TO THE NEXT STAKE.
3. STAKE MATERIALS WILL BE STANDARD 2" x 4" WOOD OR EQUIVALENT. METAL WITH A MINIMUM LENGTH OF 3 FEET.
4. SPACE STAKES EVENLY AROUND INLET 3 FEET APART AND DRIVE A MINIMUM 18 INCHES DEEP. SPANS GREATER THAN 3 FEET MAY BE BRIDGED WITH THE USE OF WIRE MESH BEHIND THE FILTER FABRIC FOR SUPPORT.
5. FABRIC SHALL BE EMBEDDED 1 FOOT MINIMUM BELOW GROUND AND BACKFILLED. IT SHALL BE CONCURRENT FASTENED TO THE STAKES AND FRAME.
6. A 2" x 4" WOOD FRAME SHALL BE COMPLETED AROUND THE CREST OF THE FABRIC FOR OVER FLOW STABILITY.

MAXIMUM DRAINAGE AREA 1 ACRE

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6 C-501 FILTER FABRIC DROP INLET PROTECTION (NTS)

SYMBOL



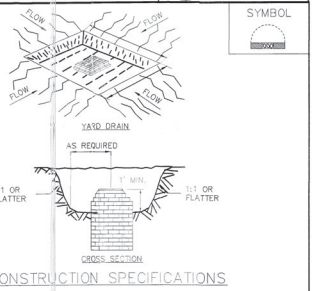
CONSTRUCTION SPECIFICATIONS

1. PIT DIMENSIONS ARE OPTIONAL.
2. THE STANDPIPE SHOULD BE CONSTRUCTED BY PERFORATING A 12-24" DIAMETER CORRUGATED OR PVC PIPE.
3. A BASE OF 2" AGGREGATE SHOULD BE PLACED IN THE PIT TO A DEPTH OF 12". AFTER INSTALLING THE STANDPIPE, THE PIT SURROUNDING THE STANDPIPE SHOULD BE BACKFILLED WITH 2" AGGREGATE.
4. THE STANDPIPE SHOULD EXTEND 12-18" ABOVE THE LIP OF THE PIT.
5. IF DISCHARGE WILL BE PUMPED DIRECTLY TO A STORM DRAINAGE SYSTEM, THE STANDPIPE SHOULD BE WRAPPED WITH FILTERCLOTH BEFORE INSTALLATION. IF DESIRED, 1/4"-1/2" HARDWARE CLOTH MAY BE PLACED AROUND THE STANDPIPE, PRIOR TO ATTACHING THE FILTERCLOTH.

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7 C-501 TEMPORARY SUMP PIT (NTS)

SYMBOL



CONSTRUCTION SPECIFICATIONS

1. SEDIMENT SHALL BE REMOVED AND THE TRAP RESTORED TO ITS ORIGINAL DIMENSIONS WHEN THE SEDIMENT HAS ACCUMULATED TO 1/2 THE DESIGN DEPTH OF THE TRAP. REMOVED SEDIMENT SHALL BE DEPOSITED IN A SUITABLE AREA AND IN SUCH A MANNER THAT IT WILL NOT ERODE.
2. THE VOLUME OF SEDIMENT STORAGE SHALL BE 1800 CUBIC FEET PER ACRE OF CONTRIBUTORY DRAINAGE.
3. THE STRUCTURE SHALL BE INSPECTED AFTER EACH RAIN AND REPAIRS MADE AS NEEDED.
4. CONSTRUCTION OPERATIONS SHALL BE CARRIED OUT IN SUCH A MANNER THAT EROSION AND WATER POLLUTION SHALL BE MINIMIZED.
5. THE SEDIMENT TRAP SHALL BE REMOVED AND THE AREA STABILIZED WHEN THE CONSTRUCTED DRAINAGE AREA HAS BEEN PROPERLY STABILIZED.
6. ALL CUT SLOPES SHALL BE 1:1 OR FLATTER.

MAXIMUM DRAINAGE AREA: 3 ACRES

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8 C-501 CATCH BASIN SEDIMENT TRAP ST-III (NTS)

Town of Amherst
APPROVED PLAN
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☐ MINOR SITE PLAN/ADJUSTMENT
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Drawing Title:

EROSION &SEDIMENT CONTROL DETAILS

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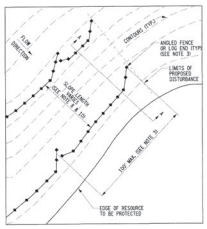
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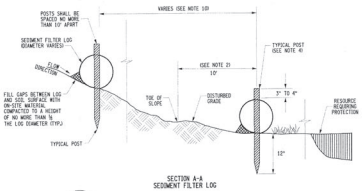
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PLAN

EXAMPLE LAYOUT OF SILT FENCE OR SEDIMENT FILTER LOG



SECTION A-A
SEDIMENT FILTER LOG

1
C-502

APPLICATION NOTES

A. THE PRIMARY PURPOSE OF A SILT FENCE OR SEDIMENT FILTER LOG IS TO INTERCEPT SEDIMENT LADEN RUNOFF BY IMPOUNDING WATER BEHIND THE FENCE OR LOG SO THAT SEDIMENT FALLS OUT OF SUSPENSION.

B. IDENTIFY ONSITE AND OFFSITE RESOURCES THAT NEED TO BE PROTECTED USING THE SILT FENCE OR SEDIMENT FILTER LOG (E.G. WETLANDS, PONDS, WATERWAYS OR ENVIRONMENTALLY SENSITIVE AREAS). SILT FENCE OR SEDIMENT FILTER LOGS ARE TYPICALLY USED WITH EROSION OR SEDIMENT CONTROL MEASURES, SUCH AS MULCH AND/OR ROLLED EROSION CONTROL FABRIC.

C. SILT FENCE OR SEDIMENT FILTER LOGS SHALL NOT BE USED IN OR ACROSS A FLOWING CHANNEL, OR AREAS OF CONCENTRATED FLOW. DO NOT USE SILT FENCE OR SEDIMENT FILTER LOGS AS A PERIMETER CONTROL, TO DEFINE PROPERTY LINES, OR TO DELINEATE A RESOURCE.

GENERAL NOTES

1. SILT FENCE OR SEDIMENT FILTER LOGS SHALL BE INSTALLED ON A LINE OF EQUAL ELEVATION (CONTOUR). IT MAY BE INSTALLED AT INTERMEDIATE POINTS UP SLOPES AS WELL AS AT THE BOTTOM.

2. FOR LOCATIONS THAT WARRANT PLACEMENT OF SILT FENCE OR SEDIMENT FILTER LOGS AT THE BASE OF SLOPES, LEAVE A FLAT AREA OF 5' TO 10' (MINIMUM) BETWEEN THE TOE OF SLOPE AND THE FENCE OR LOG. THIS WILL HELP TO PROVIDE ADEQUATE AREA FOR SEDIMENT STORAGE AND FACILITATE MAINTENANCE OF THE SEDIMENT CONTAINMENT AREA.

3. THE ENDS OF A ROW OF SILT FENCE OR SEDIMENT FILTER LOGS SHALL BE ANGLED UP SLOPE TO PREVENT RUNOFF FROM BEING CONCENTRATED AT THE ENDS OF THE SILT FENCE. A SECTION OF SILT FENCE OR SEDIMENT FILTER LOGS SHOULD NOT EXCEED 100 FEET IN LENGTH.

4. WOOD POSTS FOR SILT FENCE SHALL HAVE A CROSS-SECTION AREA OF 3.5 SQUARE INCHES OR STEEL POSTS SHALL BE T- OR Y- BAR AND 1.33 POUNDS/FOOT MINIMUM FOR STEEL. SPACING FOR THE PROPOSED SILT FENCE POSTS SHALL BE AS DESIGNATED ON THE DEPARTMENT APPROVED PLANS FOR SILT FENCE. THE LENGTH OF SILT FENCE POSTS SHALL BE 40 INCHES. WOOD POSTS FOR SEDIMENT FILTER LOGS SHALL BE NOMINAL 2x2. THE LENGTH OF FILTER LOG POSTS SHALL BE 16" GREATER THAN THE DIAMETER OF THE LOG.

5. THE BOTTOM EDGE OF SILT FENCE SHALL BE BURIED A MINIMUM OF 6" BELOW GROUND. THE FENCE SHALL BE INSTALLED WITH THE POSTS ON THE DOWNSLOPE SIDE OF THE FABRIC.

6. WHERE ENDS OF GEOTEXTILE FABRIC COME TOGETHER, THEY SHALL BE OVERLAPPED AND FOLDED AND STAPLED TO PREVENT SEDIMENT BYPASS, OR THE END POSTS OF TWO SECTIONS SHALL BE WRAPPED AS SHOWN ON THE DETAIL FOR SILT FENCE END WRAPPING.

7. SEDIMENT SHALL BE REMOVED WHEN ACCUMULATION REACHES OVER HALF OF THE ABOVE GROUND HEIGHT OR WHEN BULGES DEVELOP IN THE FABRIC. SEDIMENT SHALL BE DISPOSED OF AS UNSUITABLE MATERIAL.

8. THE FOLLOWING ARE MAXIMUM SLOPE LENGTHS (DISTANCE BETWEEN ROWS) FOR SILT FENCE INSTALLATION:

SILT FENCE MAXIMUM SLOPE LENGTH (FEET)			
SLOPE	STEEPNESS	STANDARD**	REINFORCED***
0-10%	10:1 TO 0:1	125	250
10-20%	10:1 TO 5:1	100	150
20-33%	5:1 TO 3:1	60	80
33-50%	3:1 TO 2:1	40	70
> 50%	> 2:1	20	30

* FOR SLOPES LESS THAN 5% SILT FENCE IS NOT REQUIRED UNLESS IN SENSITIVE AREAS OR HIGHLY ERODIBLE SOILS.

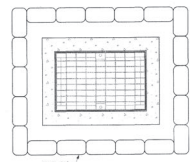
** STANDARD SILT FENCE IS FABRIC ROLLS STAPLED TO WOODEN POSTS DRIVEN 16 INCHES INTO THE GROUND.

*** REINFORCED SILT FENCE IS FABRIC PLACED AGAINST WELDED WIRE MESH WITH ANCHORED STEEL POSTS DRIVEN 16 INCHES INTO THE GROUND.

9. INSTALLATION OF SILT FENCE OR SEDIMENT LOG, INCLUDING EXCAVATION, BACKFILL, AND COMPACTION OF SOIL SHALL BE INCLUDED IN THE UNIT PRICE BID FOR ITEM.

10. SEDIMENT FILTER LOG POSTS SHALL BE SPACED NO MORE THAN 10 FEET APART. ENDS OF LOGS SHALL BE OVERLAPPED BY 24 INCHES AND STAKES SINK BY SIDE. THE MAXIMUM SLOPE LENGTH DISTANCE BETWEEN ROWS SHALL NOT EXCEED THE FOLLOWING LIMITS:

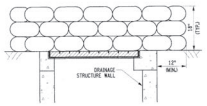
SEDIMENT FILTER LOG MAX SLOPE LENGTH (FEET)							
	SLOPE %						
DIA. (IN.)	2	5	10	20	25	33	50
12	250	225	125	65	50	40	25
18	275	250	150	70	55	45	30
24	350	275	200	130	100	80	55



PLAN

DRAINAGE STRUCTURE INLET PROTECTION - TEMPORARY (GRAVEL BAG)

2
C-502



CROSS SECTION

DRAINAGE STRUCTURE INLET PROTECTION - TEMPORARY (GRAVEL BAG)

APPLICATION NOTES:

A. THE PRIMARY PURPOSE OF DRAINAGE STRUCTURE INLET PROTECTION IS TO PREVENT SEDIMENT FROM ENTERING A DRAINAGE SYSTEM BY TRAPPING WATER, THEREBY ALLOWING SEDIMENT TO FALL OUT OF SUSPENSION.

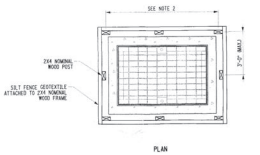
B. GRAVEL BAGS ARE FILLED WITH CLEAN STONE, RATHER THAN SAND, TO PREVENT SEDIMENT FROM ENTERING A DRAINAGE SYSTEM IF BAGS ARE DAMAGED DURING USE.

C. THE TOP OF THE INLET PROTECTION SHALL BE SET TO ALLOW OVERFLOW INTO THE INLET AND NOT BYPASS TO UNPROTECTED RESOURCES.

D. DRAINAGE STRUCTURE INLET PROTECTION - TEMPORARY (SILT FENCE) SHALL NOT BE USED ALONG THE ACTIVE TRAVEL LANE OR SHOULDER.

E. DRAINAGE STRUCTURE INLET PROTECTION SHALL NOT BE USED WITHOUT UPSLOPE EROSION CONTROL.

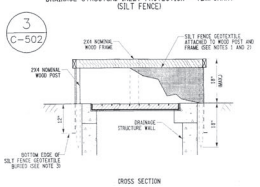
F. MAXIMUM DRAINAGE AREA TO THE PRACTICE SHALL NOT EXCEED ONE ACRE.



PLAN

DRAINAGE STRUCTURE INLET PROTECTION - TEMPORARY (SILT FENCE)

3
C-502



CROSS SECTION

DRAINAGE STRUCTURE INLET PROTECTION - TEMPORARY (SILT FENCE)

GENERAL NOTES:

1. APPROVED SILT FENCE GEOTEXTILES R77-01 ARE LISTED ON THE DEPARTMENT'S APPROVED LIST. SILT FENCE GEOTEXTILE SHALL BE A SINGLE CONTINUOUS PIECE TO ELIMINATE JOINTS. OVERLAP GEOTEXTILE END TO THE NEXT POST.

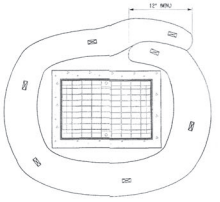
2. SPACE POSTS EVENLY AROUND INLET WITH A MAXIMUM SPACING OF 3'. WIRE MESH MAY BE REQUIRED BEHIND GEOTEXTILE TO PROVIDE SUPPORT. POSTS SHALL BE DRIVEN CLOSE TO THE INLET TO MINIMIZE EXPOSED SOIL BETWEEN THE INLET AND THE PRACTICE. SPACE POSTS A MINIMUM OF 18" INTO EXISTING SOIL/PAVED OR A MINIMUM OF 12" SEDIMENT FILTER LOGS.

3. SILT FENCE GEOTEXTILE SHALL BE EMBEDDED 12" AND BACKFILLED. GEOTEXTILE SHALL BE SECURELY FASTENED TO POSTS AND FRAME.

4. GRAVEL BAGS SHALL BE INDIVIDUALLY TIED, DOUBLE BAGGED AND INVERSELY IMBRICATED. GRAVEL BAGS SHALL LAP THE JOINTS BETWEEN THE BAGS IN THE LAYER BELOW. GRAVEL BAGS SHALL BE PLACED AS CLOSE AS POSSIBLE TO THE GRATE TO MINIMIZE EXPOSED SOIL BETWEEN THE INLET AND THE PRACTICE.

5. SEDIMENT FILTER LOGS SHALL BE SECURED TO THE SOIL SURFACE WITH WOODEN POSTS SPACED A MAXIMUM OF 3' APART. WITH USE ON A PAVED SURFACE, THE LOG ENDS SHALL BE FASTENED WITH PLASTIC TIES OR IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

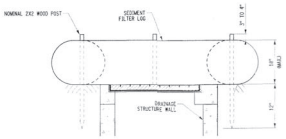
6. MEASURES SHALL BE INSPECTED AFTER EVERY RUNOFF EVENT AND REPAIRED AS NECESSARY. SEDIMENT SHALL BE REMOVED WHEN IT REACHES ONE-HALF THE MEASURE HEIGHT STORAGE CAPACITY. SEDIMENT SHALL BE DISPOSED OF AS UNSUITABLE MATERIALS.



PLAN

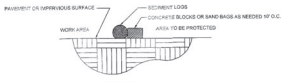
DRAINAGE STRUCTURE INLET PROTECTION - TEMPORARY (SEDIMENT FILTER LOG)

4
C-502

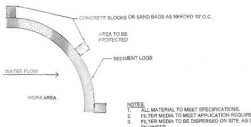


CROSS SECTION

DRAINAGE STRUCTURE INLET PROTECTION - TEMPORARY (SEDIMENT FILTER LOG)



SECTION



PLAN

NOTES:
1. ALL MATERIAL TO MEET SPECIFICATIONS.
2. FILTER MEDIA TO MEET APPLICATION REQUIREMENTS.
3. FILTER MEDIA TO BE DISPERSED ON SITE, AS DETERMINED BY ENGINEER.

5
C-502

SEDIMENT LOGS ON PAVEMENT

NTS

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Aug 10, 2022, 12:47pm

Town of Amherst
APPROVED PLAN
☒ MAJOR SITE PLAN
☐ MINOR SITE PLAN ADJUSTMENT
☐ COORDINATED DESIGN PLAN
☐
OCT - 7 2022
PLANNING DIRECTOR DATE
SP-2023-098
FILE NUMBER CHECKED BY

Ciminelli
REAL ESTATE CORPORATION

PIP PACKAGE

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Drawing Title:

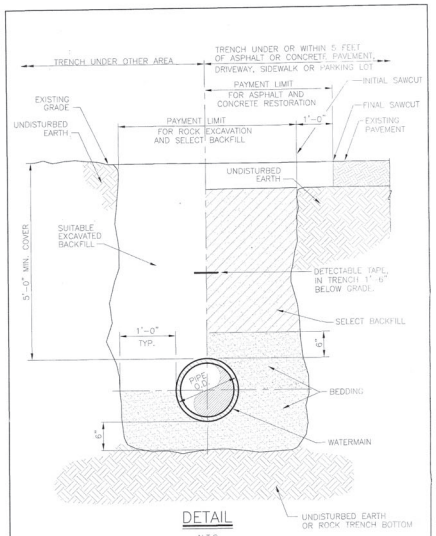
EROSION &SEDIMENT CONTROL DETAILS

Project No.: 006254.00 Checked by: JCK

C-502

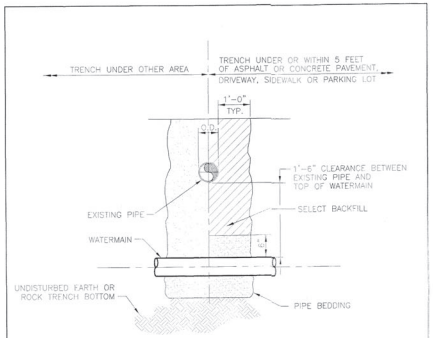
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DETAIL
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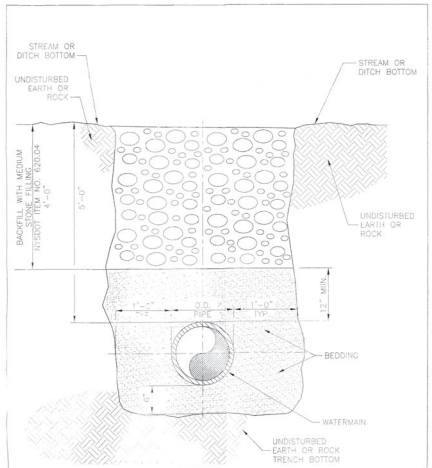
ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL TRENCH THROUGH 12–INCH DIAMETER WATERMAIN	DWG. NO. SD1
		DATE 4/28/92
		REVISED 10/05



NOTES:
1. ALL EXISTING UTILITIES MUST BE SUPPORTED DURING CONSTRUCTION OF THE NEW WATERMAIN.
2. WHEN CROSSING A SEWERLINE WITH A NEW WATERMAIN, ONE FULL PIPE LENGTH (18 FT. MIN.) SHALL BE USED AT THE POINT OF CROSSING. THE WATERMAIN SHALL BE PLACED SO THAT BOTH JOINT ENDS ARE AS FAR AS POSSIBLE FROM THE EXISTING SEWERLINE.

SECTION
N.T.S.

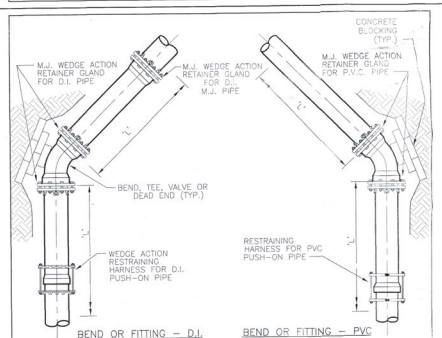
ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL PIPE CROSSING	DWG. NO. SD2
		DATE 4/28/92
		REVISED 10/05



DETAIL
N.T.S.

NOTE:
1. PIPELINE MARKERS TO BE INSTALLED ON EACH SIDE OF CROSSING.
2. COMPLY WITH ALL STATE GUIDELINES FOR STREAM CROSSINGS. USE ADEQUATE EROSION CONTROL METHODS DURING CONSTRUCTION.

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL TRENCH STREAM CROSSING	DWG. NO. SD3
		DATE 6/28/92
		REVISED 07/16



BEND OR FITTING – D.I. THROUGH 12–INCH

BEND OR FITTING – PVC THROUGH 10–INCH

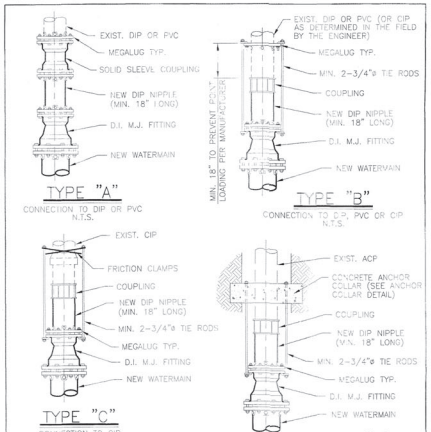
RESTRAINED JOINT SCHEDULE

PIPE SIZE	PIPE TYPE	11.25° ELBOW 'L'	22.5° ELBOW 'L'	45° ELBOW 'L'	TEE BRANCH, 90° BEND, VALVE OR DEAD END 'L'
8"	DIP	10'	20'	44'	97'
12"	CI	14'	28'	58'	139'
8"	PVC	7'	13'	26'	63'
6"	DIP	8'	15'	31'	74'
12"	PVC	9'	48'	87'	89'

NOTES:
1. DIMENSION 'L' REPRESENTS THE LENGTH OF RESTRAINED PIPE REQUIRED IN FEET EACH SIDE OF THE PIPE FITTING.

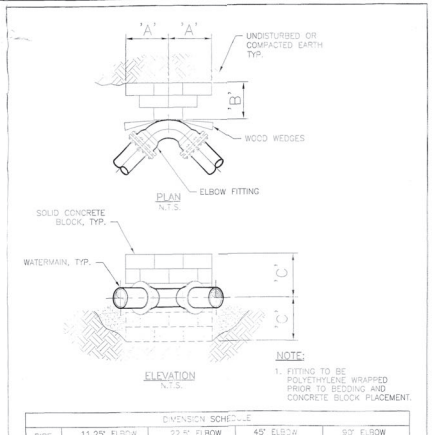
PLAN
N.T.S.

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL RESTRAINED JOINT SCHEDULE	DWG. NO. SD4
		DATE 4/28/92
		REVISED 10/05



NOTES:
1. VALVES AND TEES MAY BE HARNESSED SIMILARLY.
2. HARNESSING IS FOR RESISTANCE TO INTERNAL PRESSURE–PIPE ITSELF MUST BE SUPPORTED ON FIRM BEDDING AND CAREFULLY BACKFILLED.
3. COAT ALL EXPOSED SURFACES OF HARNESS ASSEMBLY WITH BITUMINOUS COATING.
4. TIE RODS SHALL BE PLACED ON SIDES OF PIPE.

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL TYPICAL CONNECTION TO EXISTING WATERMAIN THROUGH 12–INCH DIAMETER WATERMAIN	DWG. NO. SD5
		DATE 3/05
		REVISED 10/05



NOTE:
1. FITTING TO BE POLYETHYLENE WRAPPED PRIOR TO BEDDING AND CONCRETE BLOCK PLACEMENT.

DIMENSION SCHEDULE

PIPE SIZE	11.25° ELBOW 'A'	'B'	'C'	22.5° ELBOW 'A'	'B'	'C'	45° ELBOW 'A'	'B'	'C'	90° ELBOW 'A'	'B'	'C'
6"/8"	1.0'	1.25'	0.5'	1.25'	1.25'	0.75'	1.75'	1.5'	1.0'	2.5'	2.25'	1.25'

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL THRUST BLOCKS FOR ELBOW FITTING	DWG. NO. SD6
		DATE 4/28/92
		REVISED 10/05

Town of Amherst
APPROVED PLAN
☐ MAJOR SITE PLAN
☐ MINOR SITE PLAN/ADJUSTMENT
☐ COORDINATED SIGN PLAN
OCT - 7 2022
PLANNING DIRECTOR
DATE
FILE NUMBER SP-2020-098
CHECKED BY

Ciminelli Real Estate Corporation

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No.	Description	Date
	TOWN OF AMHERST	15 JUNE 2022

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Drawing Title:

PIP WATERLINE DETAILS

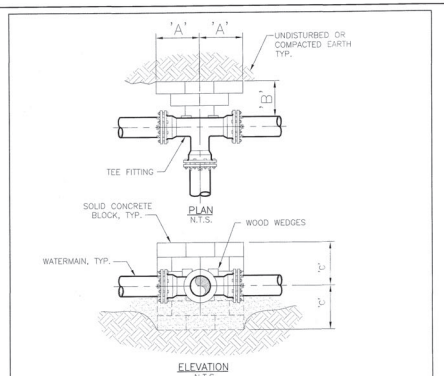
Project No.: 006254.00 Checked by: BLS

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Aug 25, 2022 - 3:47pm

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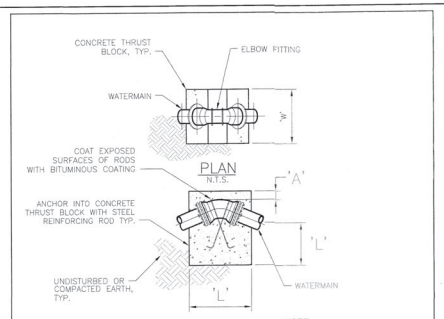


NOTES:

1. THRUST BLOCK REQUIRED FOR TEES, HYDRANT LATERAL TEES AND TAPPING SLEEVE INSTALLATIONS.
2. FITTING TO BE POLYETHYLENE WRAPPED PRIOR TO BEDDING AND CONCRETE BLOCK PLACEMENT.

BRANCH TEE SIZE	DIMENSION SCHEDULE 'A'	'B'	'C'
6"/8"	2.75'	2.5'	1.5'

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL THRUST BLOCKS FOR TEE OR "DEAD END" FITTING	DWG. NO. SD7
		DATE 4/28/92
		REVISED 10/05

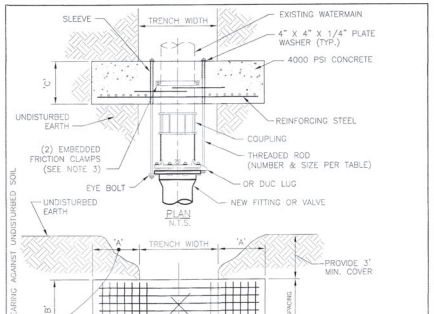


NOTE:

1. FITTING AND ALL RESTRAINTS TO BE POLYETHYLENE WRAPPED PRIOR TO CONCRETE PLACEMENT.

DIMENSION SCHEDULE												
PIPE SIZE	PIPE TYPE	11.25° ELBOW 'A'	'W'	'L'	ROD #	22.5° ELBOW 'A'	'W'	'L'	ROD #	45° ELBOW 'A'	'W'	'L'	ROD #
6"/8"	DIP	0.5'	1.75'	2.5'	1/2"	0.75'	2.15'	3.0'	1/2"	1.25'	2.75'	3.75'	1/2"
6"/8"	PVC	0.5'	1.75'	2.5'	1/2"	0.75'	2.15'	3.0'	1/2"	1.25'	2.75'	3.75'	1/2"

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL THRUST BLOCKS FOR VERTICAL BEND	DWG. NO. SD8
		DATE 4/28/92
		REVISED 10/05

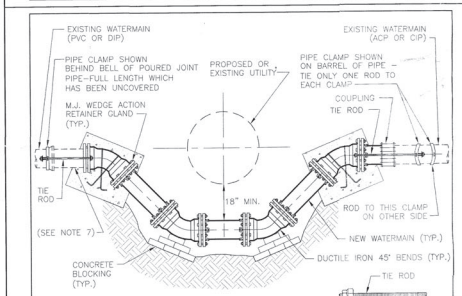


NOTE:

1. PIPING TO BE POLYETHYLENE WRAPPED PRIOR TO CONCRETE PLACEMENT.
2. ALL EXPOSED CARBON STEEL TO BE COATED WITH BITUMASTIC.
3. EXISTING ACP PIPE TO BE ISOLATED FROM CONCRETE.
4. USE HIGH EARLY CEMENT AND ALLOW CONCRETE TO ACHIEVE 90% STRENGTH BEFORE PLACING WATER-MAIN INTO SERVICE.

DIMENSION SCHEDULE						
PIPE SIZE	'A'	'B'	'C'	'D'	HDRD. ROD #	ROD Ø
6"/8"	1.5'	1'	1'	1'	2'	3/4"
12"	3'	1.5'	1.5'	1'	2'	3/4"

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL ANCHOR COLLAR	DWG. NO. SD9
		DATE 4/28/92
		REVISED 10/05

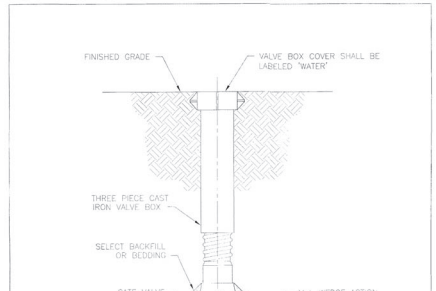


NOTES:

1. RESTRAINED MECHANICAL JOINTS SHOWN EXCEPT AS NOTED.
2. TIE TOP BENDS BACK TO FULL LENGTH OF PIPE IN UNEXCAVATED TRENCH.
3. VALVES, TEES AND HYDRANTS MAY BE HARNESSED SIMILARLY.
4. HARNESSING IS FOR RESISTANCE TO INTERNAL PRESSURES-PIPE ITSELF MUST BE SUPPORTED ON FIRM BEDDING AND CAREFULLY BACKFILLED.
5. COAT ALL EXPOSED SURFACES OF HARNESS ASSEMBLY WITH BITUMINOUS COATING.
6. TIE RODS SHALL BE PLACED ON SIDES OF PIPE.
7. IF EXISTING PIPE IS CIP OR PVC, CONNECT TO NEW FITTING ONLY WHEN ALLOWED BY ENGINEER.

TIE ROD SCHEDULE			
PIPE SIZE	PIPE TYPE	ROD Ø	NUMBER OF RODS
12"	PVC	3/4"	2
12"	PVC	3/4"	2

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL HARNESSING DETAILS-INSTALL OFFSET IN EXISTING WATERMAIN	DWG. NO. SD10
		DATE 6/00
		REVISED 10/05

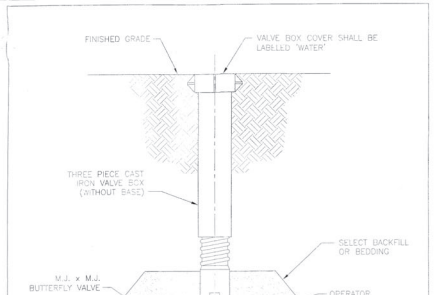


NOTES:

1. VALVE SHALL NOT SUPPORT VALVE BOX.
2. GATE VALVE SHALL BE INSTALLED LEVEL.
3. VALVE BOX SHALL BE PLUMB TO GRADE, WITH OPERATING NUT CENTERED IN BOX.

SECTION
N.T.S.

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL GATE VALVE SETTING	DWG. NO. SD11
		DATE 4/28/92
		REVISED 02/17



NOTES:

1. VALVE SHALL NOT SUPPORT VALVE BOX.
2. BUTTERFLY VALVE SHALL BE INSTALLED LEVEL.
3. VALVE BOX SHALL BE PLUMB TO GRADE, WITH OPERATING NUT CENTERED.
4. POSITION VALVE SO THAT OPERATOR IS ON SIDE OF WATERMAIN OPPOSITE THE ℄ OF ROADWAY.

SECTION
N.T.S.

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL BUTTERFLY VALVE SETTING	DWG. NO. SD12
		DATE 6/00
		REVISED 02/17

Town of Amherst
APPROVED PLAN
☐ MAJOR SITE PLAN
☐ MINOR SITE PLAN/ADJUSTMENT
☐ COORDINATED SIGNS PLAN
☐ _____
OCT - 7 2022
OCT - 7 2022
PLANNING DIRECTOR — DATE
FILE NUMBER — CHECKED BY

Ciminelli REAL ESTATE CORPORATION

PIP PACKAGE

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Civil Engineer
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Buffalo, NY 14203
(716) 206-5100

STATE OF NEW YORK — BRADLEY L. GENDAW — 091 — LICENSED PROFESSIONAL ENGINEER

No.	Description	Date
	TOWN OF AMHERST	15 JUNE 2022

RECEIVED
AUG 26 2022
TOWN OF AMHERST
PLANNING DEPT

Drawing Title:

PIP WATERLINE DETAILS

Project No.: 006254.00 Checked by: BLS

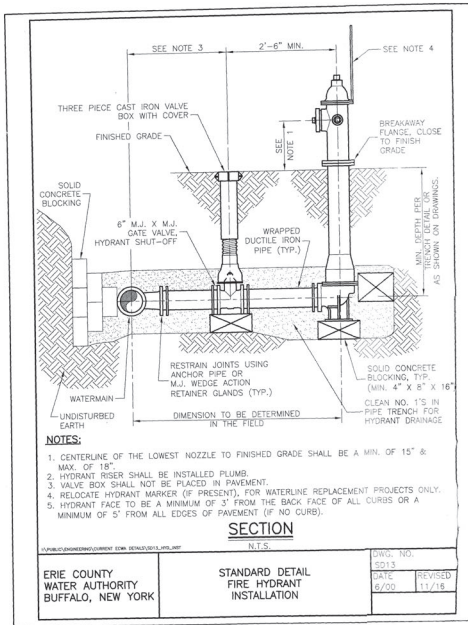
C0552

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Aug 25, 2022 - 3:40pm

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Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

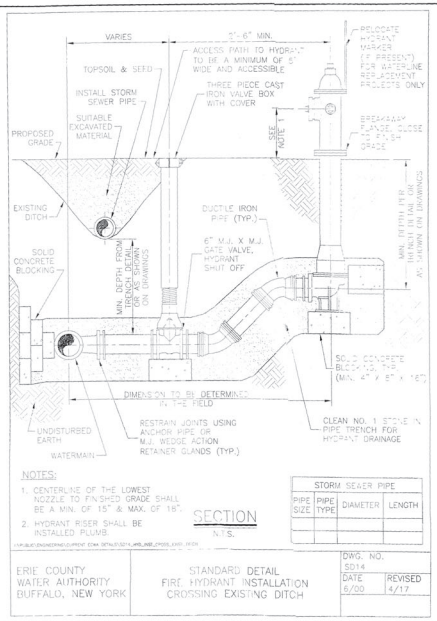


NOTES:

1. CENTERLINE OF THE LOWEST NOZZLE TO FINISHED GRADE SHALL BE A MIN. OF 15" & MAX. OF 18".
2. HYDRANT RISER SHALL BE INSTALLED PLUMB.
3. VALVE BOX SHALL NOT BE PLACED IN PAVEMENT.
4. RELOCATE HYDRANT MARKER (IF PRESENT), FOR WATERLINE REPLACEMENT PROJECTS ONLY.
5. HYDRANT FACE TO BE A MINIMUM OF 3' FROM THE BACK FACE OF ALL CURBS OR A MINIMUM OF 5' FROM ALL EDGES OF PAVEMENT (IF NO CURB).

SECTION
N.T.S.

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL FIRE HYDRANT INSTALLATION	DWG. NO. SD13
		DATE 6/00
		REVISED 11/16



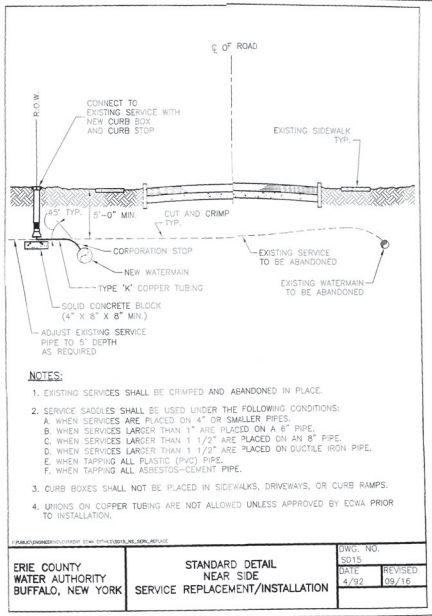
NOTES:

1. CENTERLINE OF THE LOWEST NOZZLE TO FINISHED GRADE SHALL BE A MIN. OF 15" & MAX. OF 18".
2. HYDRANT RISER SHALL BE INSTALLED PLUMB.

SECTION
N.T.S.

STORM SEWER PIPE			
PIPE SIZE	PIPE TYPE	DIAMETER	LENGTH

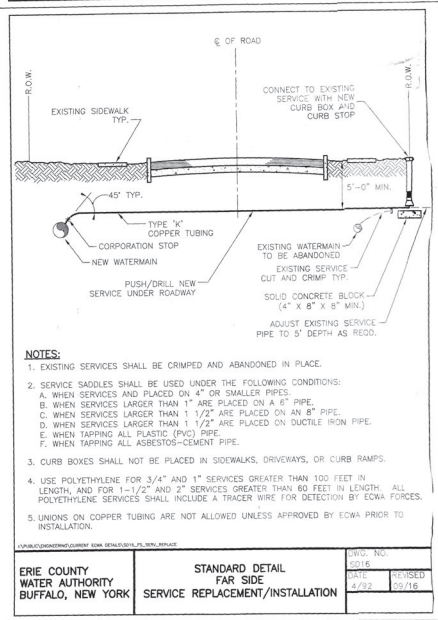
ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL FIRE HYDRANT INSTALLATION CROSSING EXISTING DITCH	DWG. NO. SD14
		DATE 6/00
		REVISED 4/17



NOTES:

1. EXISTING SERVICES SHALL BE CRIMPED AND ABANDONED IN PLACE.
2. SERVICE SADDLES SHALL BE USED UNDER THE FOLLOWING CONDITIONS:
   A. WHEN SERVICES ARE PLACED ON 4" OR SMALLER PIPES.
   B. WHEN SERVICES LARGER THAN 1" ARE PLACED ON A 6" PIPE.
   C. WHEN SERVICES LARGER THAN 1 1/2" ARE PLACED ON AN 8" PIPE.
   D. WHEN SERVICES LARGER THAN 1 1/2" ARE PLACED ON DUCTILE IRON PIPE.
   E. WHEN TAPPING ALL PLASTIC (PVC) PIPE.
   F. WHEN TAPPING ALL ASBESTOS-CEMENT PIPE.
3. CURB BOXES SHALL NOT BE PLACED IN SIDEWALKS, DRIVEWAYS, OR CURB RAMPS.
4. UNIONS ON COPPER TUBING ARE NOT ALLOWED UNLESS APPROVED BY ECWA PRIOR TO INSTALLATION.

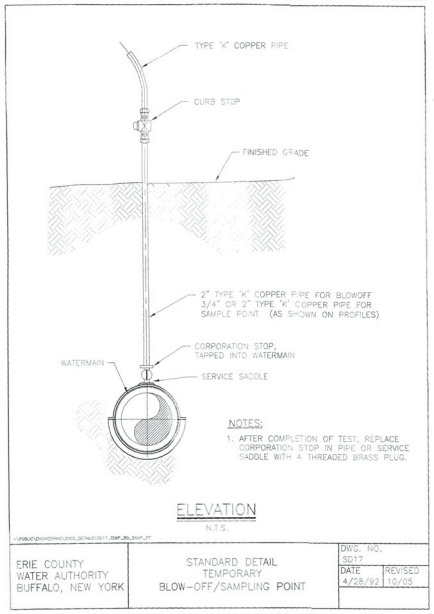
ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL NEAR SIDE SERVICE REPLACEMENT/INSTALLATION	DWG. NO. SD15
		DATE 4/92
		REVISED 09/16



NOTES:

1. EXISTING SERVICES SHALL BE CRIMPED AND ABANDONED IN PLACE.
2. SERVICE SADDLES SHALL BE USED UNDER THE FOLLOWING CONDITIONS:
   A. WHEN SERVICES AND PLACED ON 4" OR SMALLER PIPES.
   B. WHEN SERVICES LARGER THAN 1" ARE PLACED ON A 6" PIPE.
   C. WHEN SERVICES LARGER THAN 1 1/2" ARE PLACED ON AN 8" PIPE.
   D. WHEN SERVICES LARGER THAN 1 1/2" ARE PLACED ON DUCTILE IRON PIPE.
   E. WHEN TAPPING ALL PLASTIC (PVC) PIPE.
   F. WHEN TAPPING ALL ASBESTOS-CEMENT PIPE.
3. CURB BOXES SHALL NOT BE PLACED IN SIDEWALKS, DRIVEWAYS, OR CURB RAMPS.
4. USE POLYETHYLENE FOR 3/4" AND 1" SERVICES GREATER THAN 100 FEET IN LENGTH, AND FOR 1-1/2" AND 2" SERVICES GREATER THAN 60 FEET IN LENGTH. ALL POLYETHYLENE SERVICES SHALL INCLUDE A TRACER WIRE FOR DETECTION BY ECWA FORCES.
5. UNIONS ON COPPER TUBING ARE NOT ALLOWED UNLESS APPROVED BY ECWA PRIOR TO INSTALLATION.

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL FAR SIDE SERVICE REPLACEMENT/INSTALLATION	DWG. NO. SD16
		DATE 4/92
		REVISED 09/16

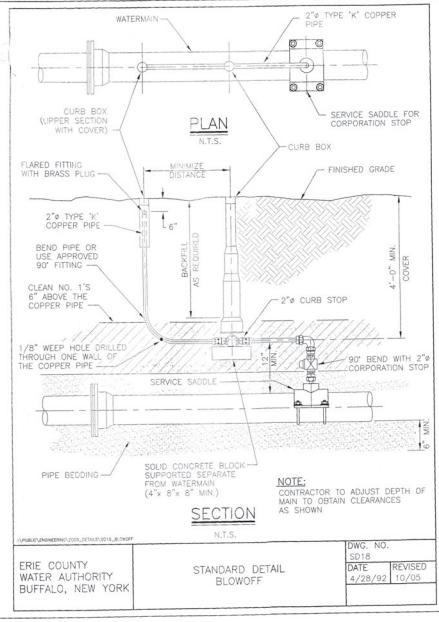


NOTES:

1. AFTER COMPLETION OF TEST, REPLACE CORPORATION STOP IN PIPE OR SERVICE SADDLE WITH A THREADED BRASS PLUG.

ELEVATION
N.T.S.

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL TEMPORARY BLOW-OFF/SAMPLING POINT	DWG. NO. SD17
		DATE 4/28/92
		REVISED 10/05



NOTE:
CONTRACTOR TO ADJUST DEPTH OF MAIN TO OBTAIN CLEARANCES AS SHOWN

SECTION
N.T.S.

ERIE COUNTY WATER AUTHORITY	STANDARD DETAIL BLOWOFF	DWG. NO. SD18
		DATE 4/28/92
		REVISED 10/05

Town of Amherst
APPROVED PLAN
☐ MAJOR SITE PLAN
☐ MINOR SITE PLAN ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐ _____
OCT - 7 2022
PLANNING DIRECTOR — DATE
DEVELOPMENT — CHECKED BY

RECEIVED
AUG 22 2022
TOWN OF AMHERST
PLANNING DEPT.

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STATE OF NEW YORK — BRADLEY L. SEAMAN — 091553 — LICENSED PROFESSIONAL ENGINEER

No.	Description	Date
	TOWN OF AMHERST	15 JUNE 2022

Drawing Title:

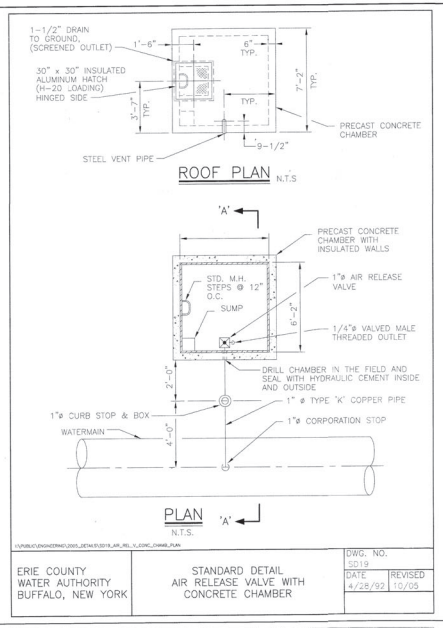
PIP WATERLINE DETAILS

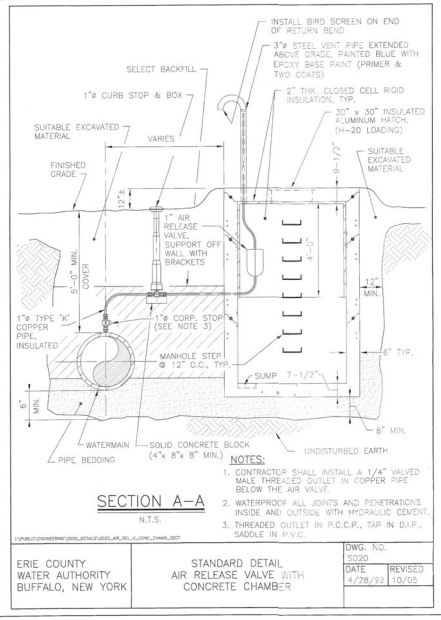
Project No.: 006254.00 Checked by: BLS

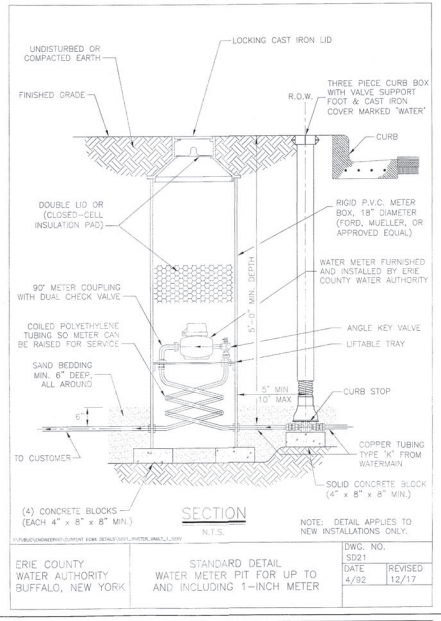
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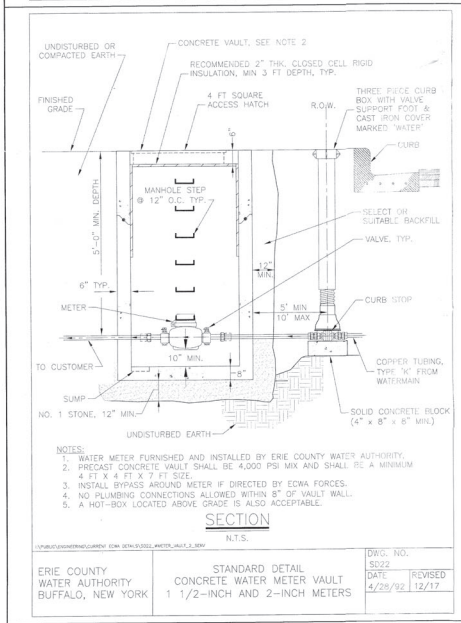
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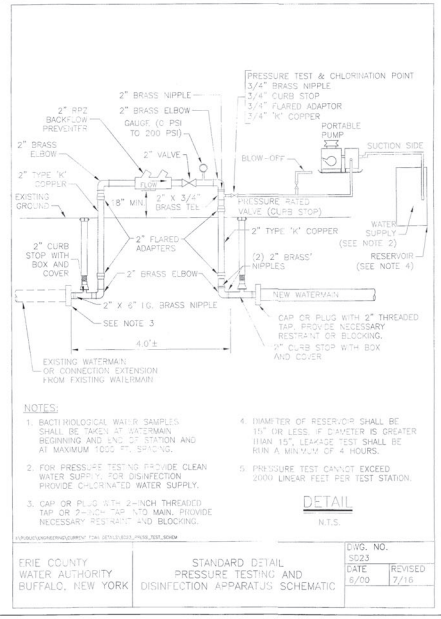
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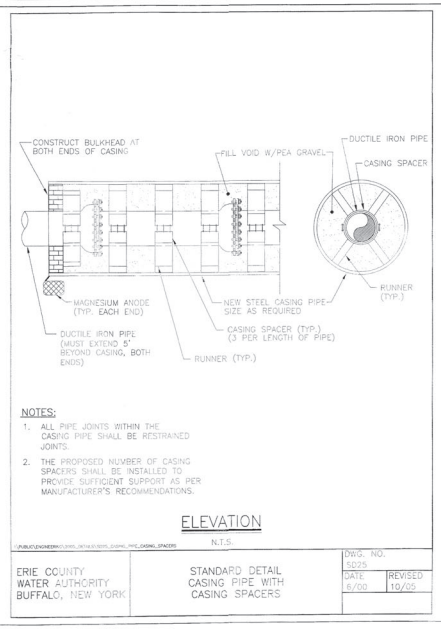












Town of Amherst
APPROVED PLAN
☒ MAJOR SITE PLAN
☐ MINOR SITE PLAN/ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐
OCT - 7 2022
PLANNING DIRECTOR — DATE
B-2020-058 — CHECKED BY
PERMIT NUMBER

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STATE OF NEW YORK — BRADLEY L. SEMAN — 085194 — LICENSED PROFESSIONAL ENGINEER

No.	Description	Date
	TOWN OF AMHERST	15 JUNE 2022

RECEIVED AUG 26 2022 TOWN OF AMHERST PLANNING DEPT.

Drawing Title:

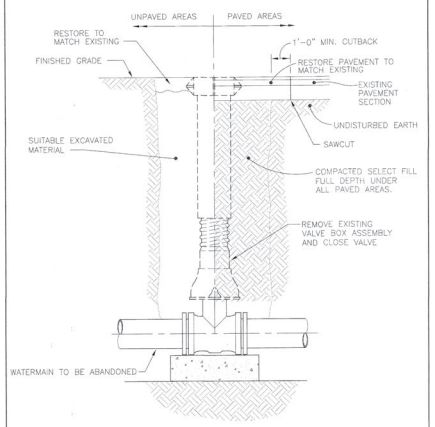
PIP WATERLINE DETAILS

Project No.: 006254.00 Checked by: BLS

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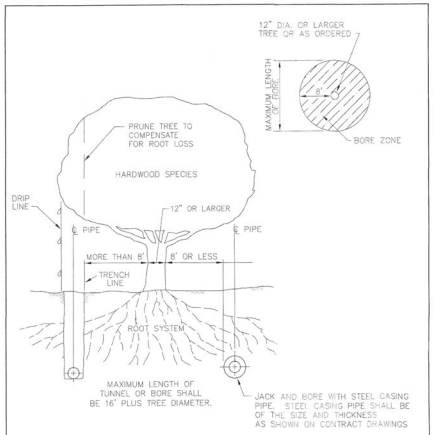
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ELEVATION

N.T.S.

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL EXISTING VALVE BOX ABANDONMENT	DWG. NO. SD26
		DATE 6/00
		REVISED 10/05



NOTE:

1. TREE BORES SHALL BE AT LOCATIONS SHOWN ON CONTRACT DRAWINGS.
2. THE CONTRACTOR SHALL RETAIN THE SERVICES OF A QUALIFIED LANDSCAPER TO TRIM AND REPAIR TREES AS NECESSARY.

ELEVATION

N.T.S.

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL TREE BORE	DWG. NO. SD27
		DATE 6/00
		REVISED 10/05

NOTES

1. All elevations refer to USGS NAVD83 datum.
2. The CONTRACTOR shall obtain necessary permits and furnish copies to the ENGINEER prior to commencing work.
3. The CONTRACTOR'S work area shall be confined to the limits of the right-of-ways and easements. The CONTRACTOR shall obtain any additional easements or work releases should the CONTRACTOR require additional area to accommodate his operations.
4. The CONTRACTOR shall provide maintenance and protection of traffic in accordance with the Erie County Highway Department standards and the NYSDOT Manual of Uniform Traffic Control Devices.
5. The locations and depths of existing underground utilities as shown on the plans and profiles are approximate. Other underground utilities not shown may be encountered. The CONTRACTOR shall perform test pits to verify the location and elevation of utilities at interconnections and crossings as shown, directed, or required. The CONTRACTOR shall excavate in advance of the pipe laying operation and expose all existing underground utilities to prevent damage during construction and to determine required changes in grade necessary to install the watermain to avoid conflicts.
6. The CONTRACTOR shall install those measures required to limit erosion of areas disturbed by the work. Clearing shall be performed on an as-needed basis, phased to reduce erosion and visual impact.
7. Blasting will not be permitted.
8. No more than one connection may be made to any existing watermain prior to testing, disinfection, and approval of the Waterline Installation Completed Works Approval Report(s) by the Erie County Water Authority and the Erie County Health Department.
9. The Erie County Water Authority shall only operate existing valves and fire hydrants, including newly installed valves and fire hydrants that have been placed into service. The CONTRACTOR is advised that watertight conditions may not exist when existing valves are closed.
10. The CONTRACTOR shall have all equipment, manpower, and materials required on site and ready for use prior to commencing any shut-down or removing any existing facilities from service. The CONTRACTOR shall notify all affected customers in writing of any shut-down at least 48 hours in advance. The CONTRACTOR shall notify the appropriate fire stations 48 hours in advance prior to taking any fire hydrants out of service. Any fire hydrants not in service shall be bagged in burlap or plastic. Any shut-down shall be limited to 4 consecutive hours. It may be necessary to schedule shut-downs at night, weekends, or other off hours so as to not affect schools, businesses or other customers, as determined by the ENGINEER. Shut-down requests shall be submitted to the Erie County Water Authority a minimum of 5 business days in advance of the requested shut-down date.

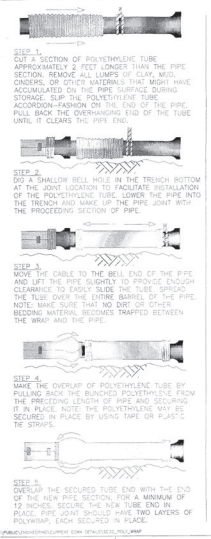
ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL GENERAL NOTES	DWG. NO. SD29
		DATE 3/05
		REVISED 7/17

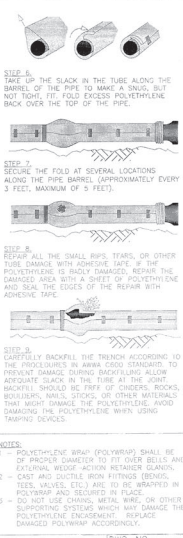
11. All watermain piping shall be installed with a minimum of 5'-0" of cover.
12. All watermain piping shall be installed with a minimum of 1'-6" of vertical clearance and 10'-0" of horizontal clearance from sanitary and storm piping, measured from the outside of the pipes at the point of crossing.
13. If the material at the design grade is unsuitable as determined by the ENGINEER, the CONTRACTOR, when ordered in writing, shall excavate additional material to the depth necessary and shall backfill to the proposed grade with the select granular material.
14. The installation of 90 degree bends in the watermain is not allowed, unless approved by the Erie County Water Authority.
15. Thrust restraint for watermain piping through 12-inch diameter shall consist of thrust blocks and pipe joint restraint.
16. The CONTRACTOR shall notify the owner of any utility pole in advance of any excavation work that will take place within 5'-0" of the utility pole. The CONTRACTOR shall include the cost of temporary pole support in the appropriate bid item.Where utility poles are required to be supported during construction, the CONTRACTOR shall make all necessary arrangements with the utility company.
17. If materials are encountered during the construction that are suspected of being contaminated, the CONTRACTOR shall immediately notify the NYSDEC for direction regarding testing, separation, containment, and disposal procedures.
18. Existing fire hydrants removed during construction and not reinstalled as part of the work shall be scheduled and returned to the Erie County Water Authority Service Center, 3030 Union Road, Cheektowaga, New York 14227.
19. The CONTRACTOR shall cold patch all trench excavations in traveled areas including roads, driveways, sidewalks, and parking areas.
20. The CONTRACTOR shall not restrict access for school buses or any emergency vehicles.
21. The use of existing fire hydrants for any reason is prohibited without prior approval of the Erie County Water Authority. This includes newly installed fire hydrants that have been placed into service.
22. The CONTRACTOR shall submit procedures for testing and disinfection of the watermain to the ENGINEER for review prior to the start of testing.
23. The CONTRACTOR shall be present and assist in the Final Walk inspection. The CONTRACTOR shall provide sufficient personnel and equipment to demonstrate to the ENGINEER that all valves, fire hydrants, and curb stops operate as required.

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL GENERAL NOTES	DWG. NO. SD30
		DATE 3/05
		REVISED 7/17

PIPE DIAMETER (in)	PIPE MATERIAL		WORKING PRESSURE (psi)	TEST PRESSURE (psi)
	Type	Rating		
6"	DIP	CLASS 53	150	170
8"	DIP	CLASS 52	150	170
8"	PVC	DR-18	150	170

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	PRESSURE TESTING SCHEDULE	DWG. NO. SD31
		DATE 10/05
		REVISED





ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL POLYETHYLENE ENCASEMENT OF DUCTILE IRON PIPE	DWG. NO. SD32
		DATE 06/18
		REVISED 02/19

Town of Amherst
APPROVED PLAN
☐ MAJOR SITE PLAN
☐ MINOR SITE PLAN ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐
OCT - 7 2022
PLANNING DIRECTOR — DATE
SP-2022-098 — SM
FILE NUMBER — CHECKED BY

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No.	Description	Date
	TOWN OF AMHERST	15 JUNE 2022

RECEIVED
OCT 07 2022
TOWN OF AMHERST PLANNING DEPT.

Drawing Title:

PIP WATERLINE DETAILS

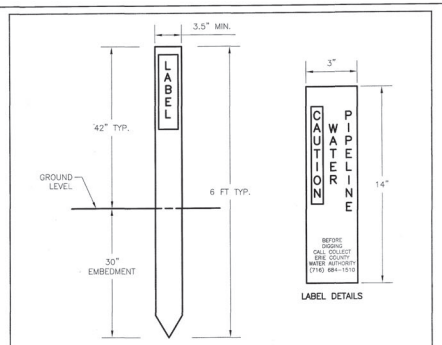
Project No.: 006254.00 Checked by: BLS

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Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement



LABEL DETAILS

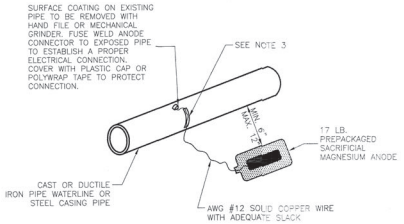
NOTES:

1. MARKER POSTS SHALL BE FLEXIBLE, IMPACT RESISTANT FIBERGLASS, AND ROYAL BLUE IN COLOR. LABELS SHALL BE SELF-ADHERING AND WEATHERPROOF.
2. ALL MARKER POSTS SHALL BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS.
3. MARKERS TO BE PLACED AT LOCATIONS DELINEATED ON CONTRACT PLANS, DIRECTLY ABOVE WATERLINE PIPE.
4. AT ALL CREEK CROSSINGS, ONE MARKER SHALL BE PLACED ON EACH SIDE OF THE CREEK WITH THE LABEL FACING AWAY FROM THE CREEK. MARKERS ARE NOT TO BE PLACED IN THE FLOODPLAIN OR WITHIN 5 FEET OF A VALVE OR HYDRANT ASSEMBLY.

DETAIL
N.T.S.

I:\PUBLIC\ENGINEERING\CURRENT ECWA DETAILS\SD33_WATERLINE MARKER

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL WATERLINE UTILITY MARKER	DWG. NO. SD33
		DATE 9/16
		REVISED



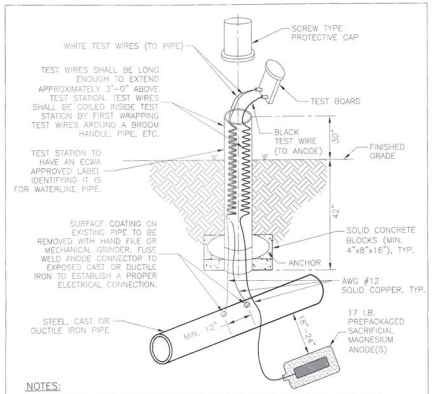
NOTES:

1. INSTALL MAGNESIUM ANODES PER MANUFACTURER'S RECOMMENDATIONS.
2. SACRIFICIAL ANODE BAG SHALL BE WETTED BEFORE BACKFILLING.
3. WIRE TO BE PLACED LOOSELY ON PIPE SURFACE AND SECURED IN PLACE WITH POLYWRAP TAPE. WIRE SHALL BE PLACED WITHOUT TENSION ONTO BOTTOM OF EXCAVATION AND CAREFULLY BACKFILLED WITH STONE TO PREVENT DAMAGE.
4. FOR CAST IRON AND DUCTILE IRON WATERLINE, ANY EXISTING POLYWRAP AROUND PIPE SHALL BE SECURED AROUND CONNECTING WIRES AND TAPED UP TO PROTECT WATERLINE AND WIRING ACCORDINGLY.

DETAIL
N.T.S.

I:\PUBLIC\ENGINEERING\CURRENT ECWA DETAILS\SD34_MAG_ANODE

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL MAGNESIUM ANODE INSTALLATION	DWG. NO. SD34
		DATE 7/16
		REVISED 9/16

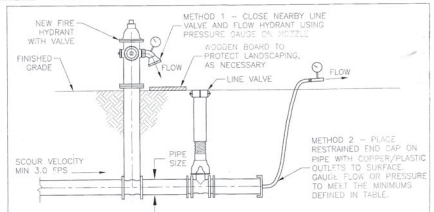


NOTES:

1. TEST STATION SHALL ONLY BE INSTALLED IN GRASS AREAS, MINIMUM OF 3 FT. FROM SIDEWALK, DRIVEWAY AND PAVEMENT AREAS.
2. TEST STATION SHALL BE MADE OF POLYETHYLENE OR POLYCARBONATE AND BLUE IN COLOR.
3. SACRIFICIAL ANODE BAGS SHALL BE WETTED BEFORE BACKFILLING.
4. ANY EXISTING POLYWRAP AROUND WATERLINE SHALL BE RESECURED AROUND TEST WIRES WITH POLYWRAP TAPE TO PROTECT PIPE AND WIRING ACCORDINGLY.
5. CONTRACTOR SHALL DEMONSTRATE THAT TEST STATION IS FUNCTIONING PROPERLY AFTER INSTALLATION IS COMPLETE.

DETAIL
N.T.S.

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL MAGNESIUM ANODE TESTING STATION FOR STEEL CASING PIPE AND CIP/DIP	DWG. NO. SD35
		DATE 7/16
		REVISED 12/17



PIPE SIZE (IN)	REQUIRED FLOW (GPM)	METHOD 1 HYDRANT FLOW 2 1/2" NOZZLE PRESSURE (PSI)	METHOD 1 HYDRANT FLOW 4" NOZZLE PRESSURE (PSI)	METHOD 2 END CAP FLOW 2" I.D. PRESSURE (PSI)	METHOD 2 END CAP FLOW 3" I.D. PRESSURE (PSI)
6	275	7	1	7	2
8	500	9	2	22	5
10	750	20	4	50	10
12	1100	44	7	–	22
16	1900	–	20	–	62
20	3000	–	50	–	–

I.D. = INNER DIAMETER

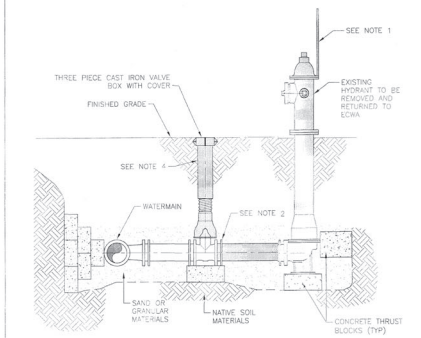
NOTES:

1. TO OBTAIN SCOUR VELOCITY (3.0 FPS) IN THE WATERLINE, CONTRACTOR SHALL ACHIEVE FLOWRATE AT NOZZLE DEFINED IN TABLE. PRESSURE GAUGE USED SHALL SHOW A HIGHER PRESSURE THAN THE MINIMUMS DEFINED IN THE TABLE.
2. OUTLET PRESSURE MEASURED BY PITOT GAUGE.
3. ENGINEER SHALL PROVIDE CALCULATIONS IF CONNECTIONS ARE OTHER THAN THOSE SHOWN, IF MULTIPLE CONNECTIONS ARE USED, OR AS REQUESTED BY ECWA.
4. TO FLUSH THREE PIPE VOLUMES, MINIMUM FLUSHING TIME (IN SECONDS) EQUALS THE LENGTH OF PIPE BEING FLUSHED, IN FEET.

SECTION
N.T.S.

I:\PUBLIC\ENGINEERING\CURRENT ECWA DETAILS\SD36_WATERLINE_FLUSHING

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL WATERLINE FLUSHING	DWG. NO. SD36
		DATE 6/16
		REVISED 3/18



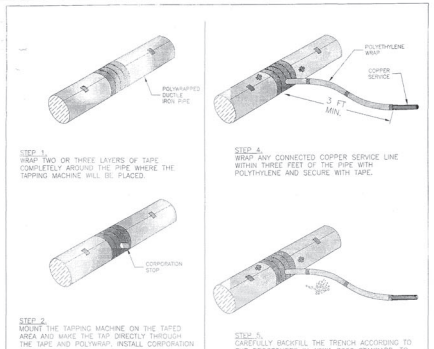
PROCEDURE:

1. REMOVE HYDRANT MARKER AND RELOCATE TO NEW HYDRANT, OR RETURN TO APPROPRIATE MUNICIPALITY/FIRE DISTRICT.
2. WHEN WATERLINE IS TO BE ABANDONED, DEPRESSURIZE WATERLINE AND CLOSE WATER VALVE. EXCAVATE HYDRANT ASSEMBLY AND CAREFULLY DISCONNECT HYDRANT FROM GATE VALVE. DO NOT FORCE HYDRANT FROM VALVE WITHOUT PROPERLY DISCONNECTING.
3. WHEN WATERLINE IS TO REMAIN IN SERVICE, PERFORM SCHEDULED SHUTDOWN OF WATERLINE. REMOVE HYDRANT, TEE AND REPLACE WITH NEW PIPE AND COUPLINGS.
4. REMOVE HYDRANT, HYDRANT PIPING, VALVE BOX AND COVER.
5. RETURN HYDRANT WITH PIPING TO ERIE COUNTY WATER AUTHORITY SERVICE CENTER, 3030 UNION ROAD, CHEEKTOWAGA, NY. HYDRANT IS TO BE HANDLED CAREFULLY TO AVOID ANY DAMAGE IN REMOVAL AND/OR TRANSIT. UNLOAD HYDRANTS AT LOCATION DEFINED BY ECWA.
6. REMOVE ANY EXISTING CONCRETE BLOCKING, AND FILL EXCAVATION WITH SUITABLE BACKFILL MATERIALS. COMPACT BACKFILL MATERIALS APPROPRIATELY.
7. REGRADE SURFACE TO ENSURE PROPER DRAINAGE. RESTORE SURFACE APPROPRIATELY USING ASPHALT, CONCRETE, AND/OR TOPSOIL/SEED.

SECTION
N.T.S.

I:\PUBLIC\ENGINEERING\CURRENT ECWA DETAILS\SD37_HYD_ABANDON

ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL FIRE HYDRANT ABANDONMENT	DWG. NO. SD37
		DATE 1/17
		REVISED



ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL TAPPING POLYWRAPPED PIPE	DWG. NO. SD38
		DATE 05/18
		REVISED

Town of Amherst
APPROVED PLAN
☐ MAJOR SITE PLAN
☐ MINOR SITE PLAN ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐
PLANNING DIRECTOR — DATE
FILE NUMBER — CHECKED BY

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Plotted: Aug 25, 2022 - 3:45pm
I:\DWG\2020\006254\00\CAD\Civil\Sheet Set\PIP\PIP-WATER-DETAILS.dwg

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No.	Description	Date
	TOWN OF AMHERST	15 JUNE 2022

RECEIVED AUG 26 2022 TOWN OF AMHERST PLANNING DEPT.

Drawing Title:

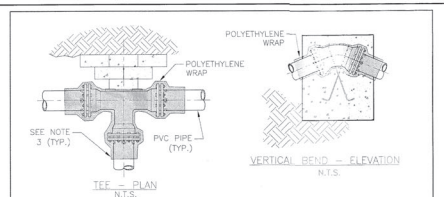
PIP WATERLINE DETAILS

Project No.: 006254.00 Checked by: BLS

C00556

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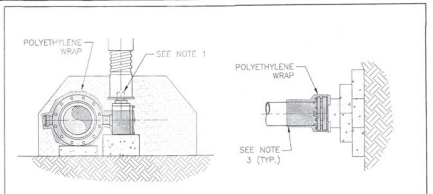
13.A.7.a



NOTES:

1. POLYETHYLENE WRAP IS TO BE PLACED AROUND THE ENTIRE FITTING, AND SECURED IN PLACE WITH POLYETHYLENE TAPE. PROVIDE SUFFICIENT SLACK SO THAT POLYETHYLENE WRAP IS NOT PUNCTURED DURING BACKFILL AND DOES NOT ENTRAP AIR. POLYETHYLENE WRAP IS NOT TO BE INSTALLED WITHIN 6 INCHES OF VALVE OPERATING NUT ON VALVES.
2. ALL FITTINGS TO BE POLYETHYLENE WRAPPED PRIOR TO BEDDING AND CONCRETE BLOCK PLACEMENT.
3. POLYETHYLENE WRAP IS TO BE EXTENDED A MINIMUM OF 12" PAST THE FITTING ON EACH LEG AND SECURED TO THE PIPE (OR POLYWRAP IF DIP) WITH AT LEAST TWO CIRCUMFERENTIAL WRAPS OF POLYETHYLENE TAPE.

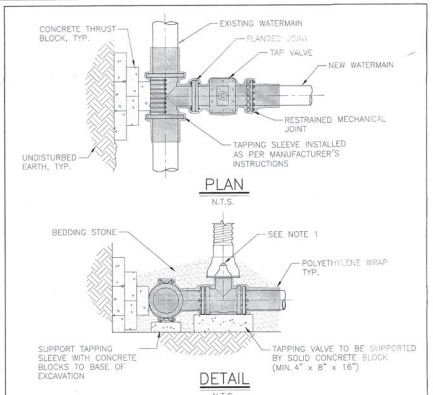
ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL POLYWRAPPING CAST/DUCTILE IRON FITTINGS	DWG. NO. SD39A; DATE 5/18; REVISED 12/18



NOTES:

1. POLYETHYLENE WRAP IS TO BE PLACED AROUND THE ENTIRE FITTING, AND SECURED IN PLACE WITH POLYETHYLENE TAPE. PROVIDE SUFFICIENT SLACK SO THAT POLYETHYLENE WRAP IS NOT PUNCTURED DURING BACKFILL AND DOES NOT ENTRAP AIR. POLYETHYLENE WRAP IS NOT TO BE INSTALLED WITHIN 6 INCHES OF VALVE OPERATING NUT ON VALVES.
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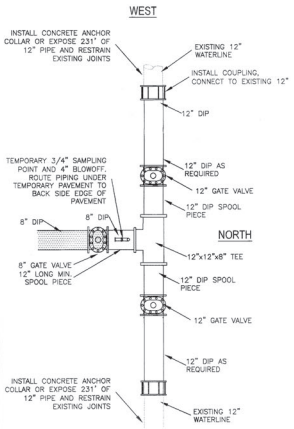
ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL POLYWRAPPING CAST/DUCTILE IRON FITTINGS	DWG. NO. SD39B; DATE 12/18; REVISED



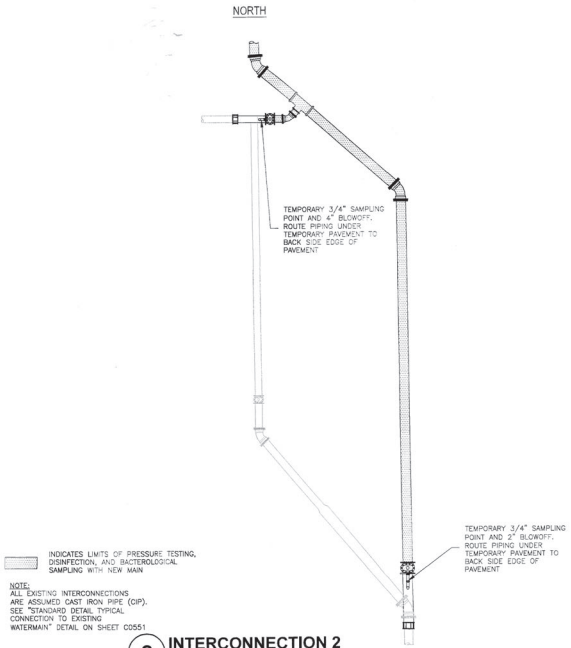
NOTES:

1. POLYETHYLENE WRAP IS TO BE PLACED AROUND THE ENTIRE FITTING, AND SECURED IN PLACE WITH POLYETHYLENE TAPE. PROVIDE SUFFICIENT SLACK SO THAT POLYETHYLENE WRAP IS NOT PUNCTURED DURING BACKFILL AND DOES NOT ENTRAP AIR. POLYETHYLENE WRAP IS NOT TO BE INSTALLED WITHIN 6 INCHES OF VALVE OPERATING NUT.
2. ASSEMBLY TO BE POLYETHYLENE WRAPPED PRIOR TO BEDDING AND CONCRETE BLOCK PLACEMENT.
3. POLYETHYLENE WRAP IS TO BE EXTENDED A MINIMUM OF 12" PAST THE FITTING ON EACH LEG AND SECURED TO THE PIPE (OR POLYWRAP IF DIP) WITH AT LEAST TWO CIRCUMFERENTIAL WRAPS OF POLYETHYLENE TAPE.

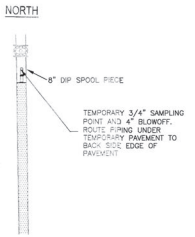
ERIE COUNTY WATER AUTHORITY BUFFALO, NEW YORK	STANDARD DETAIL TAPPING SLEEVE AND VALVE	DWG. NO. SD42; DATE 01/19; REVISED



1 **INTERCONNECTION 1**
NOT TO SCALE



2 **INTERCONNECTION 2**
NOT TO SCALE



1A **INTERCONNECTION 1A**
NOT TO SCALE

USED AT END OF PORTION OF WATERLINE INSTALLED UNDER THE SITE CONTRACT

Town of Amherst
APPROVED PLAN
☐ MAJOR SITE PLAN
☐ MINOR SITE PLAN/ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐
PLANNING DIRECTOR — DATE: OCT – 7 2022
FILE NUMBER: SP-2022-098 — CHECKED BY

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STATE OF NEW YORK — BRADLEY L. SENGLAW — 095282 — LICENSED PROFESSIONAL ENGINEER

No.	Description	Date
2	TOA ENG. COMMENT (EXTEND. WATERLINE)	10 AUGUST 2022
1	TOWN OF AMHERST	15 JUNE 2022

RECEIVED — AUG 25 2022 — TOWN OF AMHERST PLANNING DEPT.

Drawing Title:

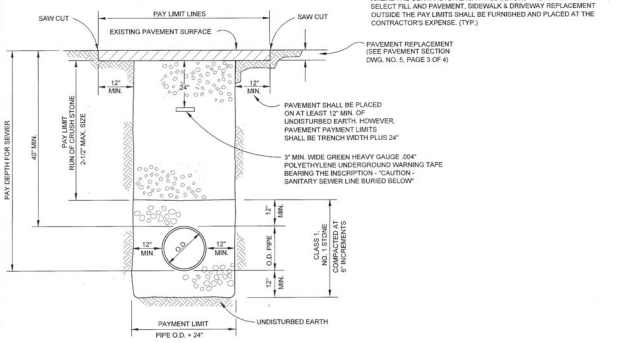
PIP WATERLINE DETAILS

Project No.: 006254.00 Checked by: BLS

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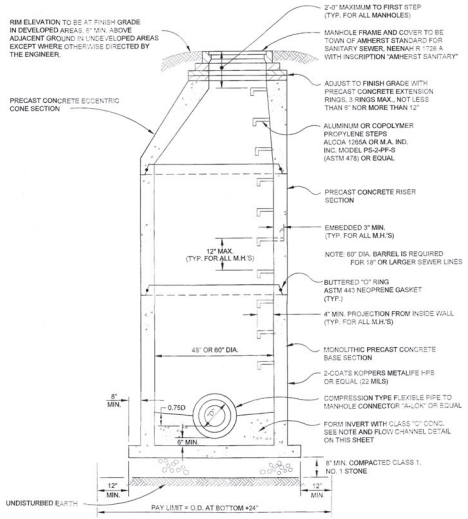
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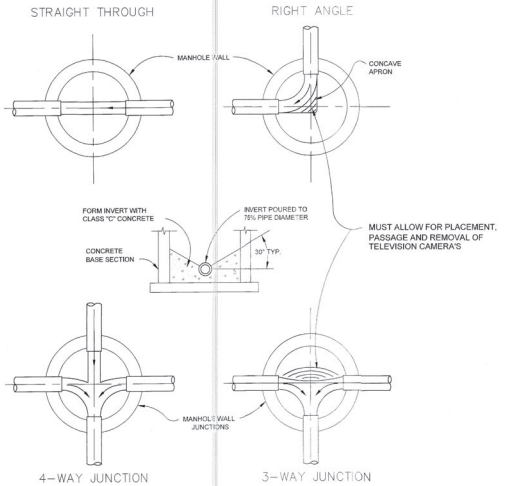
NOTE:
WHERE THE CONTRACTOR EXCAVATES BEYOND THE PAY LIMITS SHOWN, SELECT FILL AND PAVEMENT, SIDEWALK & DRIVEWAY REPLACEMENT OUTSIDE THE PAY LIMITS SHALL BE FURNISHED AND PLACED AT THE CONTRACTOR'S EXPENSE. (TYP.)

NOTE:
IF CONCRETE ENCASEMENT IS REQUIRED, IT SHALL BE INSTALLED IN PLACE OF (AND TO THE DIMENSIONS OF) THE PIPE BEDDING AND COVER TO 12" MIN. ABOVE AND BELOW THE PIPE. (SEE WATER CROSSING DETAIL ON THIS SHEET)

1 C0558 SANITARY SEWER TRENCH DETAIL
NOT TO SCALE



2 C0558 SANITARY SEWER MANHOLE DETAIL
NOT TO SCALE

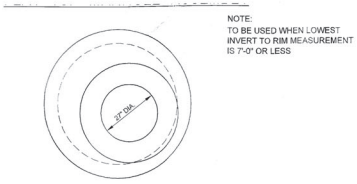


NOTE:
FLOW CHANNELS MUST ALLOW PLACEMENT, REMOVAL AND PASSAGE OF T.V. CAMERAS. THE CAMERA DIMENSIONS ARE APPROXIMATELY 26" LONG x 6 1/2" SQUARE. A BLOCK OF WOOD OF THESE DIMENSIONS MAY BE USED TO SIMULATE THE SIZE OF THE CAMERA. THIS WILL SIMPLIFY THE FORMATION OF FLOW CHANNELS AND INVERTS.

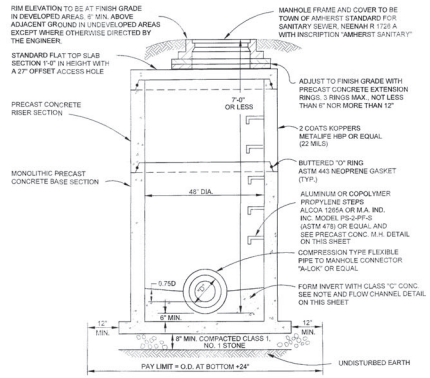
DEPTH OF ALL CHANNELS TO BE 75% OF PIPE DIAMETER.

FINISH ALL CHANNELS AT PROPER GRADE AS TO ALLOW SMOOTH & UN-OBSTRUCTED FLOW ALL INVERTS TO BE FLUSH WITH THE INSIDES.

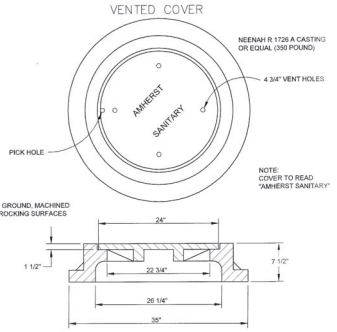
3 C0558 FLOW CHANNEL DETAIL SANITARY SEWERS
NOT TO SCALE



NOTE:
TO BE USED WHEN LOWEST INVERT TO RIM MEASUREMENT IS 7'-0" OR LESS



5 C0558 SHALLOW SEWER MANHOLE DETAIL
NOT TO SCALE



4 C0558 STANDARD MANHOLE FRAME AND COVER
NOT TO SCALE

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Aug 25, 2022, 3:14pm

Town of Amherst
APPROVED PLAN
☑ MAJOR SITE PLAN
☐ MINOR SITE PLAN ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐ _____
OCT - 7 2022
PLANNING DIRECTOR
DATE
CHECKED BY

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No.	Description	Date
	TOWN OF AMHERST	15 JUNE 2022

RECEIVED
AUG 25 2022
TOWN OF AMHERST PLANNING DEPT.

Drawing Title:

PIP SANITARY SEWER DETAILS

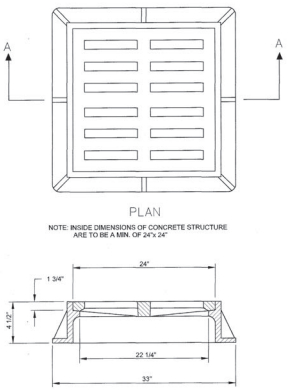
Project No.: 006254.00 Checked by: BLS

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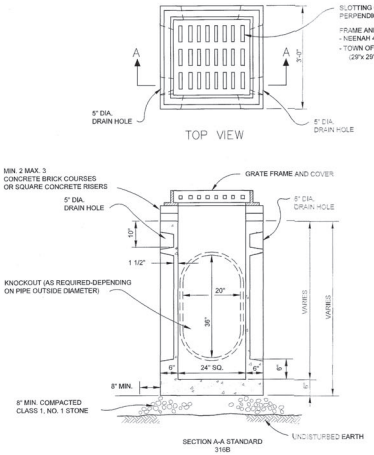
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Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement



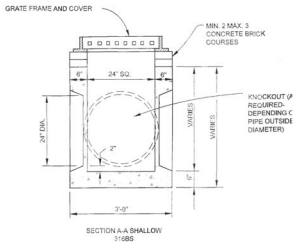
1 STANDARD CATCH BASIN GRATE AND FRAME
SCALE : NTS



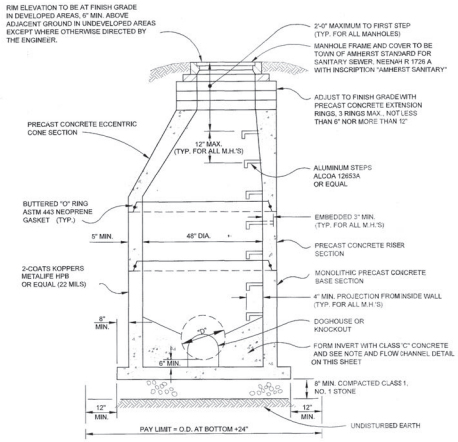
2 STANDARD CATCH BASIN - TYPE A
SCALE : NTS

NOTE:
ALL CONCRETE BLOCK TO BE TREATED WITH RHEOMIX OR EQUAL. PARGE INSIDE OF BLOCKS.

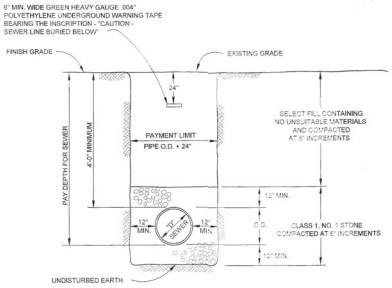
NOTE:
USE KISTNER CONCRETE PRODUCTS 24" SQ. DROP INLET WITH FRAME AND GRATE (MODEL 316B) OR EQUAL



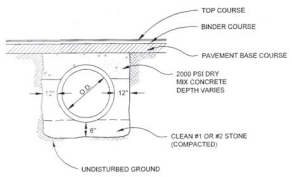
3 SHALLOW CATCH BASIN
SCALE : NTS



4 STANDARD STORM MANHOLE
SCALE : NTS



5 STANDARD STORM SEWER TRENCH DETAIL
SCALE : NTS



6 STANDARD SHALLOW STORM SEWER TRENCH DETAIL UNDER PAVEMENT
SCALE : NTS

Town of Amherst
APPROVED PLAN
☒ MAJOR SITE PLAN
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No.	Description	Date
	TOWN OF AMHERST	15 JUNE 2022

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PIP STORM DRAINAGE DETAILS

Project No.: 006254.00 Checked by: BLS

C0559

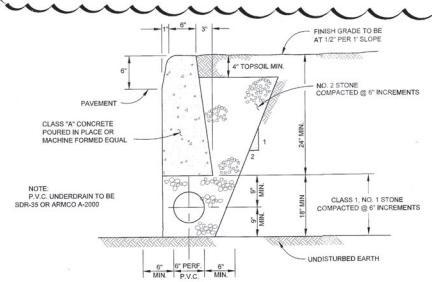
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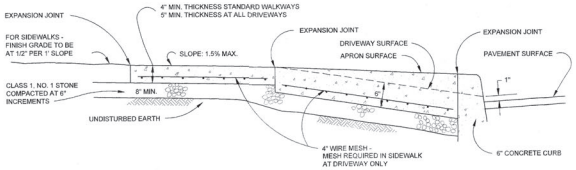
Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

SEE TYPICAL SECTIONS FOR THE TYPICAL ROADWAY PAVEMENT SECTION
DWG. NOS.C0149 AND C0149A

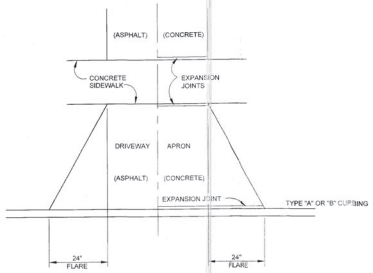
1 TYPICAL ROADWAY PAVEMENT SECTION
SCALE : NTS

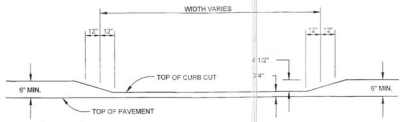


3 TYPE A CURB SECTION
SCALE : NTS

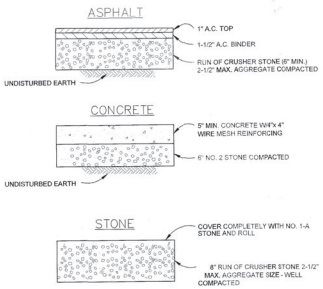


4 TYPICAL DRIVEWAY AND SIDEWALK DETAIL
SCALE : NTS

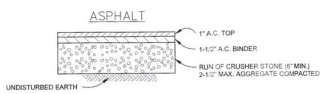




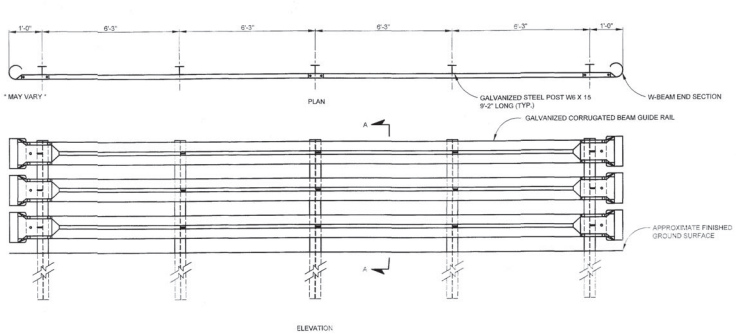
5 TYPICAL DRIVEWAY CURB CUTS DETAIL
SCALE : NTS

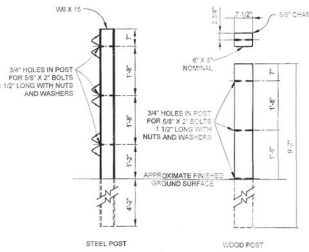


6 MINIMUM STANDARDS FOR DRIVEWAY INSTALLATION
SCALE : NTS



7 ASPHALT BIKE PATH INSTALLATION
SCALE : NTS





NOTES:
1. SIGNS, WHEN SPECIFIED, SHALL BE ERECTED ON SEPARATE SUPPORTS AND PAID FOR UNDER APPROPRIATE SIGN ITEMS. REFLECTING TYPE WARNING SIGNS CONFORMING TO THE NATIONAL MUTCD AND THE NEW YORK STATE SUPPLEMENT ARE REQUIRED.
2. ALTERNATE RED AND WHITE REFLECTIVE SHEETING STRIPES SHALL BE PROVIDED. THE STRIPES SHALL BE APPLIED IN THE PATTERN SHOWN FOR THE ROAD CLOSED BARRICADE IN THE NATIONAL MUTCD AND THE NEW YORK STATE SUPPLEMENT. THE SHEETING SHALL BE APPLIED TO A FLAT ALUMINUM SUBSTRATE AFFIXED TO THE RAILS IN A MANNER APPROVED BY THE ENGINEER.
3. POSTS SHALL BE EITHER STEEL OR WOOD AS SPECIFIED IN THE CONTRACT DOCUMENTS. STEEL POSTS SHALL BE W6 X 15. WOOD POSTS SHALL BE PRIMED WITH A WOOD STAIN SPECIFICALLY FORMULATED FOR THIS APPLICATION. SURFACE PREPARATION SHALL BE DONE IN ACCORDANCE WITH THE STAIN MANUFACTURER'S RECOMMENDATIONS.

8 HIGHWAY BARRICADE DETAIL
SCALE : NTS

Town of Amherst
APPROVED PLAN
☐ MAJOR SITE PLAN
☐ MINOR SITE PLAN ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐
OCT - 7 2022
PLANNING DIRECTOR — DATE
SIGNATURE — CHECKED BY

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Aug 05, 2022, 2:56pm

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No.	Description	Date
2	PER NYSDOT COMMENTS	05 AUGUST 2022
1	TOWN OF AMHERST	15 JUNE 2022

Drawing Title:

PIP ROADWAY DETAILS

Project No.: 006254.00 Checked by: BLS

C0560

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13.A.7.a

Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

GENERAL NOTES:

1. THESE SHEETS ARE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), AND THE REQUIREMENTS OF THE 2013 PROPOSED ACCESSIBILITY GUIDELINES FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT OF WAY (PROWAG).

2. THE DIMENSIONS SHOWN IN THE DETAILS AS MINIMUMS AND MAXIMUMS ARE THE LIMITS FOR DESIGN AND FIELD LAYOUT. FOR WORK ACCEPTANCE VALUES SEE "CRITICAL ELEMENTS FOR THE DESIGN, LAYOUT, AND ACCEPTANCE OF PEDESTRIAN FACILITIES" ON SHEET 11 OF 12 AND SHEET 12 OF 12.

   A. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING ALL ELEVATIONS AND DIMENSIONS TO ENSURE THAT THE FINAL LAYOUT OF PEDESTRIAN FACILITIES MEETS ADA REQUIREMENTS. ANY SURVEY WORK NECESSARY TO MEET THESE REQUIREMENTS SHALL BE PAID FOR UNDER ITEM 625.01 - SURVEY OPERATIONS. A CONTRACT CONTROL PLAN IS NOT NECESSARY FOR WORK LIMITED TO SIDEWALKS AND CURB RAMPS.

3. FACILITIES THAT CANNOT BE CONSTRUCTED TO MEET THE DESIGN STANDARDS, DUE TO DESIGN CONSTRAINTS, SHALL BE CONSTRUCTED TO MEET THE STANDARDS TO THE GREATEST EXTENT PRACTICABLE. FEATURES THAT CANNOT MEET THE VALUES FOR WORK ACCEPTANCE SHALL BE JUSTIFIED AS NONSTANDARD PER HIGHWAY DESIGN MANUAL CHAPTER 2.

4. TO CHECK FIELD LAYOUT AND TO VERIFY WORK ACCEPTANCE, ALL MEASUREMENTS SHALL BE MADE IN ACCORDANCE WITH THE "NOTES ON INSPECTION METHODS (MEASUREMENT)" ON SHEET 11 OF 12.

5. JOINTS BETWEEN SIDEWALKS, CURB RAMPS, TURNING SPACES AND ROADWAYS SHALL BE FLUSH AND FREE FROM ABRUPT VERTICAL CHANGES GREATER THAN ¼". VERTICAL SURFACE DISCONTINUITIES BETWEEN ¼" AND ½" SHALL BE BEVELED WITH A SLOPE NOT STEEPER THAN 1:2. THE BEVEL SHALL BE APPLIED ACROSS THE ENTIRE JOINT. SEE "VERTICAL SURFACE DISCONTINUITIES" DETAIL ON SHEET 2 OF 12.

6. SIDEWALKS ARE CONNECTED TO ROADWAYS BY BLENDED TRANSITIONS OR CURB RAMPS. BLENDED TRANSITIONS ARE CONNECTIONS BETWEEN THE SIDEWALK LEVEL AND THE ROADWAY LEVEL THAT HAVE A MAXIMUM GRADE (RUNNING SLOPE) OF 5%. CONNECTIONS WITH A MAXIMUM GRADE (RUNNING SLOPE) GREATER THAN 5% ARE CONSIDERED CURB RAMPS.

7. CURB RAMPS AND BLENDED TRANSITIONS MAY REQUIRE THE INSTALLATION OF DETECTABLE WARNINGS. SEE ADDITIONAL "DETECTABLE WARNING NOTES" AND THE DETAILS ON DIMENSIONS AND ORIENTATION ON SHEET 2 OF 12.

8. GRADE BREAKS WITHIN THE PEDESTRIAN ACCESS ROUTE SHOULD BE PERPENDICULAR TO THE DIRECTION OF TRAVEL AND SHALL NOT BE ROUNDED. VERTICAL ALIGNMENT SHALL BE GENERALLY PLANAR.

9. MATERIAL DEPTHS SHOWN ON THESE SHEETS ARE TYPICAL MINIMUM VALUES AND MAY BE DIFFERENT IN THE CONTRACT DOCUMENTS.

10. SIDEWALK GRADE (RUNNING SLOPE) SHALL NOT EXCEED 4.5% FOR DESIGN AND LAYOUT OR 5% FOR WORK ACCEPTANCE, EXCEPT WHEN MATCHING INTO EXISTING SIDEWALK OR WHEN THE ADJACENT HIGHWAY GRADE IS STEEPER THAN 5%. WHEN THE ADJACENT HIGHWAY GRADE IS GREATER THAN 5%, THE SIDEWALK GRADE SHALL NOT EXCEED THE HIGHWAY GRADE.

11. THE CROSS SLOPE OF PEDESTRIAN ACCESS ROUTES SHALL BE 1.5% MAXIMUM FOR DESIGN AND LAYOUT, AND 2% MAXIMUM FOR WORK ACCEPTANCE. THE FOLLOWING EXCEPTIONS ARE ALLOWED:

   A. WHERE PEDESTRIAN STREET CROSSINGS ARE PROVIDED AT INTERSECTIONS WHERE THERE IS NO YIELD OR STOP SIGN, OR WHERE THERE IS A TRAFFIC SIGNAL THAT IS DESIGNED FOR THE GREEN PHASE, THE CROSS SLOPE OF A PEDESTRIAN ACCESS ROUTE CONTAINED WITHIN A STREET CROSSING (CROSSWALK) SHALL BE 4.5% MAXIMUM FOR DESIGN AND LAYOUT, AND 5% MAXIMUM FOR WORK ACCEPTANCE.

   B. WHERE MIDBLOCK PEDESTRIAN STREET CROSSINGS ARE PROVIDED, THE CROSS SLOPE OF A PEDESTRIAN ACCESS ROUTE CONTAINED WITHIN A MIDBLOCK STREET CROSSING SHALL BE PERMITTED TO EQUAL THE STREET OR HIGHWAY GRADE.

12. THE MINIMUM CLEAR WIDTH FOR PEDESTRIAN ACCESS ROUTES IS 4'-0", EXCLUSIVE OF THE CURB. THE DEPARTMENT'S PREFERRED CLEAR WIDTH IS 5'-0". WHEN WALKWAY WIDTHS ARE LESS THAN 5'-0", 5'-0" x 5'-0" PASSING SPACES (SHOWN IN DETAIL A OR B ON THIS SHEET), OR A FEATURE OF EQUAL OR GREATER DIMENSIONS THAT MEETS THE SLOPE AND SURFACE CRITERIA, SHALL BE PROVIDED AT A MAXIMUM INTERVAL OF 200'. EXISTING DRIVEWAYS AND STREET CROSSINGS MAY SERVE AS PASSING SPACES, PROVIDED THEY MEET SLOPE AND SURFACE REQUIREMENTS FOR A PEDESTRIAN ACCESS ROUTE.

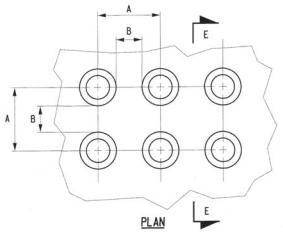
13. THE BUFFER ZONE IS A PHYSICAL DISTANCE SEPARATING THE PEDESTRIAN ACCESS ROUTE FROM THE VEHICLE TRAVELED WAY. THE BUFFER ZONE MAY BE PLANTED OR PAVED. WHERE THE BUFFER ZONE WIDTH, EXCLUSIVE OF CURB, IS LESS THAN 3'-0", THE SURFACE SHOULD BE PAVED OR CONSTRUCTED WITH HARDSCAPE MATERIALS.

14. THE MAXIMUM RECOMMENDED CROSS SLOPE OF A TURF BUFFER ZONE OR SLOPE TRANSITION BEHIND SIDEWALK IS 25%. BUFFER ZONES WITH A CROSS SLOPE GREATER THAN 25% SHOULD BE PAVED, PLANTED OR CONSTRUCTED WITH HARDSCAPE MATERIALS.

15. WHEN CROSSING DRIVEWAYS, THE WORK SHALL BE IN CONFORMANCE WITH STANDARD SHEET 608-03.

16. FOR PEDESTRIAN SIGNALS AND PEDESTRIAN PUSH BUTTONS, REFER TO SHEET 12 OF 12 AND STANDARD SHEET 680-10 FOR DETAILS.

17. WHERE EXISTING ROADWAYS ARE SAWCUT TO INSTALL CURBING AND/OR SIDEWALK, THE ROADWAY SHOULD BE SAWCUT AT LEAST 2'-0" FROM THE PROPOSED CURB LINE TO ALLOW FOR ADEQUATE COMPACTION OF ASPHALT. IF THE SAWCUT IS LESS THAN 2'-0" FROM THE PROPOSED CURB LINE, THE ROADWAY SHALL BE REBUILT USING CLASS A, C, OR D CONCRETE. SEE DETAILS ON SHEET 9 OF 12.



TRUNCATED DOME DIMENSIONS		
DIM.	MIN. (IN)	MAX. (IN)
A	1.6"	2.4"
B	0.65"	1.5"
C	50% - 65% OF D DIM.	
D	0.9"	1.4"

DETECTABLE WARNING SURFACE (DWS) TRUNCATED DOME DETAILS

CURB RAMP NOTES:

18. THE MINIMUM CLEAR WIDTH OF A CURB RAMP SHALL BE 4'-0". THE DEPARTMENT'S PREFERRED CLEAR WIDTH IS 5'-0".

19. THE MAXIMUM GRADE (RUNNING SLOPE) FOR DESIGN AND LAYOUT OF A CURB RAMP SHALL BE 7.5%. THE GRADE FOR WORK ACCEPTANCE SHALL BE A MAXIMUM OF 8.3%.

20. WHERE THE TERRAIN DOES NOT ALLOW CONSTRUCTION OF A CURB RAMP WITH A GRADE (RUNNING SLOPE) OF 8.3%, OR LESS WITHIN 15'-0", THE RAMP LENGTH SHALL NOT BE REQUIRED TO EXCEED 15'-1" FOR DESIGN AND LAYOUT OR 15'-0" FOR WORK ACCEPTANCE.

21. THE CROSS SLOPE OF THE CURB RAMP SHALL BE AS FLAT AS POSSIBLE AND STILL PROVIDE POSITIVE DRAINAGE. THE CROSS SLOPE OF A CURB RAMP SHALL BE 1.5% MAXIMUM FOR DESIGN AND LAYOUT, AND 2% MAXIMUM FOR WORK ACCEPTANCE. THE FOLLOWING EXCEPTIONS ARE ALLOWED:

   A. WHERE PEDESTRIAN STREET CROSSINGS ARE PROVIDED AT INTERSECTIONS WHERE THERE IS NO YIELD OR STOP SIGN, OR WHERE THERE IS A TRAFFIC SIGNAL THAT IS DESIGNED FOR THE GREEN PHASE, AND AT MIDBLOCK CROSSINGS, THE CROSS SLOPE OF THE CURB RAMP SHALL BE PERMITTED TO EQUAL THE STREET OR HIGHWAY GRADE.

22. WHERE THE EXISTING ROADWAY GRADE EXCEEDS THE MAXIMUM ALLOWABLE CROSS SLOPE FOR A CURB RAMP, AND CANNOT BE CORRECTED WITHIN THE SCOPE OF THE PROJECT, THE RAMP SHOULD BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE "CURB RAMP CROSS SLOPE TRANSITION" DETAIL ON SHEET 8 OF 12. THE RAMP MAY NEED TO BE JUSTIFIED AS A NONSTANDARD FEATURE. SEE NOTE 3 ON THIS SHEET.

23. RAMP SIDE OPTIONS ARE DETAILED ON SHEET 3 OF 12. WHERE A PEDESTRIAN CIRCULATION PATH CROSSES THE CURB RAMP, FLARED SIDES SHALL BE INSTALLED WITH A MAXIMUM SLOPE OF 9.5% FOR DESIGN AND LAYOUT, AND 10% MAXIMUM FOR WORK ACCEPTANCE. A PEDESTRIAN CIRCULATION PATH IS ASSUMED TO CROSS THE CURB RAMP WHEN AREA ADJACENT TO THE RAMP IS PAVED AND FREE OF VERTICAL OBSTRUCTIONS THAT WOULD PREVENT PEDESTRIAN PASSAGE. THERE IS NO MAXIMUM FLARE SLOPE FOR A RAMP THAT IS NOT CROSSED BY A PEDESTRIAN CIRCULATION PATH.

24. THE BACK SIDE OF A PARALLEL RAMP SHOULD BE GRADED TO A MAXIMUM SLOPE OF 25% TO MATCH EXISTING TERRAIN, UNLESS OTHERWISE SHOWN IN THE CONTRACT DOCUMENTS. WHERE GRADING IS NOT FEASIBLE DUE TO LIMITED ROW OR PHYSICAL CONSTRAINTS, A BACK CURB MAY BE INSTALLED. SEE DETAILS ON SHEET 3 OF 12 AND SHEET 9 OF 12.

25. THE DEPARTMENT'S PREFERENCE IS TO INSTALL TWO SEPARATE CURB RAMPS AT A STREET CORNER THAT SERVES TWO SEPARATE PEDESTRIAN CROSSINGS, WITH EACH RAMP ALIGNED TO THE CROSSING THAT IT SERVES. WHERE EXISTING PHYSICAL CONSTRAINTS PREVENT SEPARATE RAMPS, A SINGLE CURB RAMP (I.E., A DIAGONAL CURB RAMP) IS PERMITTED TO SERVE BOTH PEDESTRIAN CROSSINGS.

TURNING SPACE AND CLEAR SPACE NOTES:

26. WHERE A CHANGE IN DIRECTION IS REQUIRED TO UTILIZE A CURB RAMP, A TURNING SPACE SHALL BE PROVIDED AT THE BASE OR THE TOP OF CURB RAMP, AS APPLICABLE. TURNING SPACES SHALL BE PERMITTED TO OVERLAP CLEAR SPACES.

27. WHERE THERE ARE NO VERTICAL CONSTRAINTS AT THE BACK OF SIDEWALK, (E.G., VERTICAL CURBS, BUILDINGS, FENCES) THE TURNING SPACE DIMENSIONS SHALL BE 4'-0" x 4'-0" MINIMUM. WHERE THE TURNING SPACE IS CONSTRAINED AT THE BACK OF SIDEWALK, THE TURNING SPACE SHALL BE 4'-0" X 5'-0" MINIMUM. THE 5'-0" DIMENSION SHALL BE IN THE DIRECTION OF THE RAMP RUN.

28. TURNING SPACES SHALL NOT BE DESIGNED WITH A SLOPE GREATER THAN 1.5% IN ANY DIRECTION, WHILE PROVIDING POSITIVE DRAINAGE. THE MAXIMUM SLOPE FOR WORK ACCEPTANCE IS 2.0%.THE FOLLOWING EXCEPTIONS ARE ALLOWED:

   A. WHERE PEDESTRIAN STREET CROSSINGS ARE PROVIDED AT INTERSECTIONS WHERE THERE IS NO YIELD OR STOP SIGN, OR WHERE THERE IS A TRAFFIC SIGNAL THAT IS DESIGNED FOR THE GREEN PHASE, AND AT MIDBLOCK CROSSINGS, THE CROSS SLOPE OF THE TURNING SPACE SHALL BE PERMITTED TO EQUAL THE STREET OR HIGHWAY GRADE. WHEN A RAMP EXISTS BETWEEN THE TURNING SPACE AND THE CURB, THE CROSS SLOPE OF THE TURNING SPACE SHOULD BE LESS STEEP THAN THE ROADWAY GRADE AND AS FLAT AS PRACTICABLE WHENEVER POSSIBLE.

29. BELOW THE BOTTOM GRADE BREAK OF A CURB RAMP, A CLEAR SPACE OF 4'-0" x 4'-0" MINIMUM SHALL BE PROVIDED WITHIN THE WIDTH OF THE PEDESTRIAN CROSSWALK, AND OUTSIDE THE PARALLEL VEHICLE TRAVEL LANE. THE CLEAR SPACE MAY OVERLAP TURNING SPACES, DETECTABLE WARNING SURFACES, AND DROP CURBS.

DEFINITION OF TERMS:

ACCESSIBLE ROUTE. SEE "PEDESTRIAN ACCESS ROUTE", BELOW.

CLEAR SPACE. AN UNOBSTRUCTED FLOOR OR GROUND SPACE THAT WILL ACCOMODATE A SINGLE, STATIONARY WHEELCHAIR AND OCCUPANT.

CROSS SLOPE. THE GRADE THAT IS PERPENDICULAR TO THE DIRECTION OF PEDESTRIAN TRAVEL. IN REGARDS TO NOTES 21 AND 28, CROSS SLOPE PERMITTED TO EQUAL STREET OR HIGHWAY GRADE IS THE SLOPE PARALLEL TO THE HIGHWAY. THE SLOPE PERPENDICULAR TO THE HIGHWAY SHALL BE 1.5% MAXIMUM FOR DESIGN AND 2% MAXIMUM FOR WORK ACCEPTANCE.

PARALLEL CURB RAMP. A CURB RAMP WITH THE RAMP SLOPE ORIENTED PARALLEL TO THE CURB OR EDGE OF PAVEMENT.

PEDESTRIAN ACCESS ROUTE (PAR). A CONTINUOUS AND UNOBSTRUCTED PATH OF TRAVEL PROVIDED FOR PEDESTRIANS WITH DISABILITIES WITHIN OR COINCIDING WITH A PEDESTRIAN CIRCULATION PATH.

PEDESTRIAN CIRCULATION PATH. A PREPARED EXTERIOR OR INTERIOR SURFACE PROVIDED FOR PEDESTRIAN TRAVEL IN THE PUBLIC RIGHT-OFWAY.

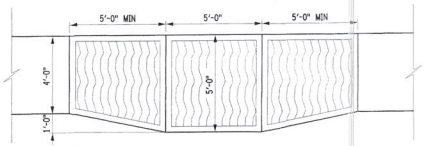
PERPENDICULAR CURB RAMP. A CURB RAMP WITH THE RAMP SLOPE ORIENTED PERPENDICULAR TO THE CURB OR EDGE OF PAVEMENT.

RUNNING SLOPE. THE GRADE THAT IS PARALLEL TO THE DIRECTION OF PEDESTRIAN TRAVEL.

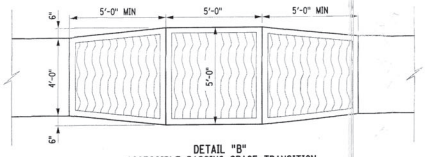
STOP- OR YIELD-CONTROLLED LOCATION. AN INTERSECTION, DRIVEWAY OR PEDESTRIAN CROSSING WHERE VEHICULAR TRAFFIC IS CONTROLLED BY A YIELD SIGN, A STOP SIGN, OR A TRAFFIC SIGNAL THAT FLASHES RED. VEHICULAR TRAFFIC DOES NOT PASS THROUGH A STOP- OR YIELD-CONTROLLED LOCATION WITHOUT STOPPING OR SLOWING.

TRAFFIC SIGNAL THAT IS DESIGNED FOR THE GREEN PHASE. A TRAFFIC SIGNAL OTHER THAN A FLASHING RED OR FLASHING YELLOW.

TURNING SPACE. A RELATIVELY LEVEL SPACE PROVIDED WHERE A TURNING MANUEVER IS REQUIRED FOR A PEDESTRIAN TO ORIENT TO A CURB RAMP OR STREET CROSSING.



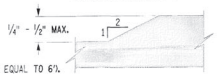
DETAIL "A"
ACCESSIBLE PASSING SPACE TRANSITION
ONE SIDE TAPERS



DETAIL "B"
ACCESSIBLE PASSING SPACE TRANSITION
BOTH SIDES TAPER



VERTICAL SURFACE DISCONTINUITIES
SEE NOTE 5 ON SHEET 1 OF 12



DETECTABLE WARNING SURFACE PLACEMENT - OPTION 5

DETECTABLE WARNING NOTES:

1. DETECTABLE WARNING SURFACES (DWS) SHALL BE PROVIDED AT THE FOLLOWING LOCATIONS ON PEDESTRIAN ACCESS ROUTES:

   A. CURB RAMPS AND BLENDED TRANSITIONS AT PEDESTRIAN STREET CROSSINGS.

   B. PEDESTRIAN REFUGE ISLANDS (WHERE THE LENGTH OF THE PEDESTRIAN ACCESS ROUTE ACROSS THE REFUGE ISLAND IS GREATER THAN OR EQUAL TO 6').

   C. PEDESTRIAN AT-GRADE RAIL CROSSINGS NOT LOCATED WITHIN A STREET OR HIGHWAY.

2. DETECTABLE WARNING SURFACES SHALL BE PROVIDED WHERE THE PESESTRIAN ACCESS ROUTE CROSSES DRIVEWAYS WITH SIGNAL, YIELD OR STOP CONTROL. DETECTABLE WARNING SURFACES SHALL NOT BE PROVIDED AT CROSSINGS OF UNCONTROLLED DRIVEWAYS.

3. WITH THE EXCEPTION OF THE "DETECTABLE WARNING SURFACE TRUNCATED DOME DETAILS" DETECTABLE WARNING DOMES ON THIS SHEET ARE NOT DEPICTED TO SCALE.

4. DETECTABLE WARNING FIELDS SHALL EXTEND 24" MINIMUM IN THE DIRECTION OF PEDTRIAN TRAVEL ACROSS THE FULL WIDTH OF THE CURB RAMP OR FLUSH SURFACE, EXCLUDING ANY FLARED SIDES.

5. SOME DETECTABLE WARNING PRODUCTS REQUIRE A CONCRETE BORDER FOR PROPER INSTALLATION. BORDERS CANNOT BE INCLUDED AS PART OF THE 24" MINIMUM DIMENSION DESCRIBED IN NOTE 4.

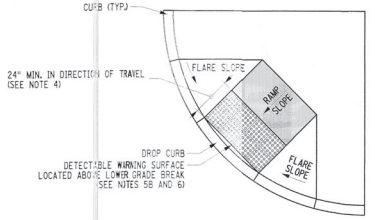
   A. WHEN PLACED AT THE BACK OF CURB, DETECTABLE WARNING FIELDS SHOULD BE PLACED AS CLOSE TO THE BACK OF CURB AS PRACTICABLE. BOTH FRONT CORNERS OF THE DETECTABLE WARNING FIELD SHALL NOT BE LOCATED MORE THAN 2" FROM THE BACK OF CURB. WHERE THE BACK OF THE CURB EDGE IS TOOLED TO PROVIDE A RADIUS, THE BORDER DIMENSION SHALL BE MEASURED FROM THE INSIDE EDGE OF THE CURB RADIUS. WHERE CURB IS NOT USED, THE EDGE OF PAVEMENT SHALL BE SUBSTITUTED FOR THE BACK OF CURB FOR PLACEMENT OF DETECTABLE WARNINGS.

   B. WHEN PLACED ABOVE THE LOWER GRADE BREAK OF A CURB RAMP, DETECTABLE WARNING UNITS SHOULD BE PLACED AS CLOSE TO THE JOINT AS PRACTICABLE. BOTH FRONT CORNERS OF RECTILINEAR DETECTABLE WARNING FIELDS SHALL NOT BE LOCATED MORE THAN 2" FROM THE JOINT.

   C. WHEN RADIAL DWS UNITS ARE PLACED AT THE BACK OF CURB, THE FRONT EDGE OF THE DWS FIELD SHOULD BE AS CLOSE AS POSSIBLE TO THE BACK OF CURB, I.E., THE RADIUS OF THE FRONT OF THE DWS FIELD SHOULD MATCH THE RADIUS ALONG THE BACK OF CURB AS CLOSELY AS POSSIBLE. THE OUTSIDE CORNERS OF THE DWS FIELD MUST BE LOCATED NO MORE THAN 2 INCHES FROM THE BACK OF CURB.

6. ON SLOPES OF 5% OR GREATER, THE ROWS OF DOMES SHALL BE ALIGNED TO BE PERPENDICULAR OR RADIAL TO THE LOWER GRADE BREAK ON THE RAMP RUN. WHERE DOMES ARE ARRAYED RADIALLY, THEY MAY DIFFER IN DIAMETER AND CENTER-TO-CENTER SPACING WITHIN THE RANGES SPECIFIED ON THIS SHEET. DOME ALIGNMENT THAT IS PERPENDICULAR OR RADIAL TO THE LOWER GRADE BREAK IS NOT REQUIRED ON SLOPES OF LESS THAN 5%.

7. THE DETECTABLE WARNING FIELD SHALL BE THE COLOR SPECIFIED IN THE CONTRACT DOCUMENTS OR MEET THE REQUIREMENTS OF THE STANDARD SPECIFICATIONS. DETECTABLE WARNING SURFACES CONTRAST VISUALLY WITH ADJACENT GUTTER, STREET OR HIGHWAY, OR PEDESTRIAN ACCESS ROUTE SURFACE, EITHER LIGHT-ON-DARK OR DARK-ON-LIGHT.



DETECTABLE WARNING SURFACE PLACEMENT - OPTION 1

Town of Amherst
APPROVED PLAN
☐ MAJOR SITE PLAN
☐ MINOR SITE PLAN/ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐ _____
OCT - 7 2022
PLANNING DIRECTOR — DATE
FILE NUMBER — CHECKED BY

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TOWN OF AMHERST
PLANNING DEPT.

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STATE OF NEW YORK — 088926 — LICENSED PROFESSIONAL ENGINEER

No.	Description	Date
⚠	PER NYSDOT COMMENTS (REPLACED SHEET)	05 AUGUST 2022
	TOWN OF AMHERST	15 JUNE 2022

Drawing Title:

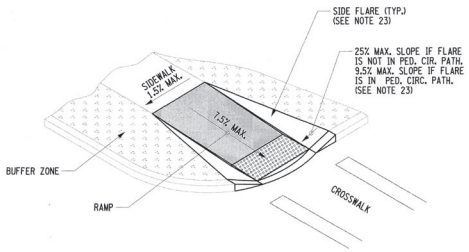
PIP CURB RAMP DETAILS

Project No.: 006254.00 Checked by: BLS

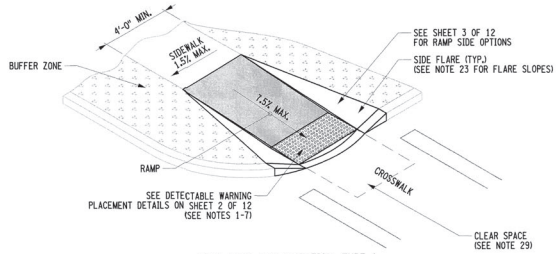
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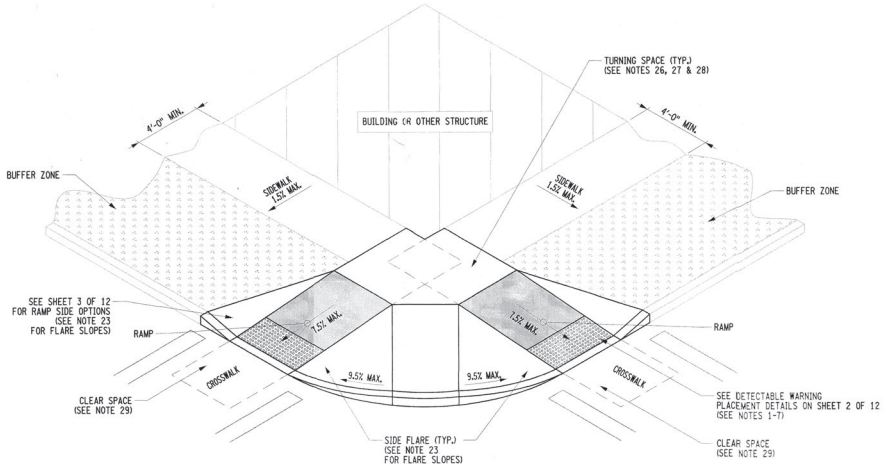
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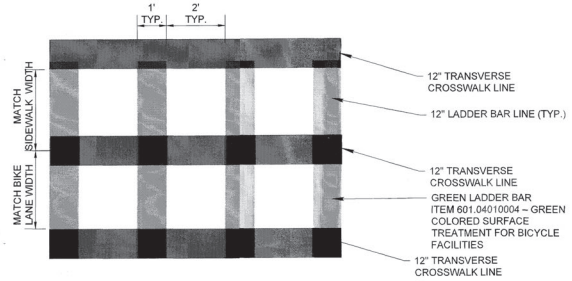
RAMP SIDE OPTION A: FLARED CONCRETE



CURB RAMP CONFIGURATION: TYPE 1



CURB RAMP CONFIGURATION: TYPE 7



BICYCLE INTERSECTION CROSSING MARKING DETAIL

GENERAL NOTES FOR PEDESTRIAN FACILITIES

1. PEDESTRIAN FACILITIES MUST MEET THE VALUES SHOWN ON THE APPLICABLE TABLE, OR BE JUSTIFIED AS NONSTANDARD FEATURES USING EXHIBIT 2-15A FROM THE NYSDOT HIGHWAY DESIGN MANUAL, CHAPTER 2.

CURB RAMPS TO REMAIN ON 1R PROJECTS:

2. ON 1R PROJECTS, CURB RAMPS BUILT PRIOR TO MARCH 15, 2012 DO NOT NEED TO BE REPLACED OR MODIFIED TO MEET CURRENT (PROWAG) STANDARDS IF THEY COMPLY WITH THE CURB RAMP REQUIREMENTS IN THE 1991 ADAAG STANDARDS, SHOWN ON TABLE 1.

3. THE MAX. CROSS SLOPE FOR ANY PART OF AN ACCESSIBLE ROUTE IN THE 1991 ADAAG STANDARDS IS 2%. HOWEVER, CURB RAMP CROSS SLOPES AT INTERSECTIONS WITHOUT YIELD OR STOP CONTROL CAN MATCH THE HIGHWAY GRADE.

4. AS DETAILED IN THE "SUPPLEMENT TO THE 2013 DOJ/DOT JOINT TECHNICAL ASSISTANCE ON THE TITLE II OF THE ADA REQUIREMENTS TO PROVIDE CURB RAMPS WHEN STREETS, ROADS, OR HIGHWAYS ARE ALTERED THROUGH RESURFACING", DETECTABLE WARNINGS ARE REQUIRED ON CURB RAMPS BUILT OR ALTERED DURING THE FOLLOWING PERIODS:

JULY 26, 1991 - MAY 12, 1994
JULY 26, 1998 - DECEMBER 23, 1998
JULY 26, 2001 - MARCH 15, 2012

IF A CURB RAMP WAS BUILT OR LAST ALTERED DURING THE PERIODS ABOVE, OR IF THE DATE OF CONSTRUCTION OR LAST ALTERATION CANNOT BE DETERMINED, THE RAMP REQUIRES A DETECTABLE WARNING.

5. REQUIREMENTS FOR DETECTABLE WARNING DIMENSIONS AND PLACEMENT ARE TO BE EVALUATED BY CURRENT (PROWAG) STANDARDS AS DETAILED ON SHEET 2 OF 12

6. FOR CROSSWALK REQUIREMENTS ON 1R PROJECTS, REFER TO VALUES ON TABLE 2, SHEET 12 OF 12, FOR NEW AND REPLACEMENT FACILITIES.

NOTES ON NEW AND REPLACEMENT PEDESTRIAN FACILITIES:

7. IF A SIDEWALK OR OTHER PEDESTRIAN PATH IS WIDER THAN 48 IN., ONLY THE MINIMUM CONTINUOUS ACCESSIBLE CLEAR WIDTH OF 48 IN. (WITH PASSING SPACES AS NEEDED) IS REQUIRED TO MEET THE SURFACE AND SLOPE REQUIREMENTS SHOWN ON TABLE 2, SHEET 12 OF 12.

8. REQUIREMENTS FOR HEIGHT AND OPENINGS ON GUARDS DO NOT APPLY TO HIGHWAY SEGMENTS, HIGHWAY RAMPS, OR HIGHWAY BRIDGES WITH BRIDGE OR HIGHWAY BARRIERS.

NOTES ON INSPECTION METHODS (MEASUREMENT):

9. GRADE (RUNNING SLOPE) IS TO BE MEASURED AS AN AVERAGE OF AT LEAST 3 DIGITAL LEVEL MEASUREMENTS USING A 4-FOOT STRAIGHT EDGE, ALONG THE CENTERLINE (DIRECTION OF TRAVEL), AND OFFSET AT LEAST 18" TO EACH SIDE OF THE CENTERLINE OF THE RAMP, ROADWAY, CURB RAMP, ETC. ACCEPTANCE IS BASED ON GRADES LESS THAN OR EQUAL TO THE LIMIT SHOWN IN THE TABLE.

10. CROSS SLOPE IS TO BE MEASURED AS AN AVERAGE OF AT LEAST 2 DIGITAL LEVEL MEASUREMENTS, MADE PERPENDICULAR TO THE CENTERLINE (DIRECTION OF TRAVEL) OF THE SIDEWALK, TAKEN (WHEN LENGTH ALLOWS) AT 5' TO 10' INTERVALS. FOR FLARES, USE AN AVERAGE OF AT LEAST 2 DIGITAL LEVEL MEASUREMENTS TAKEN WITHIN THE PEDESTRIAN CIRCULATION PATH AND PARALLEL TO THE CURB LINE. ACCEPTANCE IS BASED ON SLOPES LESS THAN OR EQUAL TO THE LIMIT SHOWN IN THE TABLE.

11. AREA SLOPE IS TO BE MEASURED BY TAKING GRADE (RUNNING SLOPE) AND CROSS SLOPE MEASUREMENTS, AS DESCRIBED IN NOTES 9 AND 10. ACCEPTANCE IS BASED ON SLOPES LESS THAN OR EQUAL TO THE LIMIT SHOWN IN THE TABLE.

12. WIDTHS AND OFFSETS ARE TO BE MEASURED AS AN AVERAGE OF AT LEAST TWO (2) TAPE MEASUREMENTS TAKEN PERPENDICULAR TO THE CENTERLINE (DIRECTION OF TRAVEL) OF THE PEDESTRIAN ROUTE OR PATH, AT EITHER THE RESTRICTION POINT OR WHEN LENGTH ALLOWS) 10' INTERVALS. ACCEPTANCE IS BASED ON WIDTHS GREATER TO OR EQUAL TO THE LIMIT SHOWN IN THE TABLE.

13. LENGTH IS TO BE MEASURED AS AN AVERAGE OF AT LEAST TWO (2) TAPE, WHEEL, OR REEL MEASUREMENTS TAKEN WITHIN A FOOT OF THE CENTERLINE (DIRECTION OF TRAVEL) OR RAILING, RAMP, SIDEWALK, ETC., WITH THE MEASUREMENT ALONG THE GRADE OF THE RAILING, SIDEWALK, RAMP, CURB RAMP, ETC. (I.E., NOT A HORIZONTAL MEASUREMENT FOR SLOPED SURFACES). ACCEPTANCE IS BASED ON LENGTHS GREATER THAN OR EQUAL TO THE LIMIT SHOWN IN THE TABLE.

14. RISE OR VERTICAL DISTANCE IS TO BE MEASURED AS AN AVERAGE OF AT LEAST TWO (2) VERTICAL MEASUREMENTS. FOR LANDINGS OR STEP RISERS, TAKE MEASUREMENTS AT LEAST ONE (1) FOOT APART. FOR LANDINGS, AVERAGE AT LEAST TWO (2) MEASUREMENTS USING A SURVEY ROD AND LEVEL AT THE NOSE/EDGE OF THE LANDING AND THE BASE OF RAMP OR STAIRS. ACCEPTANCE IS BASED ON RISES OR VERTICAL DISTANCES LESS THAN OR EQUAL TO THE LIMIT SHOWN IN THE TABLE.

15. OPENING LIMITATIONS ARE ACCEPTABLE IF THE OPENING CANNOT PASS A SPHERE OF THE GIVEN DIAMETER. ELONGATED OPENINGS ON WALL SURFACES, SHALL BE ORIENTED WITH LONG DIMENSION PERPENDICULAR TO DIRECTION OF PEDESTRIAN TRAVEL.

16. DIAMETER, PERIMETER, AND ALL OTHER MEASUREMENTS ARE TO BE MEASURED AS DIRECTED BY ITEM SPECIFICATION.

17. PEDESTRIAN PUSHBUTTON HEIGHT IS TO BE MEASURED AS A SINGLE MEASUREMENT FROM THE CENTER OF THE PUSHBUTTON TO THE POINT DIRECTLY BELOW IT ON THE CLEAR SPACE. ACCEPTANCE IS BASED ON A MEASUREMENT WITHIN THE ACCEPTABLE RANGE OF HEIGHTS SHOWN IN TABLE 2.

Town of Amherst
APPROVED PLAN
☑ MAJOR SITE PLAN
☐ MINOR SITE PLAN ADJUSTMENT
☐ COORDINATED SIGN PLAN
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No.	Description	Date
1	PER NYSDOT COMMENTS (REPLACED SHEET)	05 AUGUST 2022
	TOWN OF AMHERST	15 JUNE 2022

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PLANNING DEPT.

Drawing Title:

PIP CURB RAMP DETAILS

Project No.: 006254.00 Checked by: BLS

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TABLE 2 - SELECT CRITICAL ELEMENTS FOR THE DESIGN, LAYOUT AND ACCEPTANCE OF PEDESTRIAN FACILITIES. NEW OR REPLACEMENT FACILITIES (2013 PROWAG STANDARDS)

ELEMENT	LIMITS FOR DESIGN AND LAYOUT	LIMITS FOR WORK ACCEPTANCE	INSPECTION METHODS (NOTE NO.)
CURB RAMPS/BLENDED TRANSITIONS			
CLEAR WIDTH	48" MIN.	48" MIN.	12
SLOPE OF FLARED SIDES, WITHIN PEDESTRIAN CIRCULATION PATH	9.5% MAX.	10% MAX.	10
SLOPE OF FLARED SIDES, OUTSIDE PEDESTRIAN CIRCULATION PATH	NO MAX. SLOPE, MAY BE CURBED	NO MAX. SLOPE, MAY BE CURBED	10
GRADE (RUNNING SLOPE) FOR CURB RAMP	7.5% MAX.	8.3% MAX.	9
GRADE (RUNNING SLOPE) FOR BLENDED TRANSITION	4.5% MAX.	5% MAX.	9
CROSS SLOPE (AT CROSSING WITH YIELD OR STOP CONTROL)	1.5% MAX.	2% MAX.	10
CROSS SLOPE (AT CROSSING WHERE THERE IS NO YIELD OR STOP SIGN, OR WHERE THERE IS A TRAFFIC SIGNAL THAT IS DESIGNED FOR THE GREEN PHASE).	HIGHWAY GRADE IS MAX.	HIGHWAY GRADE IS MAX.	10
LENGTH OF CURB RAMP, IF MAXIMUM ALLOWABLE SLOPE WILL NOT "CATCH UP" TO GRADE.	DOES NOT NEED TO EXCEED 15'-1"	DOES NOT NEED TO EXCEED 15'	13
TURNING SPACE, WITH NO CONSTRAINTS	48"X48" MIN.	48"X48" MIN.	12, 13
TURNING SPACE, WITH CONSTRAINTS AT BACK OF SIDEWALK	48"X60" MIN.	48"X60" MIN.	12, 13
TURNING SPACE, WITH CONSTRAINTS ON TWO SIDES	48"X60" MIN.	48"X60" MIN.	12, 13
SLOPE OF TURNING SPACE AT CONTROLLED INTERSECTIONS, IN ANY DIRECTION	1.5% MAX.	2% MAX.	11
CROSS SLOPE OF TURNING SPACE AT CROSSINGS WHERE THERE IS NO YIELD OR STOP SIGN, OR WHERE THERE IS A TRAFFIC SIGNAL THAT IS DESIGNED FOR THE GREEN PHASE.	HIGHWAY GRADE IS MAX.	HIGHWAY GRADE IS MAX.	10
CROSS SLOPE OF TURNING SPACE AT MIDBLOCK CROSSINGS	HIGHWAY GRADE IS MAX.	HIGHWAY GRADE IS MAX.	10
COUNTER SLOPE AT BOTTOM OF RAMP	4.5% MAX.	5% MAX.	9
CLEAR SPACE (BEYOND BOTTOM GRADE BREAK, OUTSIDE OF PARALLEL VEHICLE PATH; CAN INCLUDE DROP CURB)	48"X48" MIN.	48"X48" MIN.	12, 13
DETECTABLE WARNINGS			
DOME DIMENSIONS AND SPACING	ON DOT APPROVED LIST	ON DOT APPROVED LIST	-
CONTRAST OF WARNING DEVICE	LIGHT ON DARK OR DARK ON LIGHT	LIGHT ON DARK OR DARK ON LIGHT	-
ALIGNMENT ON SLOPES > 5%	PERPENDICULAR TO GRADE BREAK BETWEEN RAMP RUN AND STREET	PERPENDICULAR TO GRADE BREAK BETWEEN RAMP RUN AND STREET	-
WIDTH	FULL WIDTH OF RAMP OR PAR (2" BORDER ALLOWED)	FULL WIDTH OF RAMP OR PAR (2" BORDER ALLOWED)	12
LENGTH (DEPTH)	24" MIN. IN DIRECTION OF PEDESTRIAN TRAVEL ACROSS FULL WIDTH OF RAMP OR P.A.R.	24" MIN. IN DIRECTION OF PEDESTRIAN TRAVEL ACROSS FULL WIDTH OF SIDEWALK RAMP OR P.A.R.	13
SIDEWALK (SEE NOTE 7)			
CLEAR WIDTH OF PED. ACCESS ROUTE (EXCLUDING CURB)	48" MIN.	48" MIN.	12
GRADE (RUNNING SLOPE) WHERE HWY. GRADE IS 5% OR LESS	4.5% MAX.	5% MAX.	9
GRADE (RUNNING SLOPE) WHERE HWY. GRADE IS > 5%	HWY. EDGE OF PVMT. GRADE IS MAX.	HWY. EDGE OF PVMT. GRADE IS MAX.	9
CROSS SLOPE	1.5% MAX.	2% MAX.	10
PASSING SPACE INTERVAL (IF PED. ACCESS ROUTE IS LESS THAN 60" WIDE)	200' MAX.	200' MAX.	13
PASSING SPACE DIMENSIONS	60"X60" MIN.	60"X60" MIN.	12, 13
SURFACES			
MATERIAL	FIRM, STABLE, AND SLIP RESISTANT	FIRM, STABLE, AND SLIP RESISTANT	-
HORIZONTAL OPENINGS (SUCH AS GRATINGS AND JOINTS)	0.5" MAX.	0.5" MAX.	13, 15
VERTICAL DISCONTINUITIES	0.25" MAX.	0.5" MAX. WITH 1:2 MAX. BEVEL BETWEEN 0.25" AND 0.5" HIGH	14

ELEMENT	LIMITS FOR DESIGN AND LAYOUT	LIMITS FOR WORK ACCEPTANCE	INSPECTION METHODS (NOTE NO.)
CROSSWALKS			
WIDTH	72" MIN.	48" MIN.	12
CROSS SLOPE AT INTERSECTION WITH YIELD OR STOP CONTROL	1.5% MAX.	2% MAX.	10
CROSS SLOPE AT PEDESTRIAN CROSSINGS WHERE THERE IS NO YIELD OR STOP SIGN, OR WHERE THERE IS A TRAFFIC SIGNAL THAT IS DESIGNED FOR THE GREEN PHASE.	4.5% MAX.	5% MAX.	10
CROSS SLOPE, MIDBLOCK	HIGHWAY GRADE IS MAX.	HIGHWAY GRADE IS MAX.	10
GRADE (RUNNING SLOPE), I.E., HIGHWAY CROSS SLOPE	4.5% MAX.	5% MAX.	9
MARKINGS	TYPE L, S, LS, DIAGONAL, OR OTHER	TYPE L, S, LS, DIAGONAL, OR OTHER	-
CLEAR WIDTH WITHIN MEDIAN OR PEDESTRIAN REFUGE ISLAND	60" MIN.	60" MIN.	12
PEDESTRIAN RAMPS (ALL RAMPS EXCEPT CURB RAMPS)			
CLEAR WIDTH	36" MIN.	36" MIN.	12
CROSS SLOPE	1.5% MAX.	2% MAX.	10
GRADE (RUNNING SLOPE)	7.5% MAX.	8.3% MAX.	9
VERTICAL RISE, BETWEEN LANDINGS	30" MAX.	30" MAX.	14
LANDING WIDTH, WITH NO CHANGE OF PED. DIRECTION	WIDTH OF WIDEST RAMP LEADING TO LANDING	WIDTH OF WIDEST RAMP LEADING TO LANDING	12
LANDING WIDTH, WITH A CHANGE OF PED. DIRECTION	60" MIN.	60" MIN.	12
LANDING LENGTH	60" MIN.	60" MIN.	13
LANDING SLOPE, IN ANY DIRECTION	1.5% MAX.	2% MAX.	12
RAILINGS AND GUARDS FOR PEDESTRIAN RAMPS, STAIRS AND ELEVATED SURFACES			
RAMP (WITH A RISE OF OVER 6") OR STAIRS	HANDRAIL REQ. ON BOTH SIDES	HANDRAIL REQ. ON BOTH SIDES	-
HEIGHT OF HANDRAIL (FROM WALKING SURFACE OR STAIR NOSING TO TOP OF GRIPPING SURFACE)	34" MIN. - 38" MAX.	34" MIN. - 38" MAX.	14
HEIGHT OF GUARDS, FOR VERTICAL DROPS > 30" (SEE NOTE 3, THIS SHEET)	42" MIN.	42" MIN.	14
OPENING LIMITATIONS FOR GUARDS (SEE NOTE 3, THIS SHEET)	4" MAX. (4⅜" ALLOWED FROM A HEIGHT OF 36" TO 42")	4" MAX. (4⅜" ALLOWED FROM A HEIGHT OF 36" TO 42")	15
DISTANCE BETWEEN BOTTOM OF GUARD AND WALKING SURFACE ON RAMP	4" MAX.	4" MAX.	15
DISTANCE BETWEEN BOTTOM OF GUARD AND WALKING SURFACE ON STAIRS	TRIANGLE FORMED BY RISER, TREAD, AND BOTTOM RAIL CANNOT ALLOW PASSAGE OF 6" SPHERE	TRIANGLE FORMED BY RISER, TREAD, AND BOTTOM RAIL CANNOT ALLOW PASSAGE OF 6" SPHERE	15
HANDRAIL CLEARANCE (BETWEEN GRIPPING SURFACE AND WALL)	1.5" MIN.	1.5" MIN.	12
OUTSIDE DIAMETER OF CIRCULAR HANDRAIL	1.25" MIN. - 2" MAX.	1.25" MIN. - 2" MAX.	16
OUTSIDE PERIMETER OF NON-CIRCULAR HANDRAIL	4" MIN. - 6.25" MAX.	4" MIN. - 6.25" MAX.	16
CROSS-SECTION DIMENSION OF NON-CIRCULAR HANDRAIL	2.25" MAX.	2.25" MAX.	16
HANDRAIL PLACEMENT ON STAIRS	WITHIN 30" OF ANY POINT ON TREAD	WITHIN 30" OF ANY POINT ON TREAD	12
HANDRAIL EXTENSION AT TOP OR BOTTOM OF RAMP	12" MIN. PAST RAMP RUN	12" MIN. PAST RAMP RUN	13
HANDRAIL EXTENSION AT TOP OF STAIRS	12" MIN. PAST FIRST RISER NOSING	12" MIN. PAST FIRST RISER NOSING	13
HANDRAIL EXTENSION AT BOTTOM OF STAIRS	MIN. OF ONE TREAD DEPTH PAST BOTTOM RISER	MIN. OF ONE TREAD DEPTH PAST BOTTOM RISER	13

ELEMENT	LIMITS FOR DESIGN AND LAYOUT	LIMITS FOR WORK ACCEPTANCE	INSPECTION METHODS (NOTE NO.)
STAIRS			
RISER HEIGHT (MUST BE UNIFORM ON FLIGHT)	4" MIN. - 7" MAX.	4" MIN. - 7" MAX.	14
CLEAR WIDTH OF STAIRS	48" MIN.	44" MIN.	12
DEPTH OF TREAD (MUST BE UNIFORM ON FLIGHT)	11" MIN.	11" MIN.	13
TREAD SURFACE SLOPE	LEVEL TO 1.5% MAX.	LEVEL TO 2% MAX.	11
TREAD NOSING	0.5" MAX. RADIUS ON LEADING EDGE, 1.25" MAX. EXTENSION OVER TREAD BELOW	0.5" MAX. RADIUS ON LEADING EDGE, 1.25" MAX. EXTENSION OVER TREAD BELOW	13
CLOSED RISER	YES	YES	-
RISE BETWEEN LANDINGS	144" MAX.	144" MAX.	14
LANDING	REQ. AT TOP AND BOTTOM OF STAIRS	REQ. AT TOP AND BOTTOM OF STAIRS	-
LANDING WIDTH	MIN. WIDTH EQUAL TO STAIRWAY WIDTH	MIN. WIDTH EQUAL TO STAIRWAY WIDTH	12
LANDING LENGTH	MIN. LENGTH EQUAL TO STAIRWAY WIDTH, UP TO 48"	MIN. LENGTH EQUAL TO STAIRWAY WIDTH, UP TO 48"	13
LANDING SLOPE, IN ANY DIRECTION	1.5% MAX.	2% MAX.	11
DRAINAGE			
ADEQUATE DRAINAGE	NO LOW SPOTS THAT WILL POND WATER WITHIN PED. ACCESS ROUTE	NO LOW SPOTS THAT WILL POND WATER WITHIN PED. ACCESS ROUTE	-
PEDESTRIAN SIGNALS			
PUSH BUTTON HEIGHT	42" MIN. - 48" MAX.	42" MIN. - 48" MAX.	17
PUSH BUTTON DISTANCE FROM PEDESTRIAN ACCESS ROUTE	9" MAX.	10" MAX.	12
DIMENSIONS OF CLEAR SPACE ADJACENT TO PUSH BUTTON	30"X48" MIN.	30"X48" MIN.	12, 13
GRADE (RUNNING SLOPE) OF CLEAR SPACE ADJACENT TO PUSH BUTTON	MATCH GRADE OF ADJACENT PED. ACCESS ROUTE	MATCH GRADE OF ADJACENT PED. ACCESS ROUTE	9
CROSS SLOPE OF CLEAR SPACE ADJACENT TO PUSH BUTTON	1.5% MAX.	2% MAX.	10
CLEARANCE TIMING	3.5 FT/S MAX. WALKING SPEED	3.5 FT/S MAX. WALKING SPEED	-

1. NOTES REFERENCED ON THIS SHEET ARE FOUND ON SHEET 11 OF 12.
2. MORE CRITICAL ELEMENTS FOR PEDESTRIAN FACILITIES CAN BE FOUND ON THE "CRITICAL ELEMENTS FOR THE DESIGN, LAYOUT AND ACCEPTANCE OF PEDESTRIAN FACILITIES", REFERENCED IN HIGHWAY DESIGN MANUAL CHAPTER 18.
3. DOES NOT APPLY TO HIGHWAY SEGMENTS, HIGHWAY RAMPS, OR HIGHWAY BRIDGES WITH BRIDGE OR HIGHWAY BARRIERS.
4. PEDESTRIAN ACCESS ROUTE (P.A.R.) IS DEFINED ON SHEET 1 OF 12.

Town of Amherst
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☐ MINOR SITE PLAN/ADJUSTMENT
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STATE OF NEW YORK — ROBERT COLLIN WATTS — 095905 — LICENSED PROFESSIONAL ENGINEER

No.	Description	Date
2	PER NYSDOT COMMENTS (NEW SHEET)	05 AUGUST 2022
1	TOWN OF AMHERST	15 JUNE 2022

RECEIVED AUG 26 2022 TOWN OF AMHERST PLANNING

Drawing Title:

PIP CURB RAMP DETAILS

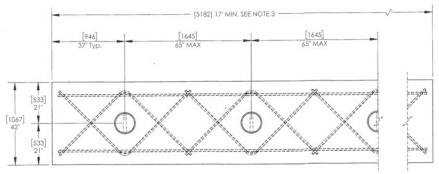
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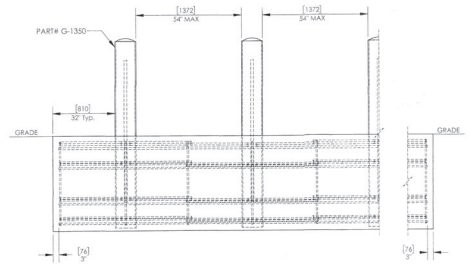
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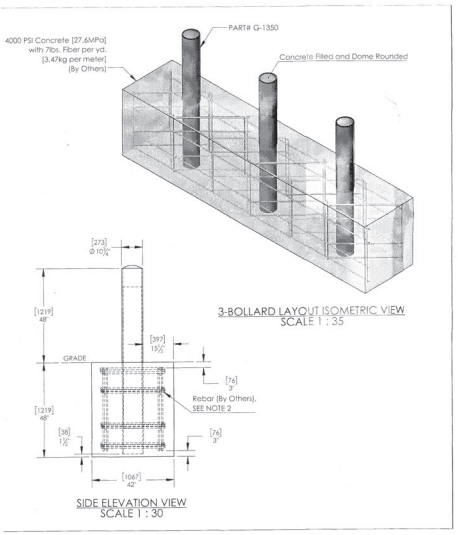
Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement



PLAN VIEW
SCALE 1 : 30



FRONT ELVATION VIEW (ATTACK SIDE)
SCALE 1 : 30



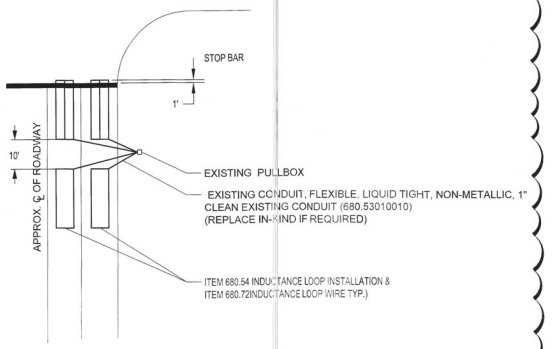
3-BOLLARD LAYOUT ISOMETRIC VIEW
SCALE 1 : 35

SIDE ELEVATION VIEW
SCALE 1 : 30

GENERAL NOTES

1. For additional information contact Gibraltar at 1-800-495-8757.
2. All concrete shall be per specification minimum 4000 PSI [27.6 MPa] with 7lbs. fiber per yd. [3.47kg per meter], by others. Rebar layout drawings available upon request.
3. The foundation dimensions shown represent the certified minimum. For arrays of more than 3 Bollards expand with typical spacings, as shown.
4. Units: Metric rounded to nearest [mm], IPS measurements are rounded to the nearest 1/2".

APPROVAL BASIS:(NYSDOT SPECIAL SPECIFICATION 618.10014039)
DETAIL SHOWN IS G-1350 M50-P1 STANDARD FOUNDATION BOLLARD BY Gibraltar
APPROVAL WILL BE BASED ON MEETING THE REQUIREMENTS OF 710-35 OF THE NYSDOT SPECIFICATIONS AND BEING LISTED ON NYSDOT'S APPROVED LIST
(https://www.dot.ny.gov/divisions/engineering/technical-services/technical-services-repository/alme/pages/71035-1.html).



INDUCTANCE LOOP LAYOUT CONFIGURATION

NOTES:

1. ANY EXISTING ELEMENT OF THE SIGNAL SYSTEM THAT IS TO REMAIN AND IS DAMAGED BY THE CONTRACTOR OPERATIONS, SHALL BE REPAIRED/REPLACED TO THE SATISFACTION OF THE ENGINEER AT NO ADDITIONAL COST.
2. DURING LOOP REPLACEMENT IT IS THE INTENT TO UTILIZE THE EXISTING FLEXIBLE CONDUIT (ITEM 680.53080305) WHENEVER POSSIBLE, FOR CONNECTING THE NEW LOOP WIRE TO THE EXISTING PULLBOX.
3. THE CONTRACTOR SHALL SPLICE THE NEW INDUCTANCE LOOP WIRES, THAT REPLACED THE EXISTING LOOP WIRE, TO THE EXISTING SHIELDED LEAD-IN CABLE AT THE CURB SIDE PULLBOX. THE COST SHALL BE INCLUDED IN ITEM 680.72.
4. THE FRONT LOOP DETECTORS, KNOWN AS QUADRAPOLES, SHALL BE 6' X 20' HAVING 2-4-2 TURNS OF WIRE AS DETAILED ON STANDARD SHEET 680-14. ALL OTHER LOOP DETECTORS, SHALL BE 6' X 20' HAVING THREE (3) TURNS OF WIRE.

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No.	Description	Date
2	PER NYSDOT COMMENTS	05 AUGUST 2022
1	TOWN OF AMHERST	15 JUNE 2022

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PLANNING DEPT.

Drawing Title:

PIP SECURITY BOLLARD DETAILS

Project No.: 006254.00 Checked by: BLS

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Aug 05, 2022, 10:05pm

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GENERAL NOTES

1. THE TYPICAL DETAILS DEPICTED ON THE STANDARD SHEETS AND IN THE MUTCD, REFLECT THE MINIMUM REQUIREMENTS.

2. PROPOSED REVISIONS TO THE TRAFFIC CONTROL PLAN SHALL BE PROVIDED, IN WRITING, TO THE DOT ENGINEER FOR REVIEW AND APPROVAL BY THE REGIONAL DIRECTOR OR HIS/HER DESIGNEE FIVE (5) WORK DAYS PRIOR TO THE PLANNED IMPLEMENTATION OF SUCH PROPOSED REVISIONS, EXCEPT FOR CHANGES THAT ALTER THE SCOPE OF THE TRAFFIC CONTROL PLAN. SUCH CHANGES IN SCOPE MUST BE SUBMITTED TO THE ENGINEER FOR APPROVAL BY THE REGIONAL DIRECTOR OR HIS/HER DESIGNEE THIRTY (30) WORKING DAYS PRIOR TO IMPLEMENTATION OF SUCH REVISIONS.

3. THE NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF STAFF WHO ARE AUTHORIZED TO SECURE LABOR, MATERIALS, AND EQUIPMENT FOR EMERGENCY REPAIRS OUTSIDE NORMAL WORKING HOURS SHALL BE PROVIDED, IN WRITING, TO THE DOT ENGINEER. THE ENGINEER WILL PROVIDE THE SUBMITTED INFORMATION TO REGIONAL MANAGEMENT, THE NEW YORK STATE POLICE, THE RESIDENT ENGINEER, AND THE LOCAL POLICE.

4. STANDARD SHEET 619-503 MAY BE USED FOR AN OFFSITE DETOUR SETUP FOR BOTH LONG TERM AND SHORT TERM WORK DURATIONS.

5. FOLLOW REGIONAL HIGH-VOLUME RESTRICTIONS. CONSULT WITH DOT ENGINEER IF EXCEPTION NEEDED.

6. PLAN AHEAD TO AVOID CONFLICTING WORK ZONES. CHECK FOR CONSTRUCTION PROJECTS, CLOSURES, & RESTRICTIONS AT WWW.511NY.ORG, WWW.DOT.NY.GOV/PROJECTS, AND WITH DOT ENGINEER.

7. DOCUMENT AND REPORT WORK ZONE INCIDENTS USING EITHER THE DEPARTMENT'S WORK ZONE INCIDENT FORM, OR THE CONSTRUCTION INCIDENT REPORTING SYSTEM, AS APPROPRIATE.

8. CONSIDER CLOSURE WIDTH & CLEAR WIDTH FOR WIDE VEHICLES ON WIDE LOAD ROUTES.

ACTIVITY AREA

1. A 500' MINIMUM LONGITUDINAL DISTANCE SHALL BE MAINTAINED BETWEEN CONSTRUCTION OPERATIONS ON ALTERNATE SIDES OF THE ROADWAY, UNLESS OTHERWISE APPROVED BY THE ENGINEER.

2. WHEN TWO OR MORE AREAS ARE ADJACENT, OVERLAP, OR ARE IN CLOSE PROXIMITY, THE CONTRACTOR SHALL ENSURE THERE ARE NO CONFLICTING SIGNS AND THAT LANE CONTINUITY IS MAINTAINED THROUGHOUT ALL WORK AREAS.

SIGNS

1. THE LOCATIONS OF THE SIGNS SHOWN ON THE WORK ZONE TRAFFIC CONTROL PLANS AND DETAILS MAY BE ADJUSTED BASED ON SIGHT DISTANCE AND OTHER CONSIDERATIONS. THE FINAL LOCATIONS OF SIGNS ARE SUBJECT TO APPROVAL OF THE ENGINEER.

2. FOR LONG TERM WORK DURATIONS, ANY EXISTING SIGNS, INCLUDING OVERHEAD SIGNS, WHICH CONFLICT WITH THE TEMPORARY TRAFFIC CONTROL SIGN LAYOUT SHALL BE COVERED, REMOVED, STORED OR RESET, AS APPROVED BY THE ENGINEER. ALL APPROPRIATE EXISTING SIGNS SHALL BE RESTORED TO THEIR ORIGINAL CONDITION AND/OR LOCATION UNLESS OTHERWISE REPLACED IN THIS CONTRACT.

3. SIGNS AT OR NEAR INTERSECTIONS SHALL BE PLACED SO THAT THEY DO NOT OBSTRUCT A MOTORIST'S LINE OF SIGHT.

4. SIGNS MOUNTED ON THE MEDIAN OF DIVIDED HIGHWAYS WHERE MEDIAN BARRIER IS IN PLACE MAY BE MOUNTED ON THE BARRIER WITH A SADDLE TYPE BRACKET OR OMMITED WITH THE APPROVAL OF THE DOT ENGINEER. LAYING THE SIGN DOWN IN A HORIZONTAL POSITION IS NOT PERMITTED.

5. THE DIMENSIONS OF WORK ZONE TRAFFIC CONTROL SIGNS ARE DESCRIBED IN THE MUTCD. ANY CHANGES TO THE DIMENSIONS SHALL BE APPROVED BY THE REGIONAL DIRECTOR OR BY HIS/HER DESIGNEE.

6. NYR9-12 SHALL BE USED IN PLACE OF NYR9-11 WHEN A REDUCED REGULATORY SPEED LIMIT SIGN IS AUTHORIZED.

7. RIGID AND FLEXIBLE "ROLL-UP" SIGNS MAY BE USED FOR MOBILE, SHORT DURATION AND SHORT-TERM STATIONARY WORK. RIGID SIGNS MUST BE MOUNTED AT LEAST 5 FEET ABOVE GRADE (7 FEET WHERE THERE ARE PEDESTRIANS OR PARKED CARS). FLEXIBLE SIGNS SHALL BE MOUNTED AT LEAST ONE FOOT ABOVE GRADE. MESH SIGNS SHALL NOT BE USED. USE RETRO REFLECTORIZED RIGID SIGNS FOR NIGHTTIME WORK.

CHANNELIZING DEVICES

1. WHERE POSSIBLE ALL CHANNELIZING AND GUIDING DEVICES ARE TO BE PLACED SO AS TO PROVIDE A MINIMUM 2' LATERAL CLEARANCE TO THE TRAVELED WAY.

PUBLIC ACCESS

1. PROPERTY OWNERS WHOSE DRIVEWAYS WILL BE MADE INACCESSIBLE SHALL BE NOTIFIED AT LEAST 24 HOURS PRIOR TO RESTRICTING USE OF THE DRIVEWAY. FOR MULTIPLE ACCESS PROPERTIES, AT LEAST ONE DRIVEWAY SHALL BE OPEN AT ALL TIMES. ACCESS SHALL BE RESTORED TO ALL DRIVEWAYS AS SOON AS POSSIBLE.

2. SUITABLE RAMPS SHALL BE INSTALLED TO MAINTAIN SMOOTH TRANSITIONS FROM RESIDENTIAL AND COMMERCIAL DRIVEWAYS TO AND FROM THE WORK AREA.

LANE CLOSURES

1. LANE CLOSURES SHALL BE LOCATED TO PROVIDE OPTIMUM VISIBILITY, I.E. BEFORE CURVES AND CRESTS, TO THE EXTENT CONDITIONS PERMIT.

2. THE ENGINEER MAY REQUIRE THAT ALL LANES BE RE-OPENED AT ANY TIME IF THE ROUTE IS NEEDED FOR EMERGENCY PURPOSES. THIS COULD INCLUDE INCIDENTS AT LOCATIONS OUTSIDE THE CONTRACT LIMITS.

3. ARROW PANELS SHALL BE LEGIBLE CONTINUOUSLY FROM ANY POINT WITHIN THE ROADWAY (INCLUSIVE OF SHOULDERS) FROM 1,500 FEET IN ADVANCE OF THE LANE CLOSURE TAPER TO THE BEGINNING OF THE LANE CLOSURE TAPER.

LANE WIDTHS

1. UNLESS AUTHORIZED BY THE ENGINEER, THE MINIMUM LANE WIDTHS FOR WORK ZONE TRAVEL LANES SHALL BE AS FOLLOWS: FREEWAYS AND/OR EXPRESSWAYS IS 11'. THE MINIMUM LANE WIDTH FOR ALL OTHER TYPES OF ROADWAYS IS 10'.

2. A WRITTEN NOTE SHALL BE PROVIDED TO THE ENGINEER, A MINIMUM OF 21 CALENDAR DAYS IN ADVANCE OF PERFORMING ANY WORK THAT RESULTS IN THE REDUCED WIDTH OF AN EXISTING ROADWAY, SO THAT THE ENGINEER MAY NOTIFY THE REGIONAL PERMIT ENGINEER IN A TIMELY MANNER.

PROTECTIVE VEHICLES

1. A PROTECTIVE VEHICLE IS A LARGE DUMP TRUCK, A LARGE RACK TRUCK OR OTHER VEHICLE HAVING A GROSS WEIGHT OF AT LEAST 24,000 POUNDS. IF THE PROTECTIVE VEHICLE ENCROACHES INTO THE TRAVEL LANE, OR IF IT REMAINS ENTIRELY ON THE SHOULDER OF ANY HIGH SPEED ROAD (45 MPH OR HIGHER), IT SHALL BE EQUIPPED WITH A DEPLOYED TRUCK/TRAILER MOUNTED IMPACT ATTENUATOR (TMIA, SEE TABLE 011-01 ON SHEET 619-111). PROTECTIVE VEHICLES MAY BE LOADED WITH SAND, GRAVEL, OR FINE AGGREGATE AS BALLAST TO ENHANCE THE VEHICLE'S GROSS WEIGHT. ANY BALLAST ADDED TO ENHANCE THE VEHICLE'S GROSS WEIGHT SHALL BE SECURED AS NOT TO BECOME DISLODGED IF IMPACTED.

2. A PROTECTIVE VEHICLE USED IN A MOVING OPERATION IS REFERRED TO AS A SHADOW VEHICLE.

3. A PROTECTIVE VEHICLE USED IN A STATIONARY OPERATION IS REFERRED TO AS A BARRIER VEHICLE.

4. IN A MOVING OPERATION OR A STATIONARY OPERATION THAT OCCUPIES A LOCATION FOR UP TO 1 HOUR, THE OPERATOR SHALL REMAIN IN THE PROTECTIVE VEHICLE WITH THE SAFETY BELT AND HEADREST PROPERLY ADJUSTED, MAINTAIN VEHICLE SPACING, AND KEEP THE WHEELS ALIGNED WITH THE LANE STRIPING. TWO-WAY RADIOS SHOULD BE USED TO COMMUNICATE BETWEEN THE OPERATOR AND THE WORK CREW.

5. IN A STATIONARY OPERATION THAT OCCUPIES A LOCATION FOR MORE THAN 1 HOUR, ONCE THE PROTECTIVE VEHICLE HAS BEEN APPROPRIATELY PLACED, IT SHOULD BE UNOCCUPIED. UNOCCUPIED VEHICLE SHALL BE POSITIONED PARALLEL TO TRAFFIC, PARKING BRAKE SET, PLACED IN 2ND GEAR (MANUAL TRANSMISSIONS /ENGINE OFF) OR PARK / NEUTRAL (AUTOMATIC TRANSMISSIONS) AND HAVE THE FRONT WHEELS ALIGNED WITH THE LANE STRIPING AND LANE TO MAINTAIN LANE DISCIPLINE AND TO STAY IN LANE IF STRUCK.

6. WHEN A PROTECTIVE VEHICLE IS USED IN ADVANCE OF EITHER MOVING OR STATIONARY OPERATIONS TO DISPLAY SIGN MESSAGES, IT IS REFERRED TO AS AN ADVANCE WARNING VEHICLE. ADVANCED WARNING VEHICLES MAY BE OCCUPIED OR UNOCCUPIED. WHEN SIGNS ARE USED ON AN ADVANCED WARNING VEHICLE, THEY SHALL NOT OBSTRUCT VISIBILITY OF ANY LIGHTS (TAILLIGHTS OR WARNING LIGHTS) OR SIDE-VIEW MIRRORS ON THE VEHICLE.

7. NO WORK ACTIVITY, EQUIPMENT, VEHICLES AND/OR MATERIALS SHALL BE LOCATED BETWEEN THE PROTECTIVE VEHICLE AND THE ACTIVE WORK AREA (ROLL AHEAD DISTANCE).

8. PROTECTIVE VEHICLES MAY BE REQUIRED IN CONJUNCTION WITH POLICE PRESENCE IN THE WORK ZONE, TO BE INCLUDED IN THE UNIT BID PRICE FOR BASIC WORK ZONE TRAFFIC CONTROL, FOR CAPITOL CONSTRUCTION PROJECTS.

9. DIRECT VERBAL COMMUNICATION BETWEEN THE PROTECTIVE VEHICLES AND THE WORK VEHICLE(S) / EQUIPMENT SHALL BE UTILIZED WHERE AVAILABLE.

WORK DURATION DEFINITIONS

1. THERE ARE MAINLY FIVE WORK DURATIONS:

   A. LONG-TERM IS STATIONARY WORK THAT OCCUPIES A LOCATION MORE THAN 3 CONSECUTIVE DAYS.

   B. INTERMEDIATE-TERM IS STATIONARY WORK THAT OCCUPIES A LOCATION MORE THAN ONE DAYLIGHT PERIOD UP TO 3 CONSECUTIVE DAYS, OR NIGHTTIME WORK LASTING MORE THAN 1 HOUR.

   C. SHORT-TERM IS STATIONARY DAYTIME WORK THAT OCCUPIES A LOCATION FOR MORE THAN 1 HOUR WITHIN A SINGLE DAYLIGHT PERIOD.

   D. SHORT DURATION IS WORK THAT OCCUPIES A LOCATION UP TO 1 HOUR. IT CAN BE PERFORMED DURING THE DAYTIME OR AT NIGHT IN ACCORDANCE WITH NOTES N1 TO N10 NOTES ON NIGHTTIME WORK.

   E. MOBILE IS WORK THAT MOVES INTERMITTENTLY OR CONTINUOUSLY WHERE THE WORK AT ANY SPECIFIC LOCATION COMPLETES WITHIN 15 MINUTES. IT IS USED FOR VEHICLE BASED OPERATIONS AND DOES NOT INVOLVE WORKERS ON FOOT. IT CAN BE PERFORMED DURING THE DAYTIME OR AT NIGHT IN ACCORDANCE WITH NOTES N1 TO N10 NOTES ON NIGHTTIME WORK.

2. SPECIAL OPERATIONS ARE WORK OPERATIONS THAT DO NOT FIT INTO ONE OF THE ABOVE FIVE CATEGORIES. SPECIAL OPERATIONS INCLUDE:

   A. STOP AND GO OPERATIONS - WORK THAT COMPLETES WITHIN 5 MINUTES AND ALLOWS WORKERS ON FOOT.

   B. OTHER OPERATIONS INCLUDING MOWING, MULCHING/HERBICIDE OPERATIONS, TEMPORARY ROAD/INTERSECTION CLOSURES, ETC.

ROADWAY TYPE DEFINITIONS

1. FREEWAY:

   A. INTERSTATE: INTERREGIONAL HIGH-SPEED, HIGH-VOLUME, DIVIDED FACILITIES WITH COMPLETE CONTROL OF ACCESS.

   B. PARKWAY: DIVIDED HIGHWAYS FOR NON-COMMERCIAL TRAFFIC WITH FULL CONTROL OF ACCESS, GRADE PARKWAY SEPARATIONS, INTERCHANGES, AND OCCASIONAL AT-GRADE INTERSECTIONS. PARKWAYS ARE DESIGNATED BY L#.

ROADWAY TYPE DEFINITIONS (CONTINUED)

2. EXPRESSWAY: DIVIDED HIGHWAYS FOR THROUGH TRAFFIC WITH FULL OR PARTIAL CONTROL OF ACCESS AND GENERALLY WITH GRADE SEPARATIONS AT MAJOR CROSSROADS. ALL FREEWAY STANDARD SHEETS ARE APPLICABLE TO EXPRESSWAY.

3. NON-FREEWAY:

   A. MULTILANE DIVIDED HIGHWAY

   B. MULTILANE UNDIVIDED HIGHWAY

   C. TWO-LANE TWO-WAY ROADWAY

ALL NON-FREEWAYS CAN BE EITHER URBAN OR RURAL:

URBAN: MEETS MORE THAN 1 OF THE FOLLOWING CRITERIA)
- •HIGH DENSITY DEVELOPMENT
- •ON-STREET PARKING
- •VARIED BUILDING SETBACKS
- •MULTI-STORY AND LOW-TO MEDIUM-RISE STRUCTURES FOR RESIDENTIAL
- •COMMERCIAL, AND EDUCATIONAL USES, STRUCTURES THAT ACCOMMODATE MIXED USES: COMMERCIAL, RESIDENTIAL, AND PARKING
- •LIGHT INDUSTRIAL, AND SOMETIMES HEAVY INDUSTRIAL, LAND USE
- •PROMINENT DESTINATIONS WITH SPECIALIZED STRUCTURES, E.G., LARGE THEATERS, SPORTS FACILITIES OR CONFERENCE CENTERS
- •HIGH LEVELS OF PEDESTRIAN AND BICYCLIST ACTIVITY, WITH NEARLY CONTINUOUS SIDEWALKS AND MARKED CROSSWALKS
- •HIGHER DENSITY OF TRANSIT STOPS AND ROUTES
- •DRIVEWAY DENSITIES GREATER THAN 25 DRIVEWAYS/MILE ON EACH SIDE OF THE ROAD
- •MINOR COMMERCIAL DRIVEWAY DENSITIES OF 10 DRIVEWAYS/MILE OR GREATER
- •MAJOR COMMERCIAL DRIVEWAYS
- •HIGH DENSITY OF CROSS STREETS

RURAL: DOES NOT MEET MORE THAN ONE OF THE ABOVE CRITERIA.

NOTES FOR NIGHTTIME OPERATIONS:

N1. WORK OCCURRING AFTER SUNSET AND BEFORE SUNRISE WILL BE CONSIDERED NIGHTTIME OPERATIONS.

N2. ALL SIGNS, STOP/SLOW PADDLES AND RED FLAGS USED TO WARN/ALERT/CONTROL TRAFFIC SHALL BE RETROREFLECTIVE.

N3. ALL WORKERS INVOLVED SHALL WEAR PROTECTIVE HELMETS AND NIGHTTIME APPAREL IN ACCORDANCE WITH §107-05A. HIGH VISIBILITY APPAREL AT ALL TIMES.

N4. VEHICLES OPERATING ON THE PAVEMENT OF A CLOSED ROADWAY OR TRAVEL LANE SHALL DISPLAY ROTATING AMBER BEACONS OR FLASHING LED BEACONS AT ALL TIMES.

N5. LEVEL I ILLUMINATION SHALL BE PROVIDED NEAR THE BEGINNING OF LANE CLOSURE TAPERS AND AT ROAD CLOSURES, INCLUDING THE SETUP AND REMOVAL OF THE CLOSURE TAPERS.

N6. LEVEL II ILLUMINATION SHALL BE PROVIDED FOR FLAGGING STATIONS, ASPHALT PAVING, MILLING, AND CONCRETE PLACEMENT AND/OR REMOVAL OPERATIONS, INCLUDING BRIDGE DECKS, 50 FEET AHEAD OF AND 100 FEET BEHIND A PAVING OR MILLING MACHINE.

N7. LEVEL III ILLUMINATION SHALL BE PROVIDED FOR PAVEMENT OR STRUCTURAL CRACK FILLING, JOINT REPAIR, PAVEMENT PATCHING AND REPAIRS, INSTALLATION OF SIGNAL EQUIPMENT OR OTHER ELECTRICAL/MECHANICAL EQUIPMENT, AND OTHER TASKS INVOLVING FINE DETAILS OR INTRICATE PARTS AND EQUIPMENT.

N8. ALL LIGHTING SHALL BE DESIGNED, INSTALLED, AND OPERATED TO AVOID GLARE THAT AFFECTS TRAFFIC ON THE ROADWAY OR THAT CAUSES ANNOYANCE OR DISCOMFORT FOR RESIDENCES ADJOINING THE ROADWAY.

N9. PRIOR TO THE START OF NIGHTTIME OPERATIONS, A WRITTEN NIGHTTIME OPERATIONS AND LIGHTING PLAN IS REQUIRED FOR APPROVAL FROM THE DOT ENGINEER.

N10. SEE STANDARD SPECIFICATIONS §619 FOR ADDITIONAL REQUIREMENTS AND CONSIDERATIONS.

N11. FLAGGERS SHALL USE A FLASHLIGHT WITH RED GLOW CONE/RED LED BATON FOR FLAGGING IN NON-ILLUMINATED FLAGGER STATIONS DURING NIGHTTIME OPERATIONS.

NEW YORK STATE OF OPPORTUNITY. Department of Transportation

U.S. CUSTOMARY STANDARD SHEET

WORK ZONE TRAFFIC CONTROL GENERAL NOTES

APPROVED APRIL 8, 2022	ISSUED UNDER EI 22-008
Robert Limoges ROBERT LIMOGES, P.E. DIRECTOR, OTSM	619-010

TIME AND HOLIDAY RESTRICTIONS FOR ROAD WORK WITH-IN PUBLIC RIGHT OF WAY

1. NO WORK/SHOULDER CLOSURE/LANE CLOSURE WILL BE ALLOWED AS FOLLOWS, ON THE FOLLOWING OBSERVED HOLIDAY WEEKEND:

   LABOR DAY 2022 6AM 9/2/2022 TO 6AM 9/6/2022
   CANADIAN THANKSGIVING 2022 6AM10/7/2022 TO 10/11/2022
   THANKSGIVING 2022 6AM 11/23/2022 TO 6AM 11/29/2022
   CHRISTMAS 2022 6AM 12/23/2022 TO 6AM 12/27/2022
   NEW YEAR'S DAY 2022 6AM 12/30/2020 TO 6AM 1/3/2022
   VICTORIA DAY 2023 6AM 5/19/2023-6 AM 5/23/2023
   MEMORIAL DAY2023 6 AM 5/26/2023- 6AM 5/30/2023
   CANADA DAY 2023 6AM 6/30/2023- 6AM 7/2/2023
   INDEPENDENCE DAY 2023 6AM 7/3/2023-6AM 7/7/2023
   CANADA CIVIC HOLIDAY 2023 6AM 7/29/2023- 6AM 8/3/2021
   LABOR DAY 2023 6AM 9/1/2023 TO 6AM 9/5/2023

2. ALL DOUBLE LANE CLOSURES WILL REQUIRE APPROVAL BY THE STC. E-MAIL THE STC AT R05-STC@DOT.STATE.NY.US FOR PRIOR APPROVAL. E-MAIL SHALL CONTAIN DATE(S), TIME(S), ROUTE, LANE(S), DURATION, REASON FOR WAIVER AND ANY OTHER RELEVANT INFORMATION/JUSTIFICATION THAT WILL ASSIST IN MAKING A DETERMINATION.

3. ROADWORK IS DEFINED AS ANY LANE AND/OR SHOULDER WORK THAT REQUIRES CLOSURE.

Town of Amherst
APPROVED PLAN
☑ MAJOR SITE PLAN
☐ MINOR SITE PLAN/ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐
PLANNING DIRECTOR — DATE: OCT - 7 2022
FILE NUMBER: 20-2022-98 — CHECKED BY

Ciminelli REAL ESTATE CORPORATION

PIP PACKAGE

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No.	Description	Date
	PER NYSDOT COMMENTS (REPLACE ENTIRE DRAWING)	05 AUGUST 2022
	TOWN OF AMHERST	15 JUNE 2022

RECEIVED AUG 25 2022 TOWN OF AMHERST PLANNING DEPT.

Drawing Title:

PIP WORKZONE TRAFFIC CONTROL DETAILS

Project No.: 006254.00 Checked by: BLS

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Aug 9th, 2022, 10:57am

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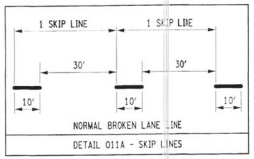
Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

TABLE 011-01: PROTECTIVE VEHICLE REQUIREMENTS

CLOSURE TYPE	DURATION	MOBILE (WORK THAT MOVES INTERMITTENTLY OR CONTINUOUSLY, WHERE THE WORK AT ANY SPECIFIC LOCATION COMPLETES WITHIN 15 MINUTES) INCLUDES "STOP AND GO OPERATIONS OF 5 MINUTES OR LESS				SHORT DURATION (WORK THAT OCCUPIES A LOCATION FOR UP TO 1 HOUR)				SHORT TERM (DAYTIME WORK THAT OCCUPIES A LOCATION FOR MORE THAN 1 HOUR WITHIN A SINGLE DAYLIGHT PERIOD)				INTERMEDIATE TERM (WORK THAT OCCUPIES A LOCATION MORE THAN ONE DAYLIGHT PERIOD UP TO 3 CONSECUTIVE DAYS OR NIGHT TIME WORK LASTING MORE THAN 1 HOUR)				LONG TERM (WORK THAT OCCUPIES A LOCATION FOR MORE THAN 3 CONSECUTIVE DAYS)			
	ROAD TYPE & SPEED	FREEWAY	NON-FREEWAY			FREEWAY	NON-FREEWAY			FREEWAY	NON-FREEWAY			FREEWAY	NON-FREEWAY			FREEWAY	NON-FREEWAY		
			≥ 45 MPH	35 - 40 MPH	≤ 30 MPH		≥ 45 MPH	35 - 40 MPH	≤ 30 MPH		≥ 45 MPH	35 - 40 MPH	≤ 30 MPH		≥ 45 MPH	35 - 40 MPH	≤ 30 MPH		≥ 45 MPH	35 - 40 MPH	≤ 30 MPH
	EXPOSURE CONDITIONS[1]																				
LANE CLOSURE OR ENCROACHMENT	WORKERS ON FOOT OR VEHICLE EXPOSED TO TRAFFIC	P, TMIA	P, TMIA	P, TMIA	P	P, TMIA	P, TMIA	P, TMIA	P	P, TMIA	P, TMIA	P, TMIA	P	P, TMIA	P, TMIA	P, TMIA	SEE NOTE 2	P, TMIA	P, TMIA	P, TMIA	SEE NOTE 2
	OTHER HAZARDS NO WORKERS EXPOSED	NA	NA	NA	NA	P, TMIA	P, TMIA	P	P	P, TMIA	P, TMIA	P	SEE NOTE 2	P, TMIA	P, TMIA	SEE NOTE 2	SEE NOTE 2	P, TMIA	P, TMIA	SEE NOTE 2	SEE NOTE 2
SHOULDER CLOSURE OR ENCROACHMENT	WORKERS ON FOOT OR VEHICLE EXPOSED TO TRAFFIC	P, TMIA	P, TMIA	P	P	P, TMIA	P, TMIA	P	P	P, TMIA	P, TMIA	P	P	P, TMIA	P, TMIA	SEE NOTE 2	SEE NOTE 2	P, TMIA	P, TMIA	SEE NOTE 2	SEE NOTE 2
	OTHER HAZARDS NO WORKERS EXPOSED	NA	NA	NA	NA	P, TMIA	P, TMIA	P	P	P, TMIA	P, TMIA	P	SEE NOTE 2	P, TMIA	SEE NOTE 2	SEE NOTE 2	SEE NOTE 2	P, TMIA	SEE NOTE 2	SEE NOTE 2	SEE NOTE 2

LEGEND
P: PROTECTIVE VEHICLE REQUIRED FOR EACH CLOSED LANE & EACH CLOSED PAVED SHOULDER 8' OR WIDER, IF THE WORK SPACE MOVES WITHIN THE STATIONARY CLOSURE, THE PROTECTIVE VEHICLE SHALL BE REPOSITIONED ACCORDINGLY
TMIA: TRUCK/TRAILER MOUNTED IMPACT ATTENUATOR (TMIA) REQUIRED
NA: NOT APPLICABLE

NOTES
1. THE EXPOSURE CONDITIONS ASSUMES THERE IS NO POSITIVE PROTECTION PRESENT
2. EITHER A PROTECTIVE VEHICLE OR THE STANDARD BUFFER SPACE SHALL BE PROVIDED



DETAIL 011A - SKIP LINES

TABLE 011-02: TAPER LENGTHS & NUMBER OF CONES CHART

PRECONSTRUCTION POSTED SPEED LIMIT (MPH)	TAPER LENGTH: L (FT.)/ * OF SKIP LINES/ * OF CHANNELIZING DEVICES — LATERAL SHIFT OF TRAFFIC FLOW PATH (FT.)								SHOULDER TAPER LENGTH: L/3 (FT.)/ * OF SKIP LINES/ * OF CHANNELIZING DEVICES — FOR SHOULDER WIDTH		
	4	5	6	7	8	9	10	11	12	≤ 4 FT.	5 - 7 FT.	≥ 8 FT.
25	40/1/2	80/2/3	80/2/3	80/2/3	80/2/3	120/3/4	120/3/4	120/3/4	120/3/4	40/1/2	40/1/2	40/1/2
30	80/2/3	80/2/3	80/2/3	120/3/4	120/3/4	160/4/5	160/4/5	160/4/5	200/5/6	40/1/2	40/1/2	40/1/2
35	80/2/3	120/3/4	120/3/4	160/4/5	160/4/5	200/5/6	200/5/6	240/6/7	240/6/7	40/1/2	40/1/2	80/2/3
40	120/3/4	160/4/5	160/4/5	200/5/6	240/6/7	240/6/7	280/7/8	320/8/9	320/8/9	40/1/2	80/2/3	80/2/3
45	200/5/6	240/6/7	280/7/8	320/8/9	360/9/10	400/10/11	440/11/12	520/13/14	560/14/15	80/2/3	80/2/3	120/3/4
50	200/5/6	240/6/7	320/8/9	360/9/10	400/10/11	440/11/12	520/13/14	560/14/15	600/15/16	80/2/3	120/3/4	160/4/5
55	240/6/7	280/7/8	320/8/9	400/10/11	440/11/12	520/13/14	560/14/15	600/15/16	680/17/18	80/2/3	120/3/4	160/4/5
60	240/6/7	320/8/9	360/9/10	440/11/12	480/12/13	560/14/15	600/15/16	680/17/18	720/18/19	80/2/3	120/3/4	160/4/5
65	280/7/8	320/8/9	400/10/11	480/12/13	520/13/14	600/15/16	640/16/17	720/18/19	800/19/20	80/2/3	160/4/5	200/5/6

* THIS TABLE WAS CREATED WITH REFERENCE TO MUTCD TABLE 6H-4.
** THE NUMBER OF CHANNELIZING DEVICES SHOWN IS CALCULATED BASED ON A 40FT DEVICE SPACING. THE NUMBER OF CHANNELIZING DEVICES CAN BE ADJUSTED AS NECESSARY.

TABLE 011-03 LONGITUDINAL BUFFER SPACE

PRECONSTRUCTION POSTED SPEED LIMIT (MPH)	DISTANCE (FT.)/ * OF SKIP LINES
25	155 / 4
30	200 / 5
35	250 / 6
40	305 / 8
45	360 / 9
50	425 / 11
55	495 / 13
65	645 / 16

* THIS TABLE IS THE SAME AS MUTCD TABLE 6C-2.

TABLE 011-04: ROLL AHEAD DISTANCE FOR PROTECTIVE VEHICLES

ROLL AHEAD DISTANCE (FT.)/* OF SKIP LINES FOR VEHICLES

PRECONSTRUCTION POSTED SPEED LIMIT (MPH)	MOVING OPERATION (BASED ON PROTECTIVE VEHICLE SPEED OF 15 MPH)		STATIONARY OPERATION	
	MIN	MAX	MIN	MAX
≥ 55	200/5	280/7	120/3	200/5
45 - 50	160/4	240/6	80/2	160/4
≤ 40	120/3	200/5	40/1	120/3

* THIS TABLE WAS CREATED WITH REFERENCE TO MUTCD TABLES NY-2 AND NY2-B.

TABLE 011-05 FLARE RATES FOR POSITIVE BARRIER

TYPE OF POSITIVE BARRIER	POSTED SPEED LIMIT				
	30 MPH	40 MPH	50 MPH	55 MPH	65 MPH
TEMPORARY POSITIVE BARRIER	8:1	11:1	14:1	16:1	20:1
BOX BEAM OR HEAVY POST CORRUGATED BEAM	7:1	9:1	11:1	12:1	15:1

TABLE 011-06 ADVANCE WARNING SIGN SPACING

ROAD TYPE	DISTANCE BETWEEN SIGNS			SIGN LEGEND	
	A (FT.)	B (FT.)	C (FT.)	XX	YY
URBAN (≤ 30 MPH*)	100	100	100	AHEAD	AHEAD
URBAN (35-40 MPH*)	200	200	200	AHEAD	AHEAD
URBAN (≥ 45 MPH*)	350	350	350	1000 FT.	AHEAD
RURAL	500	500	500	1500 FT.	1000 FT.
FREEWAY	1000	1500	2640	1 MILE	½ MILE

* PRECONSTRUCTION POSTED SPEED LIMIT.
** THIS TABLE IS THE SAME AS MUTCD TABLE NY6H-3.

TABLE 011-07 TAPER LENGTH FOR TEMPORARY TRAFFIC CONTROL ZONES

TYPE OF TAPER	TAPER LENGTH (L)
MERGING TAPER	L
SHIFTING TAPER	L/2
SHOULDER TAPER	L/3
ONE-LANE, TWO-WAY TRAFFIC TAPER	50 FT. MIN -100 FT. MAX
DOWNSTREAM TAPER	50 FT. MIN -100 FT. MAX

* THIS TABLE IS THE SAME AS MUTCD TABLE 6C-3.

WORK ZONE TRAFFIC CONTROL LEGEND

SYMBOL	DESCRIPTION
	ARROW PANEL
	ARROW PANEL, CAUTION MODE
	ARROW PANEL TRAILER OR SUPPORT
	CHANGEABLE MESSAGE SIGN (PVMS)
	CHANNELIZING DEVICE
	CONE
	CRASH CUSHION/TEMPORARY IMPACT ATTENUATOR
	DIRECTION OF TEMPORARY TRAFFIC DETOUR
	DIRECTION OF TRAFFIC
	AUTOMATED FLAGGER ASSISTAMCE DEVICE WITH OPERATOR
	FLAGGER
	FLAG TREE
	LUMINAIRE
	MOWER
	PARKWAY GRASS SHOULDER
	PAVEMENT MARKINGS THAT SHALL BE REMOVED FOR A LONG TERM PROJECT
PVMS	PORTABLE VARIABLE MESSAGE SIGN
	ADVANCE WARNING SIGN WITH ORANGE FLAGS
	TRAILER FOR ARROW PANEL OR PORTABLE VARIABLE MESSAGE SIGN (PVMS)

WORK ZONE TRAFFIC CONTROL LEGEND

SYMBOL	DESCRIPTION
	SIGN, TEMPORARY
	SPOTTER
	TEMPORARY POSITIVE BARRIER
	TEMPORARY POSITIVE BARRIER WITH WARNING LIGHTS
	TEMPORARY TRAFFIC SIGNAL HEAD
	TYPE III BARRICADE
	WARNING LIGHTS
	WORK AREA
	WORK VEHICLE
	WORK VEHICLE (MULCHING/HERBICIDE OPERATION)
	WORK VEHICLE (PAVEMENT MARKING)
	WORK VEHICLE (SIGNAL WORK)
	24,000LB PROTECTIVE VEHICLE WITH TRUCK/TRAILER MOUNTED ATTENUATOR (TMIA)
	24,000LB PROTECTIVE VEHICLE WITHOUT TRUCK/ TRAILER MOUNTED ATTENUATOR

NEW YORK STATE OF OPPORTUNITY. **Department of Transportation**

U.S. CUSTOMARY STANDARD SHEET

WORK ZONE TRAFFIC CONTROL GENERAL TABLES AND LEGEND

APPROVED DECEMBER 2, 2021
Robert Limoges
ROBERT LIMOGES, P.E.
DIRECTOR, OTSM

ISSUED UNDER EI 21-028
619-011

Town of Amherst
APPROVED PLAN
☑ MAJOR SITE PLAN
☐ MINOR SITE PLAN ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐
PLANNING DIRECTOR — DATE: OCT - 7 2022
PB # NUMBER: PB-2020-09B — CHECKED BY: SM

Ciminelli REAL ESTATE CORPORATION

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RECEIVED AUG 22 2022 TOWN OF AMHERST PLANNING DEPT.

Drawing Title:

PIP WORKZONE TRAFFIC CONTROL DETAILS

Project No.: 006254.00 Checked by: BLS

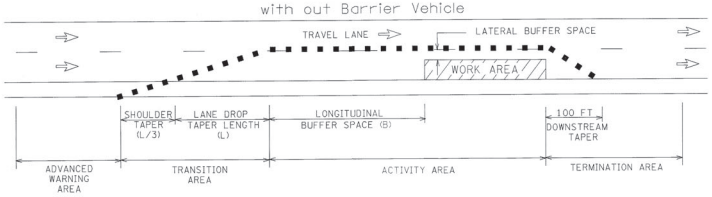
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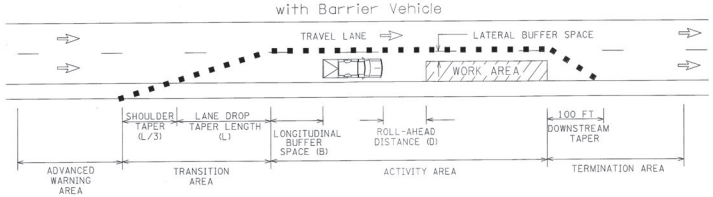
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COMPONENTS OF A WORK ZONE TRAFFIC CONTROL ZONE

with out Barrier Vehicle

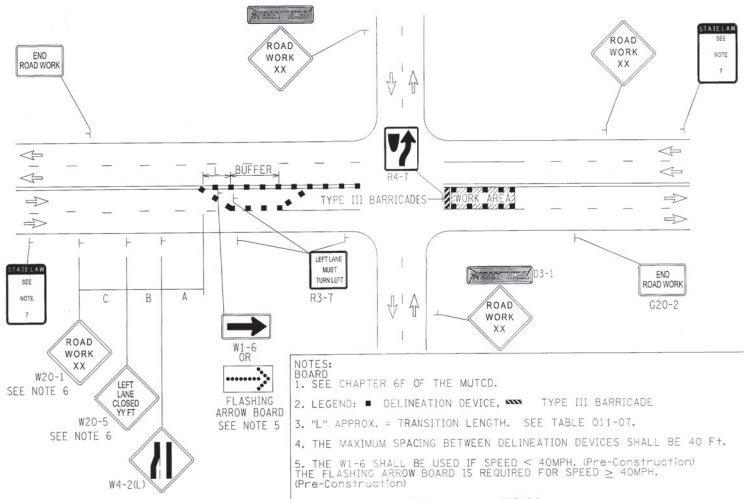


with Barrier Vehicle



ADVANCED WARNING AREA: TELLS TRAFFIC WHAT TO EXPECT AHEAD	TRAVEL LANE: ALLOWS TRAFFIC TO PASS THROUGH THE ACTIVITY AREA
TRANSITION AREA: MOVES TRAFFIC OUT OF ITS NORMAL PATH	LATERAL BUFFER SPACE: USE WHEN POSSIBLE TO SEPARATE THE TRAFFIC SPACE FROM THE WORK SPACE OR HAZARDOUS AREA SUCH AS AN EXCAVATION OR PAVEMENT DROP-OFF
ACTIVITY AREA: WHERE WORK TAKES PLACE	TERMINATION AREA: LETS TRAFFIC RESUME NORMAL DRIVING
LONGITUDINAL BUFFER SPACE (B): PROVIDES PROTECTION FOR TRAFFIC AND WORKERS	
WORK AREA: SET ASIDE FOR WORKERS, EQUIPMENT AND MATERIAL STORAGE	

LEFT LANE CLOSURE ON FAR SIDE OF INTERSECTION

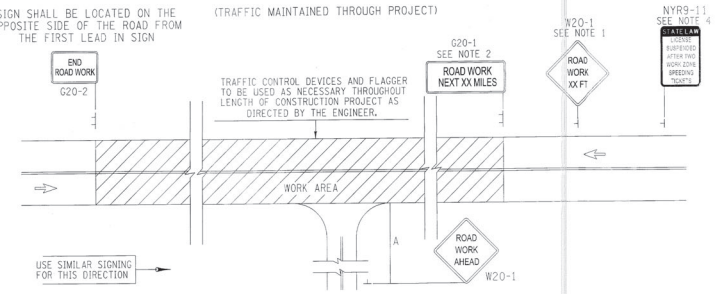


NOTES:
BOARD
1. SEE CHAPTER 6F OF THE MUTCD.
2. LEGEND: ■ DELINEATION DEVICE, ≈≈≈ TYPE III BARRICADE
3. "L" APPROX. = TRANSITION LENGTH. SEE TABLE 011-07.
4. THE MAXIMUM SPACING BETWEEN DELINEATION DEVICES SHALL BE 40 Ft.
5. THE W1-6 SHALL BE USED IF SPEED < 40MPH. (Pre-Construction) THE FLASHING ARROW BOARD IS REQUIRED FOR SPEED ≥ 40MPH. (Pre-Construction)
6. SEE TABLE 011-06 FOR XX/YY LEGENDS
7. SIGN NYR9-11 SHALL ONLY BE USED IN WORK ZONES WITH OUT A WORK SPEED LIMIT. SIGN NYR9-12 SHALL ONLY BE USED IN WORK ZONES THAT HAVE A WORK ZONE SPEED LIMIT.
8. TABLES CAN BE FOUND ON DWG. NO. C0566

TYPICAL SIGNING

SIGN SHALL BE LOCATED ON THE OPPOSITE SIDE OF THE ROAD FROM THE FIRST LEAD IN SIGN

(TRAFFIC MAINTAINED THROUGH PROJECT)



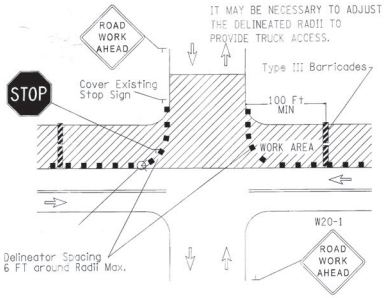
NOTES:
1. THE W20-1 SIGN SHALL ONLY BE DISPLAYED WHEN THERE ARE NO OTHER COUNTDOWN SIGNS NEEDED. THEREFORE, IT MAY BE NECESSARY TO TEMPORARILY COVER THE W20-1 SIGN TO AVOID CONFUSION WITH THE COUNTDOWN SIGNS. THE W20-1 SIGN SHALL BE LOCATED FAR ENOUGH UPSTREAM, SO IT DOES NOT INTERFERE WITH THE SEQUENCE OF THE COUNTDOWN SIGNS. LOCATION OF W20-1: SEE TABLE NY6H-3

2. G20-1 SIGN SHALL BE OMITTED FOR PROJECTS LESS THAN 2 MILES. THE SIGN SHALL BE PLACED AFTER THE ROAD WORK XX SIGN, BUT BEFORE ANY OTHER ROAD WORK OR COUNTDOWN SIGNS. DISTANCES SHOWN SHALL BE IN HALF MILE OR WHOLE MILE INCREMENTS. (NO DECIMALS)

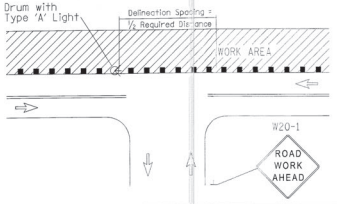
3. SIGNING ADVISING MOTORISTS OF LICENSE SUSPENDED SHALL BE INSTALLED ON THE MAINLINE OF ANY HIGHWAY WORK AREA, WHEN THE WORK ENCROACHES ON A TRAVEL LANE. IT SHOULD ALSO BE USED WHERE WORK ENCROACHES ON THE SHOULDER FOR MORE THAN ONE DAY, OR WHERE WORKERS ON THE SHOULDER ARE EXPOSED TO HIGH SPEED TRAFFIC.
LICENSE SUSPENDED SIGN TO BE LOCATED UPSTREAM FROM THE FIRST WARNING SIGN AS FOLLOWS:
300 FT - 500 FT FOR SPEEDS ≤ 45MPH, 1,000 FT FOR SPEEDS > 45 MPH.

4. SIGN NYR9-11 SHALL ONLY BE USED ON PROJECTS THAT DO NOT HAVE A WORK ZONE SPEED LIMIT

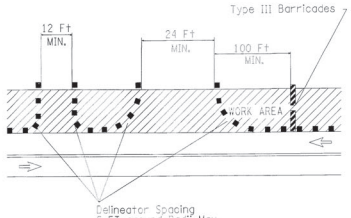
TYPICAL DELINEATION and SIGNING for UNSIGNALIZED INTERSECTION RECONSTRUCTION



INTERSECTION TREATMENT



TYPICAL DELINEATION FOR DRIVEWAY ENTRANCES



THE CONTRACTOR MUST NOTIFY THE PROPERTY OWNER AT LEAST 24 HOURS IN ADVANCE OF CLOSING THE DRIVEWAY.

A MINIMUM OF 6 DELINEATION DEVICES SHOULD BE USED AROUND THE RADIUS FOR EITHER DRIVEWAYS AND/OR INTERSECTIONS

• SEE CONST. SPECIFICATION 619-3.02(J) FOR MORE DETAILS.

DRIVEWAY TREATMENTS

THE CONTRACTOR MUST MAINTAIN AT LEAST ONE DRIVEWAY ENTRANCE TO ALL COMMERCIAL PROPERTIES.

WHEN IT IS NECESSARY TO CLOSE A COMMERCIAL DRIVEWAY DUE TO CONSTRUCTION OPERATIONS, THE CONTRACTOR MUST PROVIDE A TEMPORARY DRIVEWAY TO THE PROPERTY UNLESS THE WORK IS COMPLETED DURING THE ESTABLISHMENTS NON-WORKING HOURS.

Town of Amherst
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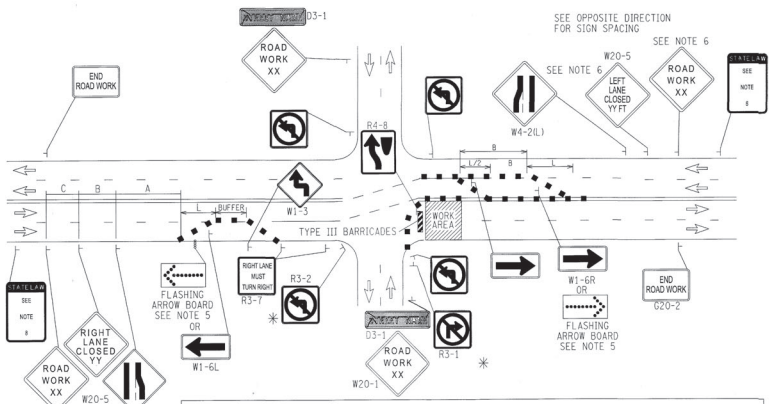
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Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

HALF ROAD CLOSURE ON FAR SIDE OF INTERSECTION



NOTES:

1. SEE CHAPTER 6F OF THE MUTCD.
2. LEGEND: ■ DELINEATION DEVICE, ≈≈≈ TYPE III BARRICADE
3. "L" APPROX. = TRANSITION LENGTH. SEE TABLE 011-07.
4. THE MAXIMUM SPACING BETWEEN DELINEATION DEVICES SHALL BE 40 Ft.
5. THE W1-6 SHALL BE USED IF SPEED < 40 MPH. (Pre-Construction)THE FLASHING ARROW BOARD IS REQUIRED FOR SPEED ≥ 40 MPH. (Pre-Construction)
6. SEE TABLE 011-06 FOR XX/YY LEGENDS
7. WHEN CHANNELIZING DEVICES ARE USED INSTEAD OF PAVEMENT MARKINGS FOR SHORT TERM PROJECTS, THE MAXIMUM SPACING SHOULD BE 1/2 OF THE NORMAL DEVICE SPACING.
8. SIGN NYR9-11 SHALL ONLY BE USED IN WORK ZONES WITH OUT A WORK ZONE SPEED LIMIT. SIGN NYR9-12 SHALL ONLY BE USED IN WORK ZONES THAT HAVE A WORK ZONE SPEED LIMIT.
9. SEE DWG. NO. C0566 FOR TABLES.

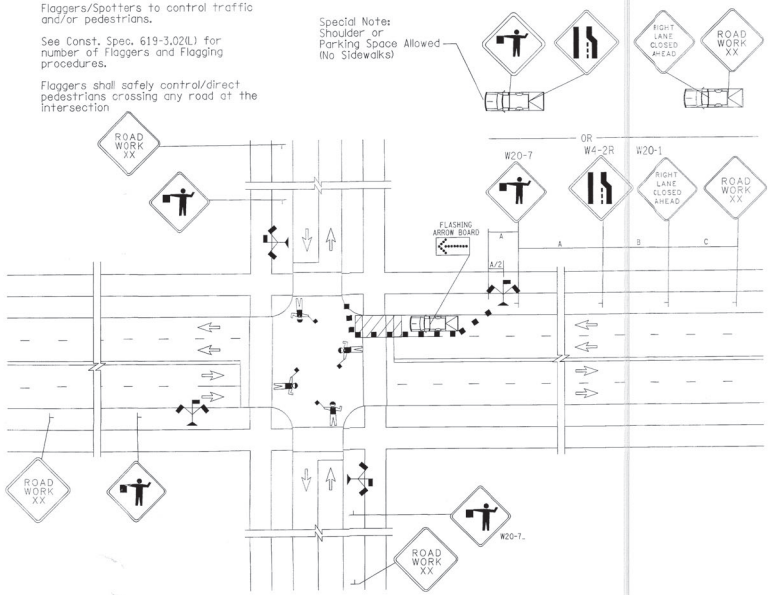
CROSSWALK/STOP BAR PAVEMENT MARKING INSTALLATION (RIGHT LANE)

Flaggers/Spotters to control traffic and/or pedestrians.

See Const. Spec. 619-3.02(L) for number of Flaggers and Flagging procedures.

Flaggers shall safely control/direct pedestrians crossing any road at the intersection

Special Note: Shoulder or Parking Space Allowed (No Sidewalks)

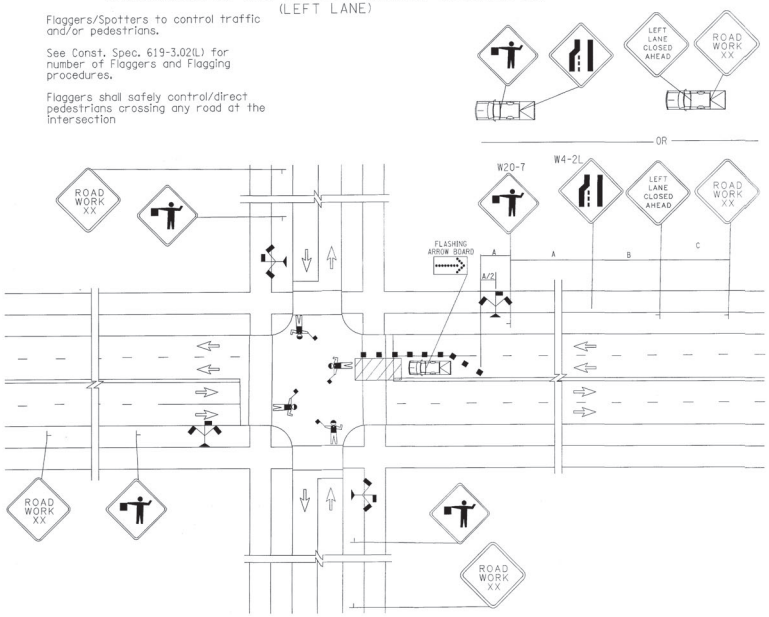


CROSSWALK/STOP BAR PAVEMENT MARKING INSTALLATION (LEFT LANE)

Flaggers/Spotters to control traffic and/or pedestrians.

See Const. Spec. 619-3.02(L) for number of Flaggers and Flagging procedures.

Flaggers shall safely control/direct pedestrians crossing any road at the intersection

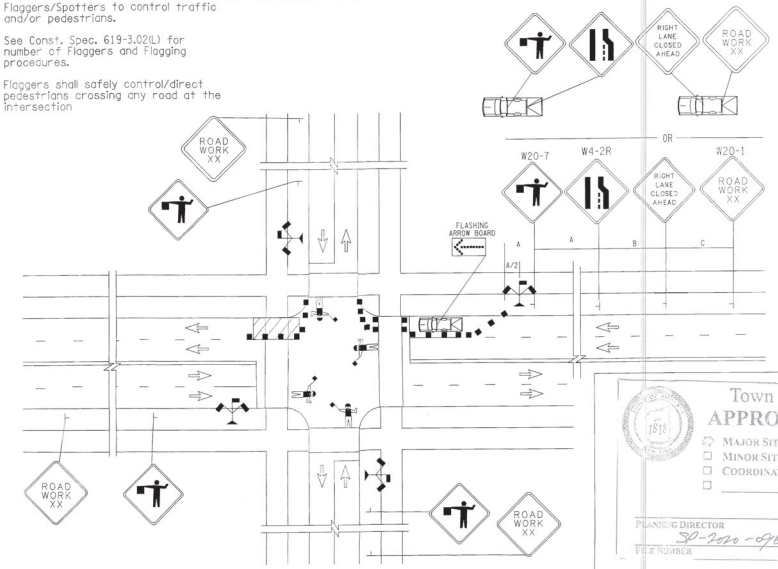


CROSSWALK/STOP BAR PAVEMENT MARKING INSTALLATION (ON FAR SIDE OF INTERSECTION)

Flaggers/Spotters to control traffic and/or pedestrians.

See Const. Spec. 619-3.02(L) for number of Flaggers and Flagging procedures.

Flaggers shall safely control/direct pedestrians crossing any road at the intersection



Town of Amherst
APPROVED PLAN
☑ MAJOR SITE PLAN
☐ MINOR SITE PLAN ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐
OCT - 7 2022
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FILE NUMBER CHECKED BY

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RECEIVED AUG 26 2022 TOWN OF AMHERST PLANNING DEPT.

Drawing Title:

PIP WORKZONE TRAFFIC CONTROL DETAILS

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Aug 26, 2022, 10:54am
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CROSSWALK/STOP BAR PAVEMENT MARKING INSTALLATION (ON 5-LANE ROADWAY, 3-LANES CLOSED)

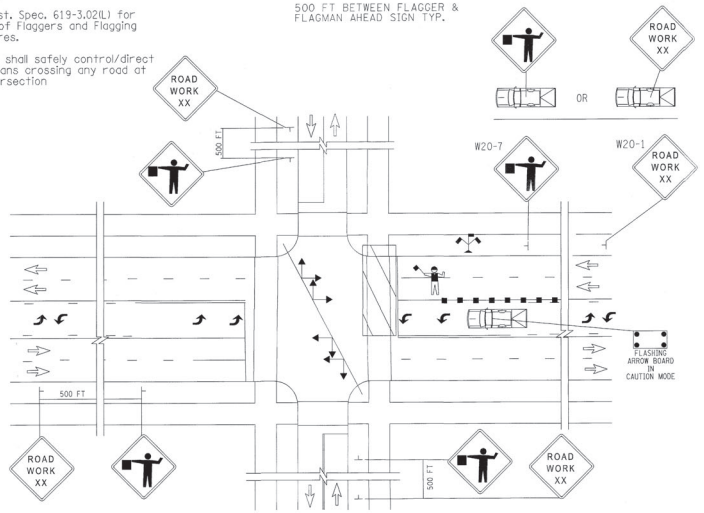
SHORT TERM LANE CLOSURE
FOR PREFORMED STRIPING INSTALLATION

Flaggers/Spotters to control traffic and/or pedestrians.

See Const. Spec. 619-3.02(L) for number of Flaggers and Flagging procedures.

Flaggers shall safely control/direct pedestrians crossing any road at the intersection

500 FT BETWEEN FLAGGER & FLAGMAN AHEAD SIGN TYP.

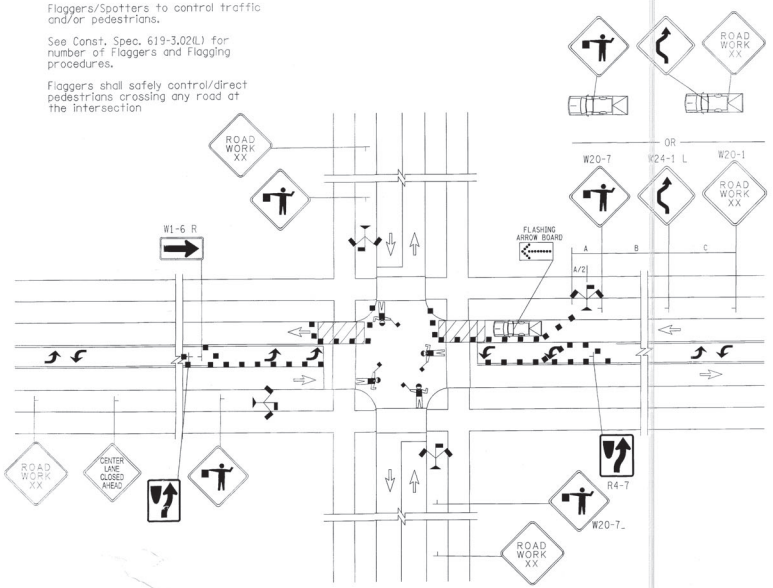


EPOXY CROSSWALK/STOP BAR PAVEMENT MARKING INSTALLATION on a THREE LANE ROADWAY (RIGHT LANE CLOSED)

Flaggers/Spotters to control traffic and/or pedestrians.

See Const. Spec. 619-3.02(L) for number of Flaggers and Flagging procedures.

Flaggers shall safely control/direct pedestrians crossing any road at the intersection

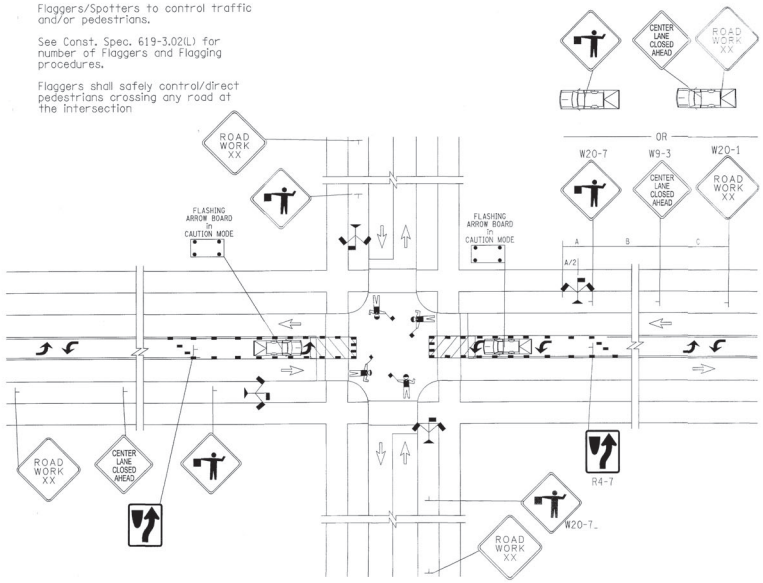


EPOXY CROSSWALK/STOP BAR PAVEMENT MARKING INSTALLATION on a THREE LANE ROADWAY (CENTER TURN LANE)

Flaggers/Spotters to control traffic and/or pedestrians.

See Const. Spec. 619-3.02(L) for number of Flaggers and Flagging procedures.

Flaggers shall safely control/direct pedestrians crossing any road at the intersection



NOTES:
SEE DWG. NO. C0566 FOR TABLES.

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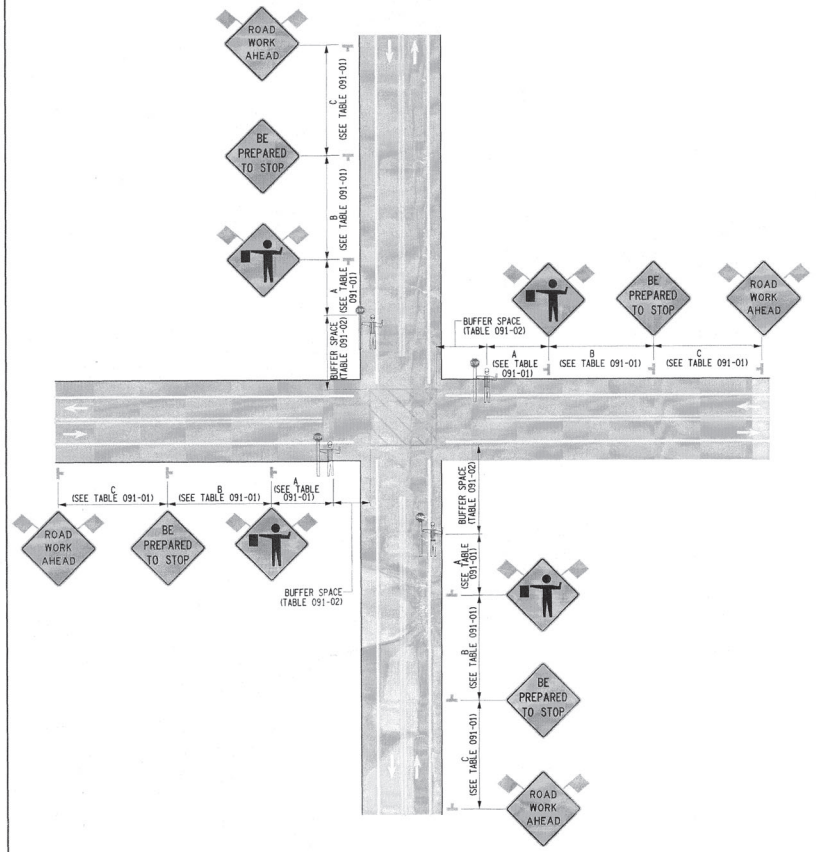
PIP WORKZONE TRAFFIC CONTROL DETAILS

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TABLE 091-01: ADVANCE WARNING SIGN SPACING

ROAD TYPE	DISTANCE BETWEEN SIGNS			SIGN LEGEND	
	A (FT.)	B (FT.)	C (FT.)	XX	YY
URBAN (≤ 30 MPH*)	100	100	100	AHEAD	AHEAD
URBAN (35-40 MPH*)	200	200	200	AHEAD	AHEAD
URBAN (≥ 45 MPH*)	350	350	350	1000 FT.	AHEAD
RURAL	500	500	500	1500 FT.	1000 FT.

* PRECONSTRUCTION POSTED SPEED LIMIT

TABLE 091-02: LONGITUDINAL BUFFER SPACE

PRECONSTRUCTION POSTED SPEED LIMIT (MPH)	DISTANCE (FT.)/ # OF SKIP LINES
25	155/4
30	200/5
35	250/6
40	305/8
45	360/9
50	425/11
55	495/13

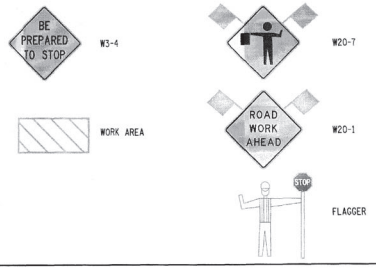
TABLE 091-03: REQUIRED SIGN SIZES*

SIGN	NON-FREEWAY	FREEWAY
W3-4	36x36	48x48
W20-1	36x36	48x48
W20-7	36x36	48x48
WARNING FLAG	18x18	18x18

*FREEWAY SIZES MAY BE USED ON NON-FREEWAY, IF SPACE CONSTRAINTS DO NOT EXIST.

NOTES:

1. DURATION OF THE CLOSURE SHALL NOT EXCEED 5 MINUTES.
2. IN URBAN CONDITIONS, ADVANCE WARNING SIGN SPACINGS MAY BE ADJUSTED IN ORDER TO ACCOMMODATE SIDE STREETS AND DRIVEWAYS. IF THERE IS A CONFLICT, MOVE THE SIGN UPSTREAM.
3. FLAGGER SYMBOL SIGN (W20-7) AND "BE PREPARED TO STOP" (W3-4) SHALL BE REMOVED, COVERED OR TURNED AWAY FROM ROAD USERS WHEN FLAGGING OPERATIONS ARE NOT OCCURRING.
4. FOR INTERSECTIONS WITH MULTIPLE LANE APPROACHES, A SITE SPECIFIC PLAN IS REQUIRED ILLUSTRATING PROPOSED STRATEGIES/ SIGNAGE TO REDUCE ALL APPROACHES TO A SINGLE LANE.
5. TRAFFIC IN BOTH DIRECTIONS WILL BE STOPPED FOR THE ENTIRE DURATION OF THE WORK. THE WORK SHALL BE SUSPENDED DURING PERIODS OF POOR VISIBILITY AND DURING PEAK HOURS.
6. WORK SHOULD BE SCHEDULED DURING NON-PEAK HOURS.
7. PRIOR TO PLACING THE ADVANCE WARNING SIGNS, CONSIDERATION NEEDS TO BE GIVEN TO THE EXPECTED VOLUME OF TRAFFIC THAT NEEDS TO BE HELD AND DISTANCES B AND C INCREASED IF NEEDED.



NEW YORK STATE OF OPPORTUNITY. Department of Transportation

U.S. CUSTOMARY STANDARD SHEET

WORK ZONE TRAFFIC CONTROL
TWO-LANE TWO-WAY ROADWAY
TEMPORARY INTERSECTION CLOSURE

APPROVED DECEMBER 2, 2021
Robert Limoges
ROBERT LIMOGES, P.E.
DIRECTOR, OTSM

ISSUED UNDER EI 21-028
619-091

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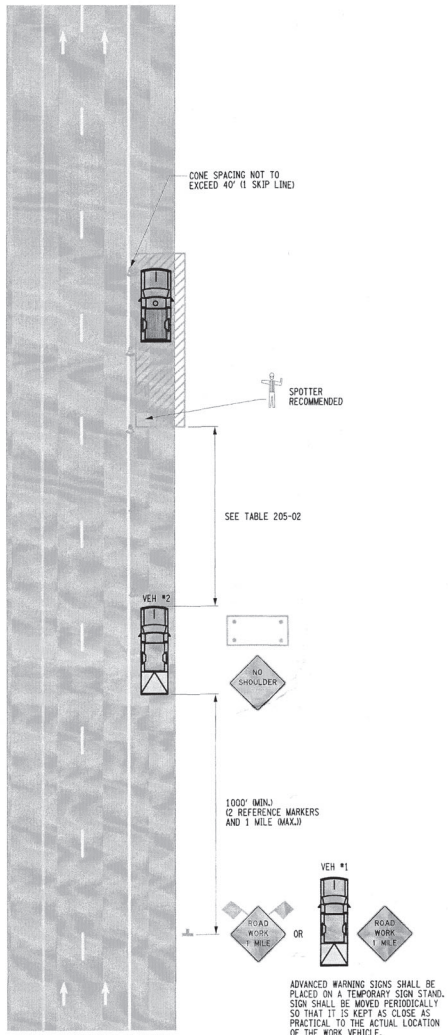
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ADVANCED WARNING SIGNS SHALL BE PLACED ON A TEMPORARY SIGN STAND. SIGN SHALL BE MOVED PERIODICALLY SO THAT IT IS KEPT AS CLOSE AS PRACTICAL TO THE ACTUAL LOCATION OF THE WORK VEHICLE.

NOT TO SCALE

RIGHT SHOULDER CLOSURE
(SHOULDER WIDTH ≥ 8')

NOTES:

1. SHORT DURATION IS WORK THAT OCCUPIES A LOCATION FOR UP TO 1 HOUR.
2. THE OPERATOR(S) SHALL REMAIN IN THE PROTECTIVE VEHICLE(S) WITH THE SAFETY BELT AND HEADREST PROPERLY ADJUSTED, MAINTAIN VEHICLE SPACING, AND KEEP THE WHEELS ALIGNED WITH THE LANE STRIPING. TWO-WAY RADIOS SHOULD BE USED TO COMMUNICATE BETWEEN THE OPERATOR AND THE WORK CREW.
3. THERE SHALL BE NO WORKERS, EQUIPMENT, OR OTHER VEHICLES IN THE ROLL AHEAD DISTANCE.

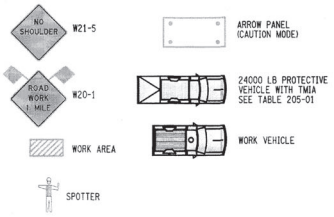


TABLE 205-01: PROTECTIVE VEHICLE REQUIREMENTS

CLOSURE TYPE	ROAD TYPE & SPEED / EXPOSURE CONDITIONS[1]	FREEWAY
LANE CLOSURE OR ENCROACHMENT	WORKERS ON FOOT OR VEHICLE EXPOSED TO TRAFFIC	P, TMA
	OTHER HAZARDS NO WORKERS EXPOSED	P, TMA
SHOULDER CLOSURE OR ENCROACHMENT	WORKERS ON FOOT OR VEHICLE EXPOSED TO TRAFFIC	P, TMA
	OTHER HAZARDS NO WORKERS EXPOSED	P, TMA

LEGEND

P: PROTECTIVE VEHICLE REQUIRED FOR EACH CLOSED LANE & EACH CLOSED PAVED SHOULDER 8' OR WIDER. IF THE WORK SPACE MOVES WITHIN THE STATIONARY CLOSURE, THE PROTECTIVE VEHICLE SHALL BE REPOSITIONED ACCORDINGLY.

TMA: TMA REQUIRED

NOTES:
1. THE EXPOSURE CONDITIONS ASSUMES THERE IS NO POSITIVE PROTECTION PRESENT

TABLE 205-02: ROLL AHEAD DISTANCE

ROLL AHEAD DISTANCE (FT)/* OF SKIP LINES FOR VEHICLES		
PRECONSTRUCTION POSTED SPEED LIMIT (MPH)	STATIONARY OPERATION MIN	STATIONARY OPERATION MAX
≥ 55	120/3	200/5
45 - 50	80/2	160/4

TABLE 205-03: REQUIRED SIGN SIZES

SIGN	FREEWAY
W20-1	48x48
W21-5	48x48
WARNING FLAG	18x18

NEW YORK STATE OF OPPORTUNITY. **Department of Transportation**

U.S. CUSTOMARY STANDARD SHEET

WORK ZONE TRAFFIC CONTROL
FREEWAY
RIGHT SHOULDER CLOSURE
SHORT DURATION OPERATION

APPROVED DECEMBER 2, 2021	ISSUED UNDER EI 21-028
Robert Limoges	619-205
ROBERT LIMOGES, P.E. DIRECTOR, OTSM	

Town of Amherst
APPROVED PLAN
☒ MAJOR SITE PLAN
☐ MINOR SITE PLAN/ADJUSTMENT
☐ COORDINATED SIGN PLAN
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	TOWN OF AMHERST	15 JUNE 2022

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Drawing Title:

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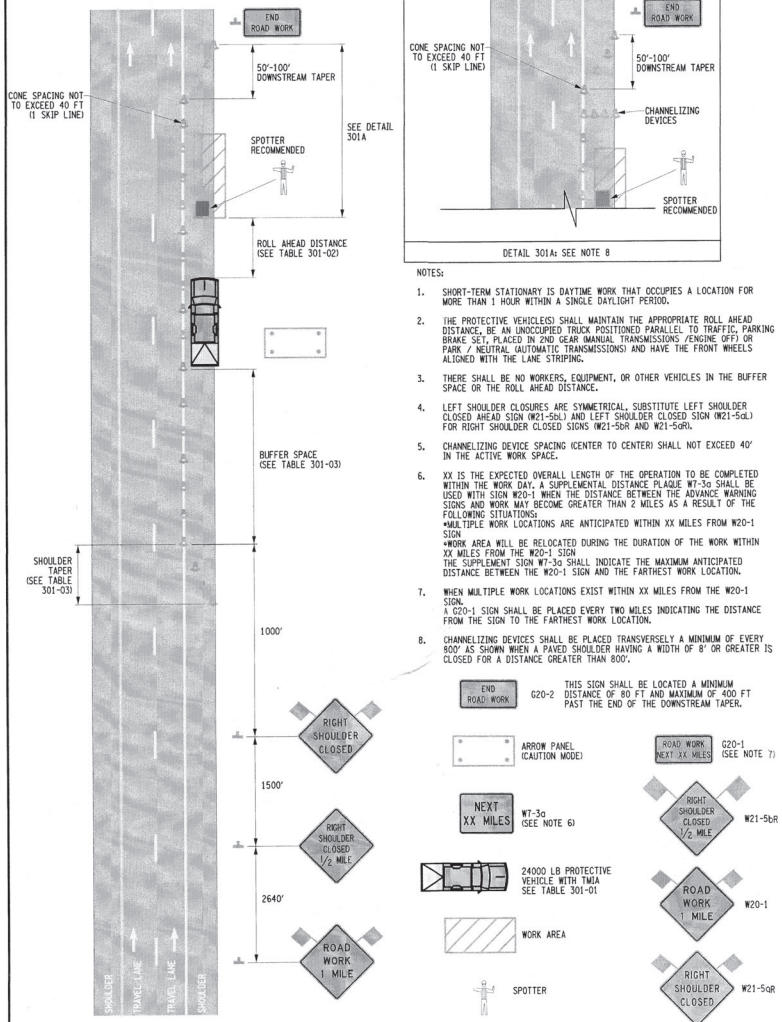
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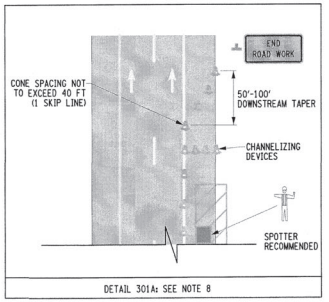
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Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement





DETAIL 301A: SEE NOTE 8

NOTES:

1. SHORT-TERM STATIONARY IS DAYTIME WORK THAT OCCUPIES A LOCATION FOR MORE THAN 1 HOUR WITHIN A SINGLE DAYLIGHT PERIOD.
2. THE PROTECTIVE VEHICLE(S) SHALL MAINTAIN THE APPROPRIATE ROLL AHEAD DISTANCE, BE AN UNOCCUPIED TRUCK POSITIONED PARALLEL TO TRAFFIC, PARKING BRAKE SET, PLACED IN 2ND GEAR (MANUAL TRANSMISSIONS /ENGINE OFF) OR PARK / NEUTRAL (AUTOMATIC TRANSMISSIONS) AND HAVE THE FRONT WHEELS ALIGNED WITH THE LANE STRIPING.
3. THERE SHALL BE NO WORKERS, EQUIPMENT, OR OTHER VEHICLES IN THE BUFFER SPACE OR THE ROLL AHEAD DISTANCE.
4. LEFT SHOULDER CLOSURES ARE SYMMETRICAL, SUBSTITUTE LEFT SHOULDER CLOSED AHEAD SIGN (W21-5bL) AND LEFT SHOULDER CLOSED SIGN (W21-5aL) FOR RIGHT SHOULDER CLOSED SIGNS (W21-5bR AND W21-5aR).
5. CHANNELIZING DEVICE SPACING (CENTER TO CENTER) SHALL NOT EXCEED 40' IN THE ACTIVE WORK SPACE.
6. XX IS THE EXPECTED OVERALL LENGTH OF THE OPERATION TO BE COMPLETED WITHIN THE WORK DAY. A SUPPLEMENTAL DISTANCE PLAQUE W7-3a SHALL BE USED WITH SIGN W20-1 WHEN THE DISTANCE BETWEEN THE ADVANCE WARNING SIGNS AND WORK MAY BECOME GREATER THAN 2 MILES AS A RESULT OF THE FOLLOWING SITUATIONS:
   *MULTIPLE WORK LOCATIONS ARE ANTICIPATED WITHIN XX MILES FROM W20-1 SIGN
   *WORK AREA WILL BE RELOCATED DURING THE DURATION OF THE WORK WITHIN XX MILES FROM THE W20-1 SIGN
   THE SUPPLEMENT SIGN W7-3a SHALL INDICATE THE MAXIMUM ANTICIPATED DISTANCE BETWEEN THE W20-1 SIGN AND THE FARTHEST WORK LOCATION.
7. WHEN MULTIPLE WORK LOCATIONS EXIST WITHIN XX MILES FROM THE W20-1 SIGN.
   A G20-1 SIGN SHALL BE PLACED EVERY TWO MILES INDICATING THE DISTANCE FROM THE SIGN TO THE FARTHEST WORK LOCATION.
8. CHANNELIZING DEVICES SHALL BE PLACED TRANSVERSELY A MINIMUM OF EVERY 600' AS SHOWN WHEN A PAVED SHOULDER HAVING A WIDTH OF 8' OR GREATER IS CLOSED FOR A DISTANCE GREATER THAN 800'.

NOT TO SCALE

TABLE 301-01: PROTECTIVE VEHICLE REQUIREMENTS

CLOSURE TYPE	ROAD TYPE & SPEED	FREEWAY
	EXPOSURE CONDITIONS[1]	
LANE CLOSURE OR ENCROACHMENT	WORKERS ON FOOT OR VEHICLE EXPOSED TO TRAFFIC	P, TMA
	OTHER HAZARDS NO WORKERS EXPOSED	P, TMA
SHOULDER CLOSURE OR ENCROACHMENT	WORKERS ON FOOT OR VEHICLE EXPOSED TO TRAFFIC	P, TMA
	OTHER HAZARDS NO WORKERS EXPOSED	P, TMA

LEGEND

P: PROTECTIVE VEHICLE REQUIRED FOR EACH CLOSED LANE & EACH CLOSED PAVED SHOULDER 8' OR WIDER, IF THE WORK SPACE MOVES WITHIN THE STATIONARY CLOSURE, THE PROTECTIVE VEHICLE SHALL BE REPOSITIONED ACCORDINGLY

TMA: TMA REQUIRED

NOTES:
1. THE EXPOSURE CONDITIONS ASSUMES THERE IS NO POSITIVE PROTECTION PRESENT

TABLE 301-02: ROLL AHEAD DISTANCE

ROLL AHEAD DISTANCE (FT.)/* OF SKIP LINES FOR VEHICLES		
PRECONSTRUCTION POSTED SPEED LIMIT (MPH)	STATIONARY OPERATION	
	MIN	MAX
≥ 55	120/3	200/5
45 - 50	80/2	160/4

TABLE 301-03: LONGITUDINAL BUFFER SPACE AND TAPER LENGTHS

PRECONSTRUCTION POSTED SPEED LIMIT (MPH)	LONGITUDINAL BUFFER SPACE DISTANCE (FT.)/ * OF SKIP LINES	SHOULDER TAPER LENGTH: L/3 (FT.)/ * OF SKIP LINES/ * OF CHANNELIZING DEVICES FOR SHOULDER WIDTH		
		≤ 4 FT.	5 - 7 FT.	≥ 8 FT.
45	360/9	80/2/3	80/2/3	120/3/4
50	425/11	80/2/3	120/3/4	160/4/5
55	495/13	80/2/3	120/3/4	160/4/5
65	645/16	80/2/3	160/4/5	200/5/6

TABLE 301-04: REQUIRED SIGN SIZES

SIGN	FREEWAY
G20-1	48x24
G20-2	48x24
W7-3a	36x30
W20-1	48x48
W21-5aR	48x48
W21-5bR	48x48
WARNING FLAG	18x18

NEW YORK STATE OF OPPORTUNITY. **Department of Transportation**

U.S. CUSTOMARY STANDARD SHEET

WORK ZONE TRAFFIC CONTROL
FREEWAY - SHOULDER ≥ 8 FOOT
RIGHT SHOULDER CLOSURE
SHORT TERM OPERATION

APPROVED DECEMBER 2, 2021	ISSUED UNDER EI 21-028
Robert Limoges ROBERT LIMOGES, P.E. DIRECTOR, OTSM	619-301

Town of Amherst
APPROVED PLAN
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☐ MINOR SITE PLAN ADJUSTMENT
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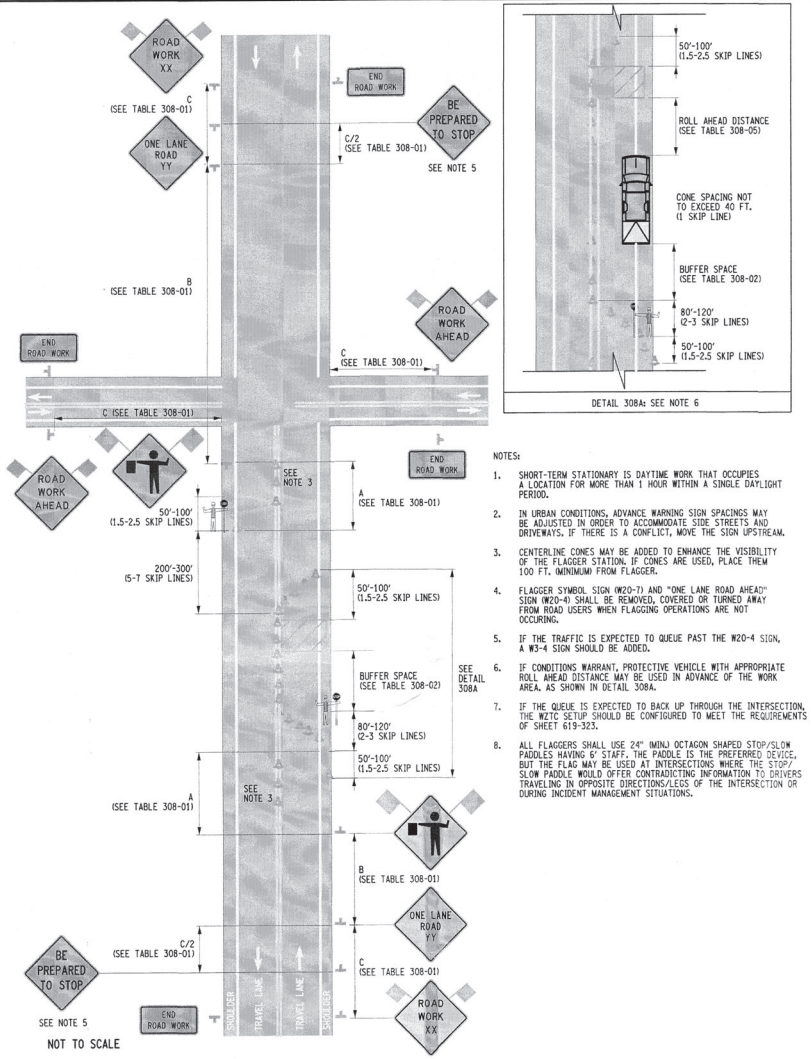
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DETAIL 308A: SEE NOTE 6

NOTES:

1. SHORT-TERM STATIONARY IS DAYTIME WORK THAT OCCUPIES A LOCATION FOR MORE THAN 1 HOUR WITHIN A SINGLE DAYLIGHT PERIOD.
2. IN URBAN CONDITIONS, ADVANCE WARNING SIGN SPACINGS MAY BE ADJUSTED IN ORDER TO ACCOMMODATE SIDE STREETS AND DRIVEWAYS. IF THERE IS A CONFLICT, MOVE THE SIGN UPSTREAM.
3. CENTERLINE CONES MAY BE ADDED TO ENHANCE THE VISIBILITY OF THE FLAGGER STATION. IF CONES ARE USED, PLACE THEM 100 FT. (MINIMUM) FROM FLAGGER.
4. FLAGGER SYMBOL SIGN (W20-7) AND "ONE LANE ROAD AHEAD" SIGN (W20-4) SHALL BE REMOVED, COVERED OR TURNED AWAY FROM ROAD USERS WHEN FLAGGING OPERATIONS ARE NOT OCCURING.
5. IF THE TRAFFIC IS EXPECTED TO QUEUE PAST THE W20-4 SIGN, A W3-4 SIGN SHOULD BE ADDED.
6. IF CONDITIONS WARRANT, PROTECTIVE VEHICLE WITH APPROPRIATE ROLL AHEAD DISTANCE MAY BE USED IN ADVANCE OF THE WORK AREA. AS SHOWN IN DETAIL 308A.
7. IF THE QUEUE IS EXPECTED TO BACK UP THROUGH THE INTERSECTION, THE WZTC SETUP SHOULD BE CONFIGURED TO MEET THE REQUIREMENTS OF SHEET 619-323.
8. ALL FLAGGERS SHALL USE 24" (MIN.) OCTAGON SHAPED STOP/SLOW PADDLES HAVING 6' STAFF. THE PADDLE IS THE PREFERRED DEVICE, BUT THE FLAG MAY BE USED AT INTERSECTIONS WHERE THE STOP/SLOW PADDLE WOULD OFFER CONTRADICTING INFORMATION TO DRIVERS TRAVELING IN OPPOSITE DIRECTIONS/LEGS OF THE INTERSECTION OR DURING INCIDENT MANAGEMENT SITUATIONS.

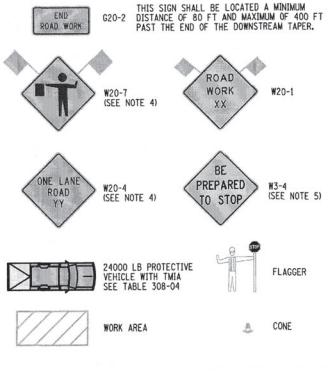


TABLE 308-01: ADVANCE WARNING SIGN SPACING

ROAD TYPE	DISTANCE BETWEEN SIGNS			SIGN LEGEND	
	A (FT.)	B (FT.)	C (FT.)	XX	YY
URBAN (≤ 30 MPH*)	100	100	100	AHEAD	AHEAD
URBAN (35-40 MPH*)	200	200	200	AHEAD	AHEAD
URBAN (≥ 45 MPH*)	350	350	350	1000 FT.	AHEAD
RURAL	500	500	500	1500 FT.	1000 FT.

* PRECONSTRUCTION POSTED SPEED LIMIT

TABLE 308-02: LONGITUDINAL BUFFER SPACE

PRECONSTRUCTION POSTED SPEED LIMIT (MPH)	LONGITUDINAL BUFFER SPACE DISTANCE (FT.)/ # OF SKIP LINES
25	155/4
30	200/5
35	250/6
40	305/8
45	360/9
50	425/11
55	495/13

TABLE 308-03: REQUIRED SIGN SIZES*

SIGN	NON-FREEWAY	FREEWAY
G20-2	36x18	48x24
W3-4	36x36	48x24
W20-1	36x36	48x48
W20-4	36x36	48x48
W20-7	36x36	48x48
WARNING FLAG	18x18	18x18

*FREEWAY SIZES MAY BE USED ON NON-FREEWAY, IF SPACE CONSTRAINTS DO NOT EXIST.

TABLE 308-05: ROLL AHEAD DISTANCE

ROLL AHEAD DISTANCE (FT.)/# OF SKIP LINES FOR VEHICLES		
PRECONSTRUCTION POSTED SPEED LIMIT (MPH)	STATIONARY OPERATION	
	MIN	MAX
≥ 55	120/3	200/5
45 - 50	80/2	160/4
≤ 40	40/1	120/3

TABLE 308-04: PROTECTIVE VEHICLE REQUIREMENTS

CLOSURE TYPE	ROAD TYPE & SPEED	NON-FREEWAY		
		≥ 45 MPH	35 - 40 MPH	≤ 30 MPH
	EXPOSURE CONDITIONS[1]			
LANE CLOSURE OR ENCROACHMENT	WORKERS ON FOOT OR VEHICLE EXPOSED TO TRAFFIC	P, TMIA	P, TMIA	P
	OTHER HAZARDS NO WORKERS EXPOSED	P, TMIA	P	SEE NOTE 2
SHOULDER CLOSURE OR ENCROACHMENT	WORKERS ON FOOT OR VEHICLE EXPOSED TO TRAFFIC	P, TMIA	P	P
	OTHER HAZARDS NO WORKERS EXPOSED	P, TMIA	P	SEE NOTE 2

LEGEND

P: PROTECTIVE VEHICLE REQUIRED FOR EACH CLOSED LANE & EACH CLOSED PAVED SHOULDER 8' OR WIDER. IF THE WORK SPACE MOVES WITHIN THE STATIONARY CLOSURE, THE PROTECTIVE VEHICLE SHALL BE REPOSITIONED ACCORDINGLY

TMIA: TMIA REQUIRED

NOTES:
1. THE EXPOSURE CONDITIONS ASSUMES THERE IS NO POSITIVE PROTECTION PRESENT
2. EITHER A PROTECTIVE VEHICLE OR THE STANDARD BUFFER SPACE SHALL BE PROVIDED

NEW YORK STATE OF OPPORTUNITY. **Department of Transportation**

U.S. CUSTOMARY STANDARD SHEET

WORK ZONE TRAFFIC CONTROL
TWO-LANE TWO-WAY ROADWAY
LANE CLOSURE WITH FLAGGERS PRIOR TO INTERSECTION
SHORT TERM OPERATION

APPROVED DECEMBER 2, 2021	ISSUED UNDER EI 21-028
Robert Limoges ROBERT LIMOGES, P.E. DIRECTOR, OTSM	619-308

Town of Amherst
APPROVED PLAN
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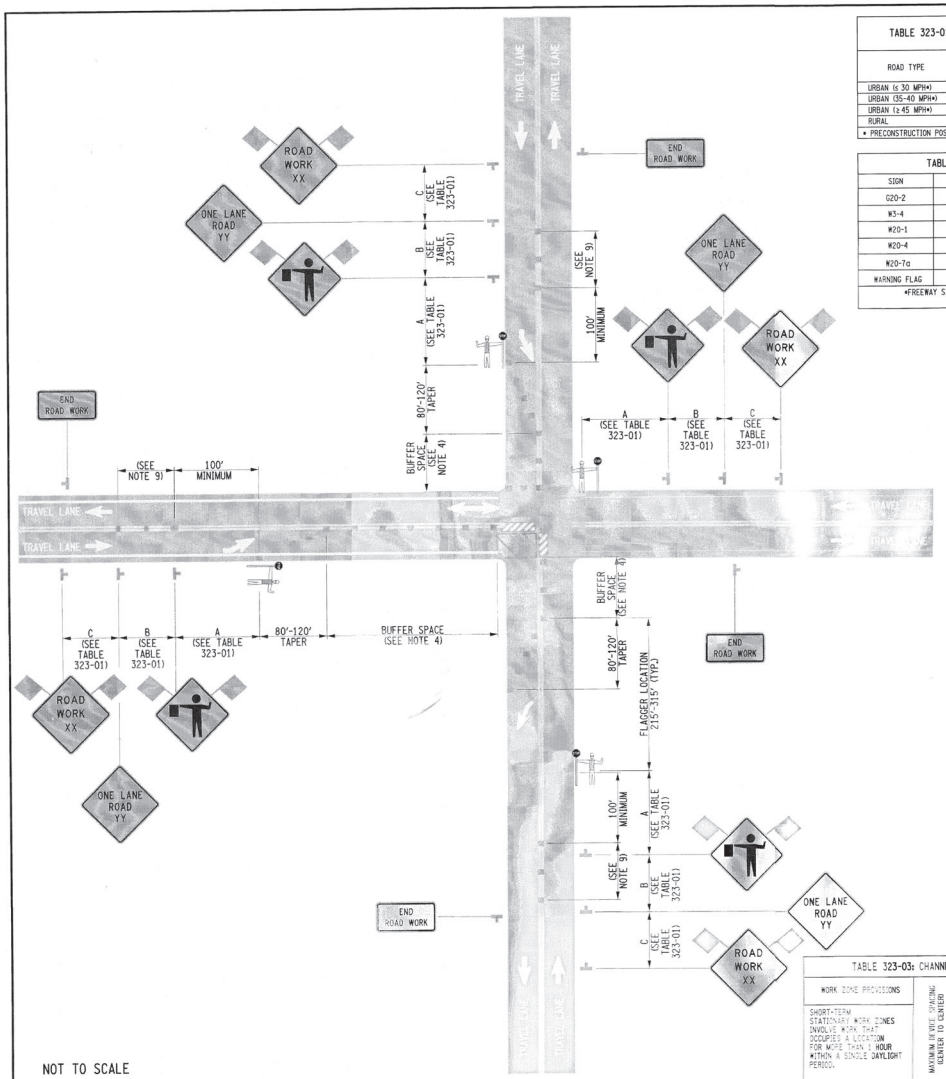


TABLE 323-01: ADVANCE WARNING SIGN SPACING

ROAD TYPE	DISTANCE BETWEEN SIGNS			SIGN LEGEND	
	A (FT.)	B (FT.)	C (FT.)	XX	YY
URBAN (≤ 30 MPH*)	100	100	100	AHEAD	AHEAD
URBAN (35-40 MPH*)	200	200	200	AHEAD	AHEAD
URBAN (≥ 45 MPH*)	350	350	350	1000 FT.	AHEAD
RURAL	500	500	500	1500 FT.	1000 FT.

* PRECONSTRUCTION POSTED SPEED LIMIT

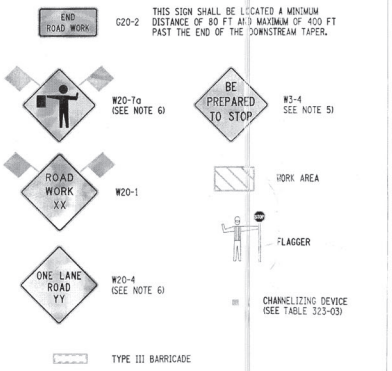
TABLE 323-02: REQUIRED SIGN SIZES*

SIGN	NON-FREEWAY	FREEWAY
G20-2	36x18	48x24
W3-4	36x36	48x48
W20-1	36x36	48x48
W20-4	36x36	48x48
W20-7a	36x36	48x48
WARNING FLAG	18x18	18x18

*FREEWAY SIZES MAY BE USED ON NON-FREEWAY, IF SPACE CONSTRAINTS DO NOT EXIST.

NOTES:

1. SHORT-TERM STATIONARY IS DAYTIME WORK THAT OCCUPIES A LOCATION FOR MORE THAN 1 HOUR WITHIN A SINGLE DAYLIGHT PERIOD.
2. AT SIGNALIZED INTERSECTIONS, SIGNALS SHALL BE TURNED OFF FOR ANY FLAGGING OPERATIONS, UNLESS OTHERWISE AUTHORIZED BY THE ENGINEER.
3. CHANNELIZING DEVICE SPACING (CENTER TO CENTER) SHALL NOT EXCEED 40' IN THE ACTIVE WORK SPACE.
4. WHERE DIRECTED BY THE ENGINEER, A BUFFER SPACE SHALL BE PROVIDED IN ORDER TO LOCATE THE ONE-LANE, TWO-WAY TRAFFIC TAPER PRIOR TO ANY HORIZONTAL OR VERTICAL CURVE, IN ORDER TO PROVIDE ADEQUATE SIGHT DISTANCE FOR THE FLAGGERS AND/OR A QUEUE OF STOPPED VEHICLES.
5. IF THE TRAFFIC IS EXPECTED TO QUEUE PAST THE W20-4 SIGN, A W3-4 SIGN SHOULD BE ADDED HALFWAY BETWEEN THE W20-4 AND W20-1 SIGNS.
6. FLAGGER SIGN (W20-7a) AND ONE LANE ROAD AHEAD SIGN (W20-4) SHALL BE REMOVED, COVERED OR TURNED AWAY FROM ROAD USERS WHEN FLAGGING OPERATIONS ARE NOT OCCURING.
7. ALL FLAGGERS SHALL USE 24" (MIN.) OCTAGON SHAPED STOP/SLOW PADDLES HAVING 6' STAFF. THE PADDLE IS THE PREFERRED DEVICE, BUT THE FLAG MAY BE USED AT INTERSECTIONS WHERE THE STOP/SLOW PADDLE WOULD OFFER CONTRADICTING INFORMATION TO DRIVERS TRAVELING IN OPPOSITE DIRECTIONS/LEGS OF THE INTERSECTION OR DURING INCIDENT MANAGEMENT SITUATIONS.
8. ADDITIONAL FLAGGERS SHALL BE LOCATED AT ALL INTERSECTIONS AND COMMERCIAL DRIVEWAYS LOCATED WITHIN OR NEAR THE ACTIVE WORK AREA.
9. CENTERLINE CONES MAY BE ADDED TO ENHANCE THE VISIBILITY OF THE FLAGGER STATION. IF CONES ARE USED, PLACE THEM 100 FT. (MINIMUM) FROM FLAGGER.
10. NO WORK ACTIVITY, EQUIPMENT, OR STORAGE OF VEHICLES OR MATERIAL SHALL OCCUR WITHIN THE BUFFER SPACE AT ANY TIME.



REFER TO SHEET 2 OF 2 FOR ALL TABLES

TABLE 323-03: CHANNELIZING DEVICE APPLICATION FOR SHORT-TERM STATIONARY WORK ZONES

WORK ZONE PROVISIONS	MAXIMUM DEVICE SPACING (CENTER TO CENTER)	MUTCD COMPLIANT CHANNELIZING DEVICE								
		DRUMS	STANDARD CONES	TALL CONES	EXTRA TALL CONES	TEMPORARY TUBULAR MARKERS	INTERIM TUBULAR MARKERS	VERTICAL PANELS	OVERSIZED VERTICAL PANELS	TYPE III BARRICADES
SHORT-TERM STATIONARY WORK ZONES INVOLVE WORK THAT OCCUPIES A LOCATION FOR MORE THAN 1 HOUR *WITHIN A SINGLE DAYLIGHT PERIOD.										
SHOULDER/MERGING/ SHIFTING TAPERS	20 FT.	X	X	X	X			X	X	
	40 FT.	X	X	X	X			X	X	
MARKING FOR TRANSVERSE BUMPS[1]	N/A	X[2]			X[2]				X[2]	
LONGITUDINAL LANE OR SHOULDER CLOSURE *NO MARKERS PRESENT	80 F.	X	X	X	X			X	X	
TRANSVERSE DEVICE WITHIN CLOSED TRAFFIC LANE AND/OR SHOULDER	300 FT.	X	X	X	X			X	X	O
REMOVAL OF EXISTING GUIDE RAIL	80 FT.	X		X	X	X		X	X	O
	40 FT.									

NOTES: X= ALLOWED, BLANK = NOT ALLOWED, O = OPTIONAL
1. - A TYPE I OBJECT MARKER MAY BE USED IN LIEU OF CHANNELIZING DEVICE.
2. - CHANNELIZING DEVICES SHALL BE EQUIPPED WITH A FLASHING WARNING LIGHT.

NEW YORK STATE OF OPPORTUNITY. **Department of Transportation**

U.S. CUSTOMARY STANDARD SHEET

WORK ZONE TRAFFIC CONTROL
TWO-LANE, TWO-WAY ROADWAY
FLAGGING OPERATION AT INTERSECTION
SHORT TERM OPERATION
(SHEET 1 OF 2)

APPROVED DECEMBER 2, 2021 — ISSUED UNDER EI 21-028

Robert Limoges
ROBERT LIMOGES, P.E.
DIRECTOR, OTSM

619-323

Town of Amherst
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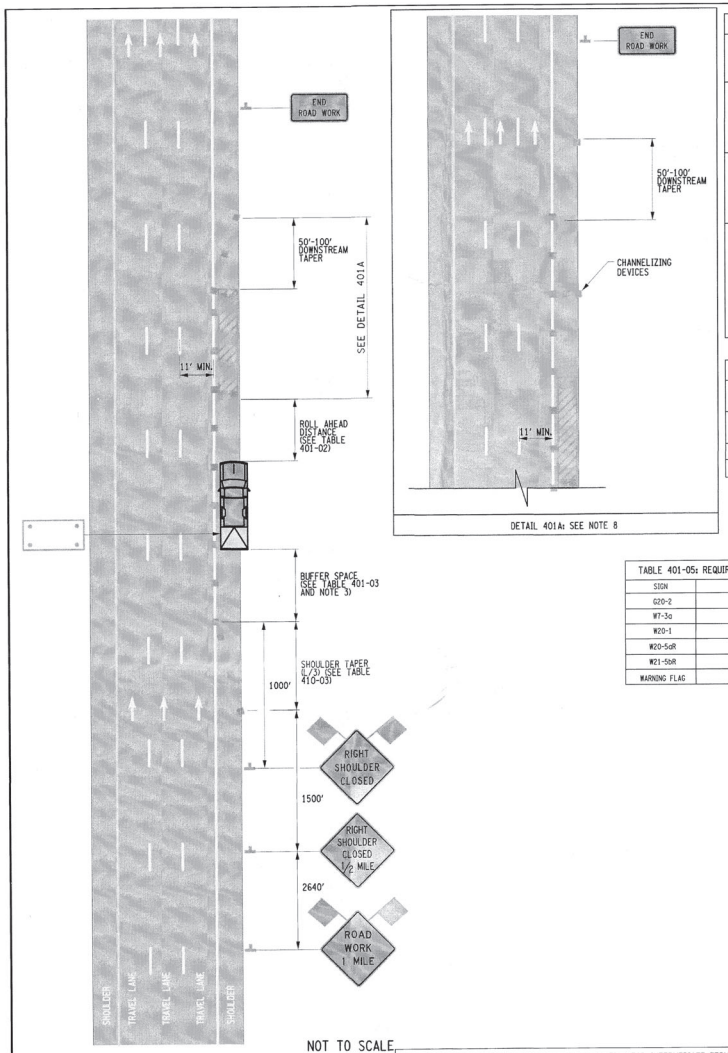
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Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement



NOT TO SCALE

DETAIL 401A: SEE NOTE 8

TABLE 401-01: PROTECTIVE VEHICLE REQUIREMENTS

CLOSURE TYPE	ROAD TYPE & SPEED	FREEWAY
	EXPOSURE CONDITIONS[1]	
LANE CLOSURE OR ENCROACHMENT	WORKERS ON FOOT OR VEHICLE EXPOSED TO TRAFFIC	P, TMA
	OTHER HAZARDS NO WORKERS EXPOSED	P, TMA
SHOULDER CLOSURE OR ENCROACHMENT	WORKERS ON FOOT OR VEHICLE EXPOSED TO TRAFFIC	P, TMA
	OTHER HAZARDS NO WORKERS EXPOSED	P, TMA

LEGEND

P: PROTECTIVE VEHICLE REQUIRED FOR EACH CLOSED LANE & EACH CLOSED PAVED SHOULDER 8' OR WIDER, IF THE WORK SPACE MOVES WITHIN THE STATIONARY CLOSURE, THE PROTECTIVE VEHICLE SHALL BE REPOSITIONED ACCORDINGLY

TMA: TMA REQUIRED

NOTES:
1. THE EXPOSURE CONDITIONS ASSUME THERE IS NO POSITIVE PROTECTION PRESENT

TABLE 401-02: ROLL AHEAD DISTANCE

ROLL AHEAD DISTANCE (FT.)/* OF SKIP LINES FOR VEHICLES

PRECONSTRUCTION POSTED SPEED LIMIT (MPH)	STATIONARY OPERATION	
	MIN	MAX
≥ 55	120/3	200/5
45 - 50	80/2	160/4

TABLE 401-05: REQUIRED SIGN SIZES

SIGN	FREEWAY
G20-2	48x24
W7-3a	36x30
W20-1	48x48
W20-5aR	48x48
W21-5bR	48x48
WARNING FLAG	18x18

ROAD WORK 1 MILE — W20-1

END ROAD WORK — G20-2 — THIS SIGN SHALL BE LOCATED A MINIMUM DISTANCE OF 80 FT. AND MAXIMUM OF 400 FT. PAST THE END OF THE DOWNSTREAM TAPER

NEXT XX MILES — W7-3a (SEE NOTES 6)

ROAD WORK NEXT XX MILES — G20-1 (SEE NOTE 7)

ARROW PANEL (CAUTION MODE)

RIGHT SHOULDER CLOSED — W20-5aR

STATE LAW LICENSE SUSPENDED AFTER TWO WORK ZONE SPEEDING TICKETS — NYR9-11 (SEE NOTE 9)

RIGHT SHOULDER CLOSED 1/2 MILE — W21-5bR

24000 LB PROTECTIVE VEHICLE WITH TMA SEE TABLE 401-01

WORK AREA

CHANNELIZING DEVICE (SEE TABLE 401-04)

NOTES:

1. INTERMEDIATE-TERM IS STATIONARY WORK THAT OCCUPIES A LOCATION MORE THAN ONE DAYLIGHT PERIOD UP TO 3 CONSECUTIVE DAYS, OR NIGHTTIME WORK LASTING MORE THAN 1 HOUR.

2. THE PROTECTIVE VEHICLE(S) SHALL MAINTAIN THE APPROPRIATE ROLL AHEAD DISTANCE, BE AN UNOCCUPIED TRUCK POSITIONED PARALLEL TO TRAFFIC, PARKING BRAKE SET, PLACED IN 2ND GEAR (MANUAL TRANSMISSIONS /ENGINE OFF) OR PARK / NEUTRAL (AUTOMATIC TRANSMISSIONS) AND HAVE THE FRONT WHEELS ALIGNED WITH THE LANE STRIPING.

3. NO WORK ACTIVITY OR STORAGE OF EQUIPMENT, VEHICLES, OR MATERIAL SHOULD OCCUR WITHIN A BUFFER SPACE.

4. LEFT SHOULDER CLOSURES ARE SYMMETRICAL. SUBSTITUTE LEFT SHOULDER CLOSED AHEAD SIGN (W21-5bU) AND LEFT SHOULDER CLOSED SIGN (21-5c) FOR RIGHT SHOULDER CLOSED SIGNS (W21-5bR AND W21-5cR).

5. CHANNELIZING DEVICE SPACING (CENTER TO CENTER) SHALL NOT EXCEED 20' IN THE ACTIVE WORKSPACE.

6. XX IS THE EXPECTED OVERALL LENGTH OF THE OPERATION TO BE COMPLETED WITHIN THE WORK DAY. A SUPPLEMENTAL DISTANCE PLAQUE W7-3a SHALL BE USED WITH SIGN W20-1 WHEN THE DISTANCE BETWEEN THE ADVANCE WARNING SIGNS AND WORK MAY BECOME GREATER THAN 2 MILES AS A RESULT OF THE FOLLOWING SITUATIONS:
•MULTIPLE WORK LOCATIONS ARE ANTICIPATED WITHIN XX MILES FROM THE W20-1 SIGN
•WORK AREA WILL BE RELOCATED DURING THE DURATION OF THE WORK WITHIN XX MILES FROM THE W20-1 SIGN
THE SUPPLEMENTAL SIGN W7-3a SHALL INDICATE THE MAXIMUM ANTICIPATED DISTANCE BETWEEN THE W20-1 SIGN AND THE FARTHEST WORK LOCATION.

7. WHEN MULTIPLE WORK LOCATIONS EXIST WITHIN XX MILES FROM THE W20-1 SIGN, A G20-1 SIGN SHALL BE PLACED EVERY TWO MILES INDICATING THE DISTANCE FROM THE SIGN TO THE FARTHEST WORK LOCATION.

8. CHANNELIZING DEVICES SHALL BE PLACED TRANSVERSELY A MINIMUM OF EVERY 800' AS SHOWN WHEN A PAVED SHOULDER HAVING A WIDTH OF 8' OR GREATER IS CLOSED FOR A DISTANCE GREATER THAN 800'.

9. THE NY9-11 SIGN IS RECOMMENDED. WHEN USED, IT SHALL BE PLACED IN ADVANCE OF THE FIRST ADVANCE WARNING SIGN. THE PLACEMENT DISTANCE SHALL BE 1000' FOR POSTED SPEED LIMITS OF 45 MPH OR HIGHER, AND 300' - 500' FOR POSTED SPEED LIMITS OF LESS THAN 45 MPH.

NOTES ON NIGHTTIME WORK:

N1. WORK OCCURRING AFTER SUNSET AND BEFORE SUNRISE WILL BE CONSIDERED NIGHTTIME OPERATIONS.

N2. ALL SIGNS, STOP/SLOW PADDLES AND RED FLAGS USED TO WARN/ALERT/CONTROL TRAFFIC SHALL BE RETROREFLECTIVE.

N3. ALL WORKERS INVOLVED SHALL WEAR PROTECTIVE HELMETS AND NIGHTTIME APPAREL IN ACCORDANCE WITH §107-05A. HIGH VISIBILITY APPAREL AT ALL TIMES.

N4. VEHICLES OPERATING ON THE PAVEMENT OF A CLOSED ROADWAY OR TRAVEL LANE SHALL DISPLAY ROTATING AMBER BEACONS OR FLASHING LED BEACONS AT ALL TIMES.

N5. LEVEL I ILLUMINATION SHALL BE PROVIDED NEAR THE BEGINNING OF LANE CLOSURE TAPERS AND AT ROAD CLOSURES, INCLUDING THE SETUP AND REMOVAL OF THE CLOSURE TAPERS.

N6. LEVEL II ILLUMINATION SHALL BE PROVIDED FOR FLAGGING STATIONS, ASPHALT PAVING, MILLING, AND CONCRETE PLACEMENT AND/OR REMOVAL OPERATIONS, INCLUDING BRIDGE DECKS, 50 FEET AHEAD OF AND 100 FEET BEHIND A PAVING OR MILLING MACHINE.

N7. LEVEL III ILLUMINATION SHALL BE PROVIDED FOR PAVEMENT OR STRUCTURAL CRACK FILLING, JOINT REPAIR, PAVEMENT PATCHING AND REPAIRS, INSTALLATION OF SIGNAL EQUIPMENT OR OTHER ELECTRICAL/MECHANICAL EQUIPMENT, AND OTHER TASKS INVOLVING FINE DETAILS OR INTRICATE PARTS AND EQUIPMENT.

N8. ALL LIGHTING SHALL BE DESIGNED, INSTALLED, AND OPERATED TO AVOID GLARE THAT AFFECTS TRAFFIC ON THE ROADWAY OR THAT CAUSES ANNOYANCE OR DISCOMFORT FOR RESIDENCES ADJOINING THE ROADWAY.

N9. PRIOR TO THE START OF NIGHTTIME OPERATIONS, A WRITTEN NIGHTTIME OPERATIONS AND LIGHTING PLAN IS REQUIRED FOR APPROVAL.

N10. SEE NIGHTTIME SAFETY BULLETIN, HDM §16.5.7, & STANDARD SPECIFICATIONS §619 FOR ADDITONAL REQUIREMENTS AND CONSIDERATIONS.

REFER TO SHEET 2 OF 2 FOR ALL TABLES

NEW YORK STATE OF OPPORTUNITY. **Department of Transportation**

U.S. CUSTOMARY STANDARD SHEET

WORK ZONE TRAFFIC CONTROL
FREEWAY - SHOULDER ≥ 8 FOOT
RIGHT SHOULDER CLOSURE
INTERMEDIATE TERM OPERATION
(SHEET 1 OF 2)

APPROVED DECEMBER 2, 2021 — ISSUED UNDER EI 21-028

ROBERT LIMOGES, P.E.
DIRECTOR, OTSM

619-401

TABLE 401-04: CHANNELIZING DEVICE APPLICATION FOR INTERMEDIATE-TERM STATIONARY WORK ZONES

WORK ZONE PROVISIONS	MAXIMUM DEVICE SPACING CENTER TO CENTER	MUTCD COMPLIANT CHANNELIZING DEVICE								
		DRUMS	STANDARD CONES	TALL CONES	EXTRA TALL CONES	TEMPORARY TUBULAR MARKERS	INTERIM TUBULAR MARKERS	VERTICAL PANELS	OVERSIZED VERTICAL PANELS	TYPE III BARRICADES
INTERMEDIATE-TERM STATIONARY WORK ZONES INVOLVE WORK THAT OCCUPIES A LOCATION FOR MORE THAN 1 DAYLIGHT PERIOD UP TO 3 CONSECUTIVE DAYS, OR NIGHTTIME WORK THAT OCCUPIES A LOCATION FOR MORE THAN 1 HOUR	20 FT. *	X							X	
	40 FT.	X							X	
MARKING FOR TRANSVERSE BUMPS[1]	N/A	X[2]			X[2]				X[2]	
TRANSVERSE DEVICE WITHIN CLOSED TRAFFIC LANE AND/OR SHOULDER	800 FT.	X		X	X			X	X	O
REMOVAL OF EXISTING GUIDE RAIL	80 FT.	X		X	X	X		X	X	O
	40 FT.	X		X	X	X		X	X	O

NOTES: X= ALLOWED, BLANK = NOT ALLOWED, O = OPTIONAL
1. - A TYPE I OBJECT MARKER MAY BE USED IN LIEU OF CHANNELIZING DEVICE.
2. - CHANNELIZING DEVICES SHALL BE EQUIPPED WITH A FLASHING WARNING LIGHT.

• SEE NOTE 5 ON SHEET 1 OF 2.

TABLE 401-03: LONGITUDINAL BUFFER SPACE AND TAPER LENGTHS

PRECONSTRUCTION POSTED SPEED LIMIT (MPH)	LONGITUDINAL BUFFER SPACE DISTANCE (FT.)/ * OF SKIP LINES	TAPER LENGTH L (FT.)/ * OF SKIP LINES/ * OF CHANNELIZING DEVICES			SHOULDER TAPER LENGTH L/3 (FT.)/ * OF SKIP LINES/ * OF CHANNELIZING DEVICES		
		FOR LANE WIDTH (IN FT.) (LATERAL SHIFT OF TRAFFIC FLOW PATH)			FOR SHOULDER WIDTH		
		10	11	12	≤ 4 FT.	5 - 7 FT.	≥ 8 FT.
45	360/9	440/11	520/13	560/14	80/2/3	80/2/3	120/3/4
		440/11/12	520/13/14	560/14/15	80/2/3	120/3/4	160/4/5
50	425/11	520/13/14	560/14/15	600/15/16	80/2/3	120/3/4	160/4/5
55	495/13	560/14/15	600/15/16	680/17/18	80/2/3	120/3/4	160/4/5
65	645/16	640/16/17	720/18/19	800/20/21	80/2/3	160/4/5	200/5/6

Town of Amherst
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☒ MAJOR SITE PLAN
☐ MINOR SITE PLAN ADJUSTMENT
☐ COORDINATED SIGN PLAN
☐
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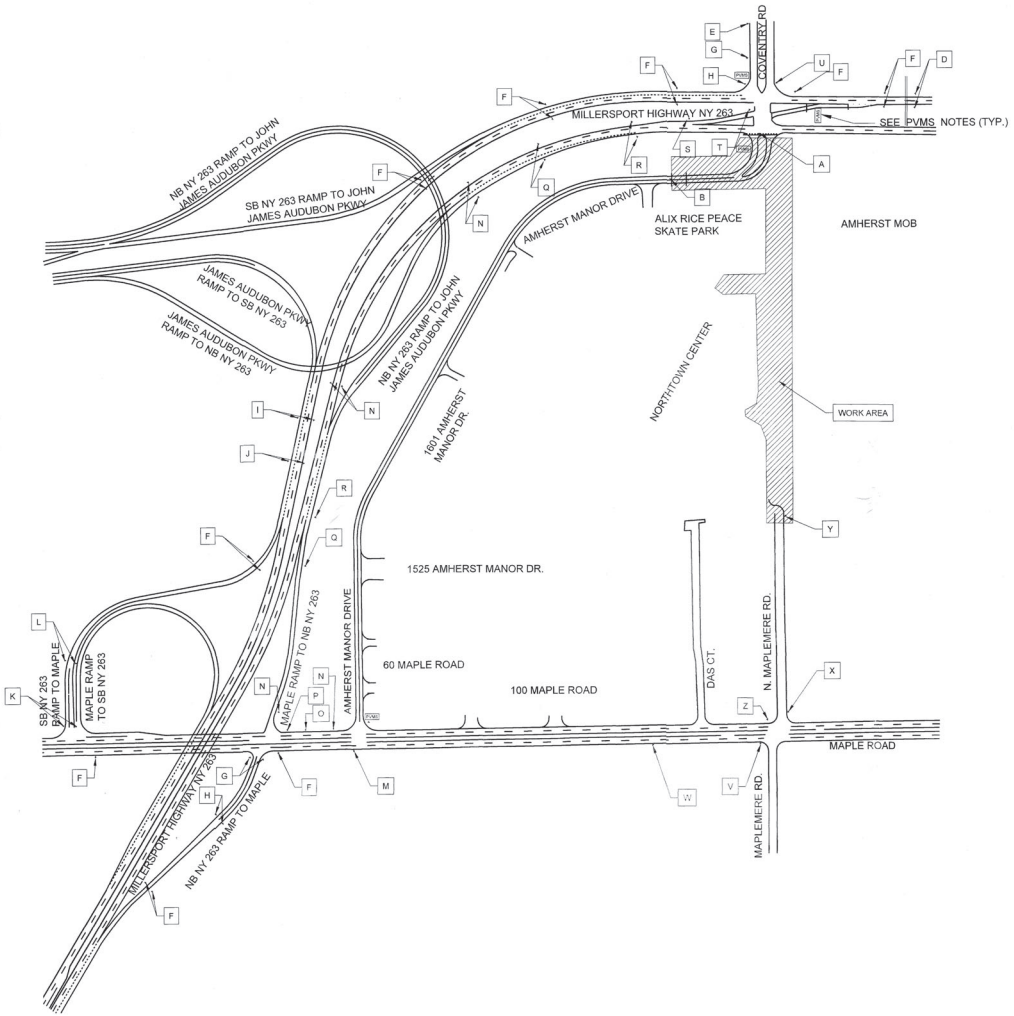
PIP WORKZONE TRAFFIC CONTROL DETAILS

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C0575

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1 **PIP PLAN**
SCALE: 1" = 30'

N

200' 100' 0 200'
SCALE: 1"= 200'-0"

PVMS NOTES:

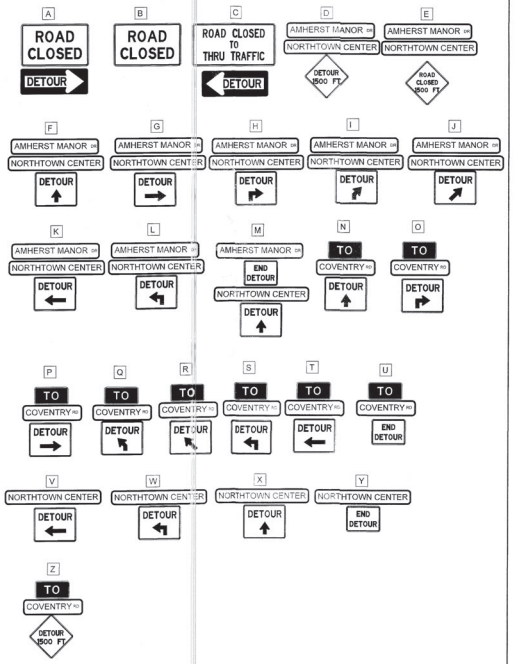
1. PVMS (PORTABLE VARIABLE MESSAGES SIGNS SHALL BE PLACED AS INDICATED 2 WEEKS PRIOR TO THE ROAD CLOSURE.
2. MESSAGE SHALL BE:

AMHERST MANOR DR CLOSING	DATE TIME

NOTES:

1. SEE DWG. NO. C0565 FOR NOTES. SEE DWG. NO C0566 FOR LEGEND AND TABLES.
2. SEE NYSDOT STANDARD SHEET 619-012 FOR SIGN SIZES. SIGNS ON MILLERSPORT HIGHWAY SHALL BE EXPRESSWAY SIZE. ALL OTHER SIGNS CAN BE NON-FREEWAY SIZES.
3. CONFIRMATION SIGNS (F, N, X) SHALL BE REPEATED A MAXIMUM DISTANCE OF EVERY ½ MILE.
4. SIGN GROUPS G, K, P, T &,V SHALL ALLWAYS BE POSTED A MAXIMUM OF 50' FROM AN INTERSECTION.

SIGN LEGEND



Town of Amherst
APPROVED PLAN
☑ MAJOR SITE PLAN
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No.	Description	Date
	PER NYSDOT COMMENTS (NEW DRAWING)	05 AUGUST 2022

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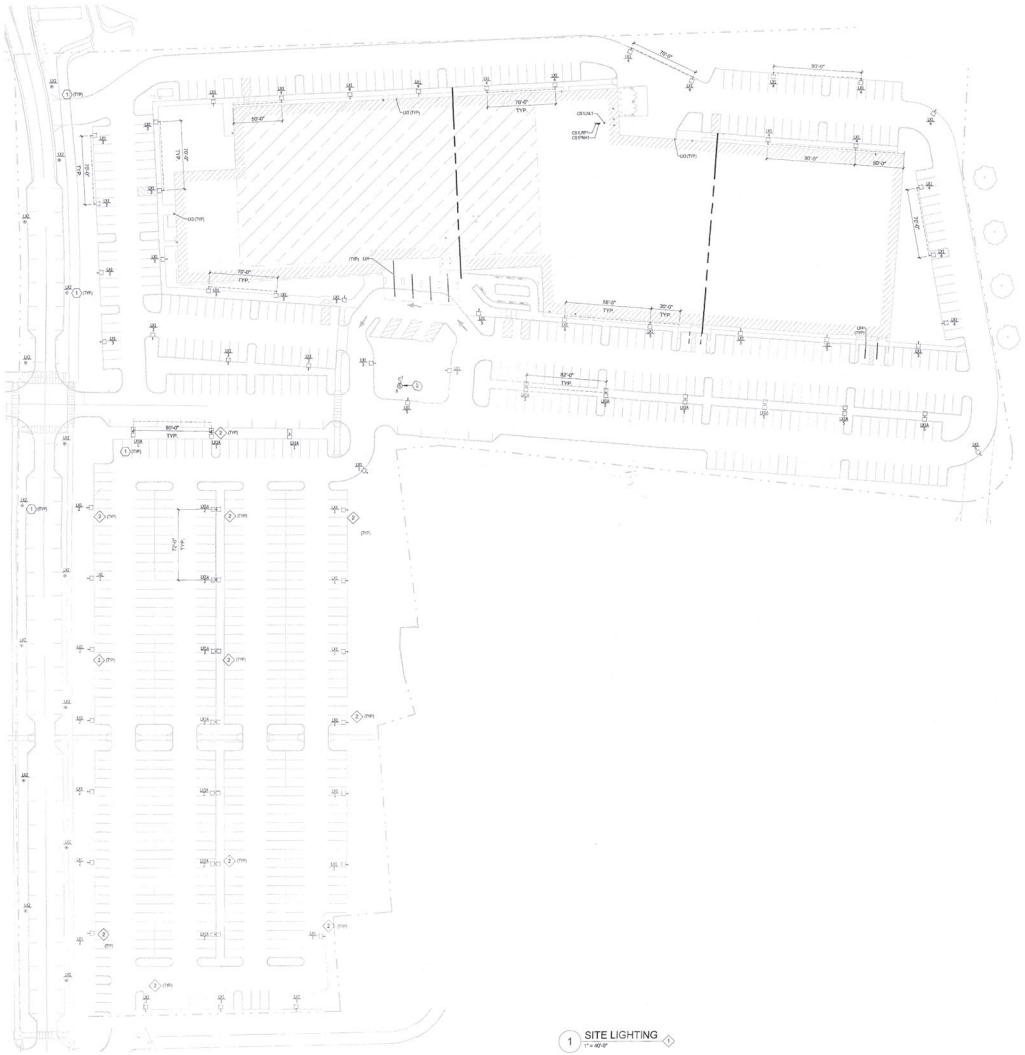
PIP WORKZONE TRAFFIC CONTROL DETAILS

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1 SITE LIGHTING 1" = 40'-0"

KEYED NOTES ⬡:

1. LSI FIXTURE AND ASSOCIATED CIRCUITRY AND CONTROL PROVIDED BY SEPARATE PIP CONTRACT WORK.
2. EXTERIOR INTERNALLY ILLUMINATED SIGNAGE. COORDINATE EXACT LOCATION AND REQUIREMENTS WITH ARCHITECT PRIOR TO INSTALLATION. CIRCUIT AS INDICATED THROUGH EXTERIOR LIGHTING CONTROLLER.

BRANCH CIRCUIT NOTES ◇:

1. FATHER BRANCH CIRCUITS IN THIS AREA TO THE FOLLOWING BRANCH PANELBOARDS, UNLESS OTHERWISE NOTED.
   - LA1: 208V PANELBOARD (CIRCUIT INTERNAL POWER)
   - LP1: 480V PANELBOARD (CIRCUIT INTERNAL POWER)
2. BRANCH CIRCUIT NOTED AS (2) #12 AWG (1) #8 GND IN 2" C. WIRE THROUGH LIGHTING RELAY PANEL (CR/LP).

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UPDATED PARKING PLAN FOR PLANNING BOARD REVIEW
MAY 20, 2022

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☑ MAJOR SITE PLAN
☐ MINOR SITE PLAN/ADJUSTMENT
☐ COORDINATED SIGN PLAN
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SITE LIGHTING PLAN

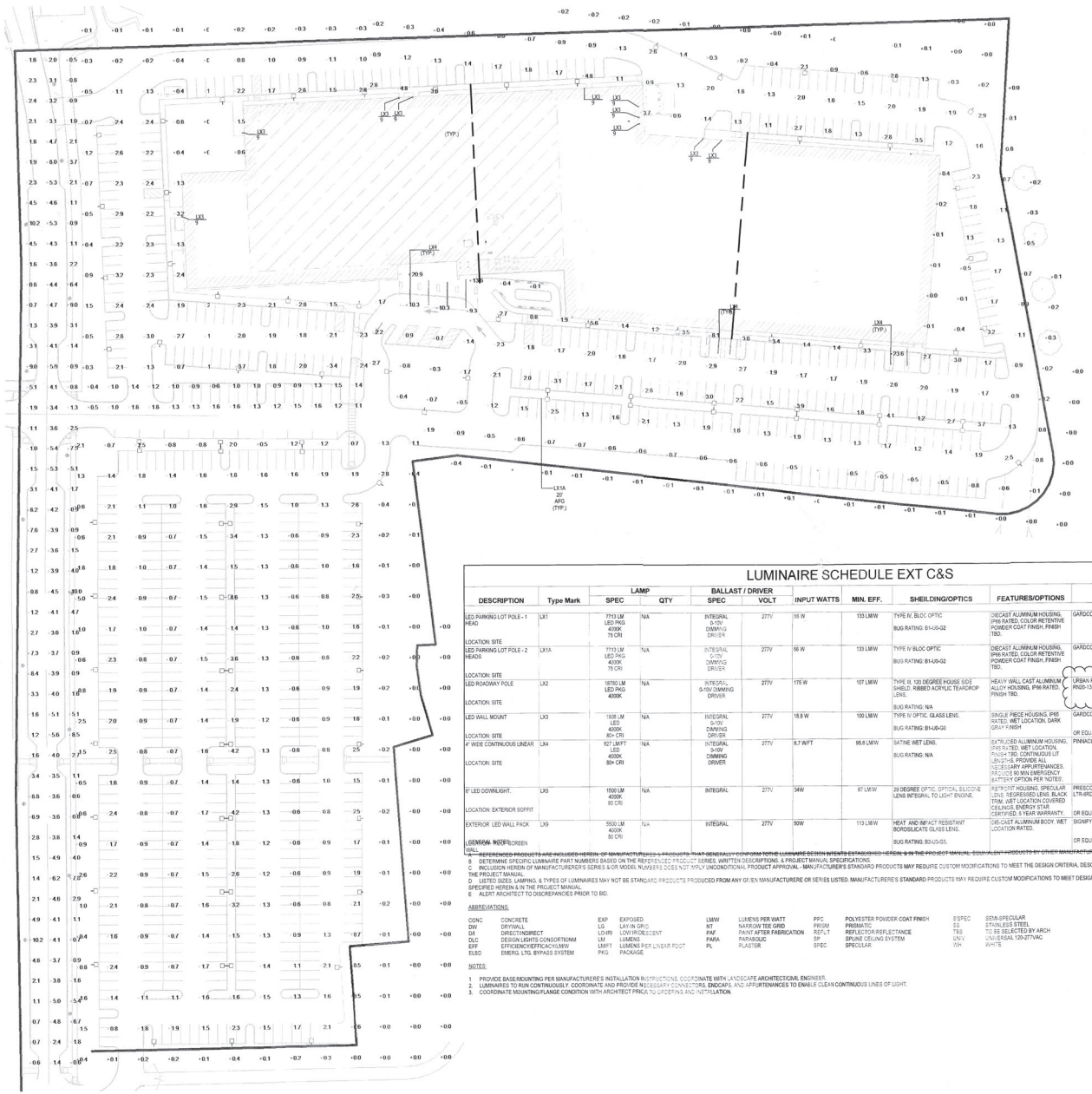
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1 SITE PHOTOMETRIC PLAN
1" = 50'-0"

LUMINAIRE SCHEDULE EXT C&S

DESCRIPTION	Type Mark	LAMP SPEC	LAMP QTY	BALLAST / DRIVER SPEC	BALLAST / DRIVER VOLT	INPUT WATTS	MIN. EFF.	SHEILDING/OPTICS	FEATURES/OPTIONS	REFERENCED PRODUCTS
LED PARKING LOT POLE - 1 HEAD LOCATION: SITE	LX1	7713 LM LED PKG 4000K 75 CRI	N/A	INTEGRAL 0-10V DIMMING DRIVER	277V	56 W	133 LM/W	TYPE IV, BLOC OPTIC BUG RATING: B1-U0-G2	DIECAST ALUMINUM HOUSING, IP66 RATED, COLOR RETENTIVE POWDER COAT FINISH, FINISH TBD.	GARDCO - ECF-S-530-NWG2-AR-4-UNV-DD-XX-XX-XX-XX-BL
LED PARKING LOT POLE - 2 HEADS LOCATION: SITE	LX1A	7713 LM LED PKG 4000K 75 CRI	N/A	INTEGRAL 0-10V DIMMING DRIVER	277V	56 W	133 LM/W	TYPE IV BLOC OPTIC BUG RATING: B1-U0-G2	DIECAST ALUMINUM HOUSING, IP66 RATED, COLOR RETENTIVE POWDER COAT FINISH, FINISH TBD.	GARDCO - ECF-S-530-NWG2-AR-4-UNV-DD-XX-XX-XX-XX-BL
LED ROADWAY POLE LOCATION: SITE	LX2	18760 LM LED PKG 4000K	N/A	INTEGRAL 5-10V DIMMING DRIVER	277V	175 W	107 LM/W	TYPE III, 120 DEGREE HOUSE SIDE SHIELD, RIBBED ACRYLIC TEARDROP LENS. BUG RATING: N/A	HEAVY WALL CAST ALUMINUM ALLOY HOUSING, IP66 RATED, FINISH TBD.	URBAN RENAISSANCE RN20-135WB5LED4K-G3-ACDR-LE3R-120-DMG-SMB-RCD-N-BKTX
LED WALL MOUNT LOCATION: SITE	LX3	1606 LM LED 4000K 80+ CRI	N/A	INTEGRAL 0-10V DIMMING DRIVER	277V	18.8 W	100 LM/W	TYPE IV OPTIC, GLASS LENS. BUG RATING: B1-U0-G0	SINGLE PIECE HOUSING, IP65 RATED, WET LOCATION, DARK GRAY FINISH OR EQUAL APPROVED PRIOR TO BID.	GARDCO 111L-16L-350-NW-G2-4-UNV0-DD
4' WIDE CONTINUOUS LINEAR LOCATION: SITE	LX4	827 LM/FT LED 4000K 80+ CRI	N/A	INTEGRAL 0-10V DIMMING DRIVER	277V	8.7 W/FT	95.6 LM/W	SATINE WET LENS. BUG RATING: N/A	EXTRUDED ALUMINUM HOUSING, IP65 RATED, WET LOCATION, FINISH TBD, CONTINUOUS LIT LENGTHS, PROVIDE ALL NECESSARY APPURTENANCES, PROVIDE 90 MIN EMERGENCY BATTERY OPTION PER NOTES.	PINNACLE - EX3-WET-840HO-X-XXX-XXX-U-GL1-1-0-TBD
6" LED DOWNLIGHT. LOCATION: EXTERIOR SOFFIT	LX5	1500 LM 4000K 80 CRI	N/A	INTEGRAL	277V	34W	87 LM/W	29 DEGREE OPTIC, OPTICAL SILICONE LENS INTEGRAL TO LIGHT ENGINE.	RETROFIT HOUSING, SPECULAR LENS, RECESSED LENS, BLACK TRIM, WET LOCATION COVERED CEILINGS, ENERGY STAR CERTIFIED, 5 YEAR WARRANTY.	PRESCOLITE: LITEISTRY LTR-6RD-RFH-SL16L-DIM-L-TR-6RD-T-SL40KNR-SBT OR EQUAL APPROVED PRIOR TO BID.
EXTERIOR LED WALL PACK LOCATION: SCREEN WALL	LX9	5500 LM 4000K 80 CRI	N/A	INTEGRAL	277V	50W	113 LM/W	HEAT AND IMPACT RESISTANT BOROSILICATE GLASS LENS. BUG RATING: B2-U3-G3.	DIE-CAST ALUMINUM BODY, WET LOCATION RATED. OR EQUAL APPROVED PRIOR TO BID.	SIGNIFY: STONCO WP-50-NW-S1-I-BZ

GENERAL NOTES:
A REFERENCED PRODUCTS ARE INCLUDED HEREIN, OF MANUFACTURER'S PRODUCTS, THAT GENERALLY CONFORM TO THE LUMINAIRE DESIGN INTENTS ESTABLISHED HEREIN, & IN THE PROJECT MANUAL. EQUIVALENT PRODUCTS BY OTHER MANUFACTURERS MAY BE CONSIDERED PRIOR TO BID.
B DETERMINE SPECIFIC LUMINAIRE PART NUMBERS BASED ON THE REFERENCED PRODUCT SERIES, WRITTEN DESCRIPTIONS, & PROJECT MANUAL SPECIFICATIONS.
C INCLUSION HEREIN OF MANUFACTURER'S SERIES & OR MODEL NUMBERS DOES NOT IMPLY UNCONDITIONAL PRODUCT APPROVAL. MANUFACTURER'S STANDARD PRODUCTS MAY REQUIRE CUSTOM MODIFICATIONS TO MEET THE DESIGN CRITERIA, DESCRIPTIONS, & REQUIREMENTS SPECIFIED HEREIN & IN THE PROJECT MANUAL.
D LISTED SIZES, LAMPING, & TYPES OF LUMINAIRES MAY NOT BE STANDARD PRODUCTS PRODUCED FROM ANY GIVEN MANUFACTURERE OR SERIES LISTED. MANUFACTURERE'S STANDARD PRODUCTS MAY REQUIRE CUSTOM MODIFICATIONS TO MEET DESIGN CRITERIA, DESCRIPTIONS, & REQUIREMENTS SPECIFIED HEREIN & IN THE PROJECT MANUAL.
E ALERT ARCHITECT TO DISCREPANCIES PRIOR TO BID.

ABBREVIATIONS:

CONC	CONCRETE	EXP	EXPOSED	LMW	LUMENS PER WATT	PPC	POLYESTER POWDER COAT FINISH
DW	DRYWALL	LG	LAY-IN GRID	NT	NARROW TEE GRID	PRSM	PRISMATIC
DI	DIRECT/INDIRECT	LO-RI	LOW WIDESCENT	PAF	PAINT AFTER FABRICATION	REFLT	REFLECTOR REFLECTANCE
DLC	DESIGN LIGHTS CONSORTIONM	LM	LUMENS	PARA	PARABOLIC	SP	SPLINE CEILING SYSTEM
EFF	EFFICIENCY/EFFICACY/LMW	LMFT	LUMENS PER LINEAR FOOT	PL	PLASTER	SPEC	SPECULAR
ELEC	EMERG. LTG. BYPASS SYSTEM	PKG	PACKAGE				

SSPEC	SEMI-SPECULAR		
SS	STAINLESS STEEL		
TBS	TO BE SELECTED BY ARCH		
UNV	UNIVERSAL 120-277VAC		
WH	WHITE		

NOTES:
1. PROVIDE BASE-MOUNTING PER MANUFACTURERE'S INSTALLATION INSTRUCTIONS. COORDINATE WITH LANDSCAPE ARCHITECT/CIVIL ENGINEER.
2. LUMINAIRES TO RUN CONTINUOUSLY. COORDINATE AND PROVIDE NECESSARY CONNECTORS, ENDCAPS, AND APPURTENANCES TO ENABLE CLEAN CONTINUOUS LINES OF LIGHT.
3. COORDINATE MOUNTING/FLANGE CONDITION WITH ARCHITECT PRIOR TO ORDERING AND INSTALLATION.

SITE PHOTOMETRIC PLAN GENERAL NOTES
1. ALL FIXTURES CALCULATED WITH A .9 LIGHT LOSS FACTOR
2. ALL ROADWAY CALCULATION PLANES SET AT 0' AFG
3. ALL LX1 & LX1A POLE MOUNTED FIXTURES CALCULATED AT 20' AFG.

Town of Amherst
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☒ MAJOR SITE PLAN
☐ MINOR SITE PLAN ADJUSTMENT
☐ COORDINATED SIGN PLAN
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C	BID SET	18 FEB 2022
B	PIP SUBMISSION	16 SEPT 2021

KEY PLAN

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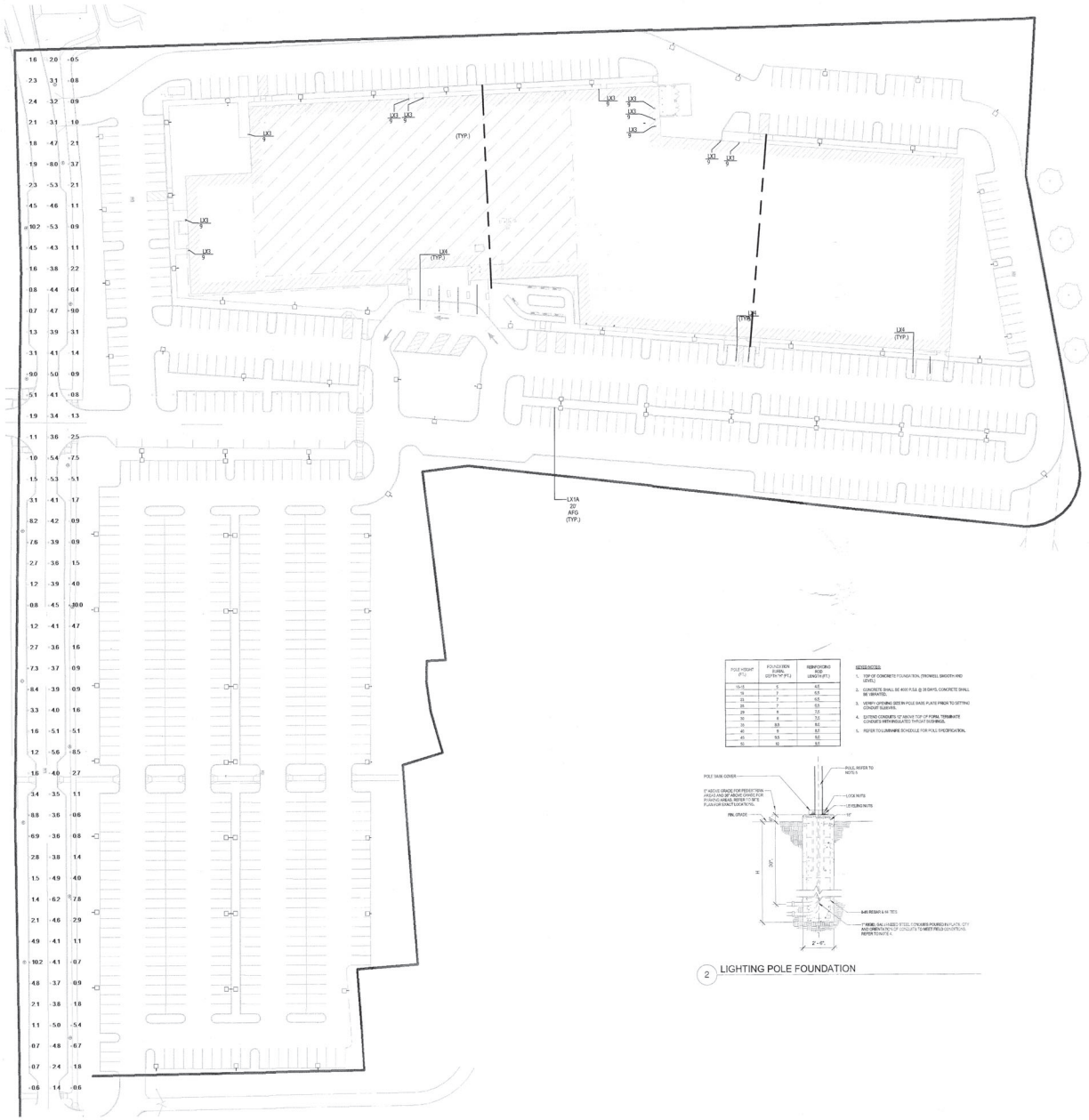
FULL SITE PHOTOMETRIC PLAN

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1 SITE PHOTOMETRIC PLAN
1" = 50'-0"

2 LIGHTING POLE FOUNDATION

SITE PHOTOMETRIC PLAN GENERAL NOTES
1. ALL FIXTURES CALCULATED WITH A .9 LIGHT LOSS FACTOR
2. ALL ROADWAY CALCULATION PLANES SET AT 0' AFG.
3. ALL LX1 & LX1A POLE MOUNTED FIXTURES CALCULATED AT 20' AFG.

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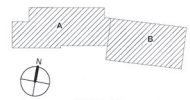
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UPDATED PARKING PLAN FOR PLANNING BOARD REVIEW MAY 20, 2022

Rev.	Description	Date
C	BID SET	18 FEB 2022
B	PIP SUBMISSION	16 SEPT 2021



KEY PLAN

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ROADWAY SITE PHOTOMETRIC PLAN

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Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

EXHIBIT C

Dedication Process

The Roadway will be dedicated pursuant to NY Highway Law Sec. 171, which requires (1) a resolution of the Town Board authorizing the Town Superintendent of Highways (the "Superintendent") to accept the dedication of the Roadway; and (2) the Superintendent's acceptance of the dedication by issuing an "order laying such highway" and filing of a release in the Town Clerk's office of the landowner's rights in the land which comprised the Roadway. After completion of the Roadway pursuant to Town specifications, the Town Board (the "Board") shall consider a resolution to authorize the Superintendent to accept the dedication of the Roadway at the Board's next meeting following the completion of construction and satisfactory inspection of the Roadway (the "Resolution").

The expectation is that, as soon as reasonably practicable, following the Resolution, the Superintendent will issue an order that the Roadway be a Town highway and the release of ownership of the land will be filed with the Town Clerk's office.

In advance of the above-referenced Board meeting and Resolution, the proposed deed, title commitment and survey for the Roadway shall be provided to in draft form the Town Attorney's office for review and approval, with the expectation that the deed will be executed and recorded as soon as reasonably practicable following the Board's Resolution and approval of the deed by the Town Attorney's office or its designee. Once approved, the Owner shall have same filed in the Erie County Clerk's office and provide a stamped "FILED" copy to the Town Attorney's office.

The time frames for issuance of the order, execution of the deed and delivery of the original deed to the Town shall be in each case be performed by the Parties, using their best reasonable efforts pursuant to law, so as to not prejudice the timely issuance of a certificate of compliance for the Project.

Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

EXHIBIT D

Scope of Town Reimbursement

Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

Hard Costs

1	Arc Building Partners	$	2,405,425.00	TOA agrees to reimburse Amherst 111 APL RKC, LLC for work associated with the base bid, breakout items #1 & #2, Bid Alt 1, CM fees, and other costs related to site development work.

Soft Costs

2	Architect / Engineer	$	269,741.00	TOA agrees to reimburse Amherst 111 APL RKC, LLC for costs associated with architectural and engineering work associated with PIP work.
3	Construction Insurance	$	50,000.00	TOA agrees to reimburse Amherst 111 APL RKC, LLC for costs associated with construction insurance for project.
4	Survey	$	10,000.00	TOA agrees to reimburse Amherst 111 APL RKC, LLC for costs associated with the survey for the project.
5	SWPPP Inspections	$	6,667.50	TOA agrees to reimburse Amherst 111 APL RKC, LLC for costs associated with SWPPP inspections for the project.
6	Inspecting Engineer	$	7,746.50	TOA agrees to reimburse Amherst 111 APL RKC, LLC for costs associated with the 3rd inspection for the project.
7	Legal / Dedication	$	25,000.00	TOA agrees to reimburse Amherst 111 APL RKC, LLC for costs associated with legal fees for the project.
8	Pavement and Curb Permit	$	65,475.00	TOA agrees to reimburse Amherst 111 APL RKC, LLC for costs associated with pavement and curb permits for project.
9	Storm Sewer	$	7,570.00	TOA agrees to reimburse Amherst 111 APL RKC, LLC for costs associated with pavement and curb permits for project.
10	Water Line	$	11,786.00	TOA agrees to reimburse Amherst 111 APL RKC, LLC for costs associated with the water line for the project.
11	DOT Inspector	$	2,000.00	TOA agrees to reimburse Amherst 111 APL RKC, LLC for costs associated with the DOT permit fees for the project.
12	Watts - Kevin Winker	$	25,200.00	TOA agrees to reimburse Amherst 111 APL RKC, LLC for costs associated with the inspections in the DOT ROW.
13	Sunoco Inspector	$	5,000.00	TOA agrees to reimburse Amherst 111 APL RKC, LLC for costs associated with the Sunoco inspections needed for the project.
14	Bidding, Admin, DPE & Overhead (Cimir	$	128,622.00	TOA agrees to reimburse Amherst 111 APL RKC, LLC for costs associated with CREC admin, DPE & overhead.
	Total	**$**	**3,020,233.00**	

Amherst 111 APL RKC, LLC Items

15	Sanitary Sewer	$	341,754.53	Amherst 111 APL RKC, LLC agrees to complete work associated with the sanitary sewer for the project.
16	Sanitary Sewer Permit	$	20,876.00	Amherst 111 APL RKC, LLC will pay the cost associated with permitting for sanitary sewers for the project.
17	Sales Tax	$	105,000.00	Amherst 111 APL RKC, LLC will pay the cost associated with sales tax for the project.
18	Construction Interest	$	50,000.00	Amherst 111 APL RKC, LLC agrees to pay for the construction interest for the project.
	Total	**$**	**517,630.53**	

Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

EXHIBIT E

Resolution Authorizing Roadway & Infrastructure Agreement

[To be Attached]

Attachment: Infrastructure Agreement-with Attachments-Executed-06-09-23 (RES-2023-539 : Roadway and Infrastructure Improvement

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 27647 **RESOLUTION 2023-540** **ROLL CALL VOTE (ADOPTED)**

North Maplemere Road Extension and Improvements ($3.25M)

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **June 13, 2023**

RE: **North Maplemere Road Extension and Improvements**
2023-2028 C.I.P. - Project E-2
Bond Resolution - $3,250,000

Kindly take the following action with respect to the above bond request:

(1) Adopt the attached SEQR Negative Declaration - Notice of Determination of Non-Significance for the above project as determined by the Town of Amherst Planning Department; and

(2) Adopt the attached bond resolution authorizing the issuance of $3,250,000.00 in serial bonds for the above-referenced Town improvement.

The adoption of the bond resolution does not require a public hearing to be held because the improvement is a Town improvement not involving a special district.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk (*w/attachments*, **Agenda Item - June 20, 2023**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Brian J. Armstrong, EIT, Director Engineering Services (*w/attachments*)

6/20/2023
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0. A motion to approve the Bond

resolution was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved via Roll Call vote 5-0.

FINANCIAL IMPACT:

Bond Resolution - $3.25M

RESULT:	**ROLL CALL VOTE (ADOPTED) [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, AICP
Planning Director

Daniel J. Ulatowski, AICP
Assistant Planning Director

Transmitted electronically

MEMORANDUM June 8, 2023

TO: Brian J. Armstrong, EIT, Director Engineering Services
Engineering Department

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

RE: SEQR Determination
North Maplemere Road Extension & Improvements
2023-2028 C.I.P. Project E-2

The Planning Department has reviewed the Map, Plan & Report for the subject project. The subject project was previously determined a Type 1 action pursuant to Part 617 of the SEQR regulations as part of a site plan for property formerly known as 500 Maple Road.

On September 23, 2021 the Amherst Planning Board issued a Negative Declaration for a site plan which included the subject improvements, and which is attached for your reference. Therefore, no further environmental work is required.

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_I_Unlisted__Other_Actions (PJ-2015-001A)\June 8_2023_E-2 North Maplemere Road Ext.docx

cc:
Daniel Howard, Planning Director
Martin Polowy, Town Attorney

Attachment: SEQR.NMaplemere-06132023112752 (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, AICP
Planning Director

Daniel J. Ulatowski, AICP
Assistant Planning Director

OCT 01 '21 AM 9:33 RCVD

SEQR
Negative Declaration

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:	Town of Amherst Planning Board	**Project:**	**SP-2020-09_B**
Address:	5583 Main Street Williamsville, NY 14221 (716) 631-7051	**Date:**	September 23, 2021

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action: Site Plan Review

SEQR Status: Type I Action

Description of Action: Construction of 770± lineal feet of proposed public roadway and reconfiguration of 530± lineal feet of public roadway and intersection realignments along with the associated public utilities for water, sanitary and storm sewers to service a previously approved 163,200± sq. ft. medical building with parking for 816± vehicles. Work will include the site improvements not specifically stated above, including, stormwater, utilities, grading, lighting, paving, and landscaping.

Location: 500 Maple Road, Amherst, Erie County

Petitioner: 111 North Maplemere LLC

Attachment: SEQR.NMaplemere-06132023112752 (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

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Reasons Supporting This Determination

Based on information submitted by the applicant including a Full Environmental Assessment Form (EAF) - Part I, (as amended) and a complete site plan application, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that this action will not have a significant impact on the environment, as follows:

1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Engineering Department on September 1, 2021 reviewed the PIP Grading, Drainage, Utility Plans and Roadway Sections and Profiles submitted on August 13, 2021 for the roadway. Engineer's Report submitted on March 22, 2021, Erosion Control Plan submitted on March 22, 2021 & April 30, 2021 and, Geotechnical Report prepared by Empire GEO Technical Engineering Services submitted on March 22, 2021 with the previous application for the building and roadway.

   The Stormwater Pollution Prevention Plan (SWPPP) submitted on March 22, 2021 with the previous application for the building and roadway was also reviewed. Based on its review of these documents, the Department has determined that the project has or will have met all applicable requirements and has no objection to its approval.

2. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. The Planning Department reviewed a Landscape Plan submitted on September 20, 2021 submitted with the previous application for the building and roadway and determined that it meets or exceeds Zoning Ordinance requirements for greenspace. The Landscape Plan has or will have met all Zoning Ordinance and Town requirements for landscaping.

3. The project did conflict with the Comprehensive Plan, specifically Figure 6, Conceptual Land Use Plan, and Figure 21, University Focal Planning Area. A Comprehensive Plan amendment was approved by the Town Board on July 22, 2020 to accommodate the changes required for this site plan to occur. The Building Department in their review of August 31, 2021 and the Planning Department in their review of September 23, 2021 has reviewed the application documents, along with the Geotechnical Report submitted on March 22, 2021 and determined that the subject project has or will have met all International Building Code – 2018 and Zoning Ordinance regulations.

4. The project is within an area identified by the State as having potential archaeological or historical significance. The NYS Office of Parks, Recreation and Historic Preservation has reviewed the project and, as stated in their letter of June 7, 2019, determined that there will be no impact on these resources.

Attachment: SEQR.NMaplemere-06132023112752 (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

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5. The project is considered consistent with surrounding land use. The site is located in the Community Facilities District (CF) zoning. It is bordered on the north by a strip of SUNY at Buffalo land and adjacent to the Ellicott Creek Trailway and Millersport Highway (unzoned), on the west by the Amherst Northtown Center zoned Recreation Conservation District (RC), and on the south by duplexes along North Maplemere Drive zoned Residential District Four (R-4). The proposed project is for the construction of 770± lineal feet of public roadway and reconfiguration of 530± lineal feet of public roadway and intersection realignments along with the associated public utilities for water, sanitary and storm sewers to service a previously approved 163,200± sq. ft. medical building with parking for 816± vehicles.

5. The proposed public roadway construction and reconfiguration along with associated public utilities for water, sanitary and storm sewers will not cause a major change in the use of either the quantity or type of energy.

6. The project will not create any hazard to human health. The Fire Chief's Association will review the project, and all requirements of this agency has or will have been met.

7. The proposed public roadway construction and reconfiguration along with associated public utilities for water, sanitary and storm sewers will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The proposed project will be consistent with the scale of surrounding land uses.

8. The proposed public roadway construction and reconfiguration along with associated public utilities for water, sanitary and storm sewers will not significantly increase the number of people using the site over its previous level of use.

9. Review by the Town Traffic/Safety Board dated September 3. 2021, indicates that significant negative traffic impacts are not expected to result from the proposed public roadway and road reconfiguration project. Review of the Traffic Impact Study (TIS) prepared by SRF Associates submitted to the Planning Department on March 22, 2021 and reviewed by the Town Traffic/Safety Board September 3, 2021 indicates that significant negative traffic impacts are not expected to result from the proposed project.

10. A coordinated review of the project has been undertaken by Town Departments including, in addition to those mentioned above, Highway on September 6, 2021, Plumbing Division on August 26, 2021 and Right-of-Way Agent on September 1, 2021. These reviews did not identify any potential significant adverse environmental issues and indicated that the proposal will not have a significant damaging impact on the environment.

Attachment: SEQR.NMaplemere-06132023112752 (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

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11. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to cause significant negative environmental impacts.

Planning Board Approval
Moved by: Giuliani; Seconded by: Chmiel Ayes; 7 Noes 0.

Principal Planner — 9/29/2021
signature & title of preparer — Date

Robert J. Gilmour, Planning Board Chair — 9-30-21
Date

SM/ac
X:\Current_Planning\Files\Site Plans\2020\SP-2020-09_B (500 Maple Rd portion)_2021\SP-2020-09_B_SEQR_Neg_Declaration_092321.docx

cc: Amherst Town Clerk
Building Department
Engineering
Fire Chiefs'
Highway
Traffic/Safety
ECDEP
NYSDOT
Erik Wagner, 111 North Maplemere, LLC, 50 Fountain Plaza, Suite 500, Buffalo, New York 14202
Sean Hopkins, Esq. Hopkins Sorgi & McCarthy PLLC, 5500 Main St., Ste. 343, Williamsville, NY 14221
Brad Sendlak, Watts Architecture & Engineering, 95 Perry St., Ste. 200, Buffalo, NY 14203
Kristopher J. Winkler, PE, Watts Architecture & Engineering, 95 Perry St., Ste. 200, Buffalo, NY 14203
Frank Sica, Cannon Design, 50 Fountain Plaza, Ste. 200, Buffalo, NY 14202

Attachment: SEQR.NMaplemere-06132023112752 (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the

County of Erie, New York

June 20, 2023

* * *

A regular meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, was held at the Town Hall, 5583 Main Street, Williamsville, New York, on June 20, 2023.

There were present:	Hon. Brian J. Kulpa, Supervisor; and
Board members:	Jacqualine Berger, Councilwoman Deborah Bruch Bucki, Deputy Supervisor/ Councilwoman Shawn Lavin, Councilman Michael R. Szukala, Councilman
There were absent:	
Also present:	Francina J. Spoth, Town Clerk

* * *

_____ offered the following resolution and moved its adoption:

Attachment: CertBondReso (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED JUNE 20, 2023, AUTHORIZING IMPROVEMENTS TO NORTH MAPLEMERE ROAD, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $3,250,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $3,250,000 TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF AMHERST, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Amherst, in the County of Erie, New York (herein called the "Town"), is hereby authorized to undertake improvements to North Maplemere Road, as described in the map, plan and report dated June 2023 and prepared by the Town of Amherst Engineering Department (2023-2028 Capital Improvement Program, Project E-2). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $3,250,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of $3,250,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of $3,250,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Attachment: CertBondReso (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the specific object or purpose for which said bonds are authorized to be issued, within the limitations of Section Sections 11.00 a. 20(c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds, and any notes in anticipation thereof to mature in such year, and (b) the payment of interest to be due and payable in such year.

Attachment: CertBondReso (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Attachment: CertBondReso (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in "The Amherst Bee," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

Attachment: CertBondReso (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

TOWN OF AMHERST. NEW YORK

PLEASE TAKE NOTICE that on June 20, 2023, the Town Board of the Town of Amherst, in the County of Erie, New York, adopted a bond resolution entitled:

> "Bond Resolution of the Town of Amherst, New York, adopted June 20, 2023, authorizing improvements to North Maplemere Road, stating the estimated maximum cost thereof is $3,250,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of $3,250,000 to finance said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to undertake improvements to North Maplemere Road, as described in the map, plan and report dated June 2023 and prepared by the Town of Amherst Engineering Department (2023-2028 Capital Improvement Program, Project E-2); STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is $3,250,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of $3,250,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of $3,250,000 pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds, and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds, and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

Attachment: CertBondReso (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

DATED: June 20, 2023

FRANCINA J. SPOTH
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

Attachment: CertBondReso (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

The adoption of the foregoing resolution was seconded by _____and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

****

Attachment: CertBondReso (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Amherst duly called and held on June 20, 2023, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this _____day of June, 2023.

(SEAL)

_____
Town Clerk

Attachment: CertBondReso (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

AFFIDAVIT OF POSTING

STATE OF NEW YORK)
:ss:
COUNTY OF ERIE)

FRANCINA J. SPOTH, being duly sworn, deposes and says:

That she is and at all times hereinafter mentioned he was the duly elected, qualified and acting Town Clerk of the Town of Amherst, State of New York;

That on _____, 2023, she has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond resolution duly adopted by the Town Board on June 20, 2023, a copy of which is annexed hereto and made a part hereof, on the sign board of the Town maintained pursuant to the Town Law.

_____
Town Clerk

Subscribed and sworn to before me

this _____ day of June, 2023.

_____
Notary Public, State of New York

Attachment: CertBondReso (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

Town of Amherst
Engineering Department

North Maplemere Road Extension & Improvements

2023-2028 C.I.P. Project E-2
Town of Amherst Project # 2020.028A

Map, Plan & Report
June 2023

CONTENTS:

- Approved 2023 – 2028 CIP Project E-2
- Introduction / Existing Conditions
- Proposed Scope of Improvements
- Financial / Taxation Summary
- SEQR Determination – Type I Action
- North Maplemere Roadway Extension Plans

Prepared by
Town of Amherst Engineering Department
1100 North Forest Rd.
Williamsville, NY 14221
(716) 631-7154

Attachment: MPR E-2 N Maplemere Ext (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

TOWN OF AMHERST
ENGINEERING DEPARTMENT
North Maplemere Road Extension & Improvements

TOWN OF AMHERST
Approved 2023 – 2028 Capital Improvement Program

Green highlights indicate possible Energy Performance Contract (EPC) funded projects
Blue highlights indicate American Rescue Plan Act (ARPA) funded projects
Red highlights indicate Urban Renewal projects

Engineering Department ***Recommended Schedule (X $1,000)***

Project ID	Project Title/Description	2023	2024	2025	2026	2027	2028	Total Cost
E-1	**Engineering Vehicles & Equipment:** Replacement of aging vehicles and equipment for sewer maintenance, including a single axle 2000gal water truck with 80gpm pump and a tow sewer crew 4x4 pickup truck in 2023.	275 LG	200 LG	200 LG	200 LG	200 LG	200 LG	**$1,275,000**
E-2	**Maplemere Roadway Extension & Improvements:** Roadway, utilities, signage, sewer, and lighting improvements for the extension of Maplemere Road.	**$3,250 LA to be amended 6/20/23**						**$2,500,000**
E-3	**Waterlines:** Replacement of various waterlines throughout Town (Bauman, Robinhill, Cindy, Paul, Millersport, Transit, etc.).	950 LI-15	1,630 LI-15	800 LI-15	678.5 LI-15	764 LI-15		**$4,822,500**
E-4	**Miscellaneous Sanitary Sewer Relining and Manhole Rehabilitation:** Relining of approximately 20,000 LF of 15in, 12in, 10in and 8in structurally deteriorating sanitary pipes, including lateral cut-outs and spot pipe repairs.	1,500 LG 150 I/M	1,000 LG 150 I/M	1,000 LG 150 I/M	1,000 LG 150 I/M	1,000 LG 150 I/M	1,000 LG 150 I/M	**$7,400,000**
E-5	**Boulevard Central District Sanitary Sewer Improvements (BCD):** Sewer improvements within the BCD, such as the West Side Interceptor.	1,000 LG		16,000 LG	12,000 LG			**$29,000,000**
E-6	**North Bailey Sewer Design & Construction (BCD):** Design and construction of a new 10in sanitary sewer along North Bailey Avenue from Maple Road to Ridge Lea Road.		2,000 LG	2,000 LG	4,000			**$8,000,000**

Key:

Funding Source
T – Tax
L – Bond
S – Surplus
E - Encumbered
I/M – I&I or Mitigation Funds
RF – Recreation Fund
OF – Open Space Fund
F/S – Federal or State Aid
X – Private Source

Funding Account
A – General Account
B – Part Town
C – Community Environment
D – Highway
F – Lighting
G – Sanitary Sewer District
H – Storm Drainage District
I – Water District
W – Water Pollution Control Facility
– Special District Number
NS – None Submitted

1

INTRODUCTION / EXISTING CONDITIONS:

Within its boundaries, the Town of Amherst owns approximately 376 linear miles of asphalt roadways. The Town Highway Department is responsible for the continuous maintenance of all Town-owned roads. From time to time it also becomes necessary for additional roads need to be constructed in an effort to provide for additional vehicular circulation and access to existing and new facilities as well as to provide a means for safer vehicular access.

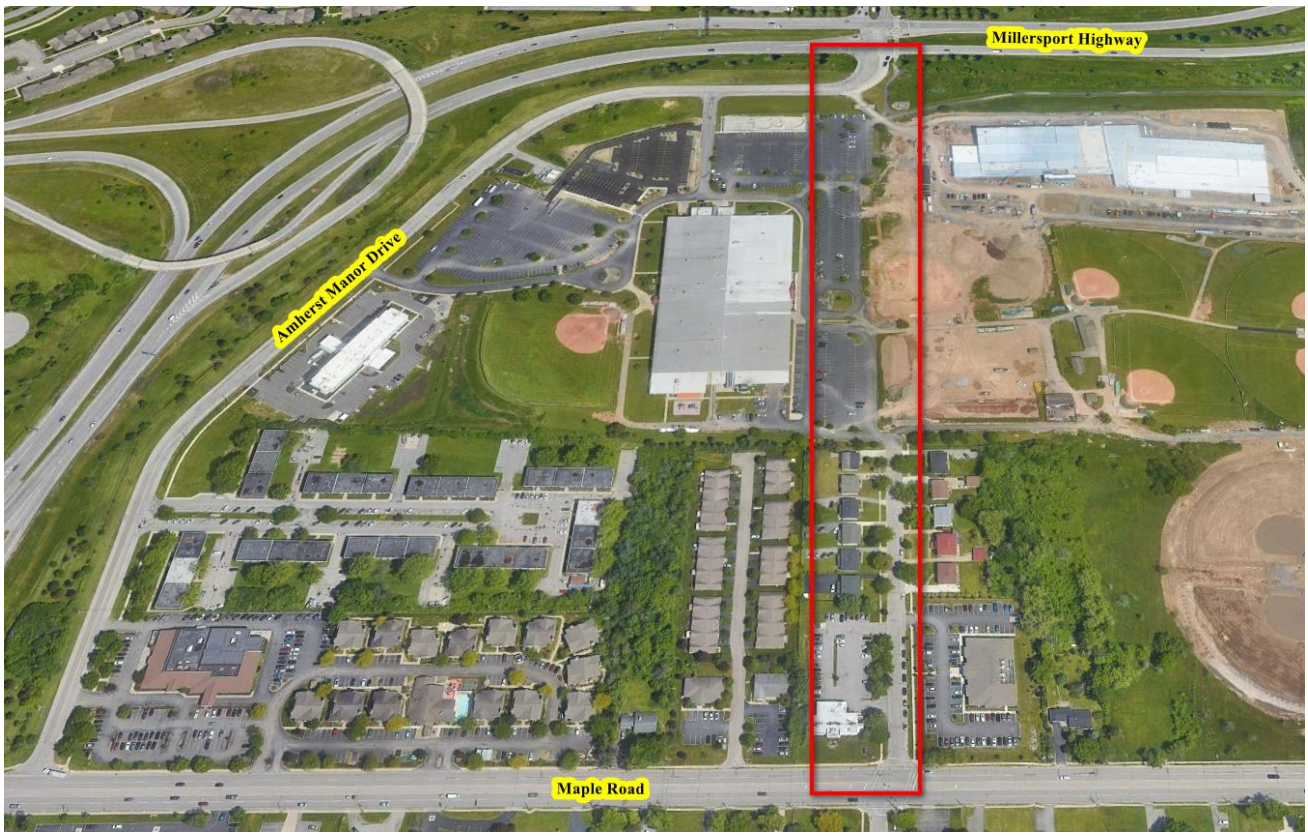
Attachment: MPR E-2 N Maplemere Ext (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

TOWN OF AMHERST
ENGINEERING DEPARTMENT
North Maplemere Road Extension & Improvements

Attachment: MPR E-2 N Maplemere Ext (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

PROPOSED SCOPE OF IMPROVEMENTS:

In order to provide adequate vehicular access in an around the Northtown Center recreation facility, the Town is seeking to extend the existing North Maplemere Road through construction of approximately 2,000 linear feet of public asphalt roadway. The extension will be constructed between the existing terminus of North Maplemere Road and the existing Millersport Highway intersection at Augspurger Road. The newly constructed public roadway extension shown within the enclosed plans will include a 70-foot wide right-of-way, within which numerous public utilities, including; sanitary and storm sewers, waterline and roadway lighting will also be constructed. The extended roadway will include numerous parallel parking spaces, speed control measures and fully-complaint roadway and wayfinding signage. The roadway itself shall be constructed with a full-depth roadbase made up of compacted subbase stone, asphalt base, binder and top courses, constructed within newly installed upright full-length concrete curbing with a full-length storm underdrain system. In addition, concrete sidewalks, aprons and ADA-compliant concrete ramps will also be constructed as required. All of the planned improvements outlined above will have a minimum useful life of 15 years.



Location Plan

TOWN OF AMHERST
ENGINEERING DEPARTMENT
North Maplemere Road Extension & Improvements

Under the terms of a Purchase and Sale Agreement with Bones & Guts LLC, dated July 7, 2020 and amended on July 29, 2020, and a Roadway & Infrastructure Improvement Agreement with Amherst 111 APL RKC, LLC and 111 North Maplemere LLC, which is anticipated to be approved by the Town Board on June 20, 2023, the roadway and other improvements are to be constructed by the property owner, with the cost of improvements to be reimbursed by the Town upon turnover. ARC Building Partners is in the process of constructing the above referenced roadway extension and associated utility improvements under the Town's Public Improvement Permit (PIP) program. Upon satisfactorily completing construction of the roadway and utilities, these new facilities will be dedicated to and become Town-owned and maintained. The improvements outlined herein will be completed during the 2023 construction season. The above project will be bonded against the Town of Amherst General Fund at a *total project cost* of $3,250,000.00, financed entirely with serial bonds. The above improvements are characterized public roadway and associated utilities construction project.

FINANCIAL SUMMARY:

	North Maplemere Road Extension & Improves
Estimated Construction Costs	$3,233,750
Legal / Administrative Costs	$16,250
Bond Amount	$3,250,000
Bond Term	15 Years
Annual Tax Impact (per $1,000 AV)	$0.0273
Typical Taxation Impact ($250,000 property)	$6.82

TAXATION SUMMARY:

Total Bond Amount:	$ 3,250,000
Bond Term:	15 Years
Annual Tax Impacts:	$0.0273 per $1,000 AV (Highway District)
Typical Property Taxation Impact:	$6.82 per $250,000 property

Attachment: MPR E-2 N Maplemere Ext (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Transmitted electronically

MEMORANDUM June 8, 2023

TO: Brian J. Armstrong, EIT, Director Engineering Services
Engineering Department

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

RE: SEQR Determination
North Maplemere Road Extension & Improvements
2023-2028 C.I.P. Project E-2

The Planning Department has reviewed the Map, Plan & Report for the subject project. The subject project was previously determined a Type 1 action pursuant to Part 617 of the SEQR regulations as part of a site plan for property formerly known as 500 Maple Road.

On September 23, 2021 the Amherst Planning Board issued a Negative Declaration for a site plan which included the subject improvements, and which is attached for your reference. Therefore, no further environmental work is required.

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_I_Unlisted__Other_Actions (PJ-2015-001A)\June 8_2023_E-2 North Maplemere Road Ext.docx

cc:
Daniel Howard, Planning Director
Martin Polowy, Town Attorney

Attachment: MPR E-2 N Maplemere Ext (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, A
Planning Directo

Daniel J. Ulatowski, A
Assistant Planning Di

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SEQR
Negative Declaration

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:	Town of Amherst Planning Board	**Project:**	**SP-2020-09_B**
Address:	5583 Main Street Williamsville, NY 14221 (716) 631-7051	**Date:**	September 23, 2021

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action: Site Plan Review

SEQR Status: Type I Action

Description of Action: Construction of 770± lineal feet of proposed public roadway and reconfiguration of 530± lineal feet of public roadway and intersection realignments along with the associated public utilities for water, sanitary and storm sewers to service a previously approved 163,200± sq. ft. medical building with parking for 816± vehicles. Work will include the site improvements not specifically stated above, including, stormwater, utilities, grading, lighting, paving, and landscaping.

Location: 500 Maple Road, Amherst, Erie County

Petitioner: 111 North Maplemere LLC

Attachment: MPR E-2 N Maplemere Ext (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

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Reasons Supporting This Determination

Based on information submitted by the applicant including a Full Environmental Assessment Form (EAF) - Part I, (as amended) and a complete site plan application, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that this action will not have a significant impact on the environment, as follows:

1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Engineering Department on September 1, 2021 reviewed the PIP Grading, Drainage, Utility Plans and Roadway Sections and Profiles submitted on August 13, 2021 for the roadway. Engineer's Report submitted on March 22, 2021, Erosion Control Plan submitted on March 22, 2021 & April 30, 2021 and, Geotechnical Report prepared by Empire GEO Technical Engineering Services submitted on March 22, 2021 with the previous application for the building and roadway.

   The Stormwater Pollution Prevention Plan (SWPPP) submitted on March 22, 2021 with the previous application for the building and roadway was also reviewed. Based on its review of these documents, the Department has determined that the project has or will have met all applicable requirements and has no objection to its approval.

2. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. The Planning Department reviewed a Landscape Plan submitted on September 20, 2021 submitted with the previous application for the building and roadway and determined that it meets or exceeds Zoning Ordinance requirements for greenspace. The Landscape Plan has or will have met all Zoning Ordinance and Town requirements for landscaping.

3. The project did conflict with the Comprehensive Plan, specifically Figure 6, Conceptual Land Use Plan, and Figure 21, University Focal Planning Area. A Comprehensive Plan amendment was approved by the Town Board on July 22, 2020 to accommodate the changes required for this site plan to occur. The Building Department in their review of August 31, 2021 and the Planning Department in their review of September 23, 2021 has reviewed the application documents, along with the Geotechnical Report submitted on March 22, 2021 and determined that the subject project has or will have met all International Building Code – 2018 and Zoning Ordinance regulations.

4. The project is within an area identified by the State as having potential archaeological or historical significance. The NYS Office of Parks, Recreation and Historic Preservation has reviewed the project and, as stated in their letter of June 7, 2019, determined that there will be no impact on these resources.

Attachment: MPR E-2 N Maplemere Ext (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

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5. The project is considered consistent with surrounding land use. The site is located in the Community Facilities District (CF) zoning. It is bordered on the north by a strip of SUNY at Buffalo land and adjacent to the Ellicott Creek Trailway and Millersport Highway (unzoned), on the west by the Amherst Northtown Center zoned Recreation Conservation District (RC), and on the south by duplexes along North Maplemere Drive zoned Residential District Four (R-4). The proposed project is for the construction of 770± lineal feet of public roadway and reconfiguration of 530± lineal feet of public roadway and intersection realignments along with the associated public utilities for water, sanitary and storm sewers to service a previously approved 163,200± sq. ft. medical building with parking for 816± vehicles.

5. The proposed public roadway construction and reconfiguration along with associated public utilities for water, sanitary and storm sewers will not cause a major change in the use of either the quantity or type of energy.

6. The project will not create any hazard to human health. The Fire Chief's Association will review the project, and all requirements of this agency has or will have been met.

7. The proposed public roadway construction and reconfiguration along with associated public utilities for water, sanitary and storm sewers will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The proposed project will be consistent with the scale of surrounding land uses.

8. The proposed public roadway construction and reconfiguration along with associated public utilities for water, sanitary and storm sewers will not significantly increase the number of people using the site over its previous level of use.

9. Review by the Town Traffic/Safety Board dated September 3. 2021, indicates that significant negative traffic impacts are not expected to result from the proposed public roadway and road reconfiguration project. Review of the Traffic Impact Study (TIS) prepared by SRF Associates submitted to the Planning Department on March 22, 2021 and reviewed by the Town Traffic/Safety Board September 3, 2021 indicates that significant negative traffic impacts are not expected to result from the proposed project.

10. A coordinated review of the project has been undertaken by Town Departments including, in addition to those mentioned above, Highway on September 6, 2021, Plumbing Division on August 26, 2021 and Right-of-Way Agent on September 1, 2021. These reviews did not identify any potential significant adverse environmental issues and indicated that the proposal will not have a significant damaging impact on the environment.

Attachment: MPR E-2 N Maplemere Ext (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

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11. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to cause significant negative environmental impacts.

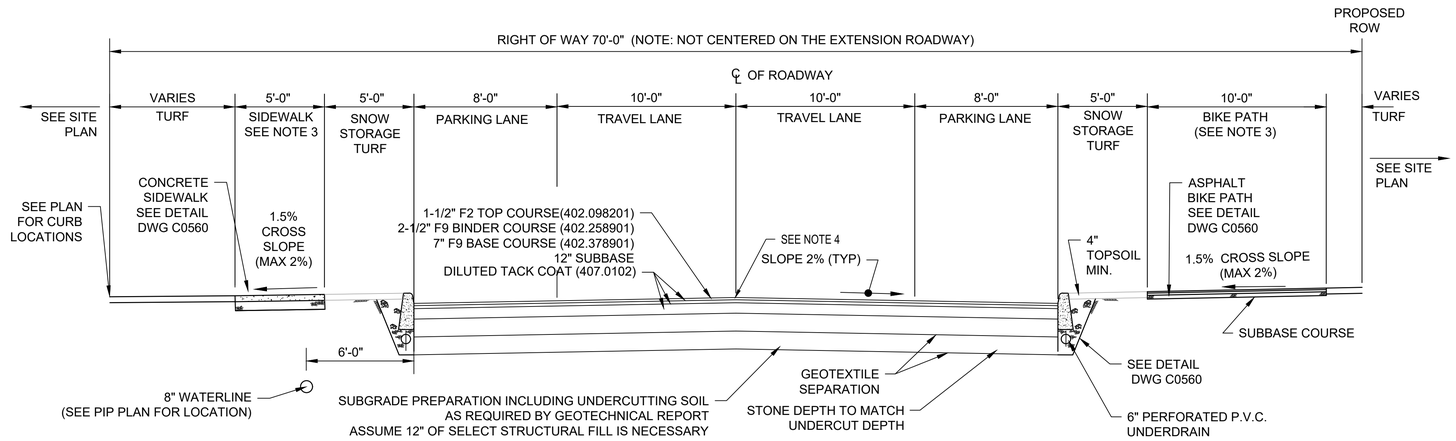
Planning Board Approval
Moved by: Giuliani; Seconded by: Chmiel Ayes; 7 Noes 0.

Principal Planner 9/29/2021
signature & title of preparer Date

9-30-21
Robert J. Gilmour, Planning Board Chair Date

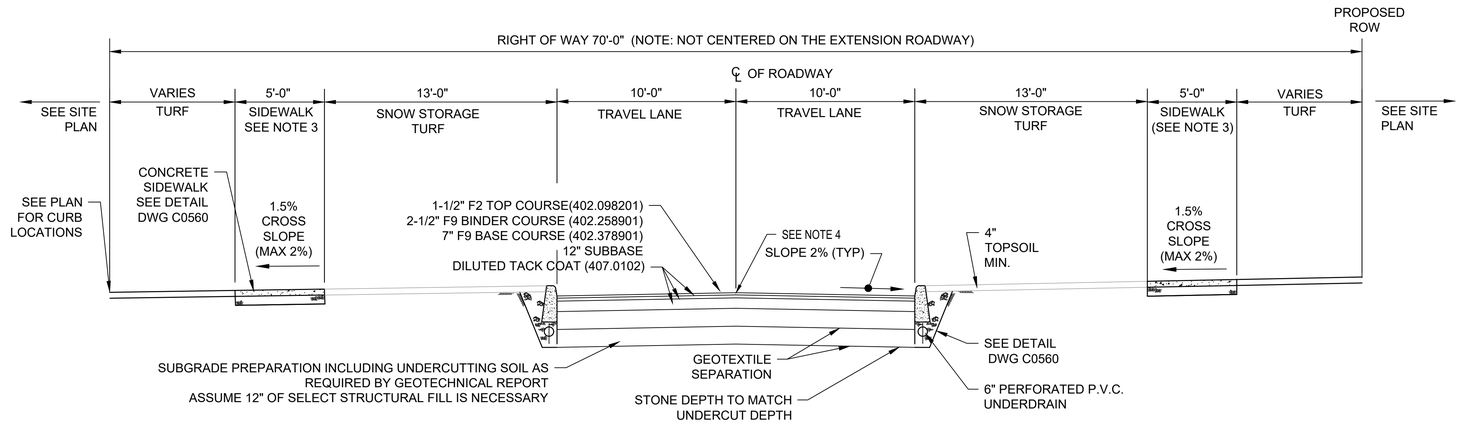
SM/ac
X:\Current_Planning\Files\Site Plans\2020\SP-2020-09_B (500 Maple Rd portion)_2021\SP-2020-09_B_SEQR_Neg_Declaration_092321.docx
cc: Amherst Town Clerk
Building Department
Engineering
Fire Chiefs'
Highway
Traffic/Safety
ECDEP
NYSDOT
Erik Wagner, 111 North Maplemere, LLC, 50 Fountain Plaza, Suite 500, Buffalo, New York 14202
Sean Hopkins, Esq. Hopkins Sorgi & McCarthy PLLC, 5500 Main St., Ste. 343, Williamsville, NY 14221
Brad Sendlak, Watts Architecture & Engineering, 95 Perry St., Ste. 200, Buffalo, NY 14203
Kristopher J. Winkler, PE, Watts Architecture & Engineering, 95 Perry St., Ste. 200, Buffalo, NY 14203
Frank Sica, Cannon Design, 50 Fountain Plaza, Ste. 200, Buffalo, NY 14202

Attachment: MPR E-2 N Maplemere Ext (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))



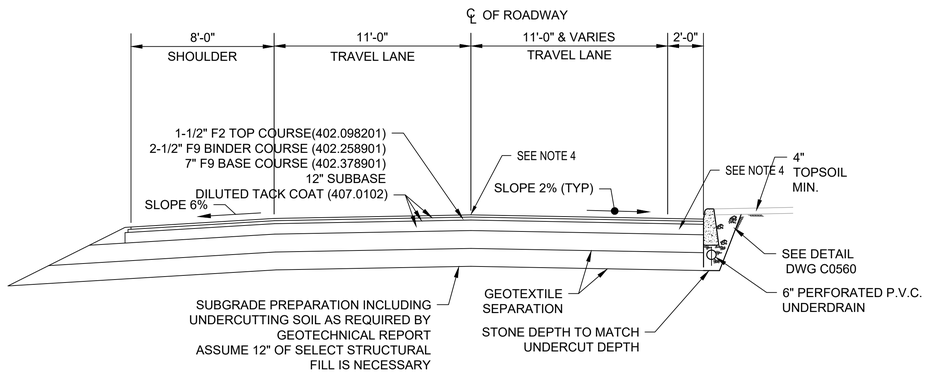
1 TYPICAL SECTION NORTH MAPLEMERE EXTENSION

STA. NM 20+79 TO STA. NM 23+20; STA. NM 23+81 TO STA. NM 25+97;
STA. NM 27+61 TO STA. 29+05



2 TYPICAL SECTION NORTH MAPLEMERE EXTENSION

STA. NM 20+40 TO STA. NM 20+71; STA. NM 23+27 TO STA. NM 23+73
STA. NM 26+05 TO STA. NM 26+43; STA. NM 27+27 TO STA. NM 27+52



3 MILLERSPORT INTERSECTION - D.O.T. R.O.W. SECTION

STA. NM 30+07 TO STA. NM 31+60+/-

NOTES

1. REFER TO DRAWING C0560 FOR PAVING, CURB AND SIDEWALK DETAILS.
2. REFER TO DRAWINGS C0160 THROUGH C0162 FOR INTERSECTION GRADING.
3. THE SIDEWALK BEGINS AT STA. NM 20+30+/- TO STA. 26+70+/-. THE BIKE PATH BEGINS AT STA. NM NM 27+07+/- TO STA. NM 30+23+/-.
4. ASPHALT JOINT ADHESIVE (418.7603) SHALL BE USED ALONG ANY JOINTS IN THE TOP COURSE

Ciminelli REAL ESTATE CORPORATION

AMHERST MOB PUBLIC IMPROVEMENTS PLAN PACKAGE

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Buffalo, NY 14202
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F: 716.773.5909

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Watts Architecture & Engineering
Civil Engineer
95 Perry St #300
Buffalo, NY 14203
(716) 206-5100

No.	Description	Date
0	ISSUED FOR BID	29 AUG 2022

Drawing Title:

PIP TYPICAL ROADWAY SECTIONS

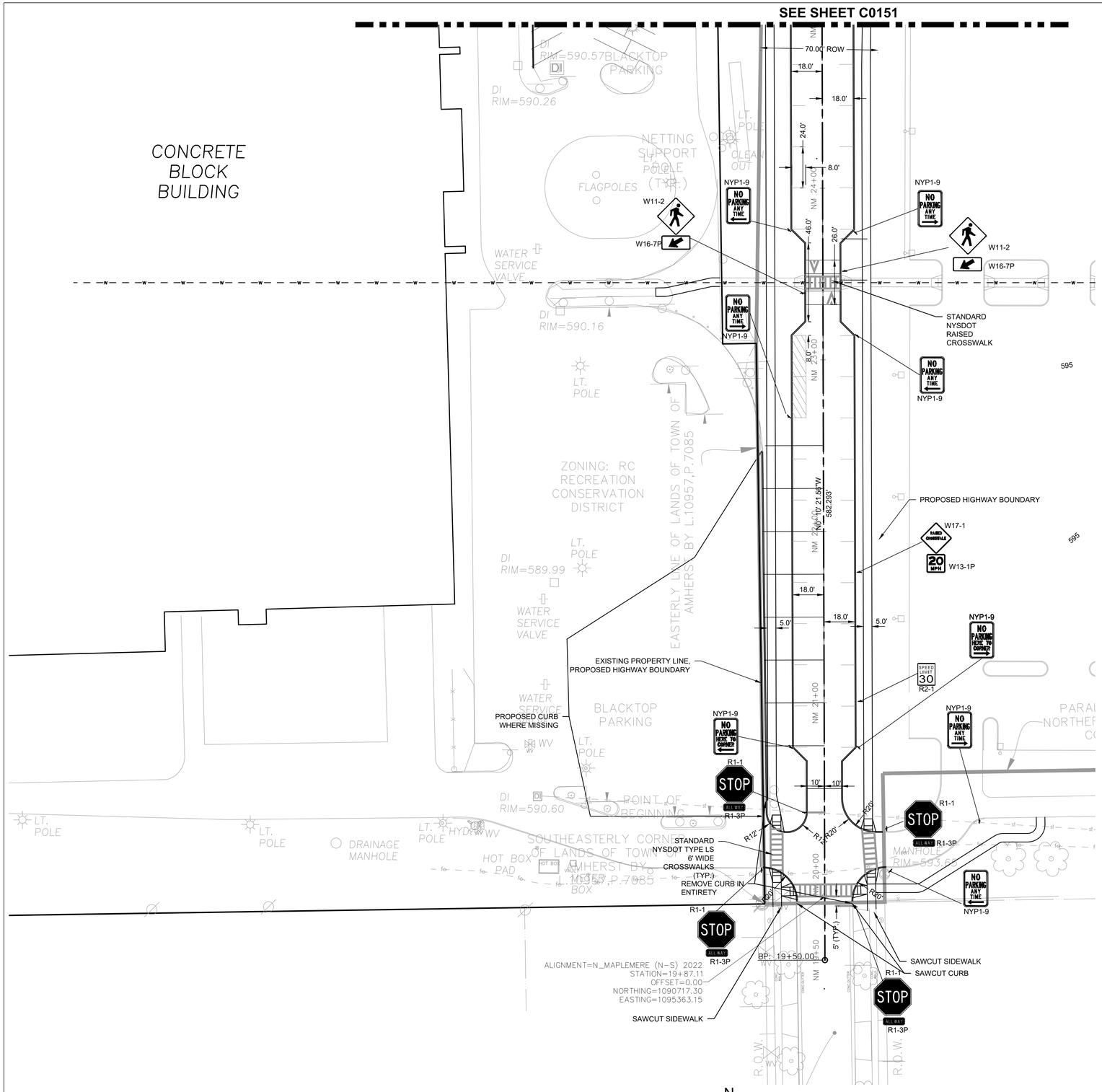
Project No.: 006254.02 Checked by: BLS

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Attachment: MPR E-2 N Maplemere Ext (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))



1 **PIP PLAN**
SCALE: 1" = 30'

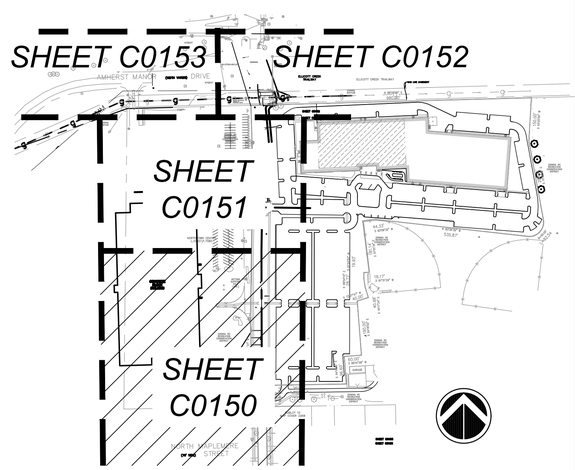
SCALE: 1''= 30'-0"

LEGEND

- HANDHOLE
- DROP INLET
- LIGHT POLE
- STORM MANHOLE
- UTILITY BOX
- POST
- WATER SPIGOT
- WATER VALVE
- CLEAN OUT
- MANHOLE
- YARD DRAIN
- GAS LINE MARKER
- GAS FLAG
- CABLE LINE MARKER
- TELEPHONE MANHOLE

GENERAL NOTES

1. ITEM NUMBERS REFERRED TO ON THIS DRAWINGS REFER TO NYSDOT STANDARD SPECIFICATIONS DATED JANUARY 2021.
2. SEE SITE UTILITY PLAN FOR PROPOSED SERVICE INFORMATION SHEET C0143. (SITE PLAN CONTRACT)
3. SEE SHEET C0149 FOR TYPICAL SECTION AND MATERIALS.
4. SEE SHEET C0560 FOR ROAD DETAILS.
5. SEE SHEET C0160 FOR GRADING AND UTILITY PLANS.
6. SEE SITE STORMWATER MANAGEMENT PLANS FOR ADDITION DRAINAGE INFORMATION STORMWATER MANAGEMENT SHOWN OFF THE ROW IS PART OF THE SITE PLANS
7. SEE PIP LANDSCAPING PLANS FOR LANDSCAPING INFORMATION WITHIN THE ROW .
8. ALL UTILITIES ARE PUBLIC UNLESS OTHERWISE NOTED.
9. SEE SHEET NO. C0563 FOR RAISED CROSSWALK DETAILS AND ADDITIONAL SIGNS
10. PEDESTRIAN SIGN FACE COLOR SHALL BE FLUORESCENT YELLOW-GREEN.



PIP DRAWING KEY
SHEET C0156 NOT SHOWN ON KEY

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Watts Architecture & Engineering
Civil Engineer
95 Perry St #300
Buffalo, NY 14203
(716) 206-5100

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Drawing Title:

PIP LAYOUT PLAN

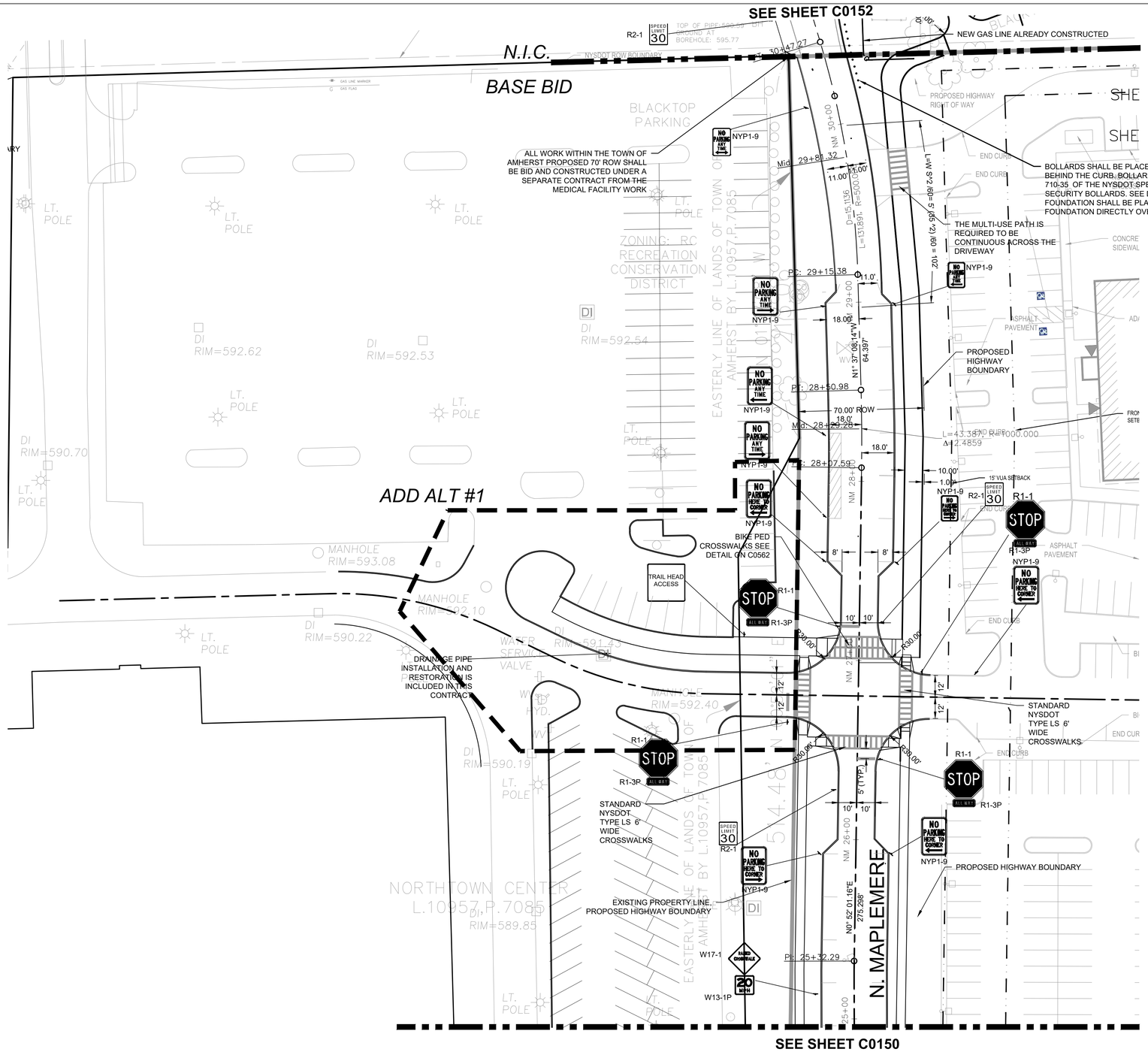
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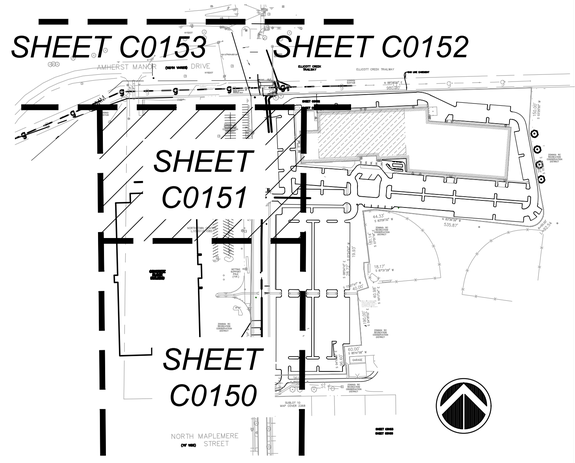
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Aug 29, 2022, 10:18pm

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Attachment: MPR E-2 N Maplemere Ext (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))





PIP DRAWING KEY
SHEET C0156 SHOWN ON KEY

LEGEND

- HANDHOLE
- DROP INLET
- LIGHT POLE
- STORM MANHOLE
- UTILITY BOX
- POST
- WATER SPIGOT
- WATER VALVE
- CLEAN OUT
- MANHOLE
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- GAS LINE MARKER
- GAS FLAG
- CABLE LINE MARKER
- TELEPHONE MANHOLE

GENERAL NOTES

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2. SEE SITE UTILITY PLAN FOR PROPOSED SERVICE INFORMATION SHEET C0142. (SITE PLAN CONTRACT)
3. SEE SHEET C0149 FOR TYPICAL SECTION AND MATERIALS.
4. SEE SHEET C0560 FOR ROAD DETAILS.
5. SEE SHEET C0160 FOR GRADING AND UTILITY PLANS.
6. SEE SITE STORMWATER MANAGEMENT PLANS FOR ADDITION DRAINAGE INFORMATION STORMWATER MANAGEMENT SHOWN OFF THE ROW IS PART OF THE SITE PLANS
7. SEE PIP LANDSCAPING PLANS FOR LANDSCAPING INFORMATION WITHIN THE ROW .
8. ALL UTILITIES ARE PUBLIC UNLESS OTHERWISE NOTED.

1 **PIP PLAN**
SCALE: 1" = 30'

N

30' 20' 10' 0 30'

SCALE: 1"= 30'–0"

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CANNONDESIGN
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AMHERST MOB PUBLIC IMPROVEMENTS PLAN PACKAGE

0	ISSUED FOR BID	29 AUG 2022

Drawing Title:

PIP LAYOUT PLAN

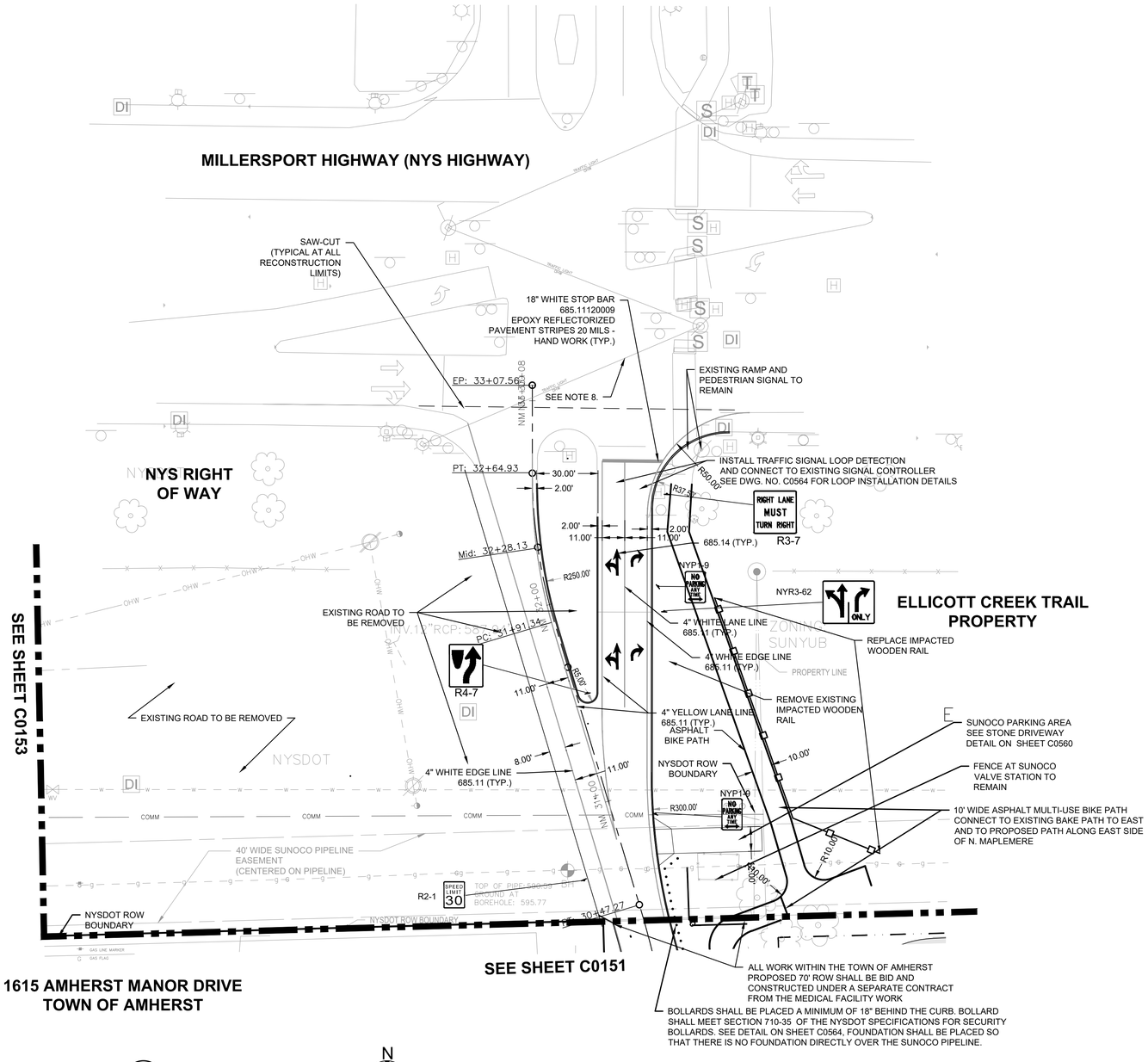
Project No.: 006254.02 Checked by: BLS

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Attachment: MPR E-2 N Maplemere Ext (RES:2023-540 : North Maplemere Road Extension and Improvements ($3.25M))



1 PIP PLAN
SCALE: 1" = 30'

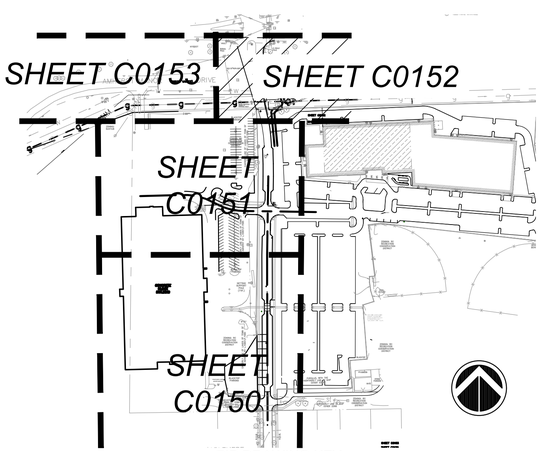
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LEGEND

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GENERAL NOTES

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2. SEE SITE UTILITY PLAN FOR PROPOSED SERVICE INFORMATION SHEET C0143 . (SITE PLAN CONTRACT) .
3. SEE SHEET C0560 FOR ROAD DETAILS.
4. SEE SHEET C0162 FOR GRADING AND UTILITY PLANS.
5. SEE SITE STORMWATER MANAGEMENT PLANS FOR ADDITION DRAINAGE INFORMATION
   STORMWATER MANAGEMENT SHOWN OFF THE ROW IS PART OF THE SITE PLANS
6. SEE PIP LANDSCAPING PLANS FOR LANDSCAPING INFORMATION WITHIN THE ROW .
7. ALL UTILITIES ARE PUBLIC UNLESS OTHERWISE NOTED.
8. ANY ADJUSTMENTS TO THE SIGNAL HEADS FOR NORTH BOUND N. MAPLMERE EXTENSION WILL BE THE RESPONSIBILITY OF THE CONTRACTOR IN COORDINATION WITH NYSDOT SIGNALS UNIT.



PIP DRAWING KEY
SHEET C0156 NOT SHOWN ON KEY

Ciminelli REAL ESTATE CORPORATION

AMHERST MOB PUBLIC IMPROVEMENTS PLAN PACKAGE

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Civil Engineer
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Drawing Title:

PIP LAYOUT PLAN

Project No.: 006254.02 Checked by: BLS

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Attachment: MPR E-2 N Maplemere Ext (RES-2023-540 : North Maplemere Road Extension and Improvements ($3.25M))

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A Alba**
Co-Sponsored by:

DOC ID: 27674 **RESOLUTION 2023-541** **ADOPTED**

Lease Agreement - Northtown Automotive Companies, Inc. and Town of Amherst (CRS #4154)

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Senior Deputy Town Attorney**

DATE: **June 13, 2023**

RE: **Lease Agreement Between Northtown Automotive Companies, Inc. and the Town of Amherst (CRS #4154)**

Kindly adopt the following resolution with respect to the above matter:

RESOLVED, the Town Board authorizes the Supervisor to execute the above-referenced Lease Agreement, pending successful completion of the Contract Routing System (CRS).

Thank you.

NMB:hs
c: Tim Koller, Deputy Town Clerk
(**Agenda Item : June 20, 2023**)

6/20/2023
Consent

FINANCIAL IMPACT:

Revenue to Town of Amherst - $3,000/month (Account TBD)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 27641 **RESOLUTION 2023-542** **ADOPTED**

Right-Of-Way Dedication and Extension of North Maplemere Road

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **June 13, 2023**

RE: **Right-of-Way Dedication**
Extension of North Maplemere Road

Kindly adopt the following resolution with respect to the above matter:

WHEREAS, the Town Board accepts the Right-of-Way dedication subject to the following conditions:

1.) Review and acceptance of the draft title commitment;
2.) Completion of the construction of the roadway and related public improvements;
3.) Final inspection by the Town of Amherst as well as providing required performance bonds and copies of lien waivers to the Town Attorney; and
4.) Final review and approval by the Town Attorney of Right-of-Way dedication documentation prior to recording of the attached deed at the Erie County Clerk's Office.

THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to accept the attached deed once the conditions have been met.

MAP:nmb
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/*attachments, **Agenda Item : June 20, 2023**)

6/20/2023
Consent

FINANCIAL IMPACT:

None for the purposes of this resolution.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Record & Return to:
Town of Amherst Town Attorney's Office
5583 Main Street
Williamsville, NY 14221

THIS INDENTURE

Made the ___ day of _____, 2023 between **AMHERST 111 APL RKC, LLC**, a Delaware limited liability company having an office and place of business at c/o Remedy Medical Properties, Inc., 800 West Madison, Suite 400, Chicago, Illinois 60607party of the first part and **TOWN OF AMHERST**, having its principal office at 5583 Main Street, Williamsville, New York 14221, party of the second part,

WITNESSETH, That the said party of the first part, in consideration of the sum of One and No More ($1.00 and No More) Dollars, lawful money of the Untied States, paid by the said party of the second part, does hereby grant and release unto the said party of the second part, its successors and assigns forever, the premises described on **Schedule "A"** attached hereto.

THIS CONVEYANCE is made and given for the purpose of conveying said street for use as a public highway.

SUBJECT TO easements, restrictions and rights of way of record, if any.

TOGETHER with the appurtenances; and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD, the above granted premises unto the said party of the second part, its successors and assigns forever.

AND, the party of the first part does covenant with the said party of the second part as follows:

THAT the party of the second part shall quietly enjoy the said premises.

THAT the grantor, in compliance with Section 13 of the Lien Law, will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that the grantor will apply same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

THAT the said party of the first part will forever warrant title to said premises.

THAT THIS CONVEYANCE is not all or substantially all of the property of the party of the first part and is made in the regular course of business actually conducted by the party of the first part.

[REMAINDER OF PAGE LEFT INENTIONALLY BLANK
SIGNATURE(S) ON FOLLOWING PAGE]

Attachment: NorthMaplemereDeed-06122023133538 (RES-2023-542 : Right-Of-Way Dedication and Extension of North Maplemere Road)

IN WITNESS WHEREOF, the party of the first part has caused these presents to be signed by its duly authorized officer this _____ day of _____, 2023.

AMHERST 111 APL RKC, LLC

By: _____
Name: _____
Title: _____

STATE OF _____)
ss:
COUNTY OF _____)

On this _____ day of _____ in the year 2023, before me, the undersigned, a notary public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

Attachment: NorthMaplemereDeed-06122023133538 (RES-2023-542 : Right-Of-Way Dedication and Extension of North Maplemere Road)

SCHEDULE A

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie, and the State of New York, being part of Lot 67, Township 12, Range 7 of the Holland Land Company's Survey and being bound and described as follows:

Beginning at the southeasterly corner of lands conveyed to the Town of Amherst as recorded in the Erie County Clerk's Office in Liber 10957 of Deeds at page 7085;

Thence N 00°51'37" W, a distance of 326.87 feet;

Thence N 00°52'01" E, a distance of 514.48 feet;

Thence N 01°37'08" W, a distance of 213.06 feet to the south line of Millersport Highway;

Thence N 88°28'30" E along the south line of Millersport Highway, a distance of 70.00 feet;

Thence S 01°37'07" E, a distance of 214.47 feet;

Thence S 00°52'01" W, a distance of 514.94 feet;

Thence S 00°52'09" E, a distance of 250.76 feet;

Thence S 00º 51'37" E, a distance of 75 feet to the north line of North Maplemere Road;

Thence S 89°05'15" W along the north line of North Maplemere Road, a distance of 70.00 feet to the point of beginning.

Attachment: NorthMaplemereDeed-06122023133538 (RES-2023-542 : Right-Of-Way Dedication and Extension of North Maplemere Road)

PROPOSED LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF AMHERST, COUNTY OF ERIE, AND THE STATE OF NEW YORK, BEING PART OF LOT 67, TOWNSHIP 12, RANGE 7 OF THE HOLLAND LAND COMPANY'S SURVEY AND BEING BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LANDS CONVEYED TO THE TOWN OF AMHERST AS RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10957 OF BOOK OF DEEDS AT PAGE 7085;

THENCE N 00°51'37" W, A DISTANCE OF 326.87 FEET;

THENCE N 00°52'01" E, A DISTANCE OF 514.48 FEET;

THENCE N 01°37'08" W, A DISTANCE OF 213.06 FEET TO THE SOUTH LINE OF MILLERSPORT HIGHWAY;

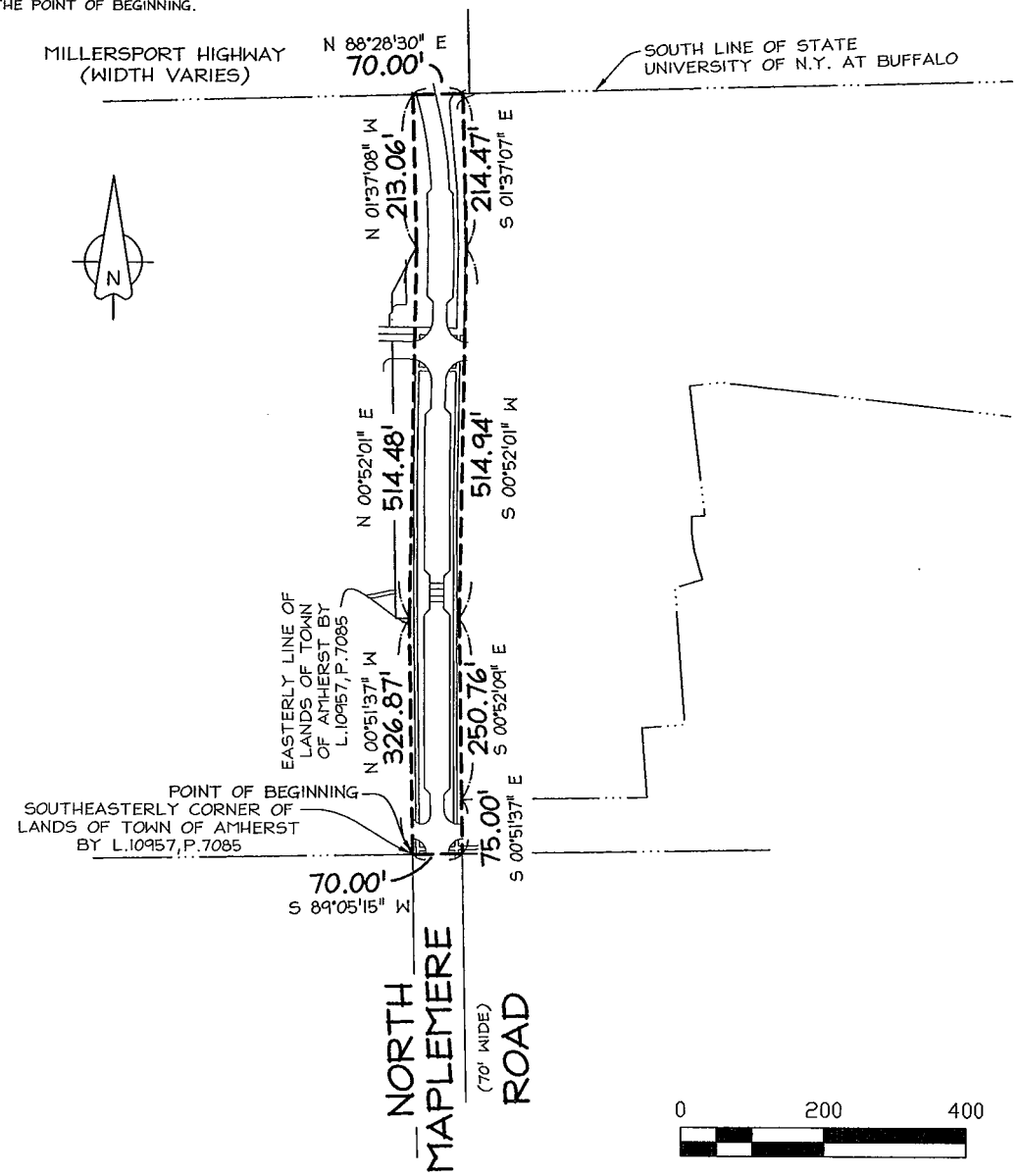
THENCE N 88°28'30" E ALONG THE SOUTH LINE OF MILLERSPORT HIGHWAY, A DISTANCE OF 70.00 FEET;

THENCE S 01°37'07" E, A DISTANCE OF 214.47 FEET;

THENCE S 00°52'01" W, A DISTANCE OF 514.94 FEET;

THENCE S 00°52'09" E, A DISTANCE OF 250.76 FEET TO THE NORTH LINE OF NORTH MAPLEMERE ROAD;

THENCE S 89°05'15" W ALONG THE NORTH LINE OF NORTH MAPLEMERE ROAD, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING.



3556 Lake Shore Road, Suite 500, Buffalo, NY 14219
p (716) 827-8000 f (716) 270-6091 www.nussclarke.com

Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Law.

NUSSBAUMER & CLARKE, INC. ENGINEERS AND SURVEYORS EST. 1933

EXHIBIT MAP

PROPOSED ROAD - N. MAPLEMERE ROAD

Part of Lot 67, Township 12, Range 7
Holland Land Company's Survey
Town of Amherst, County of Erie, State of New York

Date of Map: 05/22/23 Scale : 1" = 200' Project No. : 20J2-0318A-BG14

Successors to the records of Graf Land Surveyors Successors to the records of James L. Shisler, Land Surveyor

Attachment: NorthMaplemereDeed-06122023133538 (RES-2023-542 : Right-Of-Way Dedication and Extension of North Maplemere Road)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 27640 **RESOLUTION 2023-543** **ADOPTED**

Authorization to Pay Outside Counsel Invoice from Trust and Agency Account

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Martin A. Polowy, Esq., Town Attorney**

DATE: **June 12, 2023**

RE: **Authorization To Pay Outside Counsel Invoice From Trust and Agency Account For Services Related To Jurek Post Purchase**

Kindly adopt a resolution authorizing the Comptroller and/or Finance Director to issue payment to Bengart & DeMarco, LLP in the amount of $598.00 from the established Trust and Agency Account (T2107.4001) for legal services performed relative to the purchase of the Jurek Post.

Thank you.

MAP:nmb
c: Tim Koller, Deputy Town Clerk (**Agenda Item : June 20, 2023**)
Daryl C. Bramer, Town Comptroller
Lynda Juul, Director of Finance

6/20/2023
Consent

FINANCIAL IMPACT:

Trust and Agency Account - $598.00

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 27639 **RESOLUTION 2023-544** **ADOPTED**

180 Via Foresta Lane - License Agreement (Owners - Wie) (CRS #4142)

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Nicole M. Burroughs, Senior Paralegal**

DATE: **June 12, 2023**

RE: **Request for License Agreement (CRS #4142)**
Installation of Fence
Property Located At:
180 Via Foresta Lane, Amherst, New York 14221

Kindly adopt a resolution authorizing the Supervisor to execute the attached License Agreement pending successful completion of the Contract Routing System (CRS).

The owner of the above-referenced property is seeking permission to construct and install a fence that would encroach into an existing Town-owned easement, the details and stipulations of which are more fully described in the License Agreement.

This request was reviewed and approved by the Highway Department.

Thank you for your consideration.

NMB:hs
Attachment
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item: June 20, 2023**)
Craig Schreck, General Crew Chief, Highway Department (*w/attachment*)

6/20/2023
Consent

FINANCIAL IMPACT:

$230.00 Paid by homeowner to Town of Amherst ($150.00 - License Agreement; $80.00 ECCO Filing Fee)

A5010.0272

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Attachment: LicenseAgree180ViaForesta.OwnerSigned.Revised (RES-2023-544 : 180 Via Foresta Lane - License Agreement (Owners - Wie)

Return to: Town of Amherst
Attorney's Office
5583 Main Street
Williamsville, New York 14221

TOWN OF AMHERST
LICENSE AGREEMENT

THIS AGREEMENT, made as of this 20th day of June, 2023, between the Town of Amherst, a municipal corporation existing under and by virtue of the laws of the State of New York, having its principal office at 5583 Main Street, Williamsville, New York 14221, Party of the First Part hereinafter referred to as the "Town" and

Jisoon K. Wie and Chu R. Wie
180 Via Foresta Lane
Amherst, New York 14221
SBL: 56.12-6-56

Parties of the Second Part hereinafter referred to as the "Owners."

WITNESSETH:

WHEREAS, the Owners are presently the owners of following described premises:

All of that tract or parcel of land, situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 98, Township 12, Range 7 of the Holland Land Company Survey and according to map entitled "Brook Forest Estates" filed in the Erie County Clerk's Office under Map Cover No. 3096 is known as Subdivision Lot Number(s) FIFTY-SIX.

It is more commonly known as:

180 Via Foresta Lane
Amherst, New York 14221
SBL: 56.12-6-56

WHEREAS, the Town became the holder of a Public Drainage Easement as shown on the Subdivision Map filed in the Erie County Clerk's Office under Cover No. 3096. Said public drainage easement is shown on the survey attached hereto as Exhibit "A;"

WHEREAS, the Owners are desirous of utilizing a portion of the aforementioned easement area:

TBA : 6.20.2023
Address : 180 Via Foresta Lane
Owner Name : Wie

To construct, extend and install a fence that will encroach into the public drainage easement;

as shown on the survey labeled Exhibit "A." Said fence is to be constructed in accordance with the guidelines above and as more fully detailed on Exhibit "A" attached hereto and made a part hereof.

WHEREAS, the intended use as hereinafter provided does not interfere with the municipal purpose of which said Public Drainage Easement was acquired.

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar ($1.00) paid to the Town, the receipt whereof is hereby acknowledged, and the covenants and promises hereinafter set forth the parties agree as follows:

The Town does hereby grant to the Owners, his/her successors, distributees and assigns a license and/or privilege to install, maintain, and use a portion of the Public Drainage Easement area as shown on Exhibit "A," subject to the following conditions:

a. There shall not be installed or placed devices, equipment or structures within the said easement area without prior approval of the Town;

b. The use of said license in the Public Drainage Easement area shall not interfere or restrict the operation, maintenance, repair and/or reconstruction of the Public Drainage Facilities;

c. If it becomes necessary to remove said encroachment(s) for the purpose of repair and/or reconstruction of the Public Drainage facilities, the cost of the removal and reinstallation of said improvements shall be at the expense of the Owners, his/her successors, distributees and assigns.

d. If at any time the Public Drainage facilities are exposed, unearthed or damaged, the Town shall be promptly notified and allowed inspection of the easement areas.

e. Owners acknowledge and accept all consequences, including, but not limited to, damage to any and all structures, fixtures and/or assemblies that encroach into the easement area as a result of a high water event.

TBA : 6.20.2023
Address : 180 Via Foresta Lane
Owner Name : Wie

Attachment: LicenseAgree180ViaForesta.OwnerSigned.Revised (RES-2023-544 : 180 Via Foresta Lane - License Agreement (Owners - Wie)

The Owners shall defend, indemnify and hold harmless the Town from any and all claims or causes of action arising out of the use and exercise of this agreement.

This Agreement shall commence on the 20th day of June, 2023 and shall automatically extend for one (1) year periods unless the same is cancelled as provided below:

Either party may cancel this Agreement by giving sixty (60) days written notice to the other of such cancellation and during said sixty (60) days cancellation shall remove said fence and shall restore the area to the same condition that existed prior.

This Agreement shall ensure to the benefit of the parties, hereto, their successors, distributees, and assigns.

IN WITNESS WHEREOF, the parties to this Agreement have executed the same, the day and year first above written.

TOWN OF AMHERST

_____

Brian J. Kulpa
Supervisor

PROPERTY OWNER

Chu R. Wie

PROPERTY OWNER

Jisoon K. Wie

TBA : 6.20.2023
Address : 180 Via Foresta Lane
Owner Name : Wie

Attachment: LicenseAgree180ViaForesta.OwnerSigned.Revised (RES-2023-544 : 180 Via Foresta Lane - License Agreement (Owners - Wie)

STATE OF NEW YORK }
ERIE COUNTY }SS:

On the _____day of _____ in the year 2023 before me, the undersigned, personally appeared, **Brian J. Kulpa,** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to within the instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

STATE OF NEW YORK }
ERIE COUNTY }SS:

On the 8th day of June in the year 2023 before me, the undersigned, personally appeared, **Chu R. Wie**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to within the instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

ISMAHAN A. TAHER-ABDALLAH
Notary Public, State of New York
Qualified in Erie County
Reg. No. 01TA6239246
My Commission Expires 04-8-2027

Ismahan A. Taher-Abdallah
Notary Public

STATE OF NEW YORK }
ERIE COUNTY }SS:

On the 8th day of June in the year 2023 before me, the undersigned, personally appeared, **Jisoon K. Wie**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to within the instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

ISMAHAN A. TAHER-ABDALLAH
Notary Public, State of New York
Qualified in Erie County
Reg. No. 01TA6239246
My Commission Expires 04-18-2027

Ismahan A. Taher-Abdallah
Notary Public

TBA : 6.20.2023
Address : 180 Via Foresta Lane
Owner Name : Wie

Attachment: LicenseAgree180ViaForesta.OwnerSigned.Revised (RES-2023-544 : 180 Via Foresta Lane - License Agreement (Owners - Wie)

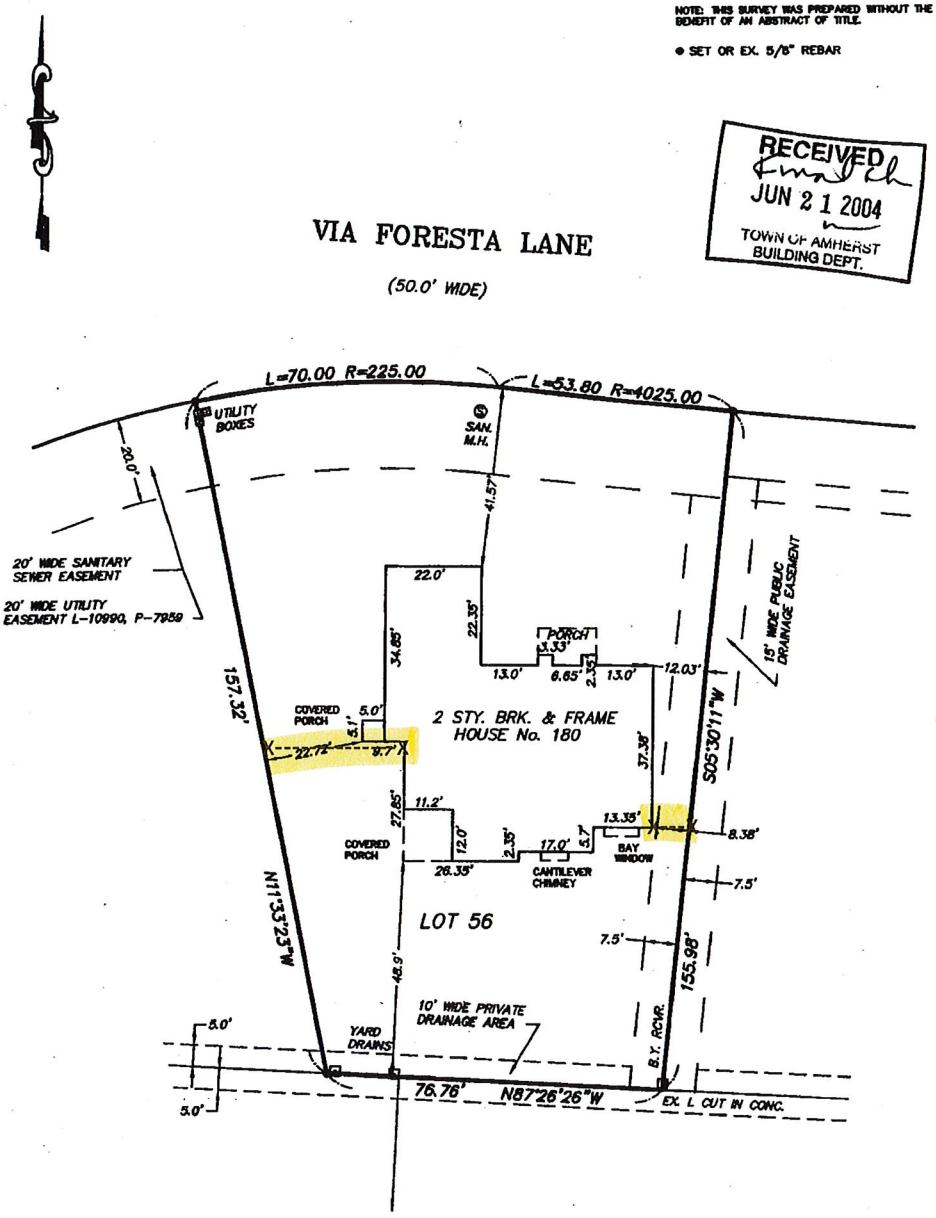
2178-03

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

● SET OR EX. 5/8" REBAR

RECEIVED
JUN 21 2004
TOWN OF AMHERST
BUILDING DEPT.



SURVEY OF
SUB LOT 56 COVER 3096
BROOK FOREST ESTATES
BEING PART OF LOT 98, TOWNSHIP 12, RANGE 7
HOLLAND LAND SURVEY
TOWN OF AMHERST, ERIE COUNTY, NEW YORK

DATE	REVISION/TYPE
6/17/04	HOUSE LOCATION
2/20/04	ADD TIE DISTANCE TO REAR ℓ
10/16/03	FOUNDATION LOCATION

PRATT & HUTH ASSOCIATES, LLP
ENGINEERING • SURVEYING • PLANNING
4860 GENESEE STREET, SUITE 105
BUFFALO, NEW YORK 14225
(716) 633-4844 FAX 633-4940

Job No. 2738-56 Date: AUGUST 27, 2003
Scale 1" = 30' Tax No.

Proposed Fence

Attachment: LicenseAgree180ViaForesta.ExA-06092023150713 (RES-2023-544 : 180 Via Foresta Lane - License Agreement (Owners - Wie) (CRS

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 27666 **RESOLUTION 2023-545** **ADOPTED**

66 Beachridge Drive - License Agreement (Owner Schell) (CRS #4152)

AGENDA ITEM : JUNE 20th, 2023

TO: **Town Board**

FROM: **Nicole M. Burroughs, Senior Paralegal**

DATE: **June 13, 2023**

RE: **Request for License Agreement (CRS #4152)**
Installation of Fence
Property Located At:
66 Beachridge Drive, East Amherst, New York 14051

Kindly adopt a resolution authorizing the Supervisor to execute the attached License Agreement.

The owners of the above-referenced property are seeking permission to construct and install a fence that would encroach into an existing Town-owned easement, the details and stipulations of which are more fully described in the License Agreement.

This request was reviewed and approved by the Engineering Department as well as the Town of Amherst Zoning Board of Appeals, who approved the request as detailed in the attached License Agreement and Exhibit "B" annexed thereto.

Thus, kindly adopt the following resolution:

RESOLVED, the Town Board authorizes the Supervisor to execute the attached License Agreement, pending successful completion of the Contract Routing System (CRS).

Thank you.

NMB:hs
Attachment
c: Tim Koller, Deputy Town Clerk *(w/attachment*, **Agenda Item : June 20, 2023**)
Vaishali Reberholt, PE, Assistant Town Engineer (*w/attachment*)
Daniel Ulatowski, Assistant Planning Director/ZEO (*w/attachment*)
Thomas Voigt, Assistant Planner (*w/attachment*)

6/20/2023
Consent

FINANCIAL IMPACT:

$230.00 Paid by homeowner to Town of Amherst ($150.00 - License Agreement; $80.00 ECCO Filing Fee)
A5010.0272

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Return to: Town of Amherst
Attorney's Office
5583 Main Street
Williamsville, New York 14221

TOWN OF AMHERST
LICENSE AGREEMENT

THIS AGREEMENT, made as of this _____ day of June, 2023, between the Town of Amherst, a municipal corporation existing under and by virtue of the laws of the State of New York, having its principal office at 5583 Main Street, Williamsville, New York 14221, Party of the First Part hereinafter referred to as the "Town" and

Robert A. Schell and Lisa M. Schell
66 Beachridge Drive
East Amherst, New York 14051
SBL: 28.18-4-25

Parties of the Second Part hereinafter referred to as the "Owners."

WITNESSETH:

WHEREAS, the Owners are presently the owners of following described premises:

All of that tract or parcel of land situate in the Town of Amherst, County of Erie, and State of New York, being part of Lot Number Fifty-Two (52), Township Thirteen (13), Range Seven (7) of the Holland Land Company's Survey and further distinguished as Subdivision Lot Number Thirty-Three (33) as shown on a map filed in the Erie County Clerk's Office under Map Cover No. 2633.

It is more commonly known as:

66 Beachridge Drive
East Amherst, New York 14051
SBL: 28.18-4-25

WHEREAS, the Town became the holder of a Public Utility Easement as shown on the Subdivision Map filed in the Erie County Clerk's Office under Cover No. 2633. Said public utility easement is shown on the survey attached hereto as Exhibit "A;

TBA :6.20.2023
Address : 66 Beachridge Drive
Owner Name : Schell

Attachment: LicenseAgreementZBAApproved (RES-2023-545 : 66 Beachridge Drive - License Agreement (Owner Schell) (CRS#4152))

WHEREAS, the Owners are desirous of utilizing a portion of the aforementioned easement area:

To construct and install a vinyl privacy fence, a portion of which will encroach into the public utility easement; the construction and installation of which must follow the regulations approved by the Town of Amherst Zoning Board of Appeals at their meeting held on June 13, 2023, a copy of which is attached as Exhibit "B;"

as shown on sketches labeled Exhibit "A" and Exhibit "B" attached hereto and made a part hereof. Said fence is to be constructed and installed in accordance with the guidelines above and as more fully detailed on Exhibit "A" and Exhibit "B" attached hereto and made a part hereof.

WHEREAS, the intended use as hereinafter provided does not interfere with the municipal purpose of which said Public Utility Easement was acquired.

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar ($1.00) paid to the Town, the receipt whereof is hereby acknowledged, and the covenants and promises hereinafter set forth the parties agree as follows:

The Town does hereby grant to the Owners, his/her successors, distributees and assigns a license and/or privilege to install, maintain, and use a portion of the Public Utility Easement area as shown on Exhibit "A" and Exhibit "B," subject to the following conditions:

a. There shall not be installed or placed devices, equipment or structures within the said easement area without prior approval of the Town;

b. The use of said license in the Public Utility Easement area shall not interfere or restrict the operation, maintenance, repair and/or reconstruction of the Public Drainage Facilities;

c. If it becomes necessary to remove said encroachment(s) for the purpose of repair and/or reconstruction of the Public Utility facilities, the cost of the removal and reinstallation of said improvements shall be at the expense of the Owners, his/her successors, distributees and assigns.

d. If at any time the Public Utility facilities are exposed, unearthed or damaged, the Town shall be promptly notified and allowed inspection of the easement areas.

TBA :6.20.2023
Address : 66 Beachridge Drive
Owner Name : Schell

Attachment: LicenseAgreementZBAApproved (RES-2023-545 : 66 Beachridge Drive - License Agreement (Owner Schell) (CRS#4152))

e. Owners acknowledge and accept all consequences, including, but not limited to, damage to any and all structures/fixtures/assemblies that encroach into the easement area as a result of a high water event.

The Owners shall defend, indemnify and hold harmless the Town from any and all claims or causes of action arising out of the use and exercise of this agreement.

This Agreement shall commence on the 6th day of March, 2023 and shall terminate one (1) year thereafter.

This Agreement, however, shall automatically extend for one (1) year periods unless the same is cancelled as herein provided.

Either party may cancel this Agreement by giving sixty (60) days written notice to the other of such cancellation and during said sixty (60) days cancellation shall remove said fence and shall restore the area to the same condition that existed prior.

This Agreement shall ensure to the benefit of the parties, hereto, their successors, distributees, and assigns.

IN WITNESS WHEREOF, the parties to this Agreement have executed the same, the day and year first above written.

TOWN OF AMHERST

_____
Brian J. Kulpa
Supervisor

PROPERTY OWNER

_____
Robert A. Schell

PROPERTY OWNER

_____
Lisa M. Schell

TBA :6.20.2023
Address : 66 Beachridge Drive
Owner Name : Schell

Attachment: LicenseAgreementZBAApproved (RES-2023-545 : 66 Beachridge Drive - License Agreement (Owner Schell) (CRS#4152))

STATE OF NEW YORK }
ERIE COUNTY }SS:

On the _____day of June in the year 2023 before me, the undersigned, personally appeared**, Brian J. Kulpa,** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to within the instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

STATE OF NEW YORK }
ERIE COUNTY }SS:

On the _____day of _____ in the year 2023 before me, the undersigned, personally appeared, **Robert A. Schell**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to within the instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

STATE OF NEW YORK }
ERIE COUNTY }SS:

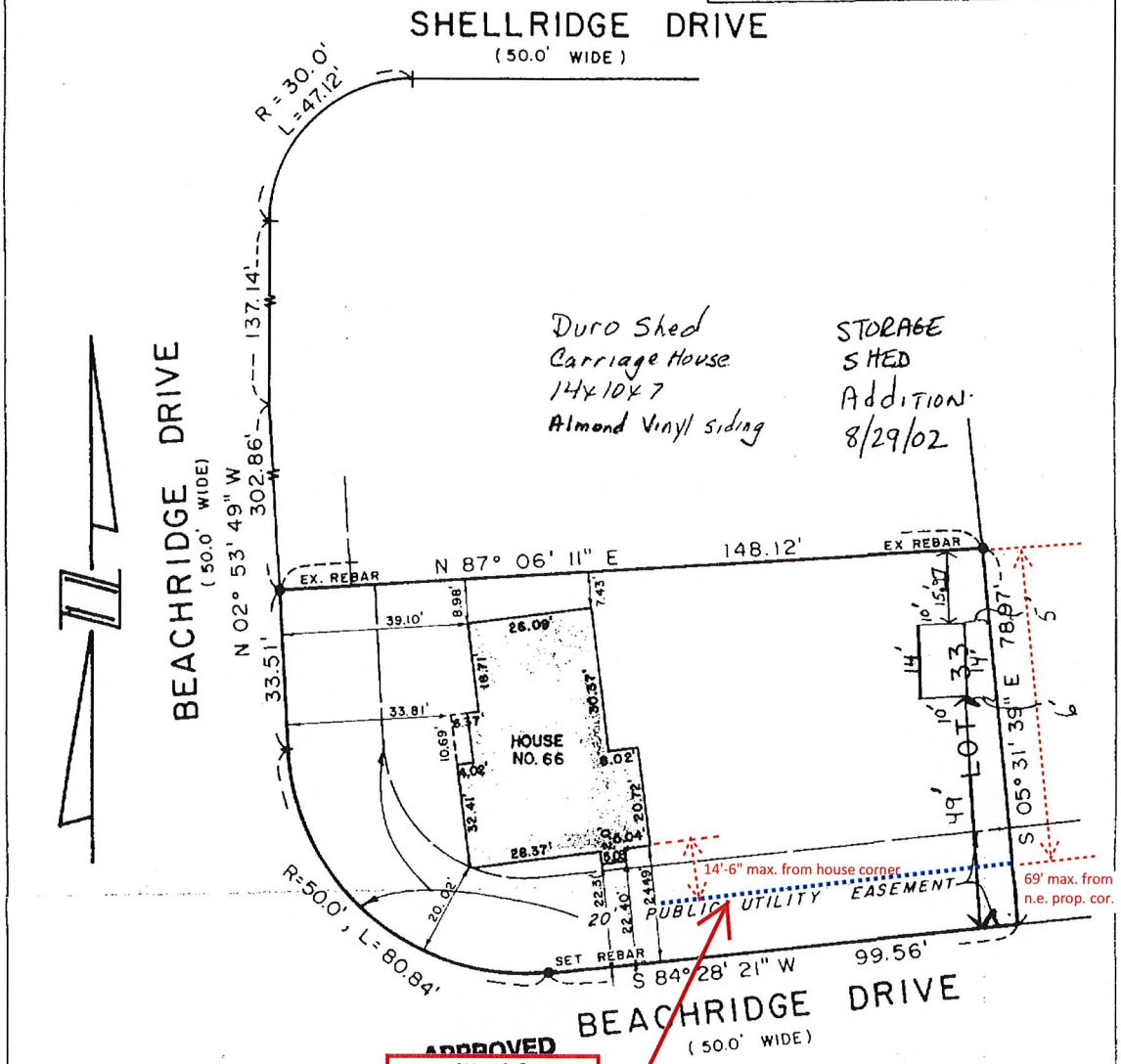
On the _____day of _____ in the year 2023 before me, the undersigned, personally appeared, **Lisa M. Schell**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to within the instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

TBA :6.20.2023
Address : 66 Beachridge Drive
Owner Name : Schell

Attachment: LicenseAgreementZBAApproved (RES-2023-545 : 66 Beachridge Drive - License Agreement (Owner Schell) (CRS#4152))

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW



APPROVED

permitted fence location, with Town License agreement

FLOOD DATA

1) FLOOD ZONE : Ao+3
2) ℄ PAVEMENT : 584.57
3) EXIST. GROUND @ ℄ LOT : 582.8
4) TOP OF FOUNDATION : 587.40
5) TOP OF FOOTER : 580.36
6) LOWEST ARCHITECTURAL OPENING : 586.13

fined - R3
Area - 10x14 = 140 ft
setbacks o.k.
structure - o.k.

Bernard F. Wells

SURVEY OF
SUB LOT 33, MAP COVER 2633
STABLE RIDGE, PHASE III
BEING PART OF LOT-52, TOWNSHIP-12, RANGE-7
HOLLAND LAND SURVEY
TOWN OF AMHERST, ERIE COUNTY, NEW YORK

DATE	REVISION/TYPE
9-22-88	HOUSE LOCATION

Pratt & Huth Associates
Engineers – Surveyors – Planners
60 Earhart Drive • Williamsville, New York 14221 • 716-633-4844

JOB NO 00599-33 DATE JULY 29, 1988
SCALE 1" = 30'

Attachment: 66BeachridgeDrive.ExA-06142023103515 (RES-2023-545 : 66 Beachridge Drive - License Agreement (Owner Schell) (CRS#4152))

Zoning Board of Appeals
5583 Main Street
Amherst, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/13/23 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 27616

ZBA ITEM (ID # 27616)

66 Beachridge Drive - Area Variance

WHEREAS, **Robert A. Schell** has made application for an Area Variance(s), under

SECTION: 2-5-2A(5)(b)(2)

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at :

66 Beachridge Drive within a CR-3A Zoning District

The petitioner's **proposed 6 foot high fence** is **6.5** feet from the **south** property line whereas, the zoning ordinance requires a minimum of **10** feet, AND

WHEREAS, a public hearing was held on **June 13, 2023** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance(s) is not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

Attachment: 66BeachridgeDrive.ExB (RES-2023-545 : 66 Beachridge Drive - License Agreement (Owner Schell) (CRS#4152))

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby **GRANT** an area variance from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst subject to:

1. The Town Board granting a license agreement to permit the fence within the Town's sanitary sewer easement.

Attachment: 66BeachridgeDrive.ExB (RES-2023-545 : 66 Beachridge Drive - License Agreement (Owner Schell) (CRS#4152))

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A Alba**
Co-Sponsored by:

DOC ID: 27669 **RESOLUTION 2023-546** **ADOPTED**

Settlement of Article 7 Matter - Rite Aid Corporation V. Town of Amherst

AGENDA ITEM : June 20TH, 2023

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Senior Deputy Town Attorney**

DATE: **June 12, 2023**

RE: **Settlement of Article 7 Matter**
Rite Aid Corporation v. Town of Amherst

Kindly adopt a resolution authorizing the following:

(1) Settlement of the above matter as detailed in the attached Partial Stipulation and Consent Order; and

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Partial Stipulation and Consent Order as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : June 20TH, 2023**)
Emily Murphy, Town Assessor

6/20/2023
Consent

FINANCIAL IMPACT:

Assessment

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application of

Rite Aid Corporation,

Petitioner,

vs.

Town of Amherst Board of Assessment Review, the Assessor of the Town of Amherst, and the Town of Amherst, Erie County, New York,

Respondents.

For review of a Tax Assessment under Article 7 of the Real Property Tax Law.

PARTIAL STIPULATION AND CONSENT ORDER

Index Nos.: 808355/2022

Assessment Year: 2022

Judge: Hon. Raymond Walter

Property Description:

Property	Tax ID Number	
8530 Transit Rd	57.09-1-45.2	
2545 Millersport Hwy	41.15-1-19	
3249 Sheridan Drive	67.41-2-1.11	
Assessment Year	**Taxable Status Date**	**Index Numbers**
2022	March 1, 2022	808355/2022

WHEREAS, tax certiorari proceedings were commenced by the above-named petitioner ("Petitioner") for the above described property ("Properties") located in the Town of Amherst ("Respondent") to recover overpaid real property taxes for each tax assessment year identified herein. A tax assessment year is the year in which the assessment roll is filed and is also identified by that year's taxable status date ("Assessment Year"). These proceedings are now pending for the Assessment Years set forth above. ("Pending Proceedings"), and

WHEREAS, negotiations for settlement were entered into regarding said proceedings; and

WHEREAS, the Williamsville Central School District intervened in the Pending Proceedings; and

Attachment: 2023_6_14 RAD v. Amherst Partial Stipulation and Consent Order (RES-2023-546 : Settlement of Article 7 Matter - Rite Aid

NOW, THEREFORE, it is hereby stipulated, consented, and agreed by and between the attorneys and the respective parties that the above-captioned Pending Proceedings shall be partially settled with respect to the parcel with the Tax ID number 57.09-1-45.2 and known as 8530 Transit Road ("Transit") and the parcel with the Tax ID number 41.15-1-19 and known as 2545 Millersport Hwy ("Millersport") ("Collectively "Settled Properties"). The case for the property known as 3249 Sheridan Drive (with the Tax ID number 67.41-2-1.11 "Sheridan Drive") shall not be settled. Order and Judgment to that effect may be entered without further notice to either party on the following terms:

1. The Pending Proceedings shall be partially settled by changing the prior assessment ("Prior Assessment") for the settled properties only to the revised assessment set forth below ("Revised Assessment") for each Assessment Year:

Property Address	8530 Transit Rd		
Tax ID Number	57.09-1-45.2		
Assessment Year	**Taxable Status Date**	**Prior Assessment**	**Revised Assessment**
2022	March 1, 2022	$3,550,000	$3,093,800
2023	March 1, 2023	$3,550,000	$3,093,800

Property Address	2545 Millersport Hwy		
Tax ID Number	41.15-1-19		
Assessment Year	**Taxable Status Date**	**Prior Assessment**	**Revised Assessment**
2022	March 1, 2022	$2,260,000	$1,860,000
2023	March 1, 2023	$2,260,000	$1,860,000

Attachment: 2023_6_14 RAD v. Amherst Partial Stipulation and Consent Order (RES-2023-546 : Settlement of Article 7 Matter - Rite Aid

Attachment: 2023_6_14 RAD v. Amherst Partial Stipulation and Consent Order (RES-2023-546 : Settlement of Article 7 Matter - Rite Aid

The full value used to determine the Revised Assessment is as follows:

Property Address	8530 Transit Rd		
Tax ID Number	57.09-1-45.2		
Assessment Year	**Equalization Rate**	**Prior Assessment at Full Value**	**Revised Assessment at Full Value**
2022	74%	$4,797,297	$4,105,405
2023	62%	$5,725,806	$4,990,000

Property Address	2545 Millersport Hwy		
Tax ID Number	41.15-1-19		
Assessment Year	**Equalization Rate**	**Prior Assessment at Full Value**	**Revised Assessment at Full Value**
2022	74%	$3,054,054	$2,513,513
2023	62%	$3,645,161	$3,000,000

Refunds of taxes, interest and costs are waived for the 2022 Assessment Year in consideration for the future year reductions set forth herein.

There will be no future reduction of the assessment except as otherwise provided in this stipulation, which means there will be no claw forward or gouge.

2. The parties agree that all Pending Proceedings relating to the settled property Millersport shall be partially discontinued and the final assessment of the Property shall be set at the Revised Assessment for the 2022 Assessment Year ("Moratorium Assessment") and for a period of three (3) tax years following the close of the rolls for the 2022 Tax Year (i.e., affecting the succeeding 2023, 2024, and 2025 Assessment Years but not 2026) (hereinafter the "Moratorium Period") subject to the terms agreed to herein. In the event the assessment on the tentative or final tax assessment roll filed for any Assessment Year during the Moratorium Period exceeds the Moratorium Assessment, Petitioner shall also be entitled to commence additional proceedings to enforce the provisions of this

agreement including challenging those assessments.

3. The parties agree that RPTL §727 will not apply to the Transit property.

4. The parties agree that the provision of RPTL §727 shall also apply to this settlement agreement for Millersport only subject to the provisions herein. Notwithstanding the foregoing, the parties agree that the Assessor may change the assessment, and the Petitioner may challenge the assessment, either after expiration of the Moratorium Period, or for any tax year after any of the events set forth in RPTL §727(2) (c), (d), (e), (f), (g), (h) and (i) shall occur, except as set forth below.

The parties agree that the exceptions in RPTL §727(2) (a) and (b) for a revaluation or update that would allow the assessor to change the assessment for any year shall not apply, except that the new assessment shall be the same as the Revised Full Value Assessment for the 2022 Tax Year multiplied by the New York State equalization rate.

The parties agree that the Assessor may change the assessment, and the Petitioner may challenge the assessment if the property is no longer used as a drugstore on or after the taxable status date of any tax year.

5. The discontinuance of all Pending Proceedings shall be contingent upon the assessment of the Property being set at the Revised Assessment for all Tax Years affected by this stipulation subject to changes permitted hereunder.

6. Any payments hereunder shall be made to the Jacobson Law Firm, P.C. as attorney for the Petitioner herein.

7. Counsel for the Petitioner herein represents that the approvals for this settlement have been obtained from the Petitioner herein.

Attachment: 2023_6_14 RAD v. Amherst Partial Stipulation and Consent Order (RES-2023-546 : Settlement of Article 7 Matter - Rite Aid

8. Counsel for the Respondent herein represents that approvals required for this settlement have been obtained from any and all necessary parties and entities for the Respondent Town of Amherst.

9. Counsel for the Intervenor-Respondents herein represents that approvals required for this settlement have been obtained from all necessary parties for the Intervenor-Respondents.

This Stipulation and Consent Order shall be governed by the provisions of Section 727 of the Real Property Tax Law, except as otherwise provided for herein. The parties hereto shall have the right to seek specific performance in these proceedings of any of the terms and provisions herein. The Petitioner shall have the right to reinstate and restore these proceedings and commence new proceedings seeking any relief provided for herein, and for any subsequent Assessment Year affected by this Stipulation and Consent Order, to the extent that the Respondents do not comply with any of the terms and provisions herein. In the event Respondents do not comply with the terms and provisions herein and Petitioner attempts to reinstate and restore the Pending Proceedings or commence a new proceeding seeking the same relief, Respondents waive any applicable statute of limitations, and the provisions of RPTL §718 regarding abandonment shall not apply.

Petitioner:

Dated: _____

_____

Aaron H. Jacobson, Esq.
Attorney for Petitioner
RITE AID CORPORATION
Jacobson Law Firm, P.C.
1080 Pittsford-Victor Road, Suite 304
Pittsford, New York 14534
Telephone: (585) 218-6290

Respondents:

Dated: _____

_____

Samuel A. Alba, Esq.
Attorney for Respondent
TOWN OF AMHERST

Attachment: 2023_6_14 RAD v. Amherst Partial Stipulation and Consent Order (RES-2023-546 : Settlement of Article 7 Matter - Rite Aid

Senior Deputy Attorney, Town of Amherst
5583 Main Street
Williamsville, NY 14221
Telephone: (716) 631-7030

Dated: _____

_____

John K. Rottaris, Esq.
Attorney for Intervenor-Respondent
SWEET HOME CENTRAL SCHOOL DISTRICT
Gross Shuman P.C.
465 Main Street, Suite 600
Buffalo, NY 14203
Telephone: (716) 854-4300

Dated: _____

_____

Michael B. Risman, Esq.
Attorney for Intervenor-Respondent
WILLIAMSVILLE CENTRAL SCHOOL DISTRICT
Hodgson Russ LLP
140 Pearl Street, Suite 100
Buffalo, NY 14202
Telephone: (716) 848-1291

Dated: _____

_____

Margaret A. Hurley, Esq.
Attorney for Intervenor-Respondent
COUNTY OF ERIE
Lippes Mathias LLP
50 Fountain Plaza, Suite 1700
Buffalo, NY 14202
Telephone: (716) 853-5100

Upon reading and filing the annexed stipulation ("Settlement Stipulation"), it is hereby

Attachment: 2023_6_14 RAD v. Amherst Partial Stipulation and Consent Order (RES-2023-546 : Settlement of Article 7 Matter - Rite Aid

Attachment: 2023_6_14 RAD v. Amherst Partial Stipulation and Consent Order (RES-2023-546 : Settlement of Article 7 Matter - Rite Aid

ORDERED, ADJUDGED, AND DETERMINED, that the parties shall and hereby are directed to comply with the terms and conditions of said Settlement Stipulation; and it is further,

ORDERED, ADJUDGED, AND DETERMINED, that in the event that the Town of Amherst fails to set the assessment of the Millersport Property as provided for in the Settlement Stipulation for any Tax Year during the Moratorium Period, the proceedings herein with respect to that property only, upon Petitioner's application, shall be restored to the Court's calendar, and the Petitioner shall have the right to enforce the terms of the Settlement Stipulation and this Court shall retain jurisdiction with respect to same; and it is further,

ORDERED, ADJUDGED, AND DETERMINED, that the real property tax assessment for the Property located in the Town of Amherst be revised as follows:

Property Address	8530 Transit Rd		
Tax ID Number	57.09-1-45.2		
Assessment Year	**Taxable Status Date**	**Prior Assessment**	**Revised Assessment**
2022	March 1, 2022	$3,550,000	$3,093,800
2023	March 1, 2023	$3,550,000	$3,093,800

Property Address	2545 Millersport Hwy		
Tax ID Number	41.15-1-19		
Assessment Year	**Taxable Status Date**	**Prior Assessment**	**Revised Assessment**
2022	March 1, 2022	$2,260,000	$1,860,000
2023	March 1, 2023	$2,260,000	$1,860,000

and that the tax assessment rolls for said year shall be so modified; and it is further,

ORDERED, ADJUDGED, AND DETERMINED, that the Assessor of the Town of Amherst shall make or cause to be made upon the proper books and records and on the tax assessment rolls

of said Town, the entries, changes, and corrections necessary to conform said assessment to such corrected and reduced valuation; and it is further,

ORDERED, ADJUDGED, AND DETERMINED, that there shall be no payment of refunds to the Petitioner for taxes that would not have been paid based upon the 2022 Tax Year, nor shall there be payment of any costs, disbursements or interest except as otherwise provided for herein; and it is further,

ORDERED, ADJUDGED, AND DETERMINED, if any tax bills relating to the 2023 Tax Year are not timely corrected to reflect the Revised Assessment, there shall be audited and allowed paid to the Petitioner by the Town of Amherst, County of Erie, Williamsville Central School District, and any other applicable taxing authority or entity that bases its payments on said assessment, the amount, if any, paid by said Petitioner in excess of what would have been paid had the assessment been based on the Revised Assessment, without interest, except that interest shall be paid at the legal rate for real property tax assessment refunds to the extent that amounts required to be paid hereunder are not paid within sixty (60) days of the entry of this Stipulation and Consent Order and service of this order upon the entity responsible for making such payment until the same is so paid as determined by the Settlement Stipulation; and it is further,

ORDERED, ADJUDGED, AND DETERMINED, that these proceedings are hereby discontinued subject to and provided the Respondents comply with all the terms and conditions of this Stipulation and Consent Order; and it is further,

ORDERED, ADJUDGED, AND DETERMINED, that the proceedings relating to the Millersport property shall be governed by §727 of the Real Property Tax Law of the State of New York regarding to changes in assessment following litigation, subject to the terms of the parties' stipulation above, for a period of three (3) years following the 2022 Tax Year (i.e., affecting the 2023, 2024, and 2025 Tax Years but not 2026), where 2023 shall be considered the first year so affected. The parties hereto shall have the right to seek specific performance in these proceedings of any of the terms and provisions herein. The provisions of §718 of the Real Property Tax Law of the State of New York shall not apply to the terms of this Stipulation and Consent Order.

Attachment: 2023_6_14 RAD v. Amherst Partial Stipulation and Consent Order (RES-2023-546 : Settlement of Article 7 Matter - Rite Aid

ORDERED, ADJUDGED, AND DETERMINED, that the proceedings relating to the Transit property shall not be governed by §727 of the Real Property Tax Law of the State of New York.

DATED: _____, 2023

_____, New York

_____

Hon. Raymond Walter
Supreme Court Justice

RIT01-Amherst-2022

Attachment: 2023_6_14 RAD v. Amherst Partial Stipulation and Consent Order (RES-2023-546 : Settlement of Article 7 Matter - Rite Aid

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A Alba**
Co-Sponsored by:

DOC ID: 27645 **RESOLUTION 2023-547** **ADOPTED**

Settlement of Article 7 Matter - 4459 Bailey Avenue, LLC V. Town of Amherst

AGENDA ITEM : June 20TH, 2023

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Senior Deputy Town Attorney**

DATE: **June 13, 2023**

RE: **Settlement of Article 7 Matter**
4459 Bailey Avenue, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

(1) Settlement of the above matter as detailed in the attached Stipulation of Settlement; and

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Stipulation of Settlement as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : June 20TH, 2023**)
Emily Murphy, Town Assessor

6/20/2023
Consent

FINANCIAL IMPACT:

Assessment

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Attachment: 4459 Bailey - Elderwood - Tax Agreement FINAL (RES-2023-547 : Settlement of Article 7 Matter - 4459 Bailey Avenue, LLC V. Town

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for a Review Under Article 7 of the Real Property Tax Law of a Tax Assessment by
4459 BAILEY AVENUE, LLC,

Petitioners,

-against-

ASSESSOR FOR THE TOWN OF AMHERST, NY, BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF AMHERST, NY AND THE TOWN OF AMHERST, NY,

Respondents, and the

COUNTY OF ERIE AND SWEET HOME CENTRAL SCHOOL DISTRICT,

Intervenor-Respondents.

STIPULATION OF SETTLEMENT

Index No.
810258/2021

WHEREAS Petitioner, having duly and timely commenced the above-captioned proceeding pursuant to Article 7 of the Real Property Tax Law by and through its attorneys against the Assessor for the Town of Amherst, the Board of Assessment Review for the Town of Amherst, the Town of Amherst (collectively, the “Respondents” or “Town”), County of Erie, to review the assessment on real property known as 4459 Bailey Avenue (SBL No. 67.49-2-1.1) (the "Property") owned by the Petitioner for the assessment roll year at issue; and

WHEREAS the Town Respondents appeared in this proceeding by and through Deputy Town Attorney Samuel Alba, Esq.; the Intervenor-Respondent Sweet Home Central School District appeared in this proceeding by and through their attorneys at Gross Shuman P.C. (John Rottaris, Esq.); and the County of Erie appeared in this

proceeding by and through their attorneys at Lippes Mathias, LLP (Margaret A. Hurley, Esq.);

WHEREAS, Petitioner, Respondents and Intervenor-Respondents are collectively referred to herein as the "Parties"; and

WHEREAS, on or about June 13, 2022, the Parties entered into a Stipulation of Settlement and Judicial Order (the "Order") regarding the real property tax assessment on the Property and the Order was filed with the Erie County Clerk under Index Number 810258/2021, among others in preceding years; and

WHEREAS, the Order required that the Property be assessed on the Town of Amherst's 2023 final assessment roll at $3,840,000 with a credit taken against this assessment in lieu of refunds that were due to be paid as a result of similar reductions taken in prior years; and

WHEREAS, the Town's tentative 2023 equalization rate decreased to a point that even reducing the Property's value to $1 for the 2023 year did not fulfil the credits promised under the filed Order; and

WHEREAS, the Parties acknowledge that due to the aforesaid decrease in the Town's tentative 2023 equalization rate, the full credits as promised under the filed Order cannot be applied; and

WHEREAS, the Parties have agreed that a settlement is in the best interests of the Parties, so as to avoid the cost of further litigation, among other things; and

NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED, for and in consideration of the mutual covenants contained hereinafter, that:

Attachment: 4459 Bailey - Elderwood - Tax Agreement FINAL (RES-2023-547 : Settlement of Article 7 Matter - 4459 Bailey Avenue, LLC V. Town

1. The School shall pay directly to Petitioner $4,811.23 in refunds within 60 days of the Parties signing this Agreement.
2. The Town shall pay directly to Petitioner $1,095.32 in refunds within 60 days of the Parties signing this Agreement.
3. The County shall pay directly to Petitioner $1,055.17 in refunds within 60 days of the Parties signing this Agreement.
4. If refunds are received past the 60-day mark, interest will accrue at the statutory rate for tax assessment cases.
5. Pursuant to the Order, the Property shall be assessed on the 2023 final assessment roll for $1.
6. The Parties anticipate that the refund payment(s) will satisfy the Town's, School's and County's liability for this discrepancy between the credit benefit actually received by Petitioner and what was due and owing to them as a result of the Order.
7. All refund payments should be made by check payable to the "Petitioner" – 4459 Bailey Avenue, LLC, then mailed to Speno MacLeod, PLLC, PO Box 152, Baldwinsville NY 13027, as attorneys for 4459 Bailey Avenue, LLC.
8. Upon full competition of the obligations in this Agreement, Petitioner waives and releases the School, Town and County from all claims, allegations, and arguments regarding Petitioner's claim any and/or all additional benefits under the Order.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed as of the day and year set forth below.

Attachment: 4459 Bailey - Elderwood - Tax Agreement FINAL (RES-2023-547 : Settlement of Article 7 Matter - 4459 Bailey Avenue, LLC V. Town

4459 Bailey Avenue, LLC

By: _____

Print: _____

Title: _____

Date: _____

Sweet Home Central School District

By: _____

Print: _____

Title: _____

Date: _____

The Town of Amherst

By: _____

Print: _____

Title: _____

Date: _____

The County of Erie

By: _____

Print: Margaret A. Hurley, Esq.

Title: Attorney for the County of Erie

Date: _____

Attachment: 4459 Bailey - Elderwood - Tax Agreement FINAL (RES-2023-547 : Settlement of Article 7 Matter - 4459 Bailey Avenue, LLC V. Town

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 27635 **RESOLUTION 2023-548** **ADOPTED**

Amusement License - the Amberleigh

Request by The Amberleigh for a First Class Amusement License to hold outdoor events at 2330 Maple Rd. on June 29, 2023, July 20, 2023, and August 31, 2023 from 6pm - 7pm. Supervising Code Enforcement Officer recommends a fee of $5.00 per day.

The following conditions apply:

1. That all fire lanes be clear and maintained at 20.00 feet wide at all times.
2. All temporary power must be code compliant.
3. Bathroom facility must be made available & accessible.
4. On site accessible parking must be maintained.
5. Vehicle impact protection must be provided for the guest area.
6. Fire Department access must be maintained at all times in the event of an emergency.
7. Events with 1,000 guests or more will be require "Crowd Managers "that are in compliance with chapter 4 of the 2020 FCNYS.
8. The applicant must abide by Chapter 138 of the Town Of Amherst Code regarding noise.

6/20/2023
Consent

FINANCIAL IMPACT:

Income to the Town

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

TOWN OF AMHERST
BUILDING DEPARTMENT
INTER-DEPARTMENTAL CORRESPONDENCE
5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221

PHONE: (716) 631-7080
FAX: (716) 631-7192

Mark S. Berke, P.E.
Commissioner of Building

Agenda Item

DATE: June 7, 2023
TO: Town Board
FROM: Douglas Gesel, Supervising Code Enforcement Officer
RE: Amusement License for 2330 Maple Rd, Amberleigh

In response to the Amusement License Application dated 6/7/2023 from Elaine Acker

I recommend the approval of his request for First Class outdoor events at the above noted address.

The fee for such an event is set be the Town Board, the fee can be from $5.00 to $50.00 per day, or fraction thereof. With the events being held on June 29, 2023, July 20, 2023 & August 31, 2023 from 6:00 pm- 7:00pm
I would recommend a fee of $5.00 per day.

I would recommend that the following conditions be stated:

- That all fire lanes be clear and maintained at 20.00 feet wide at all times.
- All temporary power must be code compliant.
- Bathroom facility must be made available & accessible.
- On site accessible parking must be maintained.
- Vehicle impact protection must be provided for the guest area.
- Fire Department access must be maintained at all times in the event of an emergency.
- Events with 1,000 guests or more will require "Crowd Managers" that are in compliance with Chapter 4 of the 2020 FCNYS.
- The applicant must abide by Chapter 138 of the Town of Amherst Code regarding noise.

Please contact me if you have any questions regarding this response.

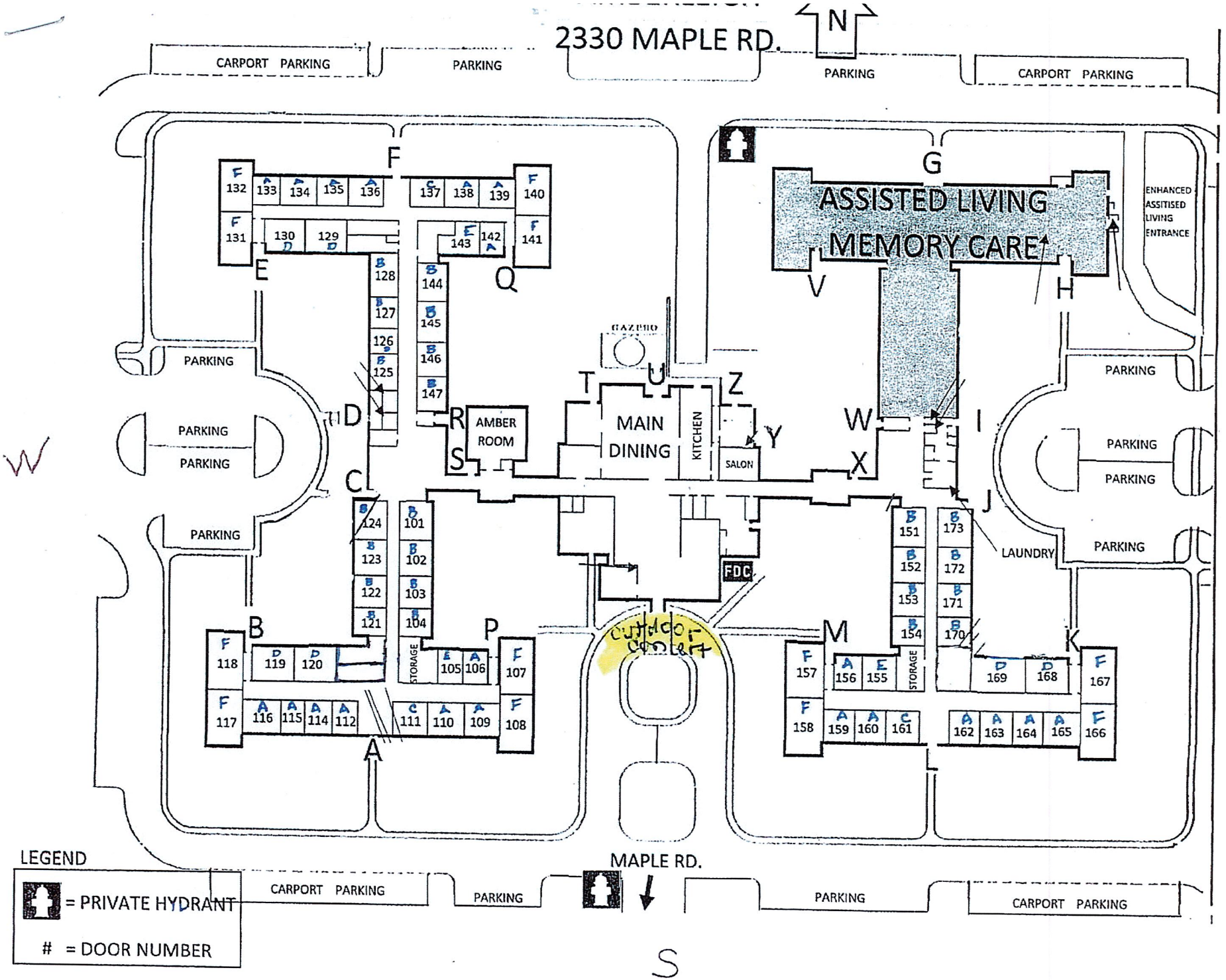
Doug Gesel

Douglas Gesel, Supervising Code Enforcement Officer

cc: Fran Spoth, Town Clerk, Mark Berke P.E. Commissioner of Building, Bryan Parnell Senior Fire Inspector

Attachment: DOC060923-06092023145658 (RES-2023-548 : Amusement License- the Amberleigh)

Attachment: DOC060923-060920231456 58 (RES-2023-548 : Amusement License- the Amberleigh)



Brownson, Ashley

From: Scott Chamberlin
Sent: Wednesday, June 7, 2023 2:42 PM
To: Brownson, Ashley
Cc: Gesel, Doug; Parnell, Bryan; Princess, Karrie
Subject: Re: FW: Amusement License Application: The Amberleigh

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Looks good to me.

Regards,

Scott P. Chamberlin
Chief of Police
Town of Amherst Police Department
500 John James Audubon Parkway
Amherst, NY 14228
(716) 689-1351

On Wed, Jun 7, 2023 at 10:09 AM Brownson, Ashley <abrownson@amherst.ny.us> wrote:
Please see the email below from Elaine Acker, The Amberleigh, to hold events at 2330 Maple Rd. The events will be held from June 29, 2023 through August 31, 2023.

Please review and send any written comments back to me as soon as possible so we can place this on the earliest Town Board Agenda. Thank you for your cooperation.

Ashley Brownson
Supervising Tax Clerk
Town of Amherst

From: burst@emailmeform.com <burst@emailmeform.com>
Sent: Wednesday, June 7, 2023 9:45 AM
To: Brownson, Ashley <abrownson@amherst.ny.us>
Subject: Amusement License Application: 7

CAUTION: This email originated from outside of the organization.

Attachment: DOC060923-06092023145658 (RES-2023-548 : Amusement License- the Amberleigh)

Gesel, Doug

From: Brownson, Ashley
Sent: Wednesday, June 7, 2023 10:10 AM
To: Chamberlin, Scott; Gesel, Doug; Parnell, Bryan; Princess, Karrie
Subject: FW: Amusement License Application: The Amberleigh

Please see the email below from Elaine Acker, The Amberleigh, to hold events at 2330 Maple Rd. The events will be held from June 29, 2023 through August 31, 2023.

Please review and send any written comments back to me as soon as possible so we can place this on the earliest Town Board Agenda. Thank you for your cooperation.

Ashley Brownson
Supervising Tax Clerk
Town of Amherst

From: burst@emailmeform.com <burst@emailmeform.com>
Sent: Wednesday, June 7, 2023 9:45 AM
To: Brownson, Ashley <abrownson@amherst.ny.us>
Subject: Amusement License Application: 7

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

For best security and privacy of your information, we recommend viewing this entry in the Data Manager

View Entry

Resident / Organization: *:	The Amberleigh
Event Address*:	2330 Maple Road Williamsville, New York 14221
Describe Event*:	Outdoor concert on site for our residents.
List All Dates*:	6/29/23, 7/20/23, 8/31/23
Start Time*:	06:00 PM
End Time*:	07:00 PM
Please supply a site plan with designated area	Site for concert.pdf

Attachment: DOC060923-06092023145658 (RES-2023-548 : Amusement License- the Amberleigh)

Please do not click links or open attachments unless you recognize the sender and know the content is safe.

For best security and privacy of your information, we recommend viewing this entry in the Data Manager

View Entry<https://us-east-2.protection.sophos.com?d=emailmeform.com&u=aHR0cHM6Ly9hcHAuZW1haWxtZWZvcm0uY29tL2J1aWxkZXIvZm9ybXMvZW50cmllcy9hQjMyVTNlU2Q0P3VlaWQ9Nw==&i=NjE4YmM0NzkwOTc5NDgwZTIzYjMwNmYy&t=cXpiWXNMR0I3NjBQTFBLL0ozM1Z4NHZLWDBHeE1iZDVBZ3FabTV4T1M0VT0=&h=48f82900ad0a462899127d10eb717839&s=AVNPUEhUT0NFTkNSWVBUSVYEdmerb___7lD3nb4T60Vv3-9893M6h5zz5w98jO8t4mPnXmsjFbgBG2x0ab6Ci-qG_lKIUbf8opV1tXKJQ1W4>

Resident / Organization: *:

The Amberleigh

Event Address*:

2330 Maple Road

Williamsville, New York 14221

Describe Event*:

Outdoor concert on site for our residents.

List All Dates*:

6/29/23, 7/20/23, 8/31/23

Start Time*:

06:00 PM

End Time*:

07:00 PM

Please supply a site plan with designated area for the event with your application*:

Site for concert.pdf<https://us-east-2.protection.sophos.com?d=emailmeform.com&u=aHR0cHM6Ly9maWxlcy5lbWFpbG1lZm9ybS5jb20vODc0MDg5L0NIWm5GSkRpL1NpdGUlMjBmb3llMjBjb25jZXJ0LnBkZg==&i=NjE4YmM0NzkwOTc5NDgwZTIzYjMwNmYy&t=LzVYYlY1UUJKZjR0YTJQSlBiclVNODRiaGV0T0dUVmgwVXoveGtlc2owST0=&h=48f82900ad0a462899127d10eb717839&s=AVNPUEhUT0NFTkNSWVBUSVYEdmerb___7lD3nb4T60Vv3-9893M6h5zz5w98jO8t4mPnXmsjFbgBG2x0ab6Ci-qG_lKIUbf8opV1tXKJQ1W4>

Name of Organizer*:

Elaine Acker

Address*:

Attachment: DOC060923-06092023145658 (RES-2023-548 : Amusement License- the Amberleigh)

2330 Maple Road

Williamsville, New York 14221

Phone*:

716-689-4195

Email*:

eacker@sonidaliving.com

Signature*:

[Image removed by sender.]

Attachment: DOC060923-06092023145658 (RES-2023-548 : Amusement License- the Amberleigh)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 27636 **RESOLUTION 2023-549** **ADOPTED**

Amusement License - Evans Bank

Request by Evans Bank for a First Class Amusement License to hold an outdoor event at 6460 Main St. on Thursday, September 21, 2023 from 5pm - 9pm.
Supervising Code Enforcement Officer recommends a fee of $50.00.

The following conditions apply:

1. That all fire lanes be kept clear at all times.
2. Any tents in excess of 400 square feet bring used, a fire prevention tent permit must be obtained.
3. All temporary power must be code compliant.
4. Bathroom facility must be made available & accessible.
5. Off street parking must be available and on site accessible parking must be maintained.
6. Fire Department access must be maintained at all times in the event of an emergency.
7. Events with 1,000 guests or more will be require "Crowd Managers "that are in compliance per the 2020 FCNYS.
8. The applicant must abide by Chapter 138 of the Town Of Amherst Code regarding noise.

6/20/2023
Consent

FINANCIAL IMPACT:

Income to the Town

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

TOWN OF AMHERST
BUILDING DEPARTMENT
INTER-DEPARTMENTAL CORRESPONDENCE
5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221

PHONE: (716) 631-7080
FAX: (716) 631-7192

Mark S. Berke, P.E.
Commissioner of Building

Agenda Item

DATE: April 6, 2023

TO: Town Board

FROM: Douglas Gesel, Supervising Code Enforcement Officer

RE: Amusement License for 6460 Main Street, Evans Bank

In response to the Amusement License Application dated 3/21/2023, from Andrew Coyle, I recommend the approval of his request for First Class outdoor events at the above noted address.

The fee for such an event is set be the Town Board, the fee can be from $5.00 to $50.00 per day, or fraction thereof.
With the events being held on September 20, 2023 from 4:00pm until 8:00pm in the parking lot area of the address noted above, I would recommend a fee of $50.00 per day.
See attached site plan.

I would recommend that the following conditions be stated:

- That all fire lanes be kept clear at all times.
- For any tents in excess of 400 square feet being used, a fire prevention tent permit must be obtained.
- All temporary power must be code compliant.
- Bathroom facility must be made available & accessible.
- Off street parking must be available and on site accessible parking must be maintained.
- Fire Department access must be maintained at all times in the event of an emergency.
- Events with 1,000 guests or more will require "Crowd Managers" per the 2020 FCNYS.
- The applicant must abide by Chapter 138 of the Town of Amherst Code regarding noise.

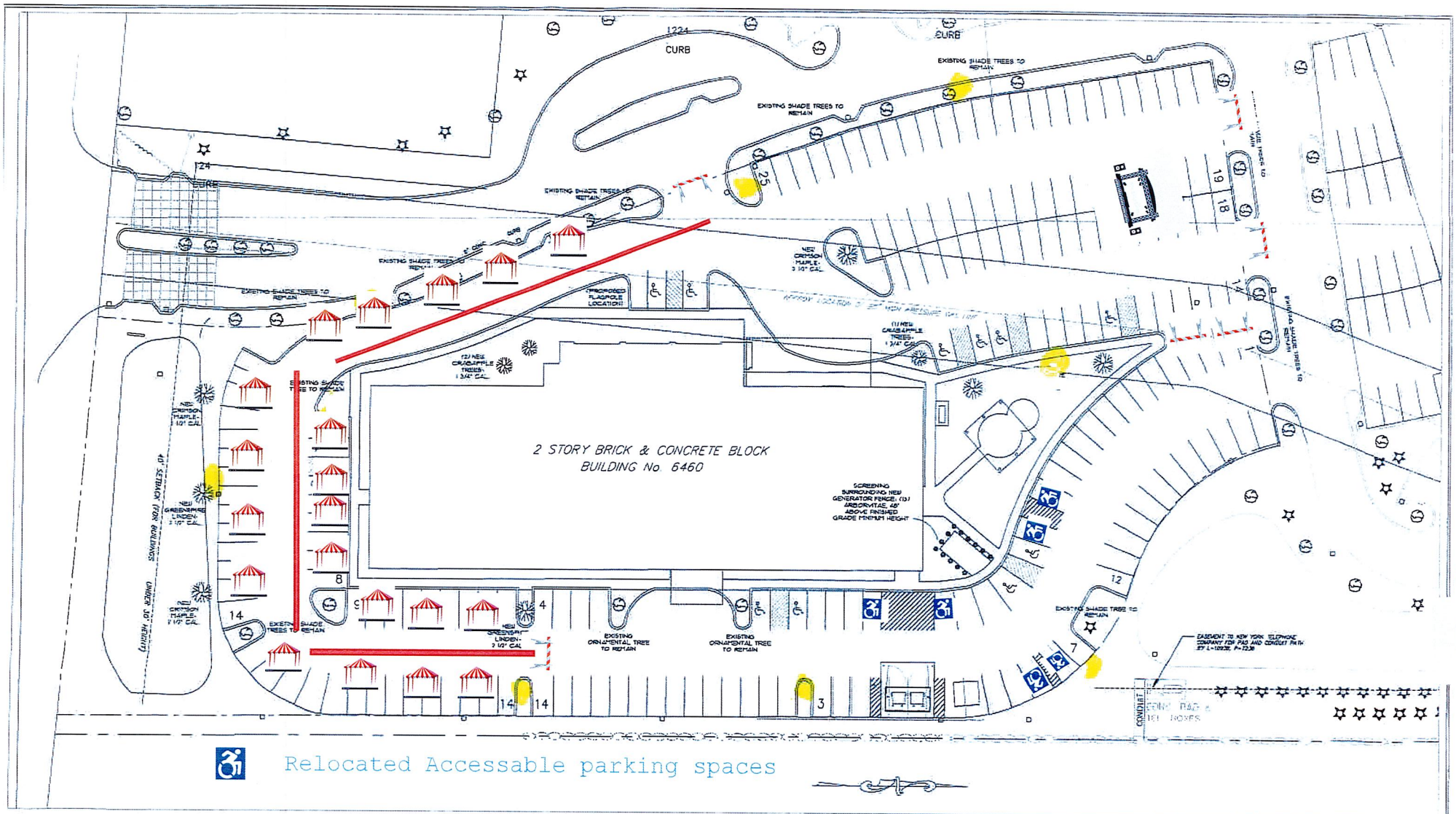
Please contact me if you have any questions regarding this response.

Douglas Gesel, Supervising Code Enforcement Officer

cc: Fran Spoth, Town Clerk, Mark Berke P.E. Commissioner of Building, Bryan Parnell, Senior Fire Inspector

Attachment: DOC060923-06092023151416 (RES-2023-549 : Amusement License - Evans Bank)

20' wide emergency access

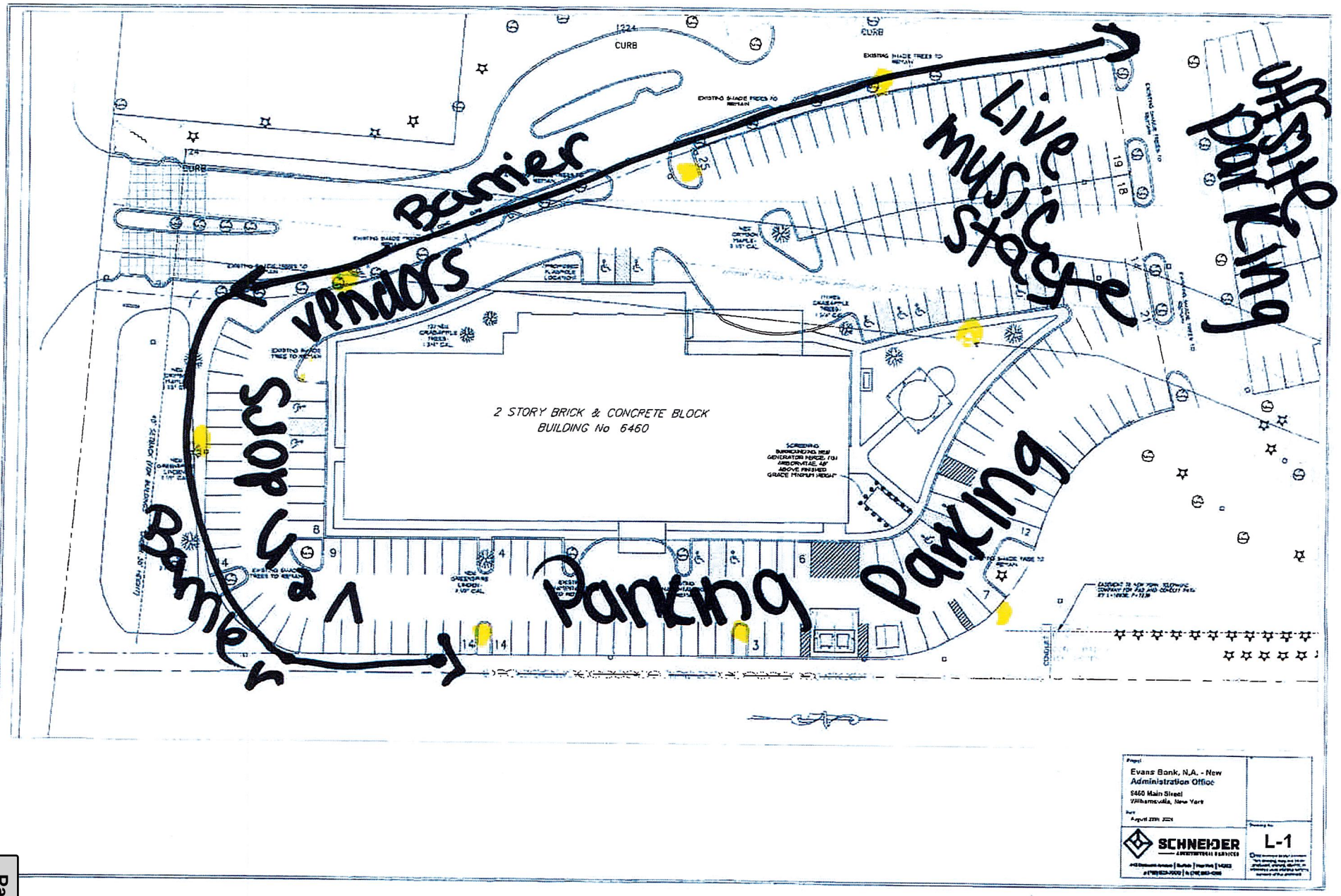


Project
Evans Bank, N.A. - New Administration Office
6460 Main Street
Williamsville, New York
Date
August 23th 2023

SCHNEIDER ARCHITECTURAL SERVICES

Drawing No.
L-1

Stage Vendor Tents Barriers



Attachment: DOC060923-06092023151416 (RES-2023-549 : Amusement License - Evans Bank)

Brownson, Ashley

From: Scott Chamberlin
Sent: Tuesday, June 6, 2023 4:13 PM
To: Brownson, Ashley
Subject: Re: FW: [EXTERNAL]Amusement License

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

We will approve this if those measures are taken. Anyone responsible for underage persons being served alcohol could be charged criminally, so they must be sure to follow their protocols as outlined to limit their liability.

Regards,

Scott P. Chamberlin
Chief of Police
Town of Amherst Police Department
500 John James Audubon Parkway
Amherst, NY 14228
(716) 689-1351

On Tue, Jun 6, 2023 at 2:11 PM Brownson, Ashley <abrownson@amherst.ny.us> wrote:
Chief Chamberlin,
Please see the email below in regards to how Evans Bank will monitor alcohol being distributed at the event, they started the process for the amusement license a few months ago.
Does this need to be on a written letter head or is an email ok?
Thank you,
Ashley Brownson

From: Andrew Coyle <acoyle@evansbank.com>
Sent: Tuesday, June 6, 2023 2:01 PM
To: Brownson, Ashley <abrownson@amherst.ny.us>
Subject: RE: [EXTERNAL]Amusement License

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Attachment: DOC060923-06092023151416 (RES-2023-549 : Amusement License - Evans Bank)

Good afternoon, Ashley!

Our plan on how to check ID's and to keep unders from drinking:

1. I am working with my vendor to create 21 and over branded wristbands specifically for this event.
2. Have a team of colleagues job to be checking IDs.
3. Have a specific drinking area and have colleagues over see and manager that area.

Andrew Coyle
Event Marketing Manager | Evans Bank
6460 Main Street, Williamsville, NY 14221
O: 716.926.2040 x 4900
acoyle@evansbank.com <mailto:acoyle@evansbank.com > | www.evansbank.com<https://us-east-2.protection.sophos.com?d=evansbank.com&u=aHR0cDovL3d3dy5ldmFuc2JhbmsuY29tLw==&i=NjE4YmM0NzkwOTc5NDgwZTIzYjMwNmYy&t=YUdmMnlHZmtFU3ZJd0ZNK0FrSFcwTzlWNFY5clM5d2l4MDlyaUJrYWJWZz0=&h=66ac46a6c8e148bab547e99e6ac7019c&s=AVNPUEhUT0NFTkNSWVBUSVb6tpYdmlJCCqHU-McAolVh5zzoIc_u8TTQt9hlhhxX8Q>

[cid:image002.png@01D9987F.2CE14690]

Attachment: DOC060923-06092023151416 (RES-2023-549 : Amusement License - Evans Bank)

Brownson, Ashley

From: burst@emailmeform.com on behalf of EmailMeForm <burst@emailmeform.com>
Sent: Tuesday, March 21, 2023 2:00 PM
To: Brownson, Ashley
Subject: Amusement License Application: 5

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

For best security and privacy of your information, we recommend viewing this entry in the Data Manager

View Entry

Resident / Organization*:	Evans Bank
Event Address*:	6460 Main Street Williamsville Ny 14221 Main Street, New York 14221
Describe Event*:	an outdoor event in September 2023 in our Company parking lot with live music and some food vendors. (parking lot area on our site image is represented by yellow dots.)
List All Dates*:	~~to be determined sometime in the month of~~ September 20, 2023
Start Time*:	04:00 PM
End Time*:	08:00 PM
Please supply a site plan with designated area for the event with your application*:	6460 site plan.pdf
Name of Organizer*:	Evans Bank
Address*:	6460 Main Street Williamsville NY 14221 Main Street Williamsville, New York 14221
Phone*:	585-478-3989

Attachment: DOC060923-06092023151416 (RES-2023-549 : Amusement License - Evans Bank)

Email*: acoyle@evansbank.com

Signature*: 

Attachment: DOC060923-06092023151416 (RES-2023-549 : Amusement License - Evans Bank)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 27638 **RESOLUTION 2023-550** **ADOPTED**

Amusement License - D'Avolio Inc.

Request by D'Avolio Inc, for a First Class Amusement License to hold an outdoor event at 9570 Transit Rd. on August 22, 2023 from 6pm-9pm.

Supervising Code Enforcement Officer recommends a fee of $25.00.

The following conditions apply:

1. That all fire lanes be kept clear at all times.
2. For any tents in excess of 400 square feet being used, a fire prevention tent permit must be obtained.
3. All temporary power must be code compliant.
4. Bathroom facility must be made available & accessible.
5. On site accessible parking must be maintained.
6. Vehicle impact protection must be provided for the guest area.
7. Fire Department access must be maintained at all times in the event of an emergency.
8. Events with 1,000 guests or more will be require "Crowd Managers" that are in compliance with Chapter 4 of the 2020 FCNYS.
9. The applicant must abide by Chapter 138 of the Town Of Amherst Code regarding noise.

6/20/2023
Consent

FINANCIAL IMPACT:

Income to the Town

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

TOWN OF AMHERST
BUILDING DEPARTMENT
INTER-DEPARTMENTAL CORRESPONDENCE
5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221

PHONE: (716) 631-7080
FAX: (716) 631-7192

Mark S. Berke, P.E.
Commissioner of Building

Agenda Item

DATE: June 12, 2023

TO: Town Board

FROM: Douglas Gesel, Supervising Code Enforcement Officer

RE: Amusement License for 9570 Transit Road, D'Avolio Inc.

In response to the Amusement License Application dated June 9, 2023 from Dan Gagliardo

I recommend the approval of his request for First Class outdoor events at the above noted address. The fee for such an event is set be the Town Board, the fee can be from $5.00 to $50.00 per day, or fraction thereof.

With the event being on Tuesday August 22, 2023 from 6:00 pm until 9:00pm in the parking lot of the address noted above, I would recommend a fee of $25.00.

I would recommend that the following conditions be stated:

- That all fire lanes be kept clear at all times.
- For any tents in excess of 400 square feet being used, a fire prevention tent permit must be obtained.
- All temporary power must be code compliant.
- Bathroom facility must be made available & accessible.
- On site accessible parking must be maintained.
- Vehicle impact protection must be provided for the guest area.
- Fire Department access must be maintained at all times in the event of an emergency.
- Events with 1,000 guests or more will require "Crowd Managers" that are in compliance with Chapter 4 of the 2020 FCNYS.
- The applicant must abide by Chapter 138 of the Town of Amherst Code regarding noise.

Please contact me if you have any questions regarding this response.

Doug Gesel

Douglas Gesel, Supervising Code Enforcement Officer
cc: Fran Spoth, Town Clerk, Mark Berke P.E. Commissioner of Building, Bryan Parnell, Senior Fire Inspector

Attachment: D'Avolio Inc-06122023115127 (RES-2023-550 : Amusement License-D'Avolio Inc.)

Town of Amherst
Amusement License Application

All amusement license applications must be submitted at least three (3) weeks prior to event

Resident / Organization: D'Avolio Inc

Event Address: 9570 Transit Rd

Describe Event: Band

List All Dates: 8/22/23
Day / Month / Year & Day of Week

Time (Starting & Ending): 6 - 9 Tuesday

Please supply a site plan with designated area for the event with your application

Name of Organizer: D'Avolio / Dan Gagliardo

Address: 9570 Transit

Phone Number: 716-609-2787

Email: dan@davolioinc.com

Signature of Organizer:

Date of Application: 6/9/23

For Office Use Only:

_____ Submitted to Police & Building Dept

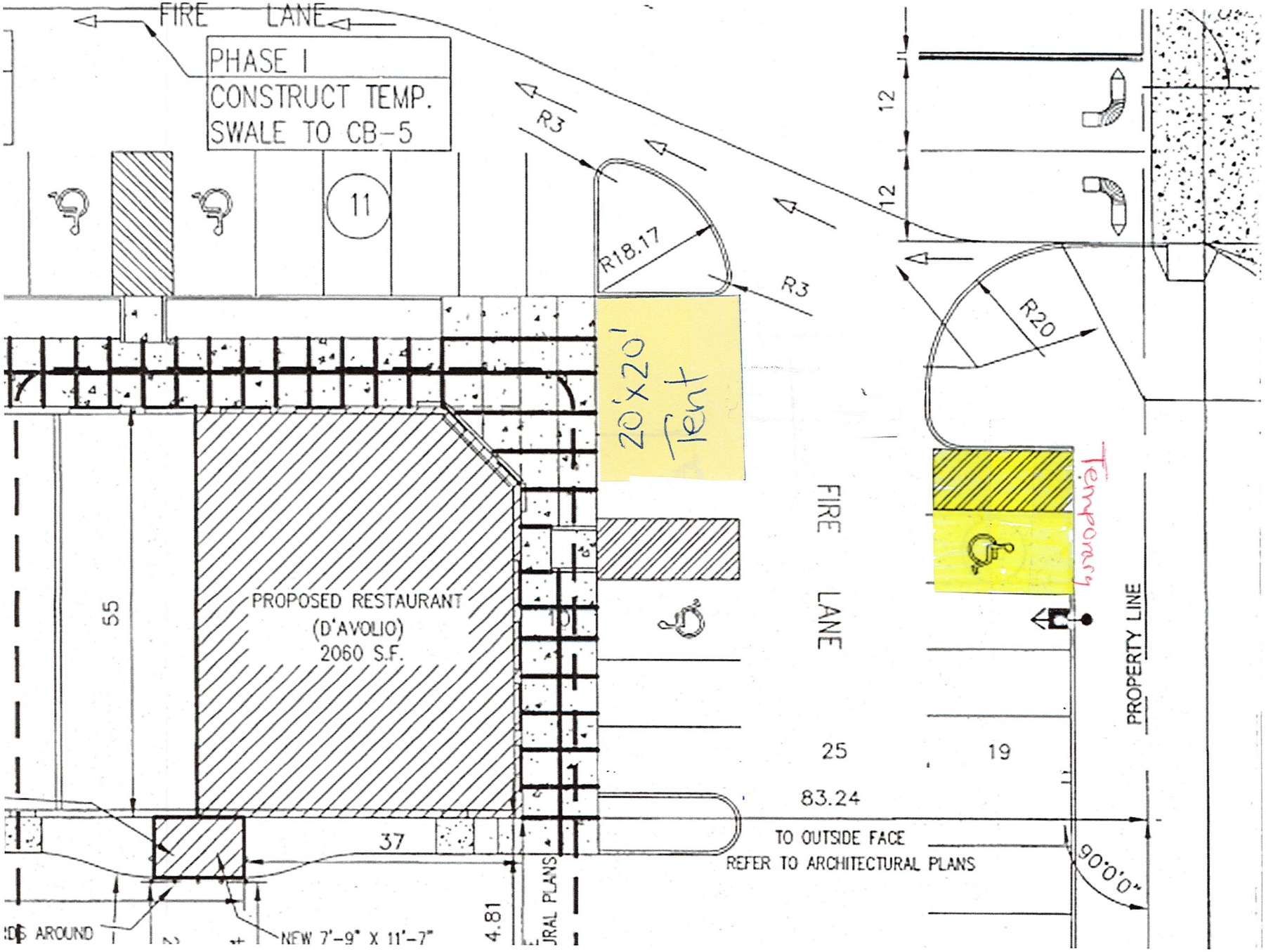
_____ Fee determined by Town Board

_____ Business or Resident Notified

_____ Payment received

_____ License issued and mailed out

Attachment: D'Avolio Inc-06122023115127 (RES-2023-550 : Amusement License-D'Avolio Inc.)



Attachment: D'Avolio Inc-06122023115127 (RES-2023-550 : Amusement License-D'Avolio Inc.)

Brownson, Ashley

From: Scott Chamberlin
Sent: Friday, June 9, 2023 12:48 PM
To: Brownson, Ashley
Subject: Re: Amusement License-D'Avolio

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

I have no issue with this.

Regards,

Scott P. Chamberlin
Chief of Police
Town of Amherst Police Department
500 John James Audubon Parkway
Amherst, NY 14228
(716) 689-1351

On Fri, Jun 9, 2023 at 11:16 AM Brownson, Ashley <abrownson@amherst.ny.us> wrote:
I will try to send it again.
It is a request for a band to visit D'Avolio, 9570 Transit Rd. On Tuesday, August 22, 2023 from 6pm to 9pm.

The map that was handed to me by Dan Gagliardo and Doug Gesel is the one you see…there isn't much to it. I believe the band will be in the highlighted spot.
Ashley

From: Scott Chamberlin
Sent: Friday, June 9, 2023 11:07 AM
To: Brownson, Ashley <abrownson@amherst.ny.us>
Subject: Re: Amusement License-D'Avolio

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.
There appear to be 2 attachments. One is a PDF of a map that tells me nothing about the event and the other I cannot open. Can you please provide details as to what the event is? Thank you.

Regards,

Attachment: D'Avolio Inc-06122023115127 (RES-2023-550 : Amusement License-D'Avolio Inc.)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 27630 **RESOLUTION 2023-551** **ADOPTED**

New Firefighters for Swormville Fire Company

New firefighters for the Swormville Fire Company live in the Town of Amherst and reside within the Swormville fire district.

Aiden Ostrowski
95 Roxbury Park
East Amherst, NY 14051

Trey Parker
57 Brook Court
East Amherst, NY 14051

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Swormville Fire Company

6971 Transit Rd
East Amherst, New York 14051
Phone: (716) 688-7055 **Fax:** (716) 688-4736

Clerk- Francina J Spoth
Town of Amherst
5583 Main St.
Williamsville, NY 14221

6/6/23

Dear, Francina Spoth

Please allow this letter to serve as notification that the following individual has joined the Swormville Fire Company as an active member. Please add their information to your records.

Aiden D Ostrowski
(Name)

95 Roxbury Pk
(Address)

East Amherst ny 14051

The residency verification forms are enclosed. I can be reached at (716) 206-2540 with any questions.

Thank you for your assistance in this matter.

Sincerely,

Membership Committee

Attachment: img-607093454-0001 (RES-2023-551 : New Firefighters for Swormville Fire Company)

Swormville Fire Company

6971 Transit Rd
East Amherst, New York 14051
Phone: (716) 688-7055 **Fax:** (716) 688-4736

STATEMENT OF VOLLUNTEER FIRE COMPANY OFFICIAL

Aiden D Ostrowski
(Name)

95 Roxbury Plc #
(Address)

East Amherst NY 14051

The address of the applicant listed above is within the fire protection district or territory protected by such Fire Protection District to which he / she is applying, namely **Swormville Fire Company.** We have verified the applicant's residence address were applicable by examining their driver's license or other document such as a lease, utility bill, paystub, or other suitable document.

Date: 6 / 6 / 23

Attachment: img-607093454-0001 (RES-2023-551 : New Firefighters for Swormville Fire Company)

Swormville Fire Company

6971 Transit Rd
East Amherst, New York 14051
Phone: (716) 688-7055 **Fax:** (716) 688-4736

Clerk- Francina J Spoth
Town of Amherst
5583 Main St.
Williamsville, NY 14221

Dear, Francina Spoth

Please allow this letter to serve as notification that the following individual has joined the Swormville Fire Company as an active member. Please add their information to your records.

TREY M. PARKER
(Name)

57 Brook Ct
(Address)

East Amherst NY 14051

The residency verification forms are enclosed. I can be reached at (716) 206-2540 with any questions.

Thank you for your assistance in this matter.

Sincerely,

Membership Committee

Attachment: img-607093454-0001 (RES-2023-551 : New Firefighters for Swormville Fire Company)

Swormville Fire Company

6971 Transit Rd
East Amherst, New York 14051
Phone: (716) 688-7055 **Fax:** (716) 688-4736

STATEMENT OF VOLLUNTEER FIRE COMPANY OFFICIAL

Trey N. Parker
(Name)

57 Brook Ct
(Address)

East Amherst ny 14051

The address of the applicant listed above is within the fire protection district or territory protected by such Fire Protection District to which he / she is applying, namely **Swormville Fire Company.** We have verified the applicant's residence address were applicable by examining their driver's license or other document such as a lease, utility bill, paystub, or other suitable document.

Date: 6/6/23

Attachment: img-607093454-0001 (RES-2023-551 : New Firefighters for Swormville Fire Company)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Building/Building Maintenance
Initiated by: **Daniel Rizzo**
Co-Sponsored by:

DOC ID: 27633 **RESOLUTION 2023-552** **ADOPTED**

2023 Capital Improvement Program Amendement Engineering Dept Building Improvements, Project F-6

Please approve this amendment to the 2023-2028 CIP and reassign the funds from General Account funding to Sanitary Sewer District fund.

6/20/2023
Consent

FINANCIAL IMPACT:

N/A

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

June 9, 2023
AGENDA – JUNE 20, 2023

Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, NY 14221

RE: **2023 Capital Improvement Program Amendment**
ENGINEERING DEPARTMENT BUILDING IMPROVEMENTS, PROJECT F-6

Councilmembers:

PROJECT DESCRIPTION

- Project F-6 is identified as "Engineering Department Building Improvements" in the 2023-2028 Capital Improvement Program. The project identifies a need for demolition of an unsafe building and upgrades to buildings over two phases (2023 and 2025).
- The project description and scope are changing as follows:
  - Phase 1 includes demolition of existing Lab Building Plant 1, fencing, exterior envelope improvements at various buildings.
  - Phase 2 includes replacement of a generator that serves the sewer equipment garage and offices, along with a new storage building.
  - The amount will remain unchanged. Funding is pending approval.
- The funding source is changing: from **LA** General Account Bond to **LG** Sanitary Sewer District Bond.

As such, we are requesting that the following project(s) be amended as follows:

CIP No.	Project Title/Description	Allocations	Amend To
F-6	Current Name: Engineering Department Building Improvements Current Description: Phase 1 includes demolition of the existing LAB building at Plant 1 and installing a storage building. Phase 2 includes updating generators, replacing existing siding, and adding a privacy fence behind Plant 1.	**2023** 185 **LA** **2025** 325 **LA**	
F-6	Amended Name: Engineering Department Sewer Building Improvements and Demolition Amended Description: Phase 1 includes demolition of the existing LAB building at Plant 1, adding a privacy fence behind Plant 1 and building envelope upgrades to the main garage. Phase 2, set for 2025, includes generator replacements, and installing a new storage building.		**2023** 185 **LG** **2025** 325 **LG**

Attachment: CIP Amendment 2023_F-6 General Fund to Sewer Fund (RES-2023-552 : 2023 Capital Improvement Program Amendement

BUDGET INFO

Please approve this amendment to the 2023 CIP and assign the funding identified above. The above request does not change the 2023 approved budget amount.

Very truly yours,



Anne Dafchik, AIA
Architect
Town of Amherst Facilities Dept.

cc: Brian J. Kulpa, Supervisor
Councilmembers
Martin Polowy, Town Attorney
Daryl Bramer, Comptroller
Lynda Juul, Director of Finance

Attachment: CIP Amendment 2023_F-6 General Fund to Sewer Fund (RES-2023-552 : 2023 Capital Improvement Program Amendement

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Comptroller
Initiated by: **Daryl Bramer**
Co-Sponsored by:

DOC ID: 27655 **RESOLUTION 2023-553** **ADOPTED**

Budget Transfers and Amendments

For June 20, 2023 Town Board Agenda

To: Town Board
From: Office of Town Comptroller
Date: 6/14/2023
Re: Various Department Budget Transfers / Amendments

I have received the following request(s) requiring budget transfers and / or amendments. Based on my review, I ask that the Town Board approve the following list;

BUDGET TRANSFERS - 2023

FROM:	***TO:***
A7450.2150 Museum - Bldg. Improvements $5,490.15	A7450.1000 Personal Services $5,100.00 A7450.8030 FICA $390.15
To transfer funds into personal services for seasonal employee to work under Building Maintenance at BNHV.	
A1620.4200 Asbestos Control $4,206.28 *Requested per department.*	A1620.2130 Computer Equipment $4,206.28
A3641.1000 Personal Svcs. $91,387.91 A3641.1200 Overtime $5,079.06 A3641.1300 Longevity $3,050.00 A3641.1853 Sick Leave Incentive $145.12 A3641.2250 Trucks, Tractors, Trailers $76,750.00 A3641.2450 Public Safety Equip $3,000.00 A3641.4010 Office Supplies $377.03 A3641.4025 Print/Adv/Lease $443.84 A3641.4060 Telephone $429.68 A3641.4310 Gas & Oil $585.95 A3641.4410 Public Safety & Med Supply $2,914.45 A3641.8030 FICA $7,281.34 A3641.8050 Hospital & Med Insurance $29,429.94 A3641.8051 Dental $322.50 A3641.8052 Vision 132.36 A3121.1000 Personal Svcs $278,670.82	A3649.1000 Personal Svcs. $370,058.73 A3649.1200 Overtime $5,079.06 A3649.1300 Longevity $3,050.00 A3649.1853 Sick Leave Incentive $145.12 A3649.2250 Trucks, Tractors, Trailers $76,750.00 A3649.2450 Public Safety Equip $3,000.00 A3649.4010 Office Supplies $377.03 A3649.4025 Print/Adv/Lease $443.84 A3649.4060 Telephone $429.68 A3649.4310 Gas & Oil $585.95 A3649.4410 Public Safety $2,914.45 A3649.8030 FICA $7,281.34 A3649.8050 Hospital & Med Ins. $29,429.94 A3649.8051 Dental $322.50 A3649.8052 Vision $132.36
To transfer funds and account for ARPA revenue loss for 2023.	
A3641.1000 Emer. Services - Personal Svcs. $1,079.06 *To clean up OT budget line.*	A3641.1200 OT $1,079.06
AG4010.0699 Storm Water Inspection $63,800.23 *To transfer funds from AG4010 Storm Water Inspections into H Drainage Fund, H8000.02770 for closed projects. This will be processed on a purchase order since the AG Fund is not a budgeted fund.*	H8000.02770 H Fund $63,800.23
AG4000.0699 PIP's $489,719.58	D0001.02770 D Fund $218,399.76 G9000.02770 G Fund $91,635.72 H8000.02770 H Fund $111,541.11 I7015.02770 I Fund $68,142.99

To transfer funds from AG4000 All PIPS into D, G, H and I Funds for closed projects. This will be processed on a purchase order since the AG Fund is not a budget fund.

KP2215.4972 Audubon Golf Construction $42,913.64 KP2215.2600 Other $42,913.64
Requested per department.

N2242.4000 HOME Acquisition/Construction $152,665.58 N2255.4000 HOME Rental Subsidy $152,665.58
Requested per department.

BUDGET AMENDMENTS - 2023

INCREASE: ***INCREASE:***

N2244.02785 Cheektowaga Housing Rehab - PI $2,186.10 N2244.4000 Contractual $2,186.10
N2249.02785 Cheektowaga Home Admin - PI $242.90 N2249.4003 10% Admin $242.90
To recognize Community Development program income from 347 Ellen, Cheektowaga.

N2223.02785 CDBG & Vg. - PI $9,534.70 N2223.4000 Contractual $9,534.70
N2225.02785 CDBG Admin. $2,383.67 N2225.1000 Personal Services $2,214.28
N2225.8030 FICA $169.39
To recognize Community Development program income from 292 Little Robin, Williamsville.

N2223.02785 CDBG & Vg. - PI $170.00 N2223.4000 Contractual $170.00
To recognize Community Development program income from 169 Hillcrest, Amherst.

N2244.02785 Cheektowaga Housing Rehab - PI $4,461.52 N2244.4000 Contractual $4,461.52
N2249.02785 Cheektowaga Home Admin - PI $495.73 N2249.4003 10% Admin $495.73
To recognize Community Development program income from 67 Meaford, Cheektowaga.

H8000.02770 $40,000 Drainage - Other Revenue $40,000 H8000.4110 Contractual $25,000
H8000.4430 Miscellaneous $15,000
To increase budget, Other Revenue (transfer from AG4010) and increase expenditures lines for pipe replacement job on Wyeth.

6/20/2023
Consent

FINANCIAL IMPACT:

See Descriptions.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Comptroller
Initiated by: **Daryl Bramer**
Co-Sponsored by:

DOC ID: 27656 **RESOLUTION 2023-554** **ADOPTED**

Accept Audit Period Ending 12/31/2022

The Town Board is requested to formalize the acceptance of the audit report for the year ended 12/31/2022. Drescher & Malecki LLP presented the year end to the Town Board on May 8, 2023. The Financial Statements are available on the Town's website.

Please also accept the Statement of Changes in Cash Balances and Statements of Cash Receipts and Disbursements for the Senior Center, Town Clerk and Receiver of Taxes, Town Justices and Youth & Recreation. Copies are available upon request.

6/20/2023
Consent

FINANCIAL IMPACT:

N/A

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 27592 **RESOLUTION 2023-555** **ADOPTED**

Award Bid #2023016 Miscellaneous Small Equipment & Parts - CRS #4084, 4085, 4086 & 4087

WHEREAS, the Contract Compliance and Administration Department received bids on May 11, 2023 for Miscellaneous Small Equipment & Parts; and

WHEREAS, the bid process resulted in responses from four (4) vendors;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to Grassland Equipment & Irrigation Corp. (CRS #4084), Montage Enterprises, Inc. (CRS #4085), MTE Equipment Solutions, Inc. (CRS #4086) and Baschmann Services, Inc. (CRS #4087), as per the attached bid tabulation form; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contracts with Grassland Equipment & Irrigation Corp., Montage Enterprises, Inc., MTE Equipment Solutions, Inc., and Baschmann Services, Inc.; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System as the Town is currently without a contract.

6/20/2023
Consent

FINANCIAL IMPACT:

Town Wide, Various Accounts, Amount TBD

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

	Bid #2023016 Miscellaneous Small Equipment & Parts									
Low Bidder	Vendor Name:	MTE Equipment Solutions		Baschmann Services		Montage Enterprises		Grassland	
Item #		List Minus %	Cost Plus %	List Minus %	Cost Plus %	List Minus %	Cost Plus %	List Minus %	Cost Plus %
	Equipment								
1	Alamo								
2	Alitec								
3	Argo								
4	Ariens	2%							
5	Bandit								
6	Buffalo Turbine								
7	Carlton				30%				
8	Echo								
9	Graveley	2%							
10	Hamm								
11	Harley Rake								
12	Honda	2%							
13	Husqvarna								
14	Ingersol Rand								
15	Jacobson	2%							
16	John Deere								
17	Kawasaki	2%							
18	Kubota	2%							
19	Land Pride								
20	Little Wonder	2%							
21	Max								
22	Mudd-Ox								
23	Scag								
24	Smithco	2%							
25	Stihl								
26	TCM								
27	Tennant								
28	Tiger								
29	Toro							See attached NYS Contract for details	
30	Troybuilt								
31	Turfco	2%							
32	Ventrac	2%							
33	Woods				30%				
34	Other – Please List:					Kutmor 15%			
	Parts: Contracts for parts with * will be effective 7/26/2023								
35	*Alamo Parts – All Models					25%			
36	Alitec Parts – All Models								
37	Argo Parts – All Models								
38	Ariens Parts – All Models	2%							
39	Bandit Parts – All Models								
40	Buffalo Turbine Parts – All Models	2%							
41	Carlton Parts – All Models				30%				
42	Echo Parts – All Models								
44	Hamm Parts – All Models								
45	Harley Rake Parts – All Models				30%				
46	*Honda Parts – All Models	2%							
47	Husqvarna Parts – All Models								
48	Ingersol Rand Parts – All Models								
49	Jacobson Parts – All Models	2%							
50	John Deere Parts – All Models								
51	*Kawasaki Parts – All Models	2%			30%				
52	*Kubota Parts – All Models	2%							
53	Land Pride Parts – All Models								
54	Little Wonder Parts – All Models	2%							
55	Max Parts – All Models								
56	Mudd-Ox Parts – All Models								
57	Scag Parts – All Models								
58	Smithco Parts – All Models	2%							
59	Stihl Parts – All Models								
60	TCM Parts – All Models								
61	Tennant Parts – All Models								
62	*Tiger Parts – All Models					25%			
63	Toro Parts – All Models							5% - see notes	
64	Troybuilt Parts – All Models								
65	Turfco Parts – All Models	2%							
66	Ventrac Parts – All Models	2%						0%	
68	Other – Please List:	**Giant** 2% **Orec** 2%			Cost + 30% on the following: **ASV** track loaders & skid steers; **Felling** Trailers; **Hitachi** wheel loaders & **Kobelco** Excavators				
69	Labor Rate Per Hour	$150.00		$145.00					

NOTES:

Baschmann: Item #51 noted wheel loaders only. Note: Inbound & outbound freight will be added to the price of part to determine cost.

Grassland: Iem #29: Toro equipment NY State contract pricing; NY State Contract Group 40625 Award PGB-22792; Item #63: 5% off MSRP. P

Performance Parts Pricing on select Toro service parts. See separate Addendum/Exception sheet for complete details. Addendum Notes:

Toro Parts - 5% discount off current Manufacturers' suggested retail price. Performance Parts pricing on over 5,000 select high volume

items generally offered November-April annually. Grassland will extend special pricing that is in effect at the same time of the order

placement throughout the duration of this contract Peformance Parts Program will override the standard 5% discount. Ventrac Parts - No

Discount on Venrac Parts. Exception to Item #10 - Shipping/Freight Terms will be F.O.B. Destination Prepaid and added to invoice.

Attachment: Bid Analysis Miscellaneous Small Equipment & Parts (RES-2023-555 : Award Bid #2023016 Miscellaneous Small Equipment & Parts - CRS #4084, 4085, 4086 & 4087)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 27617 **RESOLUTION 2023-556** **ADOPTED**

Award Bid #2023022 Busing - CRS #4105

WHEREAS, the Contract Compliance and Administration Department received bids on June 1, 2023 for Busing; and

WHEREAS, the bid process resulted in responses from two (2) vendors as per the attached bid tabulation form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to Erie Bus Inc., dba WNY Bus Co.; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with Erie Bus Inc., dba WNY Bus Co.; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the fact that the there is no contract currently in place and the first field trip is scheduled for June 27th, 2023.

6/20/2023
Consent

FINANCIAL IMPACT:

A7145.4110 - $34,684.00

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

	Low Bid	Bid #2023022 Busing	Erie Bus, Inc. dba WNY Bus Co.	Transpo Bus Services
Harlem Road Summer Camp Field Trips 2023				
	Date	**Location**		
Week 1	6/27/2023	Clearfield Pool	$167.00	$179.00
	6/29/2023	Evangola State Park	$397.00	$685.00
	6/30/2023	Clearfield Pool	$167.00	$179.00
Week 2	7/4/2023	HOLIDAY (No Camp)		
	7/6/2023	Como Park/Woodlawn Beach	$397.00	$605.00
	7/7/2023	Clearfield Pool	$167.00	$179.00
Week 3	7/11/2023	Clearfield Pool	$167.00	$179.00
	7/13/2023	Old Fort Niagara/Fort Niagara State Park	$397.00	$605.00
	7/14/2023	Clearfield Pool	$167.00	$179.00
Week 4	7/18/2023	Clearfield Pool	$167.00	$179.00
	7/20/2023	Six Flags Darien Lake	$416.00	$625.00
	7/21/2023	Clearfield Pool	$167.00	$179.00
Week 5	7/25/2023	Clearfield Pool	$167.00	$179.00
	7/27/2023	Clearfield Pool/Beaver Island State Park	$396.00	$625.00
	7/28/2023	Clearfield Pool	$167.00	$179.00
Week 6	8/1/2023	Clearfield Pool	$167.00	$179.00
	8/3/2023	Chestnut Ridge Park/Evangola State Park	$396.00	$685.00
	8/4/2023	Clearfield Pool	$167.00	$179.00
Week 7	8/8/2023	Clearfield Pool	$167.00	$179.00
	8/10/2023	Whirlpool State Park/Maid of the Mist	$417.00	$605.00
	8/11/2023	Clearfield Pool	$167.00	$179.00
Week 8	8/15/2023	Clearfield Pool	$167.00	$179.00
	8/17/2023	Beaver Island State Park	$396.00	$625.00
	8/18/2023	Clearfield Pool	$167.00	$179.00
		Harlem Road Summer Camp Sub Total	**$5,717.00**	**$7,745.00**
Williamsville Summer Camp Field Trips 2023				
	Date	Location		
Week 1	6/27/2023	Clearfield Pool	$167.00	$179.00
	6/28/2023	Clearfield Pool	$167.00	$179.00
	6/29/2023	Evangola State Park	$397.00	$685.00
Week 2	7/4/2023	HOLIDAY (No Camp)		
	7/5/2023	Clearfield Pool	$167.00	$179.00
	7/6/2023	Como Park/Woodlawn Beach	$397.00	$605.00
Week 3	7/11/2023	Clearfield Pool	$167.00	$179.00
	7/12/2023	Clearfield Pool	$167.00	$179.00
	7/13/2023	Old Fort Niagara/Fort Niagara State Park	$417.00	$605.00
Week 4	7/18/2023	Clearfield Pool	$167.00	$179.00
	7/19/2023	Clearfield Pool	$167.00	$179.00
	7/20/2023	Six Flags Darien Lake	$416.00	$625.00
Week 5	7/25/2023	Clearfield Pool	$167.00	$179.00
	7/26/2023	Clearfield Pool	$167.00	$179.00
	7/27/2023	Clearfield Pool/Beaver Island State Park	$397.00	$625.00
Week 6	8/1/2023	Clearfield Pool	$167.00	$179.00
	8/2/2023	Clearfield Pool	$167.00	$179.00
	8/3/2023	Chestnut Ridge Park/Evangola State Park	$397.00	$685.00
Week 7	8/8/2023	Clearfield Pool	$167.00	$179.00
	8/9/2023	Clearfield Pool	$167.00	$179.00

Attachment: Bid Analysis 2023022 Busing (RES-2023-556 : Award Bid #2023022 Busing - CRS #4105)

	Low Bid	Bid #2023022 Busing	Erie Bus, Inc. dba WNY Bus Co.	Transpo Bus Services
	8/10/2023	Whirlpool State Park/Maid of the Mist	$417.00	$605.00
Week 8	8/15/2023	Clearfield Pool	$167.00	$179.00
	8/16/2023	Clearfield Pool	$167.00	$179.00
	8/17/2023	Beaver Island State Park	$397.00	$625.00
Week 9	8/25/2023	Chestnut Ridge Park/Eternal Flame	$347.00	$375.00
		Williamsville Summer Camp Sub Total	**$6,087.00**	**$8,120.00**
Northtown Summer Camp Field Trips 2023				
	Date	Location		
Week 1	6/28/2023	Clearfield Pool	$167.00	$179.00
	6/29/2023	Evangola State Park	$397.00	$685.00
	6/30/2023	Clearfield Pool	$167.00	$179.00
Week 2	7/5/2023	Clearfield Pool	$167.00	$179.00
	7/6/2023	Como Park/Woodlawn Beach	$397.00	$605.00
	7/7/2023	Clearfield Pool	$167.00	$179.00
Week 3	7/12/2023	Clearfield Pool	$167.00	$179.00
	7/13/2023	Old Fort Niagara/Fort Niagara State Park	$417.00	$605.00
	7/14/2023	Clearfield Pool	$167.00	$179.00
Week 4	7/19/2023	Clearfield Pool	$167.00	$179.00
	7/20/2023	Six Flags Darien Lake	$417.00	$625.00
	7/21/2023	Clearfield Pool	$167.00	$179.00
Week 5	7/26/2023	Clearfield Pool	$167.00	$179.00
	7/27/2023	Clearfield Pool/Beaver Island State Park	$397.00	$625.00
	7/28/2023	Clearfield Pool	$167.00	$179.00
Week 6	8/2/2023	Clearfield Pool	$167.00	$179.00
	8/3/2023	Chestnut Ridge/Evangola State Park	$397.00	$685.00
	8/4/2023	Clearfield Pool	$167.00	$179.00
Week 7	8/9/2023	Clearfield Pool	$167.00	$179.00
	8/10/2023	Whirlpool State Park/Maid of the Mist	$417.00	$605.00
	8/11/2023	Clearfield Pool	$167.00	$179.00
Week 8	8/16/2023	Clearfield Pool	$167.00	$179.00
	8/17/2023	Beaver Island State Park	$397.00	$625.00
	8/18/2023	Clearfield Pool	$167.00	$179.00
		Northtown Summer Camp Sub Total	**$5,908.00**	**$7,924.00**
Clearfield Summer Camp Field Trips 2023				
	Date	**Location**		
Week 1	6/29/2023	Evangola State Park	$397.00	$685.00
Week 2	7/6/2023	Como Park/Woodlawn Beach	$397.00	$605.00
Week 3	7/13/2023	Old Fort Niagara/Fort Niagara State Park	$418.00	$605.00
Week 4	7/20/2023	Six Flags Darien Lake	$418.00	$605.00
Week 5	7/27/2023	Beaver Island State Park	$279.00	$325.00
Week 6	8/3/2023	Chestnut Ridge/Evangola State Park	$397.00	$685.00
Week 7	8/10/2023	Whirlpool State Park/Maid of the Mist	$418.00	$605.00
Week 8	8/18/2023	Beaver Island State Park	$397.00	$605.00

Attachment: Bid Analysis 2023022 Busing (RES-2023-556 : Award Bid #2023022 Busing - CRS #4105)

	Low Bid	Bid #2023022 Busing	Erie Bus, Inc. dba WNY Bus Co.	Transpo Bus Services
		Clearfield Summer Camp Sub Total	**$3,121.00**	**$4,720.00**
NARC Summer Camp Field Trips 2023				
	Date	Location		
Week 1	6/28/2023	Como Park/Billy Beez Walden Galleria	$327.00	$605.00
	6/29/2023	Clearfield Pool	$167.00	$179.00
	6/30/2023	Clearfield Pool	$167.00	$179.00
Week 2	7/5/2023	Build a Machine Fitness/Beaver Island State Park	$397.00	$605.00
	7/6/2023	Clearfield Pool	$167.00	$179.00
	7/7/2023	Clearfield Pool	$167.00	$179.00
Week 3	7/12/2023	South Long Playground (14221)/Woodlawn Beach	$397.00	$605.00
	7/13/2023	Clearfield Pool	$167.00	$179.00
	7/14/2023	Clearfield Pool	$167.00	$179.00
Week 4	7/19/2023	Six Flags Darien Lake	$417.00	$605.00
	7/20/2023	Clearfield Pool	$167.00	$179.00
	7/21/2023	Clearfield Pool	$167.00	$179.00
Week 5	7/26/2023	Clearfield Pool	$167.00	$179.00
	7/27/2023	Clearfield Pool/Beaver Island State Park	$397.00	$625.00
	7/28/2023	Northtown Ice Center	$167.00	$179.00
Week 6	8/2/2023	Highmark Stadium/Evangola State Park	$397.00	$685.00
	8/3/2023	Clearfield Pool	$167.00	$179.00
	8/4/2023	Clearfield Pool	$167.00	$179.00
Week 7	8/9/2023	Niagara Amusement World & Splash Park	$417.00	$605.00
	8/10/2023	Clearfield Pool	$167.00	$179.00
	8/11/2023	Clearfield Pool	$167.00	$179.00
Week 8	8/16/2023	Ellicott Creek Park/Niagara Kraze	$417.00	$605.00
	8/17/2023	Clearfield Pool	$167.00	$179.00
	8/18/2023	Clearfield Pool	$167.00	$179.00
		NARC Summer Camp Sub Total	**$5,838.00**	**$7,804.00**
Explorers Summer Camp Field Trips 2023				
	Date	Location		
Week 1	6/27/2023	Beaver Island State Park	$267.00	$225.00
	6/28/2023	Panama Rocks	$547.00	
	6/29/2023	Clearfield Pool	$167.00	$179.00
Week 2	7/4/2023	HOLIDAY (No Camp)		
	7/5/2023	Beaver Island State Park	$397.00	$625.00
	7/6/2023	Clearfield Pool	$167.00	$179.00
Week 3	7/11/2023	Build A Machine Fitness	$167.00	$179.00
	7/12/2023	Urban Air/Bennett Beach	$327.00	$605.00
	7/13/2023	Clearfield Pool	$167.00	$179.00
Week 4	7/17/2023	Terra House (25 Buffalo St, Akron)	$297.00	$225.00
	7/19/2023	Six Flags Darien Lake	$417.00	$625.00
	7/20/2023	Clearfield Pool	$167.00	$179.00
Week 5	7/25/2023	Clearfield Pool	$167.00	$179.00
	7/26/2023	Grand Island Fun Center	$247.00	$225.00
	7/27/2023	Clearfield Pool	$297.00	$225.00
Week 6	8/1/2023	5 Wits Galleria Mall	$167.00	$179.00
	8/2/2023	Oppenheim Park/Maid of the Mist	$417.00	$605.00
	8/3/2023	Clearfield Pool	$167.00	$179.00

Attachment: Bid Analysis 2023022 Busing (RES-2023-556 : Award Bid #2023022 Busing - CRS #4105)

	Low Bid	Bid #2023022 Busing	Erie Bus, Inc. dba WNY Bus Co.	Transpo Bus Services
Week 7	8/8/2023	Northtown Ice Center	$167.00	$179.00
	8/9/2023	Splash Lagoon	$597.00	
	8/10/2023	Clearfield Pool	$167.00	$179.00
Week 8	8/16/2023	Canalside/Sahlen Field (Bisons Game)	$347.00	$225.00
	8/17/2023	Clearfield Pool	$167.00	$179.00
	8/18/2023	AMC Theater Maple Road	$247.00	$179.00
		Explorers Summer Camp Sub Total	**$6,241.00**	**$5,733.00**
Northwest Amherst Summer Camp Field Trips 2023				
	Date			
Week 3	7/14/2023	Buffalo Ski Club	$417.00	$325.00
Week 6	8/4/2023	Eighteen Mile Creek County Park	$387.00	$450.00
		Northwest Amherst Summer Camp Sub Total	**$804.00**	**$775.00**
Recess Camp Field Trips February & April 2024				
	Date	Location		
Location: Williamsville Youth Center				
	2/22/2023	Niagara Kraze	$257.00	$225.00
Location: Northtown Amherst Youth & Family Center				
	2/23/2023	Niagara Kraze	$257.00	$225.00
Location: Clearfield Community Center				
	4/4/2023	Airport Lanes	$227.00	$225.00
Location: Harlem Road Youth Center				
	4/4/2023	Airport Lanes	$227.00	$225.00
		Recess Camp Field Trips Sub Total	**$968.00**	**$900.00**
		TOTAL	**$34,684.00**	**$43,721.00**

NOTES:

Transpo Bus Services:

Explorers Summer Camp Field Trips - Week 1, 6/28 No entry for this line item.

Explorers Summer Camp Field Trips Week 7, 8/9 - a line was drawn through this pricing line.

Grand total in the bid packet is $43,922.00 and our total is $43,721.00.

Attachment: Bid Analysis 2023022 Busing (RES-2023-556 : Award Bid #2023022 Busing - CRS #4105)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 27644 **RESOLUTION 2023-557** **ADOPTED**

Award Bid #2023021 Parking Lot Crack Fill, Seal Coat & Striping CRS #4144

WHEREAS, the Contract Compliance and Administration Department received bids on June 1, 2023 for Bid #2023021 Parking Lot Crack Fill, Seal Coat & Striping; and

WHEREAS, the bid process resulted in responses from two (2) vendors as per the attached bid tabulation form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to Baughman Magic Seal, Inc.; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with Baughman Magic Seal, Inc.; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the fact that work needs to be started as soon as possible due to the short construction season, and the next Town Board meeting is not until July 10th.

6/20/2023
Consent

FINANCIAL IMPACT:

KP2315.4972 - $91,650.00

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Bid #2023021 - Parking Lot Crack Fill / Seal Coat / Striping						
			Baughman Magic Seal		Amherst Sealer	
Description	Service*	Quantity	Unit Price	Total Price	Unit Price	Total Price
Location 1 - Audubon Golf Course (Blue)	CF	1	$1,000.00	$1,000.00	$1,600.00	$1,600.00
Location 2 - Audubon Golf Course (Red)	CF	1	$1,000.00	$1,000.00	$400.00	$400.00
Location 3 - Billy Wilson Park	CF	1	$900.00	$900.00	$500.00	$500.00
Location 4 -Engineering Department	CF/SC/LS/S	1	$8,400.00	$8,400.00	$10,724.50	$10,724.50
Location 5 -Harlem Road Community Center	CF/S	1	$1,400.00	$1,400.00	$2,546.00	$2,546.00
Location 6 - N. Amherst Soccer Complex	CF/SC/S	1	$7,700.00	$7,700.00	$10,016.50	$10,016.50
Location 7 - Northtown Center at Amherst NE Lot area	CF/SC/S	1	$11,000.00	$11,000.00	$12,973.50	$12,973.50
Location 8 - Police Department (Red)	CF/SC/S	1	$2,700.00	$2,700.00	$3,574.15	$3,574.15
Location 9 - Police Department (Blue)	CF/SC/S	1	$10,750.00	$10,750.00	$12,085.35	$12,085.35
Location 13 - Water Pollution Control Facility (Red)	S	1	$1,000.00	$1,000.00	$3,400.00	$3,400.00
Location 13 - Water Pollution Control Facility (Yellow)	SC	1	$2,450.00	$2,450.00	$3,600.00	$3,600.00
Locaiton 14 -Northtown Center at Amherst (SW Lot Area)	CF/SC/S	1	$15,900.00	$15,900.00	$15,907.00	$15,907.00
Location 15 - Northtown Center at Amherst (SE Lot Area)	LS/S	1	$1,000.00	$1,000.00	$2,750.00	$2,750.00
Location 16 - Northtown Center at Amherst (East Lot Area)	LS/S	1	$1,200.00	$1,200.00	$3,212.00	$3,212.00
Location 17 -Northtown Center at Amherst (NW Lot Area)	SC/S	1	$8,950.00	$8,950.00	$12,116.00	$12,116.00
Location 18 - Town Hall (Back Lot)	CF/SC/S	1	$4,800.00	$4,800.00	$11,253.50	$11,253.50
Location 20 - Central Amherst Little League	SC/S	1	$9,900.00	$9,900.00	$13,104.50	$13,104.50
Total				**$90,050.00**		**$119,763.00**
Other - additional painted lines - quantity estimate 500 Linear Feet		500	$1.60	$800.00	$0.38	$190.00
Other - additional mobilization for painting control lines - quantity est. 2		2	$250.00	$500.00	$350.00	$700.00
Other - additional painted symbol - estimated quantity 5		5	$60.00	$300.00	$25.00	$125.00
Total with Other				**$91,650.00**		**$120,778.00**
*Service:						
CF= Crack Fill						
SC = Seal Coat						
S = Stripe						
LS = Layout Stripe						

Attachment: Bid Analysis 2023021 Parking Lot Crack Fill Seal Coat & Striping (RES-2023-557 : Award Bid

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Economic Development
Initiated by: **Angela Rossi**
Co-Sponsored by:

DOC ID: 27582 **RESOLUTION 2023-558** **ADOPTED**

Travel Authorization to 2023 Basic Economic Development Course

Please authorize expense reimbursement for travel on June 19, 2023 - June 23, 2023 for Annette Herrman, Communications Specialist Economic Development and Benjamin Ansell Small Business Liaison Economic Development to attend the 2023 Basic Economic Development Course in Albany NY. The total cost for travel and conference registration will not to exceed $4,184.75. Funds are available in the Economic Development Department 2023 budget A1230 4040 and 4120.

6/20/2023
Consent

FINANCIAL IMPACT:

-4,184.75

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ $250 or LESS and under 75 miles — Department Head Approval ONLY Required — *Revised 12/22/2021*

☒ $250 + or greater than 75 miles — Department Head AND Town Board Approval Required

NAME	Employee #	Department	Phone Number
Annette Herrman	9617	A1230	716-574-1595

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
06/19/2023	06/23/2023	Albany NY	2023 Basic Economic Development Course

Expenses	Estimated	Budget A/C #	Actual
Transportation:			
Mileage @ $0.585			
Tolls			
Parking			
Local Transportation (bus/taxi)			
Plane/Rail/Bus			
Lodging:			
4 # nights @ $ 140	700.00		
Meals:			
IRS Per Diem Per Day: $ 69.00	207.00		
1st & Last Day of Travel @ 75%	103.50		
# Breakfasts @ $ 16.00			
# Lunches @ $ 17.00			
# Dinners @ $ 31.00			
# Incidentals @ $ 5.00			
Registration/Conference Fee	700.00		
Other			
Subtotal			N/A
Contingency - 10% of subtotal or $200	200.00		N/A
TOTAL	1910.50		

Request Approved By:

Department Head Signature

Date

Town Board :

Town Board Resolution & Date

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

Employee Signature — Date

Print Employee Name

Reimbursement Approved By:

Department Head Signature — Date

Complete Shaded Area
For Expense Reimbursement

Attachment: 2023 BEDC expense AH (RES-2023-558 : Travel Authorization to 2023 Basic Economic Development Course)

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ $250 or LESS and under 75 miles — Department Head Approval ONLY Required — *Revised 12/22/2021*

☒ $250 + or greater than 75 miles — Department Head AND Town Board Approval Required

NAME	Employee #	Department	Phone Number
Benjamin Ansell	9565	A1230	716-238-3409

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
06/19/2023	06/23/2023	Albany NY	2023 Basic Economic Development Course

Expenses	Estimated	Budget A/C #	Actual
Transportation:			
Mileage @ $0.585			
Tolls	32.00		
Parking	50.00		
Local Transportation (bus/taxi)			
Plane/Rail/Bus			
Lodging:			
4 # nights @ $ 140	700.00		
Meals:			
IRS Per Diem Per Day: $ 69.00	207.00		
1st & Last Day of Travel @ 75%	103.50		
# Breakfasts @ $ 16.00			
# Lunches @ $ 17.00			
# Dinners @ $ 31.00			
# Incidentals @ $ 5.00			
Registration/Conference Fee	700.00		
Gas	100.00		
Other Car Rental $35 pd	175.00		
Subtotal			N/A
Contingency - 10% of subtotal or $200	206.75		N/A
TOTAL	2274.25		

Request Approved By:

Department Head Signature

Date

Town Board :

Town Board Resolution & Date

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

Employee Signature — Date

Print Employee Name

Reimbursement Approved By:

Department Head Signature — Date

Complete Shaded Area
For Expense Reimbursement

Attachment: 2023 BEDC expense BA (RES-2023-558 : Travel Authorization to 2023 Basic Economic Development Course)

13.I.1.c

2023 Basic Economic Development Course

2023 Basic Economic Development Course

June 19 - 23, 2023

Crowne Plaza, 660 Albany Shaker Rd, Albany, NY



Held in June, the Basic Economic Development Course (BEDC) introduces attendees to the practices of a broad economic development program. Through instruction, peer learning, and case studies, the New York BEDC offers a comprehensive educational experience in economic development fundamentals.

This course is designed to meet the needs of professionals and volunteers relatively new to the development field. Attendees will learn best practices to help prepare their communities for business retention and expansion, business attraction, and grow an entrepreneurial ecosystem. The course focuses on the development, organization, and operation of economic development activities in both the public and private sectors. The faculty of the BEDC is comprised of seasoned practitioners and consultants recognized for their experience and expertise across economic development practice. The course also highlights leading national and international trends and best practices in economic development.

Attachment: 2023 Basic Economic Development Course .. (RES-2023-558 : Travel Authorization to 2023 Basic Economic Development Course)

13.I.1.c

The N York Basic Economic Development Course meets the core requirements prerequisite for practitioners who wish to sit for the Certi Economic Developer (CEcD) credential issued by the International Economic Development Council (IEDC). To learn more certification, visit the **IEDC website**. (https://www.iedconline.org/index.php?submenu=CEcDCertification&src=pages&ref=certification) The Basic Economic Development course is equivalent to 3 credits in Applied Economic Development, a graduate level course at **SUNY Empire State University's Masters in Community, and Economic Development program. (https://www.sunyempire.edu/graduate-studies/graduate-degrees/graduate-liberal-arts-and-science-programs/ma-community-economic-development/)**

The course addresses four basic themes:

- Concepts of economic development
- Trends in economic development
- Development location
- Practical techniques and best practices of successful development

The course is designed for staff and volunteer leaders of:

- Local, regional, and community Economic Development organizations
- Colleges and universities
- Chambers of commerce
- State agencies
- Planners
- Utilities
- Workforce Investment Boards (WIB)

2023 BASIC ECONOMIC DEVELOPMENT COURSE SYLLABUS

Crowne Plaza, Albany NY (Formerly the Desmond), Town Hall Meeting Room

MONDAY, JUNE 19

- 12:15pm - 1:00 pm Registration & Check-In
- 1:00 pm - 2:00 pm Course Introduction, Subject Overview & The Case Study
- 2:00 pm – 3:00 pm Community Development in Theory & Practice – PART 1
- 3:00 pm - 3:15pm BREAK
- 3:15 pm - 4:15pm Community Development in Theory & Practice – PART 2
- 4:15 pm – 6:15pm Economic Development Strategic Planning
- 6:30 – 7:30 pm - Networking Reception – King Street Courtyard & Fountain

TUESDAY, JUNE 20

- 8:45 am - 10:15 am - The Growing Global Economic and the Role of the Economic Developer
- 10:15 am - 10:30 am - BREAK
- 10:30 am - 12:30 pm - Organizational Leadership: Developing and Managing an Economic Development Office
- 12:30 pm - 1:30 pm - Working Lunch – King Street Courtyard & Fountain
- 1:30 pm - 2:30 pm - Workforce Development and it's Essential Role in Economic Development PART 1
- 2:30 pm - 2:45 pm - BREAK
- 2:45 pm - 3:45pm - Workforce Development and it's Essential Role in Economic Development PART 2
- 3:45 pm - 5:30 pm - Case Study Discussion

WEDNESDAY, JUNE 21

- 8:00 am - 10:00 am - Marketing Your Community to Talent & Prospects
- 10:00 am - 10:15 am - BREAK
- 10:15 am -12:15 pm - Small Business & Entrepreneurial Development
- 12:15pm -1:15 pm - Working Lunch – King Street Courtyard & Fountain
- 1:15 pm - 3:15 pm - Finance Packaging and Incentives
- 3:15 pm - 3:30 pm - BREAK
- 3:30 pm - 5:30 pm - Ethics and Civility in Economic Development

Attachment: 2023 Basic Economic Development Course .. (RES-2023-558 : Travel Authorization to 2023 Basic Economic Development Course)

13.I.1.c

- 5 0pm - Case Study Work & On Your Own

THU DAY, JUNE 22

- 8:00 am - 10:00 am - Real Estate Development & Reuse
- 10:00 am – 12:00 pm - Business Retention & Expansion
- 12:00pm-1:30 pm - Working Lunch – King Street Courtyard & Fountain
- 1:30 pm - 3:30 pm - Case Study Presentations & Certificates

Registration

Basic Economic Development Course Registration (https://secure.web-payment-software.com/nysedc/2023bedc/)

Member Rate: (https://secure.web-payment-software.com/nysedc/spring-2023-ida-academy/)	$650.00
Future Member Rate: (https://secure.web-payment-software.com/nysedc/spring-2023-ida-academy/)	$700.00

Sponsorship Opportunities (https://www.nysedc.org/docs/Basic_Economic_Development_Course_Sponsorship_2023.pdf)

(mailto:jackson@nysedc.org?subject=Fall%20IDA%20Academy%202022)Email Thomas Boomhower (mailto:boomhower@nysedc.org?subject=Basic%20Economic%20Development%20Course%20) or call 518.426.4058 for more information.

Hotel

Crowne Plaza

660 Albany Shaker Rd, Albany, NY 12211. (https://www.ihg.com/crowneplaza/hotels/us/en/find-hotels/select-roomrate?fromRedirect=true&qSrt=sBR&qIta=99801505&icdv=99801505&qSIH=ALBDH&qCiD=18&qCiMy=052023&qCoD=22&qCoMy=05202

NYSEDC Rate - $140 per night - Group Code - BEC Room Block Expires 5.28.23

CLICK HERE TO BOOK ROOM (https://www.ihg.com/crowneplaza/hotels/us/en/find-hotels/select-roomrate?fromRedirect=true&qSrt=sBR&qIta=99801505&icdv=99801505&qSIH=ALBDH&qCiD=18&qCiMy=052023&qCoD=22&qCoMy=052023&qGrpCd=BEC&qAAR=6CBARC&qRtP=6CBARC&setPMCookies=t

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New York State Economic Development Council
111 Washington Avenue, 4th Floor
Albany NY 12210

Attachment: 2023 Basic Economic Development Course .. (RES-2023-558 : Travel Authorization to 2023 Basic Economic Development Course)

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Phone: (518) 426-4058 (http://tel:5184264058)
Email: info@nysedc.org (http://mailto:info@nysedc.org)
Fax: (518) 426-4059

(https://twitter.com/NYSEDC) (https://www.facebook.com/newyorkeconomicdevelopmentcouncil)

(https://www.linkedin.com/company/new-york-state-economic-development-council/)

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Attachment: 2023 Basic Economic Development Course .. (RES-2023-558 : Travel Authorization to 2023 Basic Economic Development Course)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 27675 **RESOLUTION 2023-559** **ADOPTED**

2023-2028 CIP Amendment CIP Project No. F-9

The Engineering Services Division is recommending amendment of the 2023 - 2028 Capital Improvement Program for the above project in the amounts shown in the table below. As the Jurek Post acquisition and subsequent renovations have been significantly delayed, these funds will be reallocated to cover costs associated with other Townwide needs and improvements.

CIP No.	Project Description	CIP Allocations	Amended CIP Allocations
F-9	Jurek Post Renovations	465 LA	0
F-19 (new)	Building Maintenance / Facilities Equipment	0	117 LA
F-20 (new)	Amherst Central Park Clubhouse Commissioning & Building and Grounds Improvements	0	100 LA
F-21 (new)	Amherst Central Park Facilities Professional Services	0	248 LA
	Total	**465 LA**	**465 LA**

LA: General Fund Bond

Please approve amendment of the 2023-2028 Capital Improvement Program and allocate funding as shown above. Please note that the above request is a budget neutral amendment.

6/20/2023
Consent

FINANCIAL IMPACT:

N/A

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 27685 **RESOLUTION 2023-560** **ADOPTED**

2023 - 2028 Capital Improvement Program Amendment CIP Project No. E-2: Maplemere Roadway Extension & Improvements

The Engineering Department is recommending amendment of the 2023-2028 CIP for above project in the amount shown in the table below. This amendment will allocate adequate funding for this project which is currently underfunded due to supply-chain related materials cost increases.

CIP No.	Project Description	2023 Bond Allocation	Amend To
E-2	Maplemere Roadway Extension & Improvements	$ 2,500 LA	$ 3,250 LA

Please approve this amendment to the 2023-2028 CIP and reassign the funding identified above. Please note that while the above request is not budget neutral, we will continue to try to identify project bond reductions throughout the balance of 2023 in an effort to attempt to achieve budget neutrality associated with this request.

6/20/2023
Consent

FINANCIAL IMPACT:

increase to $3,250

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 27676 **RESOLUTION 2023-561** **ADOPTED**

Fire Hydrant Installation - North Maplemere Road Extension

We are hereby requesting authorization to have two (2) additional fire hydrants installed by the developer at the above location.

The Erie County Water Authority requires the installation of two (2) fire hydrants at the above location during the course of construction to satisfy current design standards regarding hydrant spacing on a public potable water distribution system. The hydrants will become property of the Town of Amherst. Under the Lease Management Agreement, a Resolution from the Town Board is required for Erie County Water Authority to issue final approval of the referenced hydrants. The Town is to pay the annual maintenance fee of $229.08 each for a total of $458.16.

May we have your approval for the installation of two (2) additional fire hydrants?

6/20/2023
Consent

FINANCIAL IMPACT:

Annual Maintenance Fee of $458.16

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 27677 **RESOLUTION 2023-562** **ADOPTED**

Change Order #2 & Final Decrease of $20,507.00 to MKS Plumbing Corp. Audubon Library Expansion – Phases I & II TOA Job # 2019.048 CRS No. 4133

Attached, please find a copy of the above referenced Change Order #1 which calls for a $20,507.00 decrease to MKS Plumbing Corporations contract amount. This Change Order reflects final quantity adjustments. Upon approval, the final value of the referenced contract will be $125,878.00.

This request is pending successful completion of the contract review process.

May we please have your approval for this change order?

6/20/2023
Consent

FINANCIAL IMPACT:

KP2126-4972; -$20,507.00

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

AIA® Document G701™ – 2017

Change Order

PROJECT:	CONTRACT INFORMATION:	CHANGE ORDER INFORMATION:
Audubon Library Expansion *Phases 1 & 2* *Project #2019.048*	*Contract For: Plumbing Construction* *Date: June 5, 2023*	Change Order Number: 2 & Final
OWNER:	**ENGINEER:**	**CONTRACTOR:**
Town of Amherst 5583 Main St. Williamsville, NY 14221	DiDonato Associates 689 Main Street Buffalo, NY 14203	MKS Plumbing Corp. 19 Ransier Drive W. Seneca, NY 14224

The Contract is changed as follows:

The original Contract Sum was	$ 140,850.00
The net change by previously authorized Change Orders	$ 5,535.00
The Contract Sum prior to this Change Order was	$ 146,385.00
The Contract Sum will be decreased by this Change Order in the amount of	$ 20,507.00
The new Contract Sum, including this Change Order, will be	$ 125,878.00
The Contract Time will be changed by	( ) days.
The new date of Substantial Completion shall now be:	

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

ARCHITECT/ENGINEER *(DiDonato Associates)*	CONTRACTOR *(M.K.S. Plumbing Corp.)*	OWNER *(Town of Amherst)*
SIGNATURE	SIGNATURE	SIGNATURE
PRINTED NAME AND TITLE	PRINTED NAME AND TITLE	PRINTED NAME AND TITLE
DATE	DATE	DATE

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

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Attachment: MKS Change Order (RES-2023-562 : Change Order #2 & Final - Audubuon Libary Expansion - Plumbing)

DIDONATO
ENGINEERING & ARCHITECTURAL PROFESSIONALS

689 Main Street
Buffalo, NY 14203
P 716 656-1900
F 716 656-1987
www.didonato.cc

June 7, 2023

Town of Amherst
Engineering Department
1100 North Forest Road
Williamsville, New York 14221

Attn: Michael Hitzel, AIA, LEED AP

Re: Audubon Library Expansion
Plumbing Construction Contract
MKS Plumbing Corporation Allowance Change Order PC-01

Mr. Hitzel:

A deduct change order (allowance change order PC-01) in the amount of $20,507.00 will be prepared for processing. This change order includes unused allowance dollars that were include in the MKS base bid for the following:

- **Allowance # PC-1:** The contract documents called for Twenty Five Thousand Dollars ($25,000.000) to be included in the base bid for unforeseen conditions. During the course of construction $4,493.00 was drawn against the allowance. A credit in the amount of $20,507.00 was requested from MKS.

All backup information has been provided for your review.

Should you have any questions or require additional information, please contact our office.

Very truly yours,
DiDonato Associates, Engineering and Architecture P.C.

Michael Banks, AIA LEED AP
Vice President | Architecture

Encl: as outlined

Attachment: MKS Change Order (RES-2023-562 : Change Order #2 & Final - Audubuon Libary Expansion - Plumbing)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 27679 A **RESOLUTION 2023-563** **ADOPTED**

Change Order #1 & Final Decrease of $25,000.00 to Greater Niagara Mechanical, Inc. Audubon Library Expansion – Phases I & II TOA Job # 2019.048 CRS No. 4131

Attached, please find a copy of the above referenced Change Order #1 which calls for a $25,000.00 decrease to Greater Niagara Mechanical's contract amount. This Change Order reflects final quantity adjustments. Upon approval, the final value of the referenced contract will be $309,600.00.

This request is pending successful completion of the contract review process.

May we please have your approval for this change order?

6/20/2023
Consent

FINANCIAL IMPACT:

-$25,000.00; KP2126-4972

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

AIA® Document G701™ – 2017

Change Order

PROJECT:	CONTRACT INFORMATION:	CHANGE ORDER INFORMATION:
Audubon Library Expansion Phases 1 & 2 Project #2019.048	*Contract For: Mechanical Construction*	Change Order Number: 1 & Final
	Date: June 5, 2023	

OWNER:	ENGINEER:	CONTRACTOR:
Town of Amherst 5583 Main St. Williamsville, NY 14221	DiDonato Associates 689 Main Street Buffalo, NY 14203	Greater Niagara Mechanical, Inc. 7311 Ward Road North Tonawanda, NY 14120

The Contract is changed as follows:

The original Contract Sum was	$ 334,600.00
The net change by previously authorized Change Orders	$
The Contract Sum prior to this Change Order was	$ 334,600.00
The Contract Sum will be decreased by this Change Order in the amount of	$ 25,000.00
The new Contract Sum, including this Change Order, will be	$ 309,600.00
The Contract Time will be changed by	( ) days.
The new date of Substantial Completion shall now be:	

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

ARCHITECT/ENGINEER *(DiDonato Associates)*	CONTRACTOR *(Greater Niagara Mechanical, Inc.)*	OWNER *(Town of Amherst)*
SIGNATURE	SIGNATURE	SIGNATURE
PRINTED NAME AND TITLE	Samuel Preziosi / VP PRINTED NAME AND TITLE	PRINTED NAME AND TITLE
DATE	5/31/23 DATE	DATE

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Attachment: Greater Niagara Change Order (RES-2023-563 : Audubon Library Expansion - Change Order No. 1 & Final - Mechanical)

DIDONATO
ENGINEERING & ARCHITECTURAL PROFESSIONALS

689 Main Street
Buffalo, NY 14203
P 716 656-1900
F 716 656-1987
www.didonato.cc

June 7, 2023

Town of Amherst
Engineering Department
1100 North Forest Road
Williamsville, New York 14221

Attn: Michael Hitzel, AIA, LEED AP

Re: Audubon Library Expansion
Mechanical Construction Contract
Greater Niagara Mechanical Inc. Allowance Change Order MC-01

Mr. Hitzel:

A deduct change order (allowance change order MC-01) in the amount of $25,000.00 will be prepared for processing. This change order includes unused allowance dollars that were include in the Greater Niagara Mechanical base bid for the following:

- **Allowance # MC-1:** The contract documents called for Twenty Five Thousand Dollars ($25,000.000) to be included in the base bid for unforeseen conditions. During the course of construction there was no money drawn against the allowance. A credit for the full amount of the allowance amount of $25,000.00 was requested from GNM.

All backup information has been provided for your review.

Should you have any questions or require additional information, please contact our office.

Very truly yours,
DiDonato Associates, Engineering and Architecture P.C.

Michael Banks, AIA LEED AP
Vice President | Architecture

Encl: as outlined

Attachment: Greater Niagara Change Order (RES-2023-563 : Audubon Library Expansion - Change Order No. 1 & Final - Mechanical)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 27680 **RESOLUTION 2023-564** **ADOPTED**

Change Order #1 & Final Decrease of $18,192.00 to Frey Electric Construction Co., Inc. Audubon Library Expansion – Phases I & II TOA Job # 2019.048 CRS No. 4132

Attached, please find a copy of the above referenced Change Order #1 which calls for a $18,192.00 decrease to Frey Electric Construction Company's contract amount. This Change Order reflects final quantity adjustments. Upon approval, the final value of the referenced contract will be $289,808.00.

This request is pending successful completion of the contract review process.

May we please have your approval for this change order?

6/20/2023
Consent

FINANCIAL IMPACT:

KP2126-4972; -$18,192.00

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

AIA® Document G701™ – 2017

Change Order

PROJECT:	CONTRACT INFORMATION:	CHANGE ORDER INFORMATION:
Audubon Library Expansion Phases 1 & 2 Project #2019.048	*Contract For: Electrical Construction* *Date: June 5, 2023*	Change Order Number: 1 & Final

OWNER:	ENGINEER:	CONTRACTOR:
Town of Amherst 5583 Main St. Williamsville, NY 14221	DiDonato Associates 689 Main Street Buffalo, NY 14203	Frey Electric Construction Co., Inc. 100 Pearce Avenue Tonawanda, NY 14150

The Contract is changed as follows:

The original Contract Sum was	$	308,000.00
The net change by previously authorized Change Orders	$	
The Contract Sum prior to this Change Order was	$	308,000.00
The Contract Sum will be decreased by this Change Order in the amount of	$	18,192.00
The new Contract Sum, including this Change Order, will be	$	289,808.00
The Contract Time will be changed by		( ) days.
The new date of Substantial Completion shall now be:		

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

ARCHITECT/ENGINEER *(DiDonato Associates)*	CONTRACTOR *(Frey Electric Construction, Co., Inc.)*	OWNER *(Town of Amherst)*
SIGNATURE	SIGNATURE	SIGNATURE
PRINTED NAME AND TITLE	PRINTED NAME AND TITLE	PRINTED NAME AND TITLE
DATE	DATE	DATE

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

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Attachment: Frey Change Order 1 & Final - G701 (RES-2023-564 : Audubon Library Expansion - Change Order No. 1 & Final - Electric)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 27667 **RESOLUTION 2023-565** **ADOPTED**

Senior Clerk Typist/Court

Please appoint a Senior Clerk Typist to the Amherst Town Court. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective June 21, 2023 at an annual salary of $36,295, Grade 5, Step A for Michelle Manly.

This is a promotion for a current employee who is serving as a Clerk Typist.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 27662 **RESOLUTION 2023-566** **ADOPTED**

Electrician/Building Maintenance-Facilities Department

Please appoint an Electrician to the Building Maintenance-Facilities Department. Permanent, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective June 26, 2023 at an annual salary of $63,088, Grade 15, Step D for David Kausch.

Contingent upon completing all pre-employment requirements.
Please authorize a six (6) month residency waiver.

6/20/2023
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 27628 **RESOLUTION 2023-567** **ADOPTED**

Main Street Corridor Plan Project Charter

Purpose: Town Board approval of the Main Street Corridor Plan Project Charter

WHEREAS, Main Street is one of the Town's major east/west transportation corridors and a major arterial roadway under the jurisdiction of the New York State Department of Transportation that includes a variety of prime neighborhoods, business districts and important civic uses; and

WHEREAS, the Town aims to form a Corridor Plan that addresses traffic, mobility, circulation and parking concerns along the portion of Main Street that begins at the intersection of Bailey Avenue and Main Street to the west and extends to the intersection of the Interstate-290 on/off ramps and Main Street to the east, and traversing both the Snyder and Eggertsville neighborhoods; and

WHEREAS, the proposed Corridor Plan will serve as a guiding document with strategies and actions to improve safety, multi-modal movement and the relationship between Main Street and the surrounding neighborhoods along the corridor; now

THEREFORE BE IT RESOLVED, that the Town Board endorses the "Main Street Corridor Plan" Project Charter, which is attached and made part of this Resolution; and

BE IT FURTHER RESOLVED, that the Board supports the Town moving forward to carry out the planning process stated in the Project Charter.

6/20/2023
Consent

FINANCIAL IMPACT:

Cost to be determined, funds are available through a Comprehensive Plan Bond

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala



DRAFT

Town of Amherst

Main Street Corridor Plan

Project Charter

Attachment: Draft Project Charter_Main Street Plan_050523 (RES-2023-567 : Main Street Corridor Plan Project Charter)

1. Project Sponsor

The Town of Amherst

Project Manager

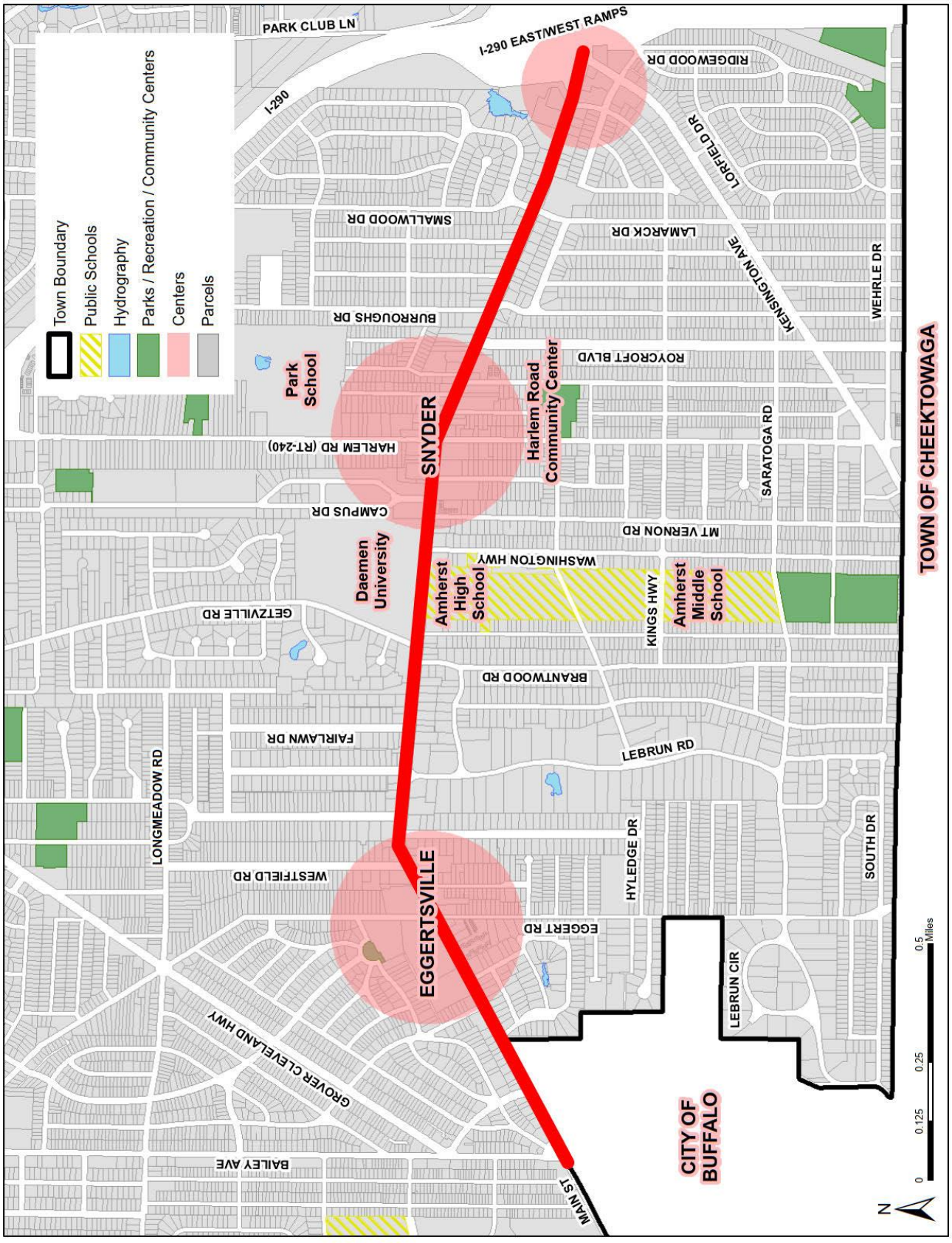
Roberta Rappoccio, Associate Planner

Brief Description

The Town of Amherst creates a Corridor Plan addressing transportation/traffic circulation, parking, and pedestrian safety along Main Street and its immediate surrounding neighborhoods. The study area traverses both the Snyder and Eggertsville neighborhoods. The study corridor is delimited on the east by the intersection of Kensington Avenue and the I-290/I-90 on and off ramps and Main Street and continues west to Bailey Avenue, approximately 2.4 miles (See Study Corridor Map). Main Street is a major arterial roadway under the jurisdiction of the New York State Department of Transportation (NYSDOT). It is one of the Town's main east/west corridors used as a primary commuter route for people living both east and west of the Village of Williamsville, for neighboring communities and for commerce from within and outside the region. During peak commuter times, traffic on Main Street can be congested creating difficulty for both drivers and pedestrians using the corridor. This congestion can impede pedestrian circulation and parking along Main Street, adversely affecting the quality of life for residents and vitality for businesses.

This section of Main Street is largely traditional in character as defined in the Town's Comprehensive Plan and features large homes with moderate setbacks interspersed with three small centers that feature civic and business uses with shallow setbacks close to the street. These nodes are identified in the Town's Comprehensive Plan as "mixed-use centers" and designated for implementation of the Town's mixed-use zoning. This project shall result in a plan with strategies and actions to improve safety, multimodal movement and the relationship between Main Street and the surrounding neighborhoods along the corridor.

Attachment: Draft Project Charter_Main Street Plan_050523 (RES-2023-567 : Main Street Corridor Plan Project Charter)



Attachment: Draft Project Charter_Main Street Plan_050523 (RES-2023-567 : Main Street Corridor Plan Project Charter)

2. Problems and Concerns

Main Street is comprised of different segments with various forms of development and mobility concerns. The following include concerns raised by residents in recent engagements with the Town.

- Numerous dangerous pedestrian crossings and a need for better safety measures and/or roadway re-alignments (e.g. Bernhardt Dr and Chateau Ter; Burroughs Dr and Darwin Dr)
- Inappropriately sized and sited turning lanes –and a need for roadway re-striping
- Dangerous pedestrian crossings due to traffic light cycles that are not long enough for pedestrians to cross the wide lanes on Main Street (7 lanes across at some points)
- Numerous curb cuts, parking lot entrances and driveway aprons onto Main Street creating traffic and pedestrian conflicts/hazards
- Lack of parking for Main Street businesses –and the need for public parking lots or more on-street parking
- Traffic calming measures needed along Main Street due to its higher speed limit (40 mph) and on local streets due to speeding and cut-through traffic
- Crowded, inadequate and confusing signage along Main Street (signage for roads, pedestrian, bicycle, schools, etc.)
- Snow removal issues on roads and sidewalks
- Access issues in neighborhoods with no outlet for maintenance and/or emergencies
- Inadequate lighting along side streets and in parks

3. Goals and Opportunities

A traffic mobility analysis of the Main Street corridor and the immediately adjacent transportation network will identify current mobility issues and suggest actions and solutions for improvement. Analysis could include traffic volume counts to include mode, vehicle delay and level of service (LOS), intersection counts and analysis, pedestrian movements and conflicts, and bicycle and pedestrian safety along the corridor. Finally, establishing streetscape improvements and traffic calming measures along Main Street will supplement safety and walkability.

Project goals:

1) Identify traffic calming measures along Main Street that could include lane widths, bump outs, on-street parking, different pavement materials, rumble strips, etc.
2) Determine feasibility to reduce the maximum speed limit of 40 mph, and the number of varying speed limits along Main Street
3) Evaluate turning lanes along corridor
4) Assessment of additional traffic amenities including signage, bike lanes, sidewalks, public transit (bus stops), etc.
5) Develop a strategy to decrease the amount of/consolidate signage along Main Street
6) Evaluate the environment along the Main Street corridor (beautification and streetscape design) and its relation to a walkable, pedestrian-friendly environment
7) Consider potential location/feasibility for a municipal parking near centers

Attachment: Draft Project Charter_Main Street Plan_050523 (RES-2023-567 : Main Street Corridor Plan Project Charter)

8) Encourage access management and shared parking between businesses to reduce the number of curb cuts and points of conflict between vehicles and bikes/pedestrians.
9) Determine appropriate locations for desired sidewalks on side streets (with associated curbing and landscaping) and any missing sidewalk links
10) Consider the impacts of the I-290/I-90 ramp removal project and discuss the impact of possible redevelopment at that center
11) Examine the area and streets near the Harlem Road Community Center for connectivity and crossing issues and enhancements

4. Mission Statement

The Town of Amherst forms a plan to address traffic, mobility, and transportation concerns along Main Street through a Corridor Plan that incorporates data collection/inventory of existing conditions, traffic analyses of full range of mobility options, and formulation of recommendations and implementation steps to improve the corridor. The Plan includes streetscape designs for significant intersections along the corridor and adjacent major roadways to guide the Town in its efforts to improve traffic, provide enhanced pedestrian and bicycle mobility, improve the economic viability of commercial areas for future business, and enhance the quality of life of the surrounding neighborhoods. The plan informs updates to the Town's Comprehensive Plan and any necessary updates to the Zoning Code.

5. Resources & Stakeholders

The following is a list of various Town departments and boards, local and regional agencies, and other stakeholders to be consulted and actively participate in this project:

Town of Amherst

1. Town Board
2. Planning Department
3. Economic Development Department
4. Highway Department
5. Engineering Department – Traffic Safety Coordinator
6. Youth and Recreation Department
7. Amherst Industrial Development Agency (AIDA)
8. Traffic Safety Board

External Stakeholders

1. New York State Department of Transportation (NYSDOT)
2. Erie County Department of Public Works (ECDPW)
3. Erie County Department of Environment and Planning (ECDEP)
4. Niagara Frontier Transportation Authority (NFTA)
5. Great Buffalo Niagara Regional Transportation Council (GBNRTC)
6. Amherst Chamber of Commerce
7. Park School
8. Bornhava School
9. Amherst Central Schools

Attachment: Draft Project Charter_Main Street Plan_050523 (RES-2023-567 : Main Street Corridor Plan Project Charter)

10. Daemen University
11. Property Owners
12. Business Owners
13. Neighborhood groups

6. Public Participation

Public participation will be a component of the Plan, strategies to engage stakeholders will be developed.

7. Project Schedule

The following depicts a general timeline for the project. The project is expected to take approximately 8 months to complete.

Action/Item	MAY 2023	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN 2024
Existing conditions and Data Gathering									
Consultant visit/Charrette									
Recommendations/ Draft report									
Final Report/Maps									

8. Potential Consultants

- Community Planning
- Traffic and Transportation Analysis

Attachment: Draft Project Charter_Main Street Plan_050523 (RES-2023-567 : Main Street Corridor Plan Project Charter)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 27657 **RESOLUTION 2023-568** **ADOPTED**

Town Board Authorization for the Supervisor to Sign A Budget Amendment for the Local Waterfront Revitalization Program (LWRP) Contract with the New York State Department of State

WHEREAS in December 2018 the Town of Amherst received a $75,000 grant from the New York State Department of State (NYSDOS) for preparation of a Local Waterfront Revitalization Program (LWRP); and

WHEREAS, the Town of Amherst Adopted the LWRP plan and Local Law, Chapter 205 at the Town Board meeting on June 5, 2023 (Resolution 2023-467); and

WHEREAS although the total budget allocation on the original LWRP Contract has not changed, the State requires amendments to be formalized in a budget amendment;

NOW, THEREFORE, BE IT RESOLVED, that subject to successful completion of the contract review process, the Town Board authorizes the Supervisor to sign the attached LWRP budget modification as described in the reason and justification section and forward it to NYSDOS.

6/20/2023
Consent

FINANCIAL IMPACT:

None

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel Ulatowski, AICP
Assistant Planning Director

MEMORANDUM June 7, 2023

TO: Town Board Members

FROM: Jeffrey Szatkowski, Landscape Architect

SUBJECT: Local Waterfront Revitalization Program Plan Contract Amendment

The Local Waterfront Redevelopment Program (LWRP) contract with the NYS Department of State requires an amendment. There is no fiscal impact as a result of this contract amendment.

The Town Board originally approved the Town Supervisor to allocate $15,000 within the NYSDOS contract for environmental services, as a portion of this funding designated for the Amherst Central Park project, former Westwood Country Club. The Town only expended $11,690 of the $15,000 in environmental services with Earth Dimensions, Inc. as the designated contractor.

The Town used the remaining $3,310 in funding to complete an Executive Summary under Task #19 in the executed NYSDOS contract. Environmental Design & Research completed this work and expended the remaining NYS grant funds. The Executive Summary is a shorter document for the public to review the LWRP process. This 18-page summary is available online to the public. We kindly request that the Town Board authorizes the Town Supervisor to sign the required NYSDOS contract amendment.

Please call the Planning Department (p: 716 631-7051) if you have any questions in regards to this contract requirement.

JS/
Attachments (Budget Amendment)
X:\Special_Projects\LWRP\Resolutions\RES-2023-xxx Amendment Signature - Justification.docx
cc: Daniel C. Howard, Planning Director
Martha Taggart, Town Board Office

Attachment: TB LWRP amendment 062023 (RES-2023-568 : LWRP Budget Amendment)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 27654 **RESOLUTION 2023-569** **ADOPTED**

Authorize a Substantial Amendment to the FY 2021 Annual Action Plan to Adopt and Incorporate the HOME-ARP Allocation Plan for Community Development

WHEREAS, the Amherst-Cheektowaga-Tonawanda HOME Consortium received a special appropriation of HOME Investment Partnerships Program Funds as part of the American Rescue Plan Act of 2021 (HOME-ARP) from the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, rules and regulations which govern HOME-ARP funds requires the creation and adoption of a HOME-ARP Allocation Plan to be approved by HUD and incorporated into the Consortium's 2021 Annual Action Plan through a Substantial Amendment; and

WHEREAS, on September 19, 2022 a public hearing was held on the adoption of the Consortium's Draft HOME-ARP Allocation Plan, completing a 15-day public comment period; and

WHEREAS, on November 17, 2022 the Department of Housing and Urban Development approved the Consortium's Draft HOME-ARP Allocation Plan in the amount of $3,413,700; and

WHEREAS, the Planning Department is requesting a Substantial Amendment to incorporate the Allocation Plan into the FY2021 Annual Action Plan for Community Development, in order to accept the $3,413,700 and implement programming outlined in the HOME ARP Allocation Plan; now therefore, be it

RESOLVED, the Town of Amherst Town Board hereby adopts the Amherst-Cheektowaga-Tonawanda HOME Consortium's HOME-ARP Allocation Plan and authorizes the Substantial Amendment to the FY 2021 Annual Action Plan in order to incorporate the Allocation Plan's funds and implement programming initiatives.

6/20/2023

Consent

FINANCIAL IMPACT:

Adoption of the proposed resolution involves no local monetary consideration and will have no impact on the Town Budget or tax rate.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa,
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Director

June 9, 2023

Agenda of June 20, 2023

Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Subject: Authorize a Substantial Amendment to the FY2021 Annual Action Plan to adopt and incorporate the HOME-ARP Allocation Plan for Community Development.

Honorable Board Members:

On September 19, 2022 a public hearing was held on the adoption of the Draft HOME American Rescue Plan Act's (HOME-ARP) Allocation Plan for the Amherst-Cheektowaga-Tonawanda HOME Consortium. The public hearing was noticed in the Amherst Bee on August 31, 2022 and concluded a 15-day comment period. After the comment period, the Plan was submitted to HUD for approval. On November 17, 2022 the Department of Housing and Urban Development approved the Consortium's HOME-ARP Allocation Plan.

At this time the Planning Department is requesting a Substantial Amendment to the FY2021 Annual Action Plan for Community Development to incorporate the Allocation Plan and accept the $3,413,700 to implement programming outlined in the HOME ARP Allocation Plan.

A proposed resolution for approving the Substantial Amendment and adopting the HOME-ARP Allocation Plan is attached for your consideration. Thank you for your assistance with this matter.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

Enc.
X:\Community Development\New Structure\HOME-ARP\Grant Agreement - Full Funding 2\TB_Letter_Sub._Amend._Adoption_6.20.23.docx

Attachment: Annual Action Plan_TB Letter (Signed) (RES-2023-569 : Authorize a Substantial Amendment to the 2021 Annual Action Plan for the

HOME-ARP Program Allocations

PROPOSED BUDGET

Supportive Services	$120,000
Development of Affordable Rental Housing	$3,000,000
Non-Profit Operating Assistance	$85,000
Non-Profit Capacity Building	$90,700
Administration & Planning	$118,000
TOTAL	**$3,413,700**

Development of Affordable Rental Housing

Operate as part of our HOME Rental Subsidy Program

- Create HOME-ARP Units with Construction Subsidy up to $280,000/unit
- Two Scales of Development Allowed:
  1. Units within Large-scale Multifamily Affordable Rental Complexes
  2. Stand alone Small-scale in-fill Rental Complexes (provide 2-12 units)
- Allow Complementary funding for Supportive Services, Operations & Capacity Building
- Anticipate 10-12 units created with 15 year affordability period

Supportive Services

Stand-alone Supportive Services

- Priorities for Extended Case Management, Childcare, Mental Health, Transportation, Legal, Translation Services and English Language Learning, and Technology Assistance for Domestic Violence Victims.
- Other Supportive Services will be considered (as allowed under McKinney Vento regulations)
- Flexible & rolling application process till funds are expended
- Must serve Consortium residents or previous residents

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 27671 **RESOLUTION 2023-570** **ADOPTED**

Authorize the Supervisor to Execute the Blocher Homes Apartments HOME-ARP Grant Agreement with People, Inc. CRS #4149

WHEREAS, the Town is a recipient of HUD HOME Investment Partnerships Program (HOME) funds as part of the Amherst-Cheektowaga-Tonawanda HOME Consortium; and

WHEREAS, the Consortium received a special appropriation of HOME Investment Partnerships Program Funds as part of the American Rescue Plan Act of 2021 (HOME-ARP) from the Department of Housing and Urban Development (HUD); and

WHEREAS, rules and regulations of HUD which govern HOME-ARP funds encourages the creation of and improved access to quality affordable housing opportunities for special qualifying populations; and

WHEREAS, the 2021 Community Development Annual Action Plan and HOME-ARP Allocation Plan include a HOME Rental Subsidy Program to encourage development of new affordable rental housing in Amherst, to be assisted through Home Investment Partnerships Program funds; and

WHEREAS, Amherst Community Development approved a proposal for HOME funding assistance for Blocher Homes Apartments, a 93-unit affordable family and supportive rental housing complex to be constructed at 135 Evans Street, Williamsville, NY 14221 on November 22, 2021; and

WHEREAS, the Blocher Homes Apartments project has satisfactorily completed the required Environmental Assessment with the issuance of a Finding of No Significant Impact (FONSI) on March 30, 2023; and

WHEREAS, Amherst Community Development issued a Commitment Letter, dated May 25, 2023, following completion of final underwriting, approving the award of $1,333,272 in HOME-ARP funds as a grant to People, Inc. for construction financing towards the Blocher Homes Apartments Project; now therefore,

BE IT RESOLVED, that the Town Board of the Town of Amherst authorizes the Supervisor, subject to the satisfactory completion of the contract routing process, to enter into a HOME-ARP Grant Agreement with People, Inc., for an amount not to exceed $1,333,272.00 with a 30-year Affordability Period enforceable through a Restrictive Covenant.

6/20/2023
Consent

FINANCIAL IMPACT:

The funds necessary to enter into a contract with People, Inc. are available in the budget in the FY 2021 HOME-ARP Allocation Plan budget. The resolution will, therefore, have no impact on the Town's current budget or tax rate.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulp
Supervisor
Daniel C. Howard, P
Planning Direc
Daniel J. Ulatowsk :P
Assistant Planning I :or

June 13, 2023

Agenda of June 20, 2023

Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Subject: Authorize the Supervisor to sign the Blocher Homes Apartments HOME-ARP Grant Agreement

Honorable Board Members:

Amherst Community Development is requesting the Supervisor execute the Blocher Homes Apartments HOME-ARP Grant Agreement for $1,333,272.00 in HUD HOME Investment Partnerships Program-American Rescue Plan Act (HOME-ARP) funds. The Agreement employs a Grant-to-Loan model to finance the Blocher Homes Apartments Project, which includes the creation of ninety-three (93) units of family and supportive affordable rental housing through substantial rehabilitation of an existing building and construction of three new residential buildings at 135 Evans Street, in Williamsville New York.

The grant agreement is attached and includes an introductory one-page synopsis of the terms of the agreement, which meet HOME Investment Partnerships Program-American Rescue Plan Act regulations per 24 CFR Part 92; HUD CPD Notice 21-10, and as revised by the HUD Waivers and Alternative Requirements for Implementation of the HOME American Rescue Plan Program Memorandums dated 9/8/2021 and 10/31/22 (Appendices to HUD CPD-Notice 21-10); and the Amherst-Cheektowaga-Tonawanda HOME Consortium's HOME-ARP Allocation Plan (9/29/2022).

This project fulfills a program goal to support new affordable rental housing as outlined in the 5-year Consolidated Plan for the Amherst-Cheektowaga-Tonawanda HOME Consortium. HOME funds were awarded after an extensive process beginning in 2021 that included a request for proposals, committee review, preliminary and final underwriting, and federal Environmental Assessment.

Amherst Community Development issued a Finding of No Significant Impact (FONSI) on the Environmental Assessment and the Request for Release of Funds (RROF 7015.15) on March 30, 2023. On April 17, 2023 HUD Issued the Authority to Use Grant Funds (AUGF 7015.16). Following positive reviews on the final underwriting process, Amherst Community Development issued a Commitment Letter on May 25, 2023 (attached).

Attachment: Signed_TB_Letter_6.14.23 (RES-2023-570 : Authorize the Supervisor to Sign the Blocher Homes Apartments HOME-ARP Grant

Please authorize the Supervisor to execute the Blocher Homes Apartments HOME-ARP Grant Agreement, pending successful completion of Contract Routing. Any questions may be directed to Laurie Stillwell, Amherst Community Development Director at lstillwell@amherst.ny.us or (716) 631-7050. Thank you for your assistance with this matter.

Very truly yours,

Daniel J. Ulatowski, AICP
Assistant Planning Director

Enc.

Attachment: Signed_TB_Letter_6.14.23 (RES-2023-570 : Authorize the Supervisor to Sign the Blocher Homes Apartments HOME-ARP Grant

Amherst
Town of Amherst Planning Department
Erie County, New York

Brian J. Kulp
Supervisor

Daniel C. Howard
Planning Direc

Daniel J. Ulatowski
Assistant Planning I

May 25, 2023

Ms. Jocelyn Bos
Vice President
People Community Housing Development Corporation
c/o People Inc.
1219 North Forest Road
Williamsville, NY 14221

RE: Blocher Homes Apartments – Amherst HOME funds Commitment Notification

Dear Ms. Bos,

The Corporation's request for additional HOME Investment Partnerships Program (HOME) financial assistance for the Blocher Homes Apartments project has been approved by Amherst Community Development's Proposal Advisory Group. As understood from your letter dated March 5, 2023, the project has experienced severe development costs increases due to unavoidable litigation and economic conditions.

Our Advisory Group has reviewed the updated financial materials submitted and received a positive report from our third-party underwriters on the revised financials, final underwriting, subsidy layering, and market analysis. The Group concluded that the project warrants the increase in HOME funding at this time and has passed several stress tests indicating the project can also withstand further market fluctuations, should they arise during construction or thereafter.

Therefore it is my pleasure to inform you that the **Town of Amherst HOME Investment Partnership Program has approved the Blocher Homes Apartments project for a Commitment of $1,933,272 for 11 HOME-Assisted Units.** Of this $1.9M total allocation, the Town intends to provide the financial assistance as a $600,000 loan and $1,333,272 grant-to-loan combination with the following terms:

HOME Entitlement Loan Amount:	$600,000
Loan Term and Amortization:	30 years, 0% Interest, balance due at maturity.
Collateral/Security:	Note & Mortgage, Deed Restriction (will subordinate to all other debtors)
HOME-ARP Grant Amount:	$1,333,272
HOME-ARP Grant Term:	30 yr Affordability Period (forgiven at end)
HOME-ARP Grantee:	People, Inc.
HOME-ARP Loan Borrower:	Blocher Homes Apartments, LLC. (Beneficial Owner)
Loan Term and Amortization:	30 years, 0% Interest, principal due upon maturity
Loan Collateral/Security:	Note & Mortgage, Deed Restriction

Attachment: Final Commitment Letter Blocher Homes 5.25.23 Updated (RES-2023-570 : Authorize the Supervisor to Sign the Blocher Homes

This Commitment will be in effect until November 30, 2023, by which time the Town expects the Amherst HOME-ARP Grant Agreement will have been executed and the Amherst HOME Entitlement Construction Loan closing will have occurred. Please note, Final execution of the Amherst HOME Loan and Grant Agreements will be subject to Town Board Approval.

At this time, Amherst will begin drafting the necessary loan and grant agreements. Please notify the Town when you are ready to proceed towards closing, with all other funding sources fully committed. I may be contacted at (716) 631-7050 or lstillwell@amherst.ny.us with any questions.

Sincerely,

Laurie Stillwell
Community Development Director

Cc: Dan Howard, Amherst Director of Planning

Attachment: Final Commitment Letter Blocher Homes 5.25.23 Updated (RES-2023-570 : Authorize the Supervisor to Sign the Blocher Homes

Attachment: Blocher Grant Agreement Synopsis (RES-2023-570 : Authorize the Supervisor to Sign the Blocher Homes Apartments HOME-ARP

GRANT AGREEMENT
between the
TOWN OF AMHERST
and
PEOPLE, INC.
for Blocher Homes Apartments

HOME-ARP Investment Partnerships Program
M21-DP360511

SYNOPSIS *

This Grant Agreement is between the Town of Amherst (Town) and People, Inc., a private not-for-profit corporation incorporate under the laws of New York State, (People, Inc.), for the purposes of the construction of the Blocher Homes Apartments project, a 93-unit affordable rental housing project (including 1 and 2 bedroom units) to be developed at 135 Evans Street, Williamsville, NY 14221 (SBL #: 69.17-5-2.1).

The project consists of the substantial rehabilitation of an existing building and construction of three new buildings comprising a total of ninety-three (93) units of family and supportive housing affordable to a wide range of household incomes. It will advance two State housing goals: Integrated Supportive Housing and Workforce Opportunity. Twenty-three (23) units will be designated for individuals who are identified as having unmet housing need who have development disabilities and can live independently. The gross area of all four buildings will be 104,185 square feet, with 70,794 square feet being dwelling unit space. The site area is 5.26 acres which will also include a 108-space parking lot and a new playground.

The Grant of $1,333,272.00 is to be used towards the construction of five (5) affordable rental units and is funded from 2021 HOME Investment Partnerships Program's special allocation of American Rescue Plan Act funding (HOME-ARP). The grant will be used by People, Inc. to finance the Blocher Homes Apartments construction stage loan assistance according to a term of up to 24-months at an interest rate of 0% per annum. The construction stage-loan is then required to convert to a permanent loan with a 30-year term at a 0% fixed interest rate, payable upon maturity. This permanent loan term must begin concurrently with the permanent conversion of the Housing Trust Fund (HTF) Loan for the Blocher Homes Apartments Project, which is estimated to occur 24 months after the date hereof.

People, Inc.'s loan into the project must maintain the HOME mandated affordability period of 30 years and all special provisions applicable to the HOME-ARP funding. Compliance with the Amherst HOME-ARP regulations will be secured by a Restrictive Covenant. Upon completion of the 30 year affordability period, the Town of Amherst's interest in the Grant will be forgiven.

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* This Synopsis highlights major provisions of this Agreement in a summary format for convenience only. The Summary shall not be deemed in any manner to modify, explain, enlarge or restrict any of the provisions of this Agreement.

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 27673 **RESOLUTION 2023-571** **ADOPTED**

Authorize the Supervisor to Execute the Blocher Homes Apartments HOME-Entitlement Loan Agreement with Blocher Homes Apartments, LLC. CRS #4148

WHEREAS, the Town is a recipient of HUD HOME Investment Partnerships Program (HOME) funds as part of the Amherst-Cheektowaga-Tonawanda HOME Consortium; and

WHEREAS, the 5-year Consolidated Plan for the Amherst-Cheektowaga-Tonawanda HOME Consortium includes a program goal to support the creation of new affordable senior/disabled rental housing in Amherst; and

WHEREAS, Amherst Community Development approved a proposal for HOME funding assistance for Blocher Homes Apartments, a 93-unit affordable family and supportive rental housing complex to be constructed at 135 Evans Street, Williamsville, NY 14221 on November 22, 2021; and

WHEREAS, the Blocher Homes Apartments project has satisfactorily completed the required Environmental Assessment with the issuance of a Finding of No Significant Impact (FONSI) on March 30, 2023; and

WHEREAS, Amherst Community Development issued a Commitment Letter, dated May 25, 2023, following completion of final underwriting, approving the use of $600,000 in HOME-Entitlement funds for construction financing towards the Blocher Homes Apartments Project; now therefore,

BE IT RESOLVED, that the Town Board of the Town of Amherst authorizes the Supervisor, subject to the satisfactory completion of the contract routing process, to enter into a HOME-Entitlement Loan Agreement with Blocher Homes Apartments, LLC, beginning at loan closing (anticipated in July 2023) through a 30-year affordability period.

6/20/2023
Consent

FINANCIAL IMPACT:

The funds necessary to enter into a contract with Blocher Homes Apartments, LLC. will have been budgeted in the FY 2021 and FY 2022 HOME budget. The resolution will, therefore, have no impact on the Town's current budget or tax rate.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulp
Supervisor
Daniel C. Howard
Planning Direc
Daniel J. Ulatowsk
Assistant Planning

June 13, 2023

Agenda of June 20, 2023

Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Subject: Authorize the Supervisor to sign the Blocher Homes Apartments HOME-Entitlement Loan Agreement

Honorable Board Members:

Amherst Community Development is requesting the Supervisor execute the Blocher Homes Apartments HOME-Entitlement Loan Agreement for $600,000 in HUD HOME Investment Partnerships Program (HOME) funds. The Loan will finance the Blocher Homes Apartments Project, which includes the creation of ninety-three (93) units of family and supportive affordable rental housing through substantial rehabilitation of an existing building and construction of three new residential buildings at 135 Evans Street, in Williamsville New York.

The loan agreement is attached and includes an introductory one-page synopsis of the terms of the agreement, which meet HOME Investment Partnership Program regulations per 24 CFR Part 92.

This project fulfills a program goal to support new affordable senior/disabled rental housing as outlined in the 5-year Consolidated Plan for the Amherst-Cheektowaga-Tonawanda HOME Consortium. HOME funds were awarded after an extensive process beginning in 2021 that included a request for proposals, committee review, preliminary and final underwriting, and federal Environmental Assessment.

Amherst Community Development issued a Finding of No Significant Impact (FONSI) on the Environmental Assessment and the Request for Release of Funds (RROF 7015.15) on March 30, 2023. On April 17, 2023 HUD Issued the Authority to Use Grant Funds (AUGF 7015.16). Following positive reviews on the final underwriting process, Amherst Community Development issued a Commitment Letter on May 25, 2023 (attached).

Please authorize the Supervisor to execute the Blocher Homes Apartments HOME Loan Agreement, pending successful completion of Contract Routing. Any questions may be directed to Laurie Stillwell, Amherst Community Development Director at lstillwell@amherst.ny.us or (716) 631-7050. Thank you for your assistance with this matter.

Attachment: tb letter 2-0614202311256 (RES-2023-571 : Authorize the Supervisor to Sign the Blocher Homes Apartments HOME-Entitlement

Very truly yours,

Daniel J. Ulatowski, AICP
Assistant Planning Director

Enc.

Attachment: tb letter 2-06142023111256 (RES-2023-571 : Authorize the Supervisor to Sign the Blocher Homes Apartments HOME-Entitlement

Amherst
Town of Amherst Planning Department
Erie County, New York

Brian J. Kulp
Supervisor

Daniel C. Howard
Planning Direc

Daniel J. Ulatowski
Assistant Planning I

May 25, 2023

Ms. Jocelyn Bos
Vice President
People Community Housing Development Corporation
c/o People Inc.
1219 North Forest Road
Williamsville, NY 14221

RE: Blocher Homes Apartments – Amherst HOME funds Commitment Notification

Dear Ms. Bos,

The Corporation's request for additional HOME Investment Partnerships Program (HOME) financial assistance for the Blocher Homes Apartments project has been approved by Amherst Community Development's Proposal Advisory Group. As understood from your letter dated March 5, 2023, the project has experienced severe development costs increases due to unavoidable litigation and economic conditions.

Our Advisory Group has reviewed the updated financial materials submitted and received a positive report from our third-party underwriters on the revised financials, final underwriting, subsidy layering, and market analysis. The Group concluded that the project warrants the increase in HOME funding at this time and has passed several stress tests indicating the project can also withstand further market fluctuations, should they arise during construction or thereafter.

Therefore it is my pleasure to inform you that the **Town of Amherst HOME Investment Partnership Program has approved the Blocher Homes Apartments project for a Commitment of $1,933,272 for 11 HOME-Assisted Units.** Of this $1.9M total allocation, the Town intends to provide the financial assistance as a $600,000 loan and $1,333,272 grant-to-loan combination with the following terms:

HOME Entitlement Loan Amount:	$600,000
Loan Term and Amortization:	30 years, 0% Interest, balance due at maturity.
Collateral/Security:	Note & Mortgage, Deed Restriction (will subordinate to all other debtors)
HOME-ARP Grant Amount:	$1,333,272
HOME-ARP Grant Term:	30 yr Affordability Period (forgiven at end)
HOME-ARP Grantee:	People, Inc.
HOME-ARP Loan Borrower:	Blocher Homes Apartments, LLC. (Beneficial Owner)
Loan Term and Amortization:	30 years, 0% Interest, principal due upon maturity
Loan Collateral/Security:	Note & Mortgage, Deed Restriction

Attachment: Final Commitment Letter Blocher Homes 5.25.23 Updated (RES-2023-571 : Authorize the Supervisor to Sign the Blocher Homes

This Commitment will be in effect until November 30, 2023, by which time the Town expects the Amherst HOME-ARP Grant Agreement will have been executed and the Amherst HOME Entitlement Construction Loan closing will have occurred. Please note, Final execution of the Amherst HOME Loan and Grant Agreements will be subject to Town Board Approval.

At this time, Amherst will begin drafting the necessary loan and grant agreements. Please notify the Town when you are ready to proceed towards closing, with all other funding sources fully committed. I may be contacted at (716) 631-7050 or lstillwell@amherst.ny.us with any questions.

Sincerely,

Laurie Stillwell
Community Development Director

Cc: Dan Howard, Amherst Director of Planning

Attachment: Final Commitment Letter Blocher Homes 5.25.23 Updated (RES-2023-571 : Authorize the Supervisor to Sign the Blocher Homes

Attachment: Blocher Loan Synopsis (RES-2023-571 : Authorize the Supervisor to Sign the Blocher Homes Apartments HOME-Entitlement Loan

LOAN AGREEMENT
between the
TOWN OF AMHERST
and
BLOCHER HOMES APARTMENTS, LLC
for Blocher Homes Apartments

HOME Investment Partnerships Program
M21-DC360511 & MC22-DC360511

SYNOPSIS *

This Loan Agreement is between the Town of Amherst (Town) and Blocher Homes Apartments, LLC (Beneficial Owner), for the construction stage and permanent stage loan financing to assist the construction of 6 of the housing units of Blocher Homes Apartments, a 93-unit affordable rental housing project (including 1 and 2 bedroom units) located at 135 Evans Street, Williamsville, NY 14221 (SBL #: 69.17-5-2.1).

The project consists of the substantial rehabilitation of an existing building and construction of three new buildings comprising a total of ninety-three (93) units of family and supportive housing affordable to a wide range of household incomes. It will advance two State housing goals: Integrated Supportive Housing and Workforce Opportunity. Twenty-three (23) units will be designated for individuals who are identified as having unmet housing need who have development disabilities and can live independently. The gross area of all four buildings will be 104,185 square feet, with 70,794 square feet being dwelling unit space. The site area is 5.26 acres which will also include a 108-space parking lot and a new playground.

The loan of $600,000.00 will be used towards the construction of six (6) affordable rental units and is funded from 2021 and 2022 Program Years of the HOME Investment Partnerships Program (HOME) Entitlement funding. The construction stage loan has a term of up to 24-months at an interest rate of 0% per annum. The permanent loan has a 30-year term at a 0% fixed interest rate, with a principal balloon payment due upon maturity. The permanent loan term will begin concurrently with the permanent conversion of the Housing Trust Fund (HTF) Loan which is estimated to occur 24 months after the date hereof.

The Project is subject to a HOME mandated affordability period of 30 years. Compliance with HOME regulations will be secured by way of a Promissory Note, Mortgage and Restrictive Covenant.

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* This Synopsis highlights major provisions of this Agreement in a summary format for convenience only. The Summary shall not be deemed in any manner to modify, explain, enlarge or restrict any of the provisions of this Agreement.

Blocher Homes Apartments HOME-Entitlement Loan Agreement

M21-DC360511 & MC22-DC360511

CONTRACT ROUTING CHEAT SHEET

In order to close on the property, the loan agreement for HOME funds must be signed by the Town of Amherst **first**, prior to the closing. On the day of closing on the properties purchase and the construction loan(s), Blocher Homes Apartments, LLC., will execute the loan agreement and certain exhibits as outlined below.

The Supervisor should sign the loan agreement by July 14th, 2023 to have the document in time for People Inc's closing on July 20th, 2023.

*HOME Funds can be requested from the loan by People Inc. when the contract is finalized (after all the Exhibits are received), all required insurance documents are received, and a pro-rata share of other funds are expended first.

*Red text indicates document is not in CRS system yet.

TABLE OF CONTENTS – EXHIBITS:

Exhibit A	Village Planning Board Resolution	Attached
	Loan Commitment Letter	Attached
Exhibit B	Williamsville Planning and Architectural Review Board's Site Plan & Architectural Approvals	Attached
	NYS Housing Trust Fund Environmental Clearance Letter	Attached
Exhibit C	Organization Documents	Attached
	Ownership Structure	Attached
	Operating Agreement	Awaiting from People Inc.
	Management Plan	Awaiting from People Inc.
Exhibit D	Promissory Note	To be Executed at Closing
Exhibit E	Mortgage	To be Executed at Closing
	Mortgage Tax Affidavit	Signed by Supervisor waiving Tax
	Recording Receipt	To be Executed at Closing
Exhibit F	Building Loan Contract	To be Executed at Closing
Exhibit G	Restrictive Covenant	To be Executed at Closing
Exhibit H	Survey	Awaiting from People Inc.
Exhibit I	Budget (Sources & Uses)	Attached

Attachment: Blocher Loan Exhibits - Cheat Sheet for Contract Routing (RES-2023-571 : Authorize the Supervisor to Sign the Blocher Homes

Exhibit J	Schedule	Attached
Exhibit K	Affirmative Marketing Guidelines	Attached
	Minority & Women's Business Outreach Guidelines	Attached
Exhibit L	HOME Rent Limits	Attached
	HOME Income Thresholds	Attached
Exhibit M	Federal Regulations	Attached
Exhibit N	Section 3	Attached
Exhibit O	Tax Searches and Receipts	Added after Town Signatures
Exhibit P	Corporate Resolutions	Added after Town Signatures
Exhibit Q	Opinion of Borrower's Attorney	Awaiting from People Inc. Attorney
Exhibit R	Closing Statement Lender's Attorney	Receive a few days prior to Closing

Attachment: Blocher Loan Exhibits - Cheat Sheet for Contract Routing (RES-2023-571 : Authorize the Supervisor to Sign the Blocher Homes

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 27668 **RESOLUTION 2023-572** **ADOPTED**

Request for Additional Funds 2023 Safety Education Trust Fund

TOWN BOARD AGENDA ITEM: JUNE 20, 2023

TO: **Town Board**

FROM: **Scott P. Chamberlin, Chief of Police**

RE: **Request for Additional Funds**
2023 Safety Education Trust Fund

Kindly adopt a resolution authorizing the approval to spend an additional $4,300.00 from the Safety Education Trust Account (T4012). Safety Education expenses include, but are not limited to, training, materials, books, films, and office supplies. The Safety Education Program provides many services to the community, Pre-K to College, and awareness programs. This trust and agency account is capable of accepting designated donations for the continuation of the Safety Education Program.

Thank you.

SPC:msl
C: Tim Koller, Deputy Town Clerk (**Agenda Item: June 20, 2023**)

6/20/2023
Consent

FINANCIAL IMPACT:

Authority to spend an additional $4,300.00 from T4012

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 27678 **RESOLUTION 2023-573** **ADOPTED**

United Uniform Distribution, Inc. (CRS #4155) Piggyback Off Albany County Contract Purchase of Law Enforcement Equipment and Supplies

TOWN BOARD AGENDA ITEM: JUNE 20, 2023

TO: **Town Board**

FROM: **Scott P. Chamberlin, Chief of Police**

RE: **United Uniform Distribution, Inc. (CRS #4155)**
Piggyback off Albany County Contract
Purchase of Law Enforcement Equipment and Supplies

Kindly adopt a resolution authorizing the Supervisor to adopt and execute the attached agreement between the Town of Amherst (Police) and United Uniform Distribution, Inc., with regard to the above-entitled matter. Approval of this piggyback agreement is contingent upon successful completion of the Contract Routing System.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: June 20, 2023)**

6/20/2023
Consent

FINANCIAL IMPACT:

Various accounts may be utilized for these purchases.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

AGREEMENT

Let this document stand as an Agreement between United Uniform Distribution, Inc. and the Town of Amherst permitting the Town of Amherst to participate in the purchase of Law Enforcement Equipment and Supplies under the Albany County Contract #2020-121 for the period from January 11, 2023 through January 12, 2024.

Agreed to and Accepted By:

Town of Amherst

_____
Brian J. Kulpa
Supervisor

_____
Date

Agreed to and Accepted By:

United Uniform Distribution, Inc.

_____
Joshua E. Muskat
Vice President-Major Accounts

_____
Date

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

Addendum to Contract VENDOR ON SITE Major

1. Notwithstanding any other provision in this Agreement, the following clauses shall be controlling. Should any other provision of the Agreement conflict with the clauses in this Addendum then the provisions of this Addendum are to be enforceable and any conflicting provision shall be considered null and void.

2. No rules, requirements or customs of any society or association of professional Vendors or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.

3. To the fullest extent permitted by law, Vendor shall indemnify and hold the Town, its officers, agents, and employees, harmless from any and all liability, demands, claims, or expenses, awards or judgments imposed upon the Town, its officers, agents, and/or employees, arising out of the work of the Vendor its officers, agents, sub-Vendors, and/or employees as well as the negligence, active or passive, of the Vendor, its officers, agents, sub-Vendors, and/or employees.

4. Vendor shall not commence work under this Agreement until it has obtained all insurance specified below, produced satisfactory proof of the same and such insurance has been approved by the Town.

(a) Workers' Compensation Insurance: Vendor shall take out and maintain during the life of this Agreement, Workers' Compensation Insurance (both Part A and Part B) for its employees to be assigned to the work hereto under.

(b) General Liability, Professional (if applicable) Liability and Property Damage Insurance: Vendor shall take out and maintain during the life of this Agreement, such general liability and property damage insurance as shall protect it and the Town of Amherst from claims for damages for personal injury, including accidental death, as well as from claims for property damage, which may arise from operations under this Agreement. The amounts of such insurance shall be as follows in an amount not less than $1,000,000.00 per occurrence for bodily injury and property damage including wrongful death, and $2,000,000.00 aggregate. Umbrella coverage shall be in an amount of at least $5,000,000.00.

(c) Vendor shall furnish the above insurances, including sub-Vendors' insurances, to the Town and shall also assure that any policy procured by it shall name the Town as an additional insured on a primary and non-contributory basis.

(d) Vendor shall ensure all its sub-Vendors, if any, have obtained all the above insurances and shall also assure that any policy procured by any sub-Vendor or sub-sub-Vendor shall name the Town as an additional insured on a primary and non-contributory basis. Vendor shall ensure all its subvendors, if any, have obtained all

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

the above insurances and shall also assure that any policy procured by any subvendor or sub-subvendor shall name the Town as an additional insured on a primary and non-contributory basis. A failure by Vendor to assure that any policy procured by any subvendor or sub-subvendor name the Town as an additional insured on a primary and non-contributory basis, shall be considered a material breach of the underlying contact and subject the Contactor to forfeiture of its performance bond, if any, and to pay liquidated damages to the Town of no less than $2,000,00.00 or the Town's actual expenses, whichever is higher, including, but not limited to all attorney fees and expenses related to the prosecution of a breach of the insurance procurement requirements suit regardless of whether the Town is successful in said suit.

(e) A failure by Vendor to procure the General Liability, Professional Liability and/or Property Damage policies referenced above, or the failure to have the Town of Amherst as an additional insured on a primary, non-contributory basis on said policies, shall be considered a material breach of the underlying contact and subject the Contactor to forfeiture of its performance bond, if any, and to pay liquidated damages to the Town of no less than $2,000,00.00 or the Town's actual expenses, whichever is higher, including, but not limited to all attorney fees and expenses related to the prosecution of a breach of the insurance procurement requirements suit and/or of the indemnification provisions regardless of whether the Town is successful in said suit.

5. Any accident shall be reported to the Office of the Town Attorney as soon as possible and not later than twenty-four (24) hours from the time of such accident. A detailed written report must be submitted to the Town of Amherst as soon thereafter as possible as and no later than three (3) days after the date of such accident.

6. No Assignment: In accordance with the provisions of Section 109 of the General Municipal Law, the Vendor is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of its right, title or interest in this agreement, or its power to execute this Agreement, to any other person or corporation without the previous consent in writing of the Town.

7. Required Provisions of Law: Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon the application of either party this Agreement shall be physically amended forthwith to make such insertion. In particular, the Vendor shall, among other things, fully comply with:

(a) Article 8 of the NYS Labor Law for public work contracts and Article 9 of the Labor Law regarding prevailing wage for Building Service employees.

(b) Labor Law Section 220-e and Executive Law Sections 291-299 and the Civil Rights Law relating to prohibition against discrimination and equal

opportunity.

(c) Affirmative action as required by the Labor Law.

(d) Prevention of dust hazard required by Labor Law Section 222-a.

(e) Preference in employment of persons required by Labor Law Section 222.

(f) Eight-hour workday as required by Labor Law Section 220(2).

(g) Chapter 32 of the Town of Amherst: Minority Women and Business Utilization Commitment.

(h) Chapter 163 of the Town of Amherst: Registration of Sex Offenders.

8. The Vendor, in accordance with its status as an independent Vendor, covenants and agrees that it will conduct itself consistent with such status. It will neither hold itself out as nor claim to be, an officer or employee of the Town by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the Town, including, but not limited to: workers' compensation coverage, unemployment insurance benefits, Social Security coverage, or retirement membership or credit.

Waiver: No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

9. This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If the contract between the parties refers to the laws, statutes, rules, regulations or ordinances for any state other than New York State, to the laws, statutes, rules, regulations or ordinances for any county other than Erie County, New York or to the laws, statutes, rules, regulations or ordinances for any municipality other than the Town of Amherst, then the laws, statutes, rules, regulations or ordinances for New York State, Erie county and/or the Town of Amherst shall apply as applicable. Any and all legal action necessary to enforce the Agreement will be venued in Supreme Court, Erie County, New York or in the United States District Court for the Western District of New York, Buffalo Division.

10. It is hereby acknowledged that performance of this Contract will be undertaken in accordance with the specifications and pricing on which the bid was submitted.

Authority for execution on behalf of Town: The Supervisor has executed this Agreement pursuant to a Resolution adopted by the Town Board of the Town, at a meeting thereof held on _____. Brian J. Kulpa, the Supervisor whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an Agreement on behalf of the Town as a result of that Resolution. This instrument shall be executed in triplicate. At least one (1) copy shall be permanently filed, after execution thereof, in the office of the Town Clerk of Town.

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

Agreed to and Accepted by:

_____
Print Name of Company

By: _____
Signature

_____
Printed name

Date: _____

Agreed to and Accepted by:

Town of Amherst

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

UNITED UNIFORM COMPANY, INC.

QUOTATION

United Uniform Dist, LLC.

495 North French Road
Buffalo, NY 14228
Ph: 716-691-4400 Fx: 716-691-1406

RECEIVED
JUN - 5 2023
AMHERST POLICE DEPT.

DATE June 1, 2023

Tax ID 16-0875138

CUSTOMER **AMHERST POLICE DEPT.**
ATTN: LT. KYLE LEFEVRE

Approximate Delivery Date: **30 Days ARO**
716-248-8443
klefevre@apdny.org

4017

Sales Person: JOSH MUSKAT

SHIPPING METHOD	NOTES		TERMS
	PRICED PER ALBANY COUNTY CONTRACT 2020-101		NET 30

QTY	ITEM #	DESCRIPTION	NYS CONT	SPECIAL PRICE	TOTAL
2	VKS-NCB	PEPPERBALL VKS PRO NEW CUSTOMER BUNDLE - YELLOW LAUNCHER	$ 1,995.00	**$ 1,990.00**	**$ 3,980.00**
		(Launcher, 2 Magazines, Foregrip, Case, Instructor Course Spot)			
		(150 VXR LIVEX and 300 VXR INERT Projectiles)			
2	430-01-0006	Pepperball EL-2 Electronic Hopper - 160 Capactity Round Projectile	$ 171.50	**$ 170.00**	**$ 340.00**
1	100-84-0375	**INERT** 375 COUNT PEPPERBALL ROUND PROJECTILE	$ 328.34	**$ 320.00**	**$ 320.00**
1	104-81-0375	**LIVE X** 375 COUNT PEPPERBALL ROUND PROJECTILE	$ 1,266.44	**$ 1,240.00**	**$ 1,240.00**

DANIEL P. McCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
112 STATE STREET – ROOM 1000
ALBANY, NEW YORK 12207-2021
(518) 447-7140 - FAX (518) 447-5588
WWW.ALBANYCOUNTY.COM

DAVID M. LATINA
COMMISSIONER OF GENERAL SERVICES

PAMELA O NEILL
PURCHASING AGENT

January 10, 2023

Mike Fadden
Galls LLC.
1340 Russel Cave rd.
Lexington, KY, 40505

Dear Mr. Fadden

We are in receipt of your letter dated November 11, 2022, expressing your firm's wish to renew Bid #2020-121, Law Enforcement Equipment and Supplies, for various Albany County Departments.

As the original bid terms and conditions provided for an optional one-year renewal period, and since there will be no increase from the original bid pricing, the County of Albany hereby approves and accepts your renewal. This renewal term will commence on January 11th 2023 and will terminate on January 12th 2024.

Thank you for your continued interest in doing business with the County of Albany.

Respectfully,

Pamela O Neill
Purchasing Agent

PO: an

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

DANIEL P. McCOY
County Executive

COUNTY OF ALBANY
DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
112 STATE STREET – ROOM 1000
ALBANY, NEW YORK 12207-2021
(518) 447-7140 - FAX (518) 447-5588
WWW.ALBANYCOUNTY.COM

DAVID M. LATINA
Commissioner of General Services

PAMELA O NEILL
Purchasing Agent

January 18, 2023

Tom Caruso
Atlantic Tactical, Inc.
763 Corporate Circle
New Cumberland, PA 17070

Dear Mr. Caruso

We are in receipt of your letter dated November 15, 2022, expressing your firm's wish to renew Bid #2020-121, Law Enforcement Equipment and Supplies, for various Albany County Departments.

As the original bid terms and conditions provided for an optional one-year renewal period, and since there will be no increase from the original bid pricing, the County of Albany hereby approves and accepts your renewal. This renewal term will commence on January 12th 2023 and will terminate on January 11th 2024.

Thank you for your continued interest in doing business with the County of Albany.

Respectfully,

Pamela O Neill
Purchasing Agent

PO: an

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

DANIEL P. McCOY
County Executive

COUNTY OF ALBANY
DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
112 STATE STREET – ROOM 1000
ALBANY, NEW YORK 12207-2021
(518) 447-7140 - FAX (518) 447-5588
WWW.ALBANYCOUNTY.COM

DAVID M. LATINA
Commissioner of General Services

PAMELA O NEILL
Purchasing Agent

January 18, 2023

Roberta Berkowitz
Prendo Forensics, LLC
P.O. Box 816
Bolton Landing, NY 12814

Dear Ms. Berkowitz,

We are in receipt of your letter dated November 15, 2022, expressing your firm's wish to renew Bid #2020-121, Law Enforcement Equipment and Supplies, for various Albany County Departments.

As the original bid terms and conditions provided for an optional one-year renewal period, and since there will be no increase from the original bid pricing, the County of Albany hereby approves and accepts your renewal. This renewal term will commence on January 11th 2023 and will terminate on January 12th 2024.

Thank you for your continued interest in doing business with the County of Albany.

Respectfully,

Pamela O Neill
Purchasing Agent

PO: an

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
112 STATE STREET – ROOM 1000
ALBANY, NEW YORK 12207-2021
(518) 447-7140 - FAX (518) 447-5588
WWW.ALBANYCOUNTY.COM

DAVID M. LATINA
COMMISSIONER OF GENERAL SERVICES

PAMELA O NEILL
PURCHASING AGENT

January 18, 2023

Patricia Coppedge
Safriland LLC.
13386 International PKWY
Jacksonville, FL 32218

Dear Ms. Coppedge,

We are in receipt of your letter dated November 15, 2022, expressing your firm's wish to renew Bid #2020-121, Law Enforcement Equipment and Supplies, for various Albany County Departments.

As the original bid terms and conditions provided for an optional one-year renewal period, and since there will be no increase from the original bid pricing, the County of Albany hereby approves and accepts your renewal. This renewal term will commence on January 11th 2023 and will terminate on January 12th 2024.

Thank you for your continued interest in doing business with the County of Albany.

Respectfully,

Pamela O Neill
Purchasing Agent

PO: an

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

DANIEL P. McCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
112 STATE STREET – ROOM 1000
ALBANY, NEW YORK 12207-2021
(518) 447-7140 - FAX (518) 447-5588
WWW.ALBANYCOUNTY.COM

DAVID M. LATINA
COMMISSIONER OF GENERAL SERVICES

PAMELA O NEILL
PURCHASING AGENT

January 18, 2023

Joshua Muskat
United Uniform Distribution, LLC
495 North French Rd
Buffalo, NY 14228

Dear Mr. Muskat,

We are in receipt of your letter dated November 14th, 2022, expressing your firm's wish to renew Bid #2020-121, Law Enforcement Equipment and Supplies, for various Albany County Departments.

As the original bid terms and conditions provided for an optional one-year renewal period, and since there will be no increase from the original bid pricing, the County of Albany hereby approves and accepts your renewal. This renewal term will commence on January 11th 2023 and will terminate on January 12th 2024.

Thank you for your continued interest in doing business with the County of Albany.

Respectfully,

Pamela O Neill
Purchasing Agent

PO: an

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

DANIEL P. McCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
112 STATE STREET – ROOM 1000
ALBANY, NEW YORK 12207-2021
(518) 447-7140 - FAX (518) 447-5588
WWW.ALBANYCOUNTY.COM

DAVID M. LATINA
COMMISSIONER OF GENERAL SERVICES

PAMELA O NEILL
PURCHASING AGENT

January 18, 2023

Dan O'Neil
Serchie Acquisition Company, LLC
100 Hunter Pl.
Youngsville, NC 27596

Dear Mr. O'Neil,

We are in receipt of your letter dated November 15, 2022, expressing your firm's wish to renew Bid #2020-121, Law Enforcement Equipment and Supplies, for various Albany County Departments.

As the original bid terms and conditions provided for an optional one-year renewal period, and since there will be no increase from the original bid pricing, the County of Albany hereby approves and accepts your renewal. This renewal term will commence on January 11th 2023 and will terminate on January 12th 2024.

Thank you for your continued interest in doing business with the County of Albany.

Respectfully,

Pamela O Neill
Purchasing Agent

PO: an

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

COUNTY OF ALBANY

REQUEST FOR BIDS
VARIOUS ALBANY COUNTY DEPARTMENTS

RFB #2020-121

LAW ENFORCEMENT EQUIPMENT AND SUPPLIES

ALBANY COUNTY DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
KAREN A. STORM, PURCHASING AGENT
112 STATE STREET, ROOM 1000
ALBANY, NY 12207

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

COUNTY OF ALBANY
DEPARTMENT OF GENERAL SERVICES PURCHASING DIVISION
112 STATE STREET, ROOM 1000, ALBANY, NY 12207
TELEPHONE: 518-447-7140/ FAX: 518-447-5588

TITLE: LAW ENFORCEMENT EQUIPMENT AND SUPPLIES
RFB NUMBER: 2020-121

Receipt Confirmation Form

Please complete and return this confirmation form as soon as possible:

Karen A. Storm
Purchasing Agent
County of Albany
112 State Street, Room 1000
Albany, NY 12207

IF YOU PLAN TO SUBMIT A BID, YOU MUST RETURN THIS FORM TO ENSURE THAT YOU WILL RECEIVE ALL FURTHER COMMUNICATION REGARDING THIS RFB.

Company Name:_____

Address:_____

City: _____State:_____ Zip Code: _____

Contact Person: _____

Title: _____

Phone Number: _____ Fax Number: _____ E-Mail: _____

If a Bidders/Proposers meeting has been arranged for this Bid/RFP, please indicate if you plan to attend:
☐ **Yes** / ☐ **No**

I authorize the County of Albany to send further correspondence that the County deems to be of an urgent nature by the following method (check):

Fax Number: _____ E-Mail: _____

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

COUNTY OF ALBANY
DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
112 STATE STREET, ROOM 1000
ALBANY, NY 12207

NON-BIDDER RESPONSE

RFB #2020-121

The Albany County Department of General Services, Purchasing Division, is interested in the reasons why bidders fail to submit bids. Please indicate your reason(s) by checking all appropriate item(s) below and returning this form to the above address.

- ☐ Could not meet specifications or Scope of Services.
- ☐ Items or materials requested not manufactured by us or not available to our company.
- ☐ Insurance requirements are too restricting.
- ☐ Bond requirements are too restricting.
- ☐ Specifications or Scope of Services not clearly understood or applicable (too vague, too rigid, etc.).
- ☐ Project not suited to firm.
- ☐ Quantities too small.
- ☐ Insufficient time allowed for preparation of bid.
- ☐ Other reasons; please state and define:

_____

_____

_____

_____

Vendor Name:_____

Contact Person:_____

Vendor Address:_____

Vendor Telephone:_____

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

NOTICE TO BIDDERS -- ALBANY COUNTY
REQUEST FOR BIDS #2020-121

Sealed Bids for **Law Enforcement Equipment and Supplies** as requested by **Various Albany County Departments** will be received by the Albany County Purchasing Agent, Room 1000, 112 State Street, Albany, New York 12207 until 11:00 AM, local time on Thursday, November 12, 2020.

Request for Bid (RFB) documents may be obtained at the office of the Albany County Purchasing Agent, as noted above. RFB documents may be available for download from the Empire State Bid System website at **http://www.empirestatebidsystem.com** starting by close of business (4:30 p.m.) on **Thursday October 22, 2020.**

Karen A. Storm
Purchasing Agent

Dated: Albany, New York
October 14, 2020

PUBLISH ONE DAY –THURSDAY OCTOBER 22, 2020-- THE EVANGELIST
PUBLISH ONE DAY – THURSDAY OCTOBER 22, 2020-- THE TIMES UNION

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

COUNTY OF ALBANY
REQUEST FOR BIDS
GENERAL INSTRUCTIONS TO BIDDERS

BID DISTRIBUTION- ***IMPORTANT NOTICE***

The County of Albany officially distributes bidding documents through the Purchasing Division Office or through the Empire State Bid System website at **http://www.empirestatebidsystem.com**. Copies of bidding documents obtained from any other source are not considered official documents. Only those vendors who obtain bidding documents from either the Purchasing Division Office or the Empire State Bid System are guaranteed to receive addendum information, if such information is issued.

If you have obtained this document from a source other than the Albany County Purchasing Division or the Empire State Bid System, it is strongly recommended that you obtain an official copy.

SECTION 1: BID IDENTIFICATION

1.1 Title: **Law Enforcement Equipment and Supplies**
1.2 Requesting **Department: Various Albany County Departments**
1.3 Bid Number: **2020-121**

SECTION 2: PURPOSE

2.1 The intent of these specifications is to furnish information to responsible bidders for the purpose of obtaining bids for Law Enforcement Equipment and Supplies as requested by various Albany County Departments.

2.2 Minority Business Enterprises (MBE's) and Women Business Enterprises (WBE's) are encouraged to apply.

SECTION 3: BIDDING DOCUMENTS

3.1 Complete sets of the Bidding Documents may be obtained or examined as stated in the Notice to Bidders.

3.2 Complete sets of Bidding Documents must be used in preparing bids. The County does not assume any responsibility for errors or misinterpretations resulting from the use of incomplete sets of Bidding Documents.

SECTION 4: SUBMISSION OF BIDS

4.1 Bids and any other required documents must be submitted, sealed in an opaque envelope, plainly marked with the name and number of the bid and the name and address of the bidder

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

and accompanied by the required documents. Bids must be received no later than **11:00A.M. ON THURSDAY, NOVEMBER 12, 2020,** at the following address:

Karen A. Storm
Albany County Purchasing Agent
112 State Street, ***Room 1000***
Albany, NY 12207

4.2 All bids received after the time stated in the "Notice to Bidders", or the bid submission deadline as modified by formal addendum consistent with Section 14 of this Request for Bids, may not be considered and will be returned to the bidder. The bidder assumes the risk of any delay in the mail or in the handling of the mail by employees of Albany County. Whether sent by mail or by means of personal delivery, the bidder assumes responsibility for having his bid deposited on time at the place specified.

4.3 Albany County reserves the right to reject any or all bids in whole or in part, to waive any and all informalities, and to disregard all non-conforming, non-responsive or conditional bids.

SECTION 5: TERM OF BID

5.1 The bid shall be for the period of one (1) year from the date of award to date ending with the anticipated dates January 10, 2020- January 11, 2021. Prices shall remain firm for the entire bid period.

5.2 At the end of the initial one year bid period, upon mutual agreement of the County and the Contractor, the agreement may be renewed for two (2) additional years, in two (2) consecutive one-year intervals. Renewal of multiple item bid awards shall be contingent upon renewal of all items; partial renewals shall not be accepted by the County.

SECTION 6: BID SECURITY

6.1 There will be no bid security requested for this bid.

SECTION 7: QUALIFICATION OF BIDDER

7.1 No formal written Bidder Qualification questionnaire is being requested for this bid.

7.2 All bidders shall submit the Vendor Responsibility Questionnaire (Attachment "C") as part of the bid.

7.3 In addition, Albany County may make such investigations it deems necessary to determine the ability of the Bidder to perform the work. The bidder shall furnish to the County, within five (5) days of a request, all such information and data for this purpose as may be requested. The County reserves the right to reject any bid if the information submitted by, or investigation of, a bidder fails to satisfy the County that such bidder is properly qualified to carry out the

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

obligations of the contract and to complete the work contemplated therein. Conditional bids will not be accepted.

SECTION 8: NOT IN USE

SECTION 9: DISQUALIFICATION

9.1 The County reserves the right to refuse to issue Bidding Documents to a prospective bidder should such bidder be in default for any of the following reasons:

(a) Failure to comply with any pre-qualification regulations of the County, if such regulations are cited, or otherwise included, in the Bidding Documents as a requirement for bidding.

(b) Bidder's failure to pay, or satisfactorily settle, all bills due for labor and materials on former contracts in force (with the Owner) at the time the County issues the Bidding Documents to a prospective bidder.

(c) Bidder's default under previous contracts with the County.

(d) Bidder's unsatisfactory work on previous contracts with the County.

9.2 Bids received from bidders who have previously failed to complete contracts within the time required, or who have previously performed similar work in an unsatisfactory manner, may be rejected. A bid may be rejected if the bidder cannot show that it has the necessary ability, plant and equipment to commence the work at the time prescribed and thereafter to perform and complete the work at the rate or within the time specified. A bid may be rejected if the bidder is already obligated for the performance of other work which would delay the commencement, performance or completion of the work.

9.3 Albany County reserves the right to reject any bid if the information submitted by, or investigation of, such bidder fails to satisfy the County that such bidder is properly qualified to carry out the obligations of the contract and to complete the work contemplated therein.

9.4 Bids will be considered irregular and shall be subject to rejection for the following reasons:

(a) If the bid is on a form other than that furnished by Albany County, or, if the Albany County's form is altered, or, if any part of the bidding documents is detached.

(b) If there are unauthorized additions, conditional or alternate pay items, or irregularities of any kind which make the bid incomplete, indefinite, or otherwise ambiguous.

(c) If the bid is not accompanied by the bid security specified by the Albany County.

SECTION 10: NOT IN USE

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

SECTION 11: NON-COLLUSIVE BIDDING CERTIFICATE

11.1 All bidders bidding under the provisions of the specifications are subject to the provisions of Section 103 of the General Municipal Law of the State of New York. A signed Non-Collusive Bidding Certificate (Attachment "A") is required to be submitted with each bid on the form provided by the County.

SECTION 12: BID FORM

12.1 The Bid Form is attached hereto; additional copies may be obtained from the County.

12.2 Bids must be made on the Bid Form provided by the County. The Bid Form must be completed in ink or by typewriter. The Bid Form must also be signed by an authorized representative of the bidder.

12.3 Bids by corporations must be executed in the corporate name by the president or a vice-president (or other corporate officer accompanied by evidence of authority to sign on behalf of the corporation) and the corporate seal must be affixed by the secretary or an assistant secretary. The corporate address and state of incorporation must be shown below the signature.

12.4 Bids by partnerships must be executed in the partnership name and signed by a partner, whose title must appear under the signature. The official address of the partnership must be shown below the signature.

12.5 All names must be printed or typed below the signature.

12.6 The bid must contain an acknowledgment of receipt of all Addenda (the number of which will be filled in on the Bid Form).

12.7 The address to which communications regarding the bid are to be directed must be included on the Bid Form.

SECTION 13: EQUIVALENT GOODS

13.1 Manufacturers name brands are listed to indicate minimum requirements and bidding may be on brands listed, (if specified), or equivalent. Specifications shall be furnished by bidder to support equivalency. In the event of any claim by any unsuccessful bidder concerning or relating to the issue of "equal or better" or "or equal", the successful bidder agrees, that his own cost and expense, to defend such claim or claims and agrees to hold the County of Albany free and harmless from any and all claims for loss or damage arising out of this transaction for any reasons.

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

SECTION 14: SPECIFICATION CLARIFICATION

14.1 All inquiries with respect to this Request for Bids must be directed to the Albany County Purchasing Agent as follows:

Karen A. Storm
Albany County Purchasing Agent
112 State Street, ***Room 1000***
Albany, NY 12207
Telephone: (518) 447-7140
Facsimile: (518) 447-5588
Email: Karen.storm@albanycountyny.gov

14.2 All questions about the meaning or intent of the specifications must be submitted to the aforementioned designated person in writing. Replies will be issued by Addenda mailed or delivered to all parties recorded as having received the bidding documents. Questions received less than four (4) days prior to the date of submission of bids will not be answered. The County will be bound only by responses given by formal written Addenda.

SECTION 15: BID EVALUATION

15.1 Bids shall remain valid until:

(a) the execution of a contract by Albany County; or

(b) the award of a purchase order by Albany County; or

(c) as otherwise rejected by Albany County.

15.2 Bids received will be evaluated by Albany County and will be based, as a minimum, upon the following criteria:

(a) Lowest total bid cost and projected timetable for completion of services and/or delivery of goods described herein;

(b) Completeness of the bid; and

(c) Bidder's demonstrated capabilities and professional qualifications.

15.3 The County reserves the right to award this contract on a per item or aggregate basis, whichever is most beneficial to the County of Albany. Bidders need not submit bids for all items listed to be eligible for an award of this contract.

15.4 The County reserves the right to purchase items pursuant to General Municipal Law 103 from New York State Contracts, other County, political subdivision or district contracts, or other Governmental Agency or New York State Preferred Sources within its discretion.

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

SECTION 16: MODIFICATION AND WITHDRAWAL OF BIDS

16.1 Bids may be modified or withdrawn at any time prior to the opening of bids by an appropriate document duly executed (in the manner that a bid must be executed) and delivered to the place where bids are to be submitted.

16.2 If, prior to awarding of the contract or within three days after opening, whichever period is shorter, any bidder files a duly signed written notice with the County and promptly thereafter demonstrates to the reasonable satisfaction of the County that there was a material and substantial mistake in the preparation of its bid, that bidder may withdraw its bid and the bid security will be returned.

SECTION 17: AWARD OF BID

17.1 The apparent successful Bidder will be issued a Notice of Award in the form of an Albany County purchase order.

17.2 No successful bidder to whom a contract or purchase order is let, granted or awarded, shall assign, transfer, convey, sublet, or otherwise dispose of same, or of its right, title, and interest herein, including the performance of the contract or purchase order or the right to receive monies due or to become due, or of its power to execute the contract or purchase order without the prior written consent of the Albany County Purchasing Agent. In the event the contractor shall without prior written consent assign, transfer, convey, sublet or otherwise dispose of the contract or purchase order or of its right, title and interest therein, including the performance of this contract or purchase order, or the right to receive monies due or to become due, or its power to execute such contract or purchase order to any other person or corporations, or upon receipt by Albany County of an attachment against the Successful Bidder, the County of Albany shall be relieved and discharged from any and all liability and obligation growing out of such contract or purchase order to such contractor, and the person or corporation to which such contract or purchase order shall have been assigned, its assignees, transferees or sub lessees shall forfeit and lose all monies theretofore assigned under the contract or purchase order, except so much as may be required to pay its employees.

SECTION 18: PERFORMANCE BOND

18.1 No Performance bond is requested for this bid.

SECTION 19: INSURANCE REQUIREMENTS

19.1 The successful Bidder will be required to procure and maintain at its own expense the following insurance coverage:

(a) **Workers' Compensation and Employers Liability Insurance:** A policy or policies providing protection for employees in the event of job-related injuries.

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(b) **Automobile Liability Insurance:** A policy or policies with the limits of not less than $500,000 combined for each accident because of bodily injury sickness or disease, sustained by any person, caused by accident, and arising out of the ownership, maintenance or use of any automobile for damage because of injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of any automobile.

(c) **General Liability Insurance:** A policy or policies of comprehensive all-risk insurance with limits of not less than:

Liability For:	Combined Single Limit
Property Damage	$1,000,000
Bodily Injury	$1,000,000
Personal Injury	$1,000,000

19.2 Each policy of insurance required shall be of form and content satisfactory to the Albany County Attorney.

(a) Albany County shall be named as an additional named insured on all liability policies. **The bid number must appear on policy.**

(b) The policy shall not be changed or canceled until the expiration of thirty (30) days after written notice to Albany County. It shall be automatically renewed upon expiration and continued in force unless Albany County is given at least thirty (30) days written notice to the contrary.

19.3 No work shall be commenced under the contract or purchase order until the successful Bidder has delivered to the County Purchasing Agent or his designee proof of issuance of all policies of insurance required by the contract to be procured by the successful Bidder. If at any time, any of said policies shall expire or become unsatisfactory to the County, the successful Bidder shall promptly obtain a new policy and submit proof of insurance of the same to the County for approval. Upon failure of the successful Bidder to furnish, deliver and maintain such insurance as above provided, the contract or purchase order may, at the election of the County, be forthwith declared suspended, discontinued or terminated. Failure of the successful Bidder to procure and maintain any required insurance shall not relieve the successful Bidder from any liability under the contract, nor shall the insurance requirements be construed to conflict with the obligations of the successful Bidder concerning indemnification.

SECTION 20: INDEMNIFICATION

20.1 The successful Bidder shall defend, indemnify and save harmless the County, its employees and agents, from and against all claims, damages, losses and expenses (including, without limitation, reasonable attorneys' fees) arising out of, or in consequence of, any negligent or intentional act or omission of the successful Bidder, its employees or agents, to the extent of its or their responsibility for such claims, damages, losses and expenses.

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SECTION 21: REMEDY FOR BREACH

21.1 In the event of a breach by CONTRACTOR, CONTRACTOR shall pay to the COUNTY all direct and consequential damages caused by such breach, including, but not limited to, all sums expended by the COUNTY to procure a substitute contractor to satisfactorily complete the contract work, together with the COUNTY's own costs incurred in procuring a substitute contractor.

SECTION 22: DELIVERY AND PAYMENT

22.1 All bid prices shall include freight and shall be quoted F.O.B. destination.

22.2 Albany County operates a formal Purchase Order System. Under **NO** circumstances will the vendor or contractor be paid without a purchase order. Contractor shall deliver only the items specified on the purchase order. Any Contractor who delivers items which are not ordered, or who duplicates or overships items, does so entirely at his own expense. Such shipments will be at no cost or responsibility to Albany County.

22.3 All deliveries shall be made within ten (10) business days of vendor's receipt of purchase order, unless otherwise specified in this Request for Bids, or as otherwise agreed upon between the vendor and the Purchasing Division.

22.4 Unless otherwise specified by the County, inside delivery is required. Some delivery locations are not equipped with loading docks and no additional compensation shall be paid to vendors for inside delivery at those locations.

22.5 Orders will be placed on an "as-needed" basis by Albany County departments. There are to be no minimum order amounts required. Bids stipulating minimum quantity or dollar value orders will not be considered.

22.6 Prior to payment, the items furnished and or work performed will be inspected by the Purchasing Agent or his designee to determine their conformity to specification. No payment will be made for items or work not meeting specification.

22.7 ALBANY COUNTY IS NOT SUBJECT TO FEDERAL, STATE OR LOCAL TAXES.

SECTION 23: CASH DISCOUNT

23.1 Cash discounts may be offered by a bidder for prompt payment of bills, but such cash discounts will not be taken into consideration in determining the low bidder.

23.2 For purposes of any applicable cash discount, the payment date shall be calculated from the receipt of invoice or final acceptance of the goods, whichever is later.

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SECTION 24: EXTENSION OF BIDS TO ALL POLITICAL SUBDIVISIONS AND AUTHORIZED DISTRICTS LOCATED IN THE STATE OF NEW YORK

24.1 It is the intent of this Request For Bids that all political subdivisions, and districts located in the State of New York, be entitled to make purchases of materials, equipment or supplies from the resulting the bid award.

24.2 No officer, board or agency of a county, town, village, or school district shall make any purchase through the County when bids have been received for such purchase by such officer, board or agency, unless such purchase may be made upon the same terms, conditions and specifications at a lower price through the County.

24.3 All purchases shall be subject to audit and inspection by the other political subdivisions for which the purchase was made.

24.4 All orders will be placed by the participating entities. Each participating entity shall be billed by and make payment directly to the successful Bidder.

24.5 Upon request, participating entities must furnish the successful Bidder with the proper tax exemption certificates or documentation of tax exempt status. (Purchase orders should have this information and be retained for documenting the tax exempt sale.)

24.6 The sole responsibility in regard to performance of the bid, or any obligation, covenant, condition or term thereunder by the successful Bidder and the participating entities will be borne and is expressly assumed by the successful Bidder and the participating entities and not by Albany County. In the event of a failure or breach in performance of any such bid by a participating entity or the successful Bidder, Albany County, specifically and expressly disclaims any and all liability for such defective performance or breach, or failure of either party to perform in accordance with its obligations, covenants and the terms and conditions of this Albany County centralized bid.

SECTION 25: MACBRIDE PRINCIPLES

25.1 Contractor/Proposer hereby represents that said contractor/proposer is in compliance with the MacBride Principles of Fair Employment as set forth in Albany County Local Law No. [3] for 1993, in that said contractor/proposer either (a) has no business operations in Northern Ireland or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Principles, and shall permit independent monitoring of their compliance with such principles. In the event of a violation of this stipulation, the County reserves all rights to take remedial measures as authorized under section 4 of Local Law No. [3] in 1993, including, but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the contract/proposer in default and/or seeking debarment or suspension of the contractor/proposer.

25.2 In the case of a contract which must be let by competitive sealed bidding, whenever the lowest bidder has not agreed to stipulate to the conditions set forth in this section, and another bidder who has agreed to stipulate to such conditions has submitted a bid within five percent of the lowest bid for a contract to supply goods, services or construction of comparable quality,

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the contracting entity shall refer the contract to the County Legislature, which shall determine whether the lowest bidder is responsible. In making such determination, the County Legislature may consider, as a factor bearing on responsibility, whether the lowest bidder discriminates in employment in Northern Ireland.

25.3 As used in this section, the term "contract" shall not include contracts with government and non-profit organizations, contracts awarded pursuant to an emergency procurement procedure or contracts, resolutions, indentures, declarations of trust or other instruments of authorizing or relating to the authorization, issuance, award, sale or purchase or bonds, certificates of indebtedness, notes or other fiscal obligations of the County, provided that the policies of this section shall be considered when selecting managing underwriters in connection with such activities.

25.4 The provisions of this section shall not apply to contracts for which the County receive funds administered by the United States Department of Transportation, except to the extent Congress has directed that the Department of Transportation not withhold funds from states and localities that choose to implement selective purchasing policies based on agreement to comply with the MacBride Principles, or to the extent that such funds are not otherwise withheld by the Department of Transportation.

SECTION 26: NOT IN USE

SECTION 27: NOT IN USE

SECTION 28: OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) CONSTRUCTION SAFETY AND HEALTH COURSE

28.1 In compliance with NYS Labor Law Sec. 220-h, the contract required for the construction, reconstruction, maintenance and/or repair of the public work herein described, where the total cost of all work to be performed is at least TWO HUNDRED FIFTY THOUSAND ($250,000.) DOLLARS, shall require that all laborers, workers, and mechanics employed in the performance of the work on the public work site either by the Contractor, sub-contractor or other person doing or contracting to do the whole or a part of the work herein described, shall be certified prior to performing any work on the project as having successfully completed a course in construction safety and health approved by the U.S. Department of Labor's Occupational Safety and Health Administration that is at least ten hours in duration.

SECTION 29: AFFIRMATIVE ACTION REQUIREMENTS

29.1 It is the policy of the County of Albany that Minority Business Enterprises (MBE) and Woman Business Enterprises (WBE) are afforded the maximum opportunity to participate in the performance of contracts, in excess of $100,000, let by the County and its several agencies and authorities. The County commits itself to a goal oriented Contract Compliance Program which assures that Minority Business Enterprises and Woman Business Enterprises are considered in awarding contracts for goods, services and construction. Furthermore, it is the policy of the County of Albany that contractors and subcontractors utilize minority and women labor to the greatest extent feasible.

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

29.2 In bidding on this contract, the contractor acknowledges an understanding of this policy. The contractor shall carry out the policy by making every reasonable effort to award contracts and subcontracts to MBEs and WBEs and utilizing minority and women labor in the performance of this contract.

29.3 In an effort to assist contractors with compliance attached you will find the following: Article SC19-Affirmative Action Plan and Department of Affirmative Action Compliance Forms.

SECTION 30: NOT IN USE

SECTION 31: INTERPRETATION

31.1 In the event of any discrepancy, disagreement or ambiguity among the documents which comprise this RFB, and/or, the Agreement (between the County and the successful bidder/proposer) and its incorporated documents, the documents shall be given preference in the following order to interpret and to resolve such discrepancy, disagreement or ambiguity: 1) the Agreement; 2) the RFB; 3) the Contractor's bid.

SECTION 32: NON APPROPRIATIONS CLAUSE

32.1 Notwithstanding anything contained herein to the contrary, no default shall be deemed to occur in the event no funds or insufficient funds are appropriated and budgeted by or are otherwise unavailable to the County for payment under this Agreement. The County will immediately notify the Contractor of such occurrence and this Agreement shall terminate on the last day of the fiscal period for which appropriations were received without penalty or expense to the County of any kind whatsoever, except as to those portions herein agreed upon for which funds shall have been appropriated and budgeted.

SECTION 33: IRANIAN ENERGY SECTOR DIVESTMENT

33.1 Contractor/Proposer hereby represents that said Contractor/Proposer is in compliance with New York State General Municipal Law Section 103-g entitled "Iranian Energy Sector Divestment", in that said Contractor/Proposer has not:

(a) Provided goods or services of $20 Million or more in the energy sector of Iran including but not limited to the provision of oil or liquefied natural gas tankers or products used to construct or maintain pipelines used to transport oil or liquefied natural gas for the energy sector of Iran; or

(b) Acted as a financial institution and extended $20 Million or more in credit to another person for forty-five days or more, if that person's intent was to use the credit to provide goods or services in the energy sector in Iran.

33.2 Any Contractor/Proposer who has undertaken any of the above and is identified on a list created pursuant to Section 165-a (3)(b) of the New York State Finance Law as a person

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

engaging in investment activities in Iran, shall not be deemed a responsible bidder pursuant to Section 103 of the New York State General Municipal Law.

33.3 Except as otherwise specifically provided herein, every Contractor/Proposer submitting a bid/proposal in response to this Request for Bids/Request for Proposals must certify and affirm the following under penalties of perjury:

(a) "By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief, that each bidder is not on the list created pursuant to NYS Finance Law Section 165-a (3)(b)."

Albany County will accept this statement electronically in accordance with the provisions of Section 103 of the General Municipal Law.

33.4 Except as otherwise specifically provided herein, any Bid/Proposal that is submitted without having complied with subdivision (a) above, shall not be considered for award. In any case where the Bidder/Proposer cannot make the certification as set forth in subdivision (a) above, the Bidder/Proposer shall so state and shall furnish with the bid a signed statement setting forth in detail the reasons therefor. The County reserves its rights, in accordance with General Municipal Law Section 103-g to award the Bid/Proposal to any Bidder/Proposer who cannot make the certification, on a case-by-case basis under the following circumstances:

(1) The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012, and the Bidder/Proposer has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or

(2) The County of Albany has made a determination that the goods or services are necessary for the County to perform its functions and that, absent such an exemption, the County of Albany would be unable to obtain the goods or services for which the Bid/Proposal is offered. Such determination shall be made by the County in writing and shall be a public document.

SECTION 34: NOT IN USE

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

County of Albany
Request for Bids #2020-121
Law Enforcement Equipment and Supplies

Various Albany County Facilities

Specifications

1. Through this Request for Bids, the County of Albany seeks qualified and responsive vendors to provide law enforcement and safety equipment and supplies of various types and quantities. Items to be purchased from this contract may include, but are not limited to: tactical items; duty gear; uniform accessories; fire/rescue items; personal safety items; first aid items; forensic and evidence collection supplies; and chemical law enforcement devices.

2. Awards made under this bid are intended to be extended for use by any political subdivisions in the state of New York.

3. Section A represents items of unknown type and quantity, which the County or other eligible agencies will purchase throughout the bid term. Pricing is requested as a discount from the bidder's catalog, website or published price list. Separate categories are provided in this section for "General Line" law enforcement/ safety supplies and for Forensic supplies.

In Section A, Bidders are to quote a percentage discount from <u>any or all</u> of the following:

a. Bidder's general catalog which is current at the time of purchase.
Bidder shall furnish a copy of the current catalog with the bid submission. Additional copies of hard copy catalogs must be supplied at the County's request throughout the term of the bid at no cost to the County. Updated catalogs shall be automatically supplied to the County at no additional cost during the bid term.

b. Bidder's website or online store.
Bidder shall indicate the website address on the bid form.

c. Bidder's published price list which is current at the time of purchase.
If bidding discount from list price, bidder shall furnish a current price list on CD-ROM with the bid submission. Additional copies of the price list shall be furnished to the County upon request at no additional cost during the bid term Price list shall remain firm for the initial term of the bid, and may be updated upon renewal of the bid.

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

4. For items in Section A, the following terms and conditions shall apply:

    a. Catalog, web, or list price, less the discount, shall be net price, and shall be F.O.B. destination, freight prepaid and allowed to any location in New York State. No additional costs for shipping or delivery will be allowed, with the exception of extremely large or overweight items (e.g., safes). Any such exceptions shall be noted by bidder with the bid submission.

    b. No minimum order requirements shall apply.

5. Purchases of items in Section A will be made as follows:

    a. At time of purchase, if specific items to be ordered are available from multiple awarded bidders under Section A, the Albany County Purchasing Division will fax or email a price inquiry to all awarded Section A Bidders of the appropriate category (General Line or Forensic).

    b. Bidder's price quotes shall be returned by fax or email to the Purchasing Division within (1) business day of the request, unless otherwise specified on the price inquiry.

    c. Bidder's price quote shall specify base bid (catalog or list) price and net (discounted) price.

    d. Award will be made to the Section A awarded bidder offering the best net price to the County for a particular order.

6. Section B represents items in the category of chemical law enforcement devices, which the County or other eligible agencies will purchase throughout the bid term. **For Section B, Bidders are to quote a percentage discount from the manufacturers or other specified price list, including a copy of all referenced price lists with the bid submission.**

    a. Additional space is provided on the bid form for bidders to write in additional product lines, not otherwise specified in the bid, which they wish to offer under a contracted discount pricing structure.

7. For items in Section B, the following terms and conditions shall apply:

    a. List price, less the discount, shall be net price, and shall be F.O.B. destination, freight prepaid and allowed to any location in New York State. No additional costs for shipping or delivery will be allowed.

    b. The minimum order for chemical law enforcement devices shall be one (1) full case of product.

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

c. Only official price list updates released by the manufacturer will be considered by Albany County throughout the bid term and upon renewal. Bidder shall submit any request to update its awarded price lists to the Albany County Purchasing Agent, along with the official manufacturer's updated price list. Bidder shall furnish additional supporting documentation as requested by the County.

8. Awarded Bidders may utilize authorized distributors for processing of orders. Bidders who wish to do so shall return the Authorized Distributor Form with the bid submission, identifying Authorized Distributor's name, contact information, federal employer identification number; what product line(s) they will distribute; how purchase orders and payments are to be directed.

   Authorized distributors shall at all times during the bid period honor the awarded bid pricing and terms.

9. **All discount(s) offered for Sections A and Section B shall be the <u>minimum</u> discount(s) offered to the County and any eligible agencies at any time during the term of the bid.**

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

COUNTY OF ALBANY

BID FORM

BID IDENTIFICATION:

Title: Law Enforcement Equipment and Supplies
Bid Number: 2020-121

THIS BID IS SUBMITTED TO:

Karen A. Storm, Purchasing Agent
Albany County Department of General Services
Purchasing Division
112 State Street, Room 1000
Albany, NY 12207-2021

1. The undersigned BIDDER proposes and agrees, if this bid is accepted, to accept a Purchase Order for the goods described in the bid form and deliver said goods within the time indicated in this bid.

2. BIDDER accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the Disposition of Bid Security. This Bid may remain open for ninety (90) days after the day of Bid opening. BIDDER will submit the Contract Security and other documents required by the General Instructions to Bidder within fifteen days after the date of OWNER'S Notice of Award.

3. In submitting this Bid, BIDDER represents, as more fully set forth in this Bid, that:

(a) BIDDER has examined copies of all the Bid Documents and of the following addenda: (If none, so state)

Date Number

(receipt of all of which is hereby acknowledged) and also copies of the Notice to Bidders and the Instructions to Bidders;

(b) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; BIDDER has not directly or indirectly induced or solicited any other BIDDER to submit a false or sham Bid; BIDDER has not solicited or induced any person, firm or a corporation to refrain from bidding: and BIDDER has not sought by collusion to obtain for himself any advantage over any other Bidder or over the owner.

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

4. BIDDER will deliver the goods for the following prices(s): (Attach Bid Proposal)

5. BIDDER agrees to deliver the Goods within the number of calendar days or by the specific date indicated in the Bid.

6. The following documents are attached to and made a condition of this Bid:

   (a) Non-Collusive Bidding Certificate (Attachment "A")

   (b) Acknowledgment by Bidder (Attachment "B")

   (c) Vendor Responsibility Questionnaire (Attachment "C")

   (d) Iranian Energy Divestment Certification (Attachment "D")

7. Communication concerning this Bid shall be addressed to:

   _____

   _____

   _____

   Phone: _____ Fax: _____

   E-mail: _____

8. Terms used in this Bid have the meanings assigned to them in the Contract and General Provisions.

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

COUNTY OF ALBANY

RFB #2020-121 LAW ENFORCEMENT EQUIPMENT AND SUPPLIES

BID PROPOSAL FORM

SECTION A: CATALOG DISCOUNT

1. **General Line Law Enforcement Supply Catalog**

Discount Offered from Bidder's Online or Published Catalog or Published Price List _____ **%**

Indicate the catalog or price list from which discount will be calculated (hard copy catalog, online catalog, vendor price list): _____

--If offering a discount from a hard copy catalog submit a current catalog with the bid;

--If offering a discount from online catalog, indicate the website address;

--If offering a discount from list pricing, furnish a copy of your current price list on CD-Rom.

2. **Forensic Supply Catalog**

Discount Offered from Bidder's Online or Published Catalog or Published Price List _____ **%**

Indicate the catalog or price list from which discount will be calculated (hard copy catalog, online catalog, vendor price list): _____

--If offering a discount from a hard copy catalog submit a current catalog with the bid;

--If offering a discount from online catalog, indicate the website address;

--If offering a discount from list pricing, furnish a copy of your current price list on CD-Rom.

BIDDER: _____

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 :

COUNTY OF ALBANY

RFB #2020-121 LAW ENFORCEMENT EQUIPMENT AND SUPPLIES

BID PROPOSAL FORM

SECTION B: CHEMICAL LAW ENFORCEMENT DEVICES

--Bid submissions for this section must include copies of all price lists in hard copy and/or on CD to be eligible for consideration

	Manufacturer	% Discount from Price List	Catalog/ Price List Identification	Date of Price List	Delivery Lead Time (Days ARO)
1.	Combined Tactical Systems				
2.	Defense Technology Corporation of America				
3.	Aerko International				
4.	Reliapon				
5.	Security Equipment Corp./ SABRE				
6.	Professional Security Corp. d/b/a/ Personal Safety Corp.				
7.					
8.					
9.					
10.					

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 :

BIDDER: _____

BID FORM

BID IDENTIFICATION:

Title: Law Enforcement Equipment and Supplies
Bid Number: 2020-121

COMPANY: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TEL. NO.: _____

FAX NO.: _____

FEDERAL TAX ID NO.: _____

REPRESENTATIVE: _____

E-MAIL: _____

SIGNATURE AND TITLE _____

DATE _____

BF

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

COUNTY OF ALBANY

RFB #2020-121

LAW ENFORCEMENT AND SAFETY EQUIPMENT AND SUPPLIES

Authorized Distributor Form

BIDDER NAME: _____

DISTRIBUTOR: _____

Address: _____

City, State, Zip: _____

Federal Employer Identification No.: _____

Telephone No.: _____

Fax No.: _____

Contact Person: _____

Email Address: _____

PRODUCT LINE (S) _____

Accepts Purchase Orders? (Y/ N) _____

Accepts Payments Directly? (Y/ N) _____

DISTRIBUTOR: _____

Address: _____

City, State, Zip: _____

Federal Employer Identification No.: _____

Telephone No.: _____

Fax No.: _____

Contact Person: _____

Email Address: _____

PRODUCT LINE (S) _____

Accepts Purchase Orders? (Y/ N) _____

Accepts Payments Directly? (Y/ N) _____

*If additional sheets are needed, please submit multiples of this form

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

ATTACHMENT "A"
NON-COLLUSIVE BIDDING CERTIFICATE PURSUANT TO
SECTION 103-D OF THE NEW YORK STATE GENERAL MUNICIPAL LAW

A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organizations, under penalty of perjury, that to the best of knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor.

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not knowingly been disclosed by the bidder and will not knowingly be disclosed by the bidder, directly or indirectly, prior to opening, to any bidder or to any competitor.

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A bid shall not be considered for award nor shall any award be made where (1), (2), and (3) above have not been complied with; provided, however, that in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons thereof. Where (1), (2), and (3) above have not been complied with, the bid shall not be considered for any award nor shall any award be made unless the head of the Purchasing Unit to the political subdivision, public department , agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customer of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of paragraph "A" above.

B. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, local law, and where such bid contains the certification referred to in paragraph "A" of this section, shall be deemed to have been authorized by the Board of Directors of the bidder, and such authorization shall be deemed to include the submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation

_____
Signature

_____
Title

_____
Date

_____
Company Name

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

ATTACHMENT "B"
ACKNOWLEDGMENT BY BIDDER

If Individual or Individuals:

STATE OF _____)
COUNTY OF _____) **SS.:**

On this _____day of _____, 200__, before me personally appeared _____ to me known and known to me to be the same person(s) described in and who executed the within instrument, and he (or they severally) acknowledged to me that he (or they) executed the same.

_____

Notary Public, State of _____

Qualified in _____

Commission Expires _____

If Corporation:

STATE OF _____)
COUNTY OF _____) **SS.:**

On this _____day of _____, 200___, before me personally appeared _____ to me known, who, being by me sworn, did say that he resides at (give address) _____; that he is the (give title) _____ of the (name of corporation) _____, the corporation described in and which executed the above instrument; that he knows the seal of the corporation, and that the seal affixed to the instrument is such corporate seal; that it was so affixed by order of the board of directors of the corporation, and that he signed his name thereto by like order.

_____

Notary Public, State of _____

Qualified in _____

Commission Expires _____

If Partnership:

STATE OF _____)
COUNTY OF _____) **SS.:**

On the_____day of_____, 200___, before me personally came_____ _____, to me known to be the individual who executed the foregoing, and who, being duly sworn, did depose and say that he / she is a partner of the firm of_____ and that he / she has the authority to sign the same, and acknowledged that he / she executed the same as the act and deed of said partnership.

_____

Notary Public, State of _____

Qualified in _____

Commission Expires _____

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

ATTACHMENT "C"
ALBANY COUNTY
VENDOR RESPONSIBILITY QUESTIONNAIRE

1. VENDOR IS: ☐ PRIME CONTRACTOR		
2. VENDOR'S LEGAL BUSINESS NAME	3. IDENTIFICATION NUMBERS a) FEIN # b) DUNS #	
4. D/B/A – Doing Business As (if applicable) & COUNTY FIELD:	5. WEBSITE ADDRESS (if applicable)	
6. ADDRESS OF PRIMARY PLACE OF BUSINESS/EXECUTIVE OFFICE	7. TELEPHONE NUMBER	8. FAX NUMBER
9. ADDRESS OF PRIMARY PLACE OF BUSINESS/EXECCUTIVE OFFICE *IN NEW YORK STATE, if different from above*	10. TELEPHONE NUMBER	11. FAX NUMBER
12. AUTHORIZED CONTACT FOR THIE QUESTIONNAIRE Name Title Telephone Number Fax Number e-mail		

13. LIST ALL OF THE VENDOR'S PRINCIPAL OWNERS.

a) NAME	TITLE	b) NAME	TITLE
c) NAME	TITLE	d) NAME	TITLE

A DETAILED EXPLANATION IS REQUIRED FOR EACH QUESTION ANSWERED WITH A "YES," AND MUST BE PROVIDED AS AN ATTACHMENT TO THE COMPLETED QUESTIONNAIRE. YOU MUST PROVIDE ADEQUATE DETAILS OR DOCUMENTS TO AID THE COUNTY IN MAKING A DETERMINATION OF VENDOR RESPONSIBILITY. PLEASE NUMBER EACH RESPONSE TO MATCH THE QUESTION NUMBER.

14. DOES THE VENDOR USE, OR HAS IT USED IN THE PAST FIVE (5) YEARS, ANY OTHER BUSINESS NAME, FEIN, or D/B/A OTHER THAN THOSE LISTED IN ITEMS 2-4 ABOVE? List all other business name(s), Federal Employer Identification Number(s) or any D/B/A names and the dates that these names or numbers were/are in use. Explain the relationship to the vendor. ☐ Yes ☐ No

15. ARE THERE ANY INDIVIDUALS NOW SERVING IN A MANAGERIAL OR CONSULTING CAPACITY TO THE VENDOR, INCLUDING PRICIPAL OWNERS AND OFFICERS, WHO NOW SERVE OR IN THE PAST ONE (1) YEARS HAVE SERVED AS:

a) An elected or appointed public official or officer? ☐ Yes ☐ No
List each individual's name, business title, the name of the organization and position elected or appointed to, and dates of service

b) An officer of any political party organization in Albany County, whether paid or unpaid? ☐ Yes ☐ No
List each individuals name, business title or consulting capacity and the official political position held with applicable service dates.

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

16.	WITHIN THE PAST (5) YEARS, HAS THE VENDOR, ANY INDIVIDUALS SERVING IN MANAGERIAL OR CONSULTING CAPACITY, PRINCIPAL OWNERS, OFFICERS, MAJOR STOCKHOLDER(S) (10% OR MORE OF THE VOTING SHARES FOR PUBLICLY TRADED COMPANIES, 25% OR MORE OF THE SHARES FOR ALL OTHER COMPANIES), AFFLITIATE OR ANY PERSON INVOLVED IN THE BIDDING OR CONTRACTING PROCESS:	
	a) 1. been suspended, debarred or terminated by a local, state or federal authority in connection with a contract or contracting process;	☐ Yes ☐ No
	2. been disqualified for cause as a bidder on any permit, license, concession franchise or lease;	
	3. entered into an agreement to a voluntary exclusion from bidding/contracting;	
	4. had a bid rejected on an Albany County contract for failure to comply with the MacBride Fair Employment Principles;	
	5. had a low bid rejected on a local, state or federal contract for failure to meet statutory affirmative action or M/WBE requirements on a previously held contract;	
	6. had status as a Women's Business Enterprise, Minority Business Enterprise or Disadvantaged Business Enterprise, de-certified, revoked or forfeited;	
	7. been subject to an administrative proceeding or civil action seeking specific performance or restitution in connection with any local, state or federal government contract;	
	8. been denied an award of a local, state or federal government contract, had a contract suspended or had a contract terminated for non-responsibility; or	
	9. had a local, state or federal government contract suspended or terminated for cause prior to the completion of the term of the contract.	
	b) been indicted, convicted, received a judgment against them or a grant of immunity for any business-related conduct constituting a crime under local, state or federal law including but not limited to, fraud extortion, bribery, racketeering, price-fixing, bid collusion or any crime related to truthfulness and/or business conduct?	☐ Yes ☐ No
	c) been issued a citation, notice, violation order, or are pending an administrative hearing or proceeding or determination of violations of:	☐ Yes ☐ No
	1. federal, state or local health laws, rules or regulations.	
17.	IN THE PAST THREE (3) YEARS, HAS THE VENDOR OR ITS AFFILIATES 1 HAD ANY CLAIMS, JUDGMENTS, INJUNCTIONS, LIENS, FINES OR PENALTIES SECURED BY ANY GOVERNMENTAL AGENCY? Indicate if this is applicable to the submitting vendor or affiliate. State whether the situation(s) was a claim, judgment, injunction, lien or other with an explanation. Provide the name(s) and address(es) of the agency, the amount of the original obligation and outstanding balance. If any of these items are open, unsatisfied, indicate the status of each item as "open" or "unsatisfied."	☐ Yes ☐ No
18.	DURING THE PAST THREE (3) YEARS, HAS THE VENDOR FAILED TO:	
	a) file returns or pay any applicable federal, state or city taxes? ***Identify the taxing jurisdiction, type of tax, liability year(s), and tax liability amount the vendor failed to file/pay and the current status of the liability.***	☐ Yes ☐ No
	b) file returns or pay New York State unemployment insurance? ***Indicate the years the vendor failed to file/pay the insurance and the current status of the liability.***	☐ Yes ☐ No
	c) Property Tax *Indicate the years the vendor failed to file.*	☐ Yes ☐ No
19.	HAVE ANY BANKRUPTCY PROCEEDINGS BEEN INITIATED BY OR AGAINST THE VENDOR OR ITS AFFILIATES 1 WITHIN THE PAST SEVEN (7) YEARS (WHETHER OR NOT CLOSED) OR IS ANY BANKRUPTCY PROCEEDING PENDING BY OR AGAINST THE VENDOR OR ITS AFFILIATES REGARDLESS OR THE DATE OF FILING? Indicate if this is applicable to the submitting vendor or affiliate. If it is an affiliate, include the affiliate's name and FEIN. Provide the court name, address and docket number. Indicate if the proceedings have been initiated, remain pending or have been closed. If closed, provide the date closed.	☐ Yes ☐ No
20.	IS THE VENDOR CURRENTLY INSOLVENT, OR DOES VENDOR CURRENTLY HAVE REASON TO BELIEVE THAT AN INVOLUNTARY BANKRUPTCY PROCEEDING MAY BE BROUGHT AGAINST IT? Provide financial information to support the vendor's current position, for example, Current Ration, Debt Ration, Age of Accounts Payable, Cash Flow and any documents that will provide the agency with an understanding of the vendor's situation.	☐ Yes ☐ No

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

21. IN THE PAST FIVE (5) YEARS, HAS THE VENDOR OR ANY AFFILIATES[1] : ☐ Yes ☐ No

a) defaulted or been terminated on, or had its surety called upon to complete, any contract (public or private) awarded;

Indicate if this is applicable to the submitting vendor or affiliate. Detail the situation(s) that gave rise to the negative action, any corrective action taken by the vendor and the name of the contracting agency.

1 "Affiliate" meaning: (a) any entity in which the vendor owns more than 50% of the voting stock; (b) any individual, entity or group of principal owners or officers who own more than 50% of the voting stock of the vendor; or (c) any entity whose voting stock is more than 50% owned by the same individual, entity or group described in clause (b). In addition, if a vendor owns less than 50% of the voting stock of another entity, but directs or has the right to direct such entity's daily operations, that entity will be an "affiliate" for purposes of this questionnaire.

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

ALBANY COUNTY
VENDOR RESPONSIBILITY QUESTIONNAIRE

FEIN #

State of:)
) ss:
County of:)

CERTIFICATION:

The undersigned: recognizes that this questionnaire is submitted for the express purpose of assisting the County of Albany in making a determination regarding an award of contract or approval of a subcontract; acknowledges that the County may in its discretion, by means which it may choose, verify the truth and accuracy of all statements made herein; acknowledges that intentional submission of false or misleading information may constitute a felony under Penal Law Section 210.40 or a misdemeanor under Penal Law Section 210.35 or Section 210.45, and may also be punishable by a fine and/or imprisonment of up to five years under 18 USC Section 1001 and may result in contract termination; and states that the information submitted in this questionnaire and any attached pages is true, accurate and complete.

The undersigned certifies that he/she:

- Has not altered the content of the questions in the questionnaire in any manner;
- Has read and understands all of the items contained in the questionnaire and any pages attached by the submitting vendor;
- Has supplied full and complete responses to each item therein to the best of his/her knowledge, information ad belief;
- Is knowledgeable about the submitting vendor's business and operations;
- Understands that Albany County will rely on the information supplied in the questionnaire when entering into a contract with the vendor;
- Is under duty to notify the Albany County Purchasing Division of any material changes to the vendor's responses.

Name of Business

Address

City, State, Zip

Signature of Owner _____

Printed Name of Signatory _____

Title

Sworn before me this _____ day of _____, 20___;

_____
Notary Public

_____
Printed Name

_____
Signature

_____
Date

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

Attachment "D"
Certification Pursuant to Section 103-g
Of the New York State
General Municipal Law

A. By submission of this bid/proposal, each bidder/proposer and each person signing on behalf of any bidder/proposer certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the New York State Finance Law.

B. A Bid/Proposal shall not be considered for award, nor shall any award be made where the condition set forth in Paragraph A above has not been complied with; provided, however, that in any case the bidder/proposer cannot make the foregoing certification set forth in Paragraph A above, the bidder/proposer shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. Where Paragraph A above cannot be complied with, the Purchasing Unit to the political subdivision, public department, agency or official thereof to which the bid/proposal is made, or his designee, may award a bid/proposal, on a case by case business under the following circumstances:

1. The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012, and the Bidder/Proposer has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or

2. The political subdivision makes a determination that the goods or services are necessary for the political subdivision to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

_____
Signature

_____
Title

_____ _____
Date Company Name

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

COUNTY OF ALBANY

BID FORM

BID IDENTIFICATION:

Title: Law Enforcement Equipment and Supplies
Bid Number: 2020-121

THIS BID IS SUBMITTED TO:

Karen A. Storm, Purchasing Agent
Albany County Department of General Services
Purchasing Division
112 State Street, Room 1000
Albany, NY 12207-2021

1. The undersigned BIDDER proposes and agrees, if this bid is accepted, to accept a Purchase Order for the goods described in the bid form and deliver said goods within the time indicated in this bid.

2. BIDDER accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the Disposition of Bid Security. This Bid may remain open for ninety (90) days after the day of Bid opening. BIDDER will submit the Contract Security and other documents required by the General Instructions to Bidder within fifteen days after the date of OWNER'S Notice of Award.

3. In submitting this Bid, BIDDER represents, as more fully set forth in this Bid, that:

   (a) BIDDER has examined copies of all the Bid Documents and of the following addenda: (If none, so state)

Date	Number
*None	

   (receipt of all of which is hereby acknowledged) and also copies of the Notice to Bidders and the Instructions to Bidders;

   (b) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; BIDDER has not directly or indirectly induced or solicited any other BIDDER to submit a false or sham Bid; BIDDER has not solicited or induced any person, firm or a corporation to refrain from bidding: and BIDDER has not sought by collusion to obtain for himself any advantage over any other Bidder or over the owner.

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

4. BIDDER will deliver the goods for the following prices(s): (Attach Bid Proposal)

5. BIDDER agrees to deliver the Goods within the number of calendar days or by the specific date indicated in the Bid.

6. The following documents are attached to and made a condition of this Bid:

   (a) Non-Collusive Bidding Certificate (Attachment "A")

   (b) Acknowledgment by Bidder (Attachment "B")

   (c) Vendor Responsibility Questionnaire (Attachment "C")

   (d) Iranian Energy Divestment Certification (Attachment "D")

7. Communication concerning this Bid shall be addressed to:

United Uniform Distribution, LLC. - Joshua E. Muskat - VP Major Accounts

495 North French Road Buffalo, NY 14228

Phone: 716-691-4400 Fax: 716-691-1406

E-mail: josh@uniteduniform.com

8. Terms used in this Bid have the meanings assigned to them in the Contract and General Provisions.

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

COUNTY OF ALBANY

RFB #2020-121 LAW ENFORCEMENT EQUIPMENT AND SUPPLIES

BID PROPOSAL FORM

SECTION A: CATALOG DISCOUNT

1. **General Line Law Enforcement Supply Catalog**

Discount Offered from Bidder's Online or Published Catalog or Published Price List 60% %

Indicate the catalog or price list from which discount will be calculated (hard copy catalog, online catalog, vendor price list): uniteduniform.com

--If offering a discount from a hard copy catalog submit a current catalog with the bid;

--If offering a discount from online catalog, indicate the website address;

--If offering a discount from list pricing, furnish a copy of your current price list on CD-Rom.

2. **Forensic Supply Catalog**

Discount Offered from Bidder's Online or Published Catalog or Published Price List 60% %

Indicate the catalog or price list from which discount will be calculated (hard copy catalog, online catalog, vendor price list): uniteduniform.com

--If offering a discount from a hard copy catalog submit a current catalog with the bid;

--If offering a discount from online catalog, indicate the website address;

--If offering a discount from list pricing, furnish a copy of your current price list on CD-Rom.

BIDDER: United Uniform Distribution, LLC.

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

COUNTY OF ALBANY

RFB #2020-121 LAW ENFORCEMENT EQUIPMENT AND SUPPLIES

BID PROPOSAL FORM

SECTION B: CHEMICAL LAW ENFORCEMENT DEVICES

--Bid submissions for this section must include copies of all price lists in hard copy and/or on CD to be eligible for consideration

	Manufacturer	% Discount from Price List	Catalog/ Price List Identification	Date of Price List	Delivery Lead Time (Days ARO)
1.	Combined Tactical Systems				
2.	Defense Technology Corporation of America				
3.	Aerko International	5%	Aerko 2020	2020	30 days
4.	Reliapon				
5.	Security Equipment Corp./ SABRE	10%	Sabre 2020	2020	30 days
6.	Professional Security Corp. d/b/a/ Personal Safety Corp.				
7.	*Additional offerings and complete list on next page and on CD ROM.				
8.					
9.					
10.					

BIDDER: United Uniform Distribution, LLC.

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

Manufacturer	ALBANY
Aerko	5.0%
Alpha-Broder	10.0%
Altor Safety	5.0%
Anchor	10.0%
Artcraft	10.0%
Artex	10.0%
Blackinton - Stock Product	10.0%
Blueguns	2.0%
Boston	10.0%
Bounce Imaging	0.5%
Campco	10.0%
Edge - Tactical Line	10.0%
Flex Fit	10.0%
Gar-Rel	10.0%
Peak - Cold Pruf	10.0%
Jay Pee	5.0%
Landway	5.0%
Maxit	5.0%
Mocean	10.0%
Pepperball	11.5%
PMC	0.5%
Sabre	10.0%
Saunders	10.0%
Seirus	10.0%
Shellback Tactical	5.0%
Sirchie	0.5%
United Uniform	6.0%
Uniteduniform.com	6.0%
UTM	0.5%
Zak Tool	10.0%

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

BID FORM

BID IDENTIFICATION:

Title: Law Enforcement Equipment and Supplies
Bid Number: 2020-121

COMPANY:	United Uniform Distribution, LLC.
ADDRESS:	495 North French Road
CITY, STATE, ZIP:	Buffalo, NY 14228
TEL. NO.:	716-691-4400
FAX NO.:	716-691-1406
FEDERAL TAX ID NO.:	81-0867283
REPRESENTATIVE:	Joshua E. Muskat - VP Major Accounts
E-MAIL:	josh@uniteduniform.com
SIGNATURE AND TITLE	Joshua E. Muskat - Vice President
DATE	November 3, 2020

BF

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

COUNTY OF ALBANY

RFB #2020-121

LAW ENFORCEMENT AND SAFETY EQUIPMENT AND SUPPLIES

Authorized Distributor Form

BIDDER NAME: United Uniform Distribution, LLC.

DISTRIBUTOR: _____

Address: _____

City, State, Zip: _____

Federal Employer Identification No.: _____

Telephone No.: _____

Fax No.: _____

Contact Person: _____

Email Address: _____

PRODUCT LINE (S) _____

Accepts Purchase Orders? (Y/ N) _____

Accepts Payments Directly? (Y/ N) _____

DISTRIBUTOR: _____

Address: _____

City, State, Zip: _____

Federal Employer Identification No.: _____

Telephone No.: _____

Fax No.: _____

Contact Person: _____

Email Address: _____

PRODUCT LINE (S) _____

Accepts Purchase Orders? (Y/ N) _____

Accepts Payments Directly? (Y/ N) _____

*If additional sheets are needed, please submit multiples of this form

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

ATTACHMENT "A"
NON-COLLUSIVE BIDDING CERTIFICATE PURSUANT TO SECTION 103-D OF THE NEW YORK STATE GENERAL MUNICIPAL LAW

A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organizations, under penalty of perjury, that to the best of knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor.

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not knowingly been disclosed by the bidder and will not knowingly be disclosed by the bidder, directly or indirectly, prior to opening, to any bidder or to any competitor.

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A bid shall not be considered for award nor shall any award be made where (1), (2), and (3) above have not been complied with; provided, however, that in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons thereof. Where (1), (2), and (3) above have not been complied with, the bid shall not be considered for any award nor shall any award be made unless the head of the Purchasing Unit to the political subdivision, public department , agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customer of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of paragraph "A" above.

B. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, local law, and where such bid contains the certification referred to in paragraph "A" of this section, shall be deemed to have been authorized by the Board of Directors of the bidder, and such authorization shall be deemed to include the submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation

Signature

Joshua E. Muskat - VP Major Accounts
Title

November 3, 2020
Date

United Uniform Distribution, LLC.
Company Name

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

ATTACHMENT "B"
ACKNOWLEDGMENT BY BIDDER

If Individual or Individuals:

STATE OF _____)
COUNTY OF _____) **SS.:**

On this _____day of _____, 200__, before me personally appeared _____ to me known and known to me to be the same person(s) described in and who executed the within instrument, and he (or they severally) acknowledged to me that he (or they) executed the same.

_____

Notary Public, State of _____

Qualified in _____

Commission Expires _____

If Corporation:

STATE OF New York)
COUNTY OF Erie) **SS.:**

On this 3rd day of November, 2020, before me personally appeared Joshua E. Muskat to me known, who, being by me sworn, did say that he resides at (give address) 152 Halston Parkway E. Amherst, NY; that he is the (give title) Vice President - Major Accounts of the (name of corporation) United Uniform Distribution, LLC., the corporation described in and which executed the above instrument; that he knows the seal of the corporation, and that the seal affixed to the instrument is such corporate seal; that it was so affixed by order of the board of directors of the corporation, and that he signed his name thereto by like order.

ANGELLA N. GALUSKI NOTARY PUBLIC COMMISSION EXPIRES ERIE COUNTY 01GA6295671 JANUARY 6, 2022 STATE OF NEW YORK

_____

Notary Public, State of New York

Qualified in Erie County

Commission Expires January 6, 2022

If Partnership:

STATE OF _____)
COUNTY OF _____) **SS.:**

On the_____day of_____, 200___, before me personally came_____ _____, to me known to be the individual who executed the foregoing, and who, being duly sworn, did depose and say that he / she is a partner of the firm of_____ and that he / she has the authority to sign the same, and acknowledged that he / she executed the same as the act and deed of said partnership.

_____

Notary Public, State of _____

Qualified in _____

Commission Expires _____

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

ATTACHMENT "C"
ALBANY COUNTY
VENDOR RESPONSIBILITY QUESTIONNAIRE

1. VENDOR IS:
☒ PRIME CONTRACTOR

2. VENDOR'S LEGAL BUSINESS NAME	3. IDENTIFICATION NUMBERS
United Uniform Distribution, LLC.	a) FEIN # 81-0867283 b) DUNS # 090161188
4. D/B/A – Doing Business As (if applicable) & COUNTY FIELD:	5. WEBSITE ADDRESS (if applicable) www.uniteduniform.com

6. ADDRESS OF PRIMARY PLACE OF BUSINESS/EXECUTIVE OFFICE	7. TELEPHONE NUMBER	8. FAX NUMBER
495 North French Road Buffalo, NY 14228	716-691-4400	716-691-1406
9. ADDRESS OF PRIMARY PLACE OF BUSINESS/EXECCUTIVE OFFICE *IN NEW YORK STATE, if different from above*	10. TELEPHONE NUMBER	11. FAX NUMBER

12. AUTHORIZED CONTACT FOR THIE QUESTIONNAIRE
Name Joshua E. Muskat
Title Vice President - Major Accounts
Telephone Number 716-691-4400
Fax Number 716-691-1406
e-mail josh@uniteduniform.com

13. LIST ALL OF THE VENDOR'S PRINCIPAL OWNERS.

a) NAME	TITLE	b) NAME	TITLE
c) NAME	TITLE	d) NAME	TITLE

A DETAILED EXPLANATION IS REQUIRED FOR EACH QUESTION ANSWERED WITH A "YES," AND MUST BE PROVIDED AS AN ATTACHMENT TO THE COMPLETED QUESTIONNAIRE. YOU MUST PROVIDE ADEQUATE DETAILS OR DOCUMENTS TO AID THE COUNTY IN MAKING A DETERMINATION OF VENDOR RESPONSIBILITY. PLEASE NUMBER EACH RESPONSE TO MATCH THE QUESTION NUMBER.

14. DOES THE VENDOR USE, OR HAS IT USED IN THE PAST FIVE (5) YEARS, ANY OTHER BUSINESS NAME, FEIN, or D/B/A OTHER THAN THOSE LISTED IN ITEMS 2-4 ABOVE? List all other business name(s), Federal Employer Identification Number(s) or any D/B/A names and the dates that these names or numbers were/are in use. Explain the relationship to the vendor. ☐ Yes ☒ No

15. ARE THERE ANY INDIVIDUALS NOW SERVING IN A MANAGERIAL OR CONSULTING CAPACITY TO THE VENDOR, INCLUDING PRICIPAL OWNERS AND OFFICERS, WHO NOW SERVE OR IN THE PAST ONE (1) YEARS HAVE SERVED AS:

a) An elected or appointed public official or officer? ☐ Yes ☒ No
List each individual's name, business title, the name of the organization and position elected or appointed to, and dates of service

b) An officer of any political party organization in Albany County, whether paid or unpaid? ☐ Yes ☒ No
List each individuals name, business title or consulting capacity and the official political position held with applicable service dates.

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

16.	WITHIN THE PAST (5) YEARS, HAS THE VENDOR, ANY INDIVIDUALS SERVING IN MANAGERIAL OR CONSULTING CAPACITY, PRINCIPAL OWNERS, OFFICERS, MAJOR STOCKHOLDER(S) (10% OR MORE OF THE VOTING SHARES FOR PUBLICLY TRADED COMPANIES, 25% OR MORE OF THE SHARES FOR ALL OTHER COMPANIES), AFFLITIATE OR ANY PERSON INVOLVED IN THE BIDDING OR CONTRACTING PROCESS:	
a)	1. been suspended, debarred or terminated by a local, state or federal authority in connection with a contract or contracting process; 2. been disqualified for cause as a bidder on any permit, license, concession franchise or lease; 3. entered into an agreement to a voluntary exclusion from bidding/contracting; 4. had a bid rejected on an Albany County contract for failure to comply with the MacBride Fair Employment Principles; 5. had a low bid rejected on a local, state or federal contract for failure to meet statutory affirmative action or M/WBE requirements on a previously held contract; 6. had status as a Women's Business Enterprise, Minority Business Enterprise or Disadvantaged Business Enterprise, de-certified, revoked or forfeited; 7. been subject to an administrative proceeding or civil action seeking specific performance or restitution in connection with any local, state or federal government contract; 8. been denied an award of a local, state or federal government contract, had a contract suspended or had a contract terminated for non-responsibility; or 9. had a local, state or federal government contract suspended or terminated for cause prior to the completion of the term of the contract.	☐ Yes ☒ No
b)	been indicted, convicted, received a judgment against them or a grant of immunity for any business-related conduct constituting a crime under local, state or federal law including but not limited to, fraud extortion, bribery, racketeering, price-fixing, bid collusion or any crime related to truthfulness and/or business conduct?	☐ Yes ☒ No
c)	been issued a citation, notice, violation order, or are pending an administrative hearing or proceeding or determination of violations of: 1. federal, state or local health laws, rules or regulations.	☐ Yes ☒ No
17.	IN THE PAST THREE (3) YEARS, HAS THE VENDOR OR ITS AFFILIATES ı HAD ANY CLAIMS, JUDGMENTS, INJUNCTIONS, LIENS, FINES OR PENALTIES SECURED BY ANY GOVERNMENTAL AGENCY? Indicate if this is applicable to the submitting vendor or affiliate. State whether the situation(s) was a claim, judgment, injunction, lien or other with an explanation. Provide the name(s) and address(es) of the agency, the amount of the original obligation and outstanding balance. If any of these items are open, unsatisfied, indicate the status of each item as "open" or "unsatisfied."	☐ Yes ☒ No
18.	DURING THE PAST THREE (3) YEARS, HAS THE VENDOR FAILED TO:	
	a) file returns or pay any applicable federal, state or city taxes? ***Identify the taxing jurisdiction, type of tax, liability year(s), and tax liability amount the vendor failed to file/pay and the current status of the liability.***	☐ Yes ☒ No
	b) file returns or pay New York State unemployment insurance? ***Indicate the years the vendor failed to file/pay the insurance and the current status of the liability.***	☐ Yes ☒ No
	c) Property Tax *Indicate the years the vendor failed to file.*	☐ Yes ☒ No
19.	HAVE ANY BANKRUPTCY PROCEEDINGS BEEN INITIATED BY OR AGAINST THE VENDOR OR ITS AFFILIATES ı WITHIN THE PAST SEVEN (7) YEARS (WHETHER OR NOT CLOSED) OR IS ANY BANKRUPTCY PROCEEDING PENDING BY OR AGAINST THE VENDOR OR ITS AFFILIATES REGARDLESS OR THE DATE OF FILING? Indicate if this is applicable to the submitting vendor or affiliate. If it is an affiliate, include the affiliate's name and FEIN. Provide the court name, address and docket number. Indicate if the proceedings have been initiated, remain pending or have been closed. If closed, provide the date closed.	☐ Yes ☒ No
20.	IS THE VENDOR CURRENTLY INSOLVENT, OR DOES VENDOR CURRENTLY HAVE REASON TO BELIEVE THAT AN INVOLUNTARY BANKRUPTCY PROCEEDING MAY BE BROUGHT AGAINST IT? Provide financial information to support the vendor's current position, for example, Current Ration, Debt Ration, Age of Accounts Payable, Cash Flow and any documents that will provide the agency with an understanding of the vendor's situation.	☐ Yes ☒ No

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

21.	IN THE PAST FIVE (5) YEARS, HAS THE VENDOR OR ANY AFFILIATES1 :	☐ Yes ☒ No
	a) defaulted or been terminated on, or had its surety called upon to complete, any contract (public or private) awarded;	
	Indicate if this is applicable to the submitting vendor or affiliate. Detail the situation(s) that gave rise to the negative action, any corrective action taken by the vendor and the name of the contracting agency.	

1 "Affiliate" meaning: (a) any entity in which the vendor owns more than 50% of the voting stock; (b) any individual, entity or group of principal owners or officers who own more than 50% of the voting stock of the vendor; or (c) any entity whose voting stock is more than 50% owned by the same individual, entity or group described in clause (b). In addition, if a vendor owns less than 50% of the voting stock of another entity, but directs or has the right to direct such entity's daily operations, that entity will be an "affiliate" for purposes of this questionnaire.

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

ALBANY COUNTY
VENDOR RESPONSIBILITY QUESTIONNAIRE

FEIN #

State of: New York)
) ss:
County of: Erie)

CERTIFICATION:

The undersigned: recognizes that this questionnaire is submitted for the express purpose of assisting the County of Albany in making a determination regarding an award of contract or approval of a subcontract; acknowledges that the County may in its discretion, by means which it may choose, verify the truth and accuracy of all statements made herein; acknowledges that intentional submission of false or misleading information may constitute a felony under Penal Law Section 210.40 or a misdemeanor under Penal Law Section 210.35 or Section 210.45, and may also be punishable by a fine and/or imprisonment of up to five years under 18 USC Section 1001 and may result in contract termination; and states that the information submitted in this questionnaire and any attached pages is true, accurate and complete.

The undersigned certifies that he/she:

- Has not altered the content of the questions in the questionnaire in any manner;
- Has read and understands all of the items contained in the questionnaire and any pages attached by the submitting vendor;
- Has supplied full and complete responses to each item therein to the best of his/her knowledge, information ad belief;
- Is knowledgeable about the submitting vendor's business and operations;
- Understands that Albany County will rely on the information supplied in the questionnaire when entering into a contract with the vendor;
- Is under duty to notify the Albany County Purchasing Division of any material changes to the vendor's responses.

Name of Business United Uniform Dist. LLC Signature of Owner _____

Address 495 N. French Road Printed Name of Signatory _____

City, State, Zip Buffalo, NY 14228 Title

Sworn before me this 3rd day of November, 2020.

Notary Public

ANGELLA N. GALUSKI
NOTARY PUBLIC
ERIE COUNTY
COMMISSION EXPIRES
01GA6295671
JANUARY 6, 2022
STATE OF NEW YORK

JOSHUA E. MUSKAT - VP Major Accts
Printed Name

Signature

November 3, 2020
Date

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

Attachment "D"
Certification Pursuant to Section 103-g
Of the New York State
General Municipal Law

A. By submission of this bid/proposal, each bidder/proposer and each person signing on behalf of any bidder/proposer certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the New York State Finance Law.

B. A Bid/Proposal shall not be considered for award, nor shall any award be made where the condition set forth in Paragraph A above has not been complied with; provided, however, that in any case the bidder/proposer cannot make the foregoing certification set forth in Paragraph A above, the bidder/proposer shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. Where Paragraph A above cannot be complied with, the Purchasing Unit to the political subdivision, public department, agency or official thereof to which the bid/proposal is made, or his designee, may award a bid/proposal, on a case by case business under the following circumstances:

1. The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012, and the Bidder/Proposer has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or

2. The political subdivision makes a determination that the goods or services are necessary for the political subdivision to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

Signature

Joshua E. Muskat - VP Major Accounts
Title

November 3, 2020
Date

United Uniform Distribution, LLC.
Company Name

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

PEPPERBALL JANUARY 2023 ALBANY COUNTY CONTRACT 2020-101 - 11.5% OFF RETAIL

	PART NUMBER	PRODUCT DESCRIPTION	RETAIL	AGENCY	ALBANY
TRP™	769-01-0006	PepperBall® TRP™ Pistol - Black 2 magazines, 1 carrying bag. VXR™ Capable. Accepts 12g CO . CO and projectiles sold separately.	$555.00	$500.00	$ 491.1
TRP™	769-03-0006	PepperBall® TRP™ Pistol - Yellow 2 magazines, 1 carrying bag. VXR™ Capable. Accepts 12g CO . CO and projectiles sold separately.	$555.00	$500.00	$ 491.1
TRP™	920-01-0014	TRP™ Maintenance Kit	$49.99	$45.00	$ 44.2
TRP™	452-01-0602	TRP™ Spare Magazine Accepts VXR™ and Round projectiles.	$19.00	$18.00	$ 16.8
TRP™	520-03-0524	PepperBall® TRP™ Sling Bag Holds 1 TRP™, 3 magazines, extra projectiles and air cartridges.	$59.00	$53.00	$ 52.2
TRP™	385-01-0601	PepperBall® 12g CO 10 Ct. Fits TRP™, TMP™, and FN303p less lethal launchers.	$29.99	$27.00	$ 26.5
	745-03-0537	PepperBall® PPC™ HPA Launcher Kit - Yellow 1 PPC, 3 10 rnd magazines, case, 13 cu in HPA air tank, and stock. Accepts HPA, CO , and VXR™ projectiles.	$1,183.00	$1,065.00	$ 1,046.9
	745-03-0538	PepperBall® PPC™ 88g Launcher Kit - Yellow 1 PPC™, 3 10 rnd magazines, case, 88g ASA adapter, 2 ct. 88g cartridges, and stock. Accepts HPA, CO , and VXR™ projectiles.	$1,075.00	$968.00	$ 951.3
	745-03-0539	PepperBall® PPC™ 5pk 88g Launcher Kit - Yellow 5 PPC™, 15 10 rnd magazines, 5 cases, 10 88g ASA adapters, 10 ct 88g cartridges, and stock, 90 ct. INERT Round, 90 ct. LIVE-X™ Round, 50 ct. INERT VXR™ and 50 ct. LIVE-X VXR™.	$5,107.00	$4,597	$ 4,519.7
	745-03-0540	PepperBall® PPC™ 88g Launcher Kit - Yellow 1 PPC, 3 10 rnd magazines, soft sase, 88g ASA Adapter, 2 ct. 88g cartridges, stock, 90 ct. INERT Round, 50 ct. INERT VXR™, 50 ct. LIVE-X VXR™, 10 ct. LIVE MAXX. Accepts HPA, CO , and VXR™ projectiles.	$1,290.00	$1,161.00	$ 1,141.6
	745-03-0541	PepperBall® PPC™ 13 Cu In HPA 5 Pack 5 PPCs with 3 10 rnd magazines per, 5 cases, HPA air tank, stock, 90 ct. INERT Round, 90 ct. LIVE-X™ Round, 50 ct. INERT VXR™ and 50 ct. LIVE-X VXR™.	$5,107.00	$4,597.00	$ 4,519.7
	745-03-0542	PepperBall® PPC™ 13 Cu In HPA Kit 1 PPC, 3 10 rnd magazines, case, HPA air tank, stock, 90 ct. INERT Round, 50 ct. INERT VXR™, 50 ct. LIVE-X VXR™, and 10 ct. LIVE MAXX™.	$1,290.00	$1,161.00	$ 1,141.6
PPC™ ACCS	540-01-0503	PepperBall® PPC Case Fits PPC™ launcher and holds 3 magazines and other accessories.	$74.00	$67.00	$ 65.4
PPC™ ACCS	A22-0006-01	PepperBall® PPC 10 Rnd Magazine Version 2 PPC™ magazine, fits both round and VXR™ projectiles.	$37.00	$34.00	$ 32.7
	PART NUMBER	PRODUCT DESCRIPTION	RETAIL	AGENCY	ALBANY

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

	720-01-0002	PepperBall® FTC™ Basic - Black Gravity hopper and single point sling. Round projectiles only. CO or HPA capable.	$730.00	$657.00	$ 646.05
	720-03-0002	PepperBall® FTC™ Basic - Yellow Gravity hopper and single point sling. Round projectiles only. CO or HPA capable.	$730.00	$657.00	$ 646.05
	430-01-0180	PepperBall® Gravity Hopper - 160 Rnd - Black Fits FTC™, TAC-SA™, and VKS™ launchers.	$23.00	$21.00	$ 20.36
	410-01-0001	PepperBall® SplitShot™ SplitShot™ adapter for FTC™, TAC-SA™, TCP™, and PPC™ launchers.	$102.00	$92.00	$ 90.27
	530-01-0001	PepperBall® Single Point Sling Fits FTC™, TAC-SA™, and VKS™ launchers.	$37.00	$34.00	$ 32.75
	540-01-0001	PepperBall® FTC™ Case Case with 4 speed loader pouches.	$74.00	$67.00	$ 65.49
T	721-01-0005	PepperBall® TAC-SA™ - Semi Auto - Black Case, gravity hopper, two-point sling. Round projectiles only. CO or HPA capable.	$1,169.00	$1,053.00	$ 1,034.57
T	721-03-0005	PepperBall® TAC-SA™ - Semi Auto - Yellow Case, gravity hopper, two-point sling. Round projectiles only. CO or HPA capable.	$1,169.00	$1,053.00	$ 1,034.57
TAC-S	G20-0027	PepperBall® TAC-SA™ Case Fits TAC-SA™ or TAC-SF™ launchers.	$131.00	$118.00	$ 115.94
TAC-S	530-01-0002	PepperBall® Two-Point Sling Fits TAC-SA™, FTC™, VKS™, and PPC™ launchers.	$37.00	$34.00	$ 32.75
TAC-S	430-01-0006	PepperBall® EL-2™ Electronic Hopper - 160 Rnd - Black Fits VKS™, TAC-SA™, and FTC™ launchers. Round projectiles only.	$193.79	$171.50	$ 171.50
VKS	743-01-0002	PepperBall® VKS PRO™ - Black 2 magazines, foregrip, M-LOK hand guard, and case. VXR™ and Round projectile capable. CO or HPA capable.	$1,461.00	$1,315.00	$ 1,292.99
VKS	743-03-0002	PepperBall® VKS PRO™ - Yellow 2 magazines, foregrip, M-LOK hand guard, and case. VXR™ and Round projectile capable. CO or HPA capable.	$1,461.00	$1,315.00	$ 1,292.99
VKS	744-01-0004	PepperBall® VKS PRO PLUS™ - Black Red dot sight, 15 cu in 4500 psi tank, 2 magazines, foregrip, M-LOK hand guard, and case. VXR™ and Round projectile capable. CO or HPA capable.	$1,575.00	$1,418.00	$ 1,393.88
VKS	744-03-0004	PepperBall® VKS PRO PLUS™ - Yellow Red dot sight, 15 cu in 4500 psi tank, 2 magazines, foregrip, M-LOK hand guard, and case. VXR™ and Round projectile capable. CO or HPA capable.	$1,575.00	$1,418.00	$ 1,393.88
	PART NUMBER	**PRODUCT DESCRIPTION**	**RETAIL**	**AGENCY**	**ALBANY**
VKS PRO™ A	430-01-0006	PepperBall® EL-2™ Electronic Hopper - 160 Rnd - Black Fits VKS™, TAC-SA™, and FTC™ launchers. Round projectiles only.	$175.00	$158.00	$ 154.88
VKS PRO™ A	450-01-1780	PepperBall® VKS™ 15 Rnd Magazine - Black Fits VKS PRO™ and VKS PRO PLUS™ launchers. VXR™ and Round projectile capable.	$37.00	$34.00	$ 32.75
VKS PRO™ A	450-03-1779	PepperBall® VKS™ 15 Rnd Magazine - Yellow Fits VKS PRO™ and VKS PRO PLUS™ launchers. VXR™ and Round projectile capable.	$37.00	$34.00	$ 32.75

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BLAST	711-01-0556	PepperBall® Blast™ - LIVE-X™ 5 Pack 5 loaded and ready to fi BLAST LIVE-X units	$162.00	$146.00	$	143.3
	711-01-0557	PepperBall® Blast™ - INERT 5 Pack 5 loaded and ready to fi BLAST INERT units	$118.00	$107.00	$	104.4
	190-01-0520	PepperBall® Blast™ 10 Ct. Refill - LIVE-X™ 10 LIVE-X loaded barrels and air cartridges. Assembly required.	$129.00	$117.00	$	114.1
	190-01-0521	PepperBall® Blast™ 10 Ct. Refill - INERT 10 INERT loaded barrels and air cartridges. Assembly required.	$86.00	$78.00	$	76.1

	PART NUMBER	PRODUCT DESCRIPTION	RETAIL	AGENCY	ALBANY
	100-84-0375	PepperBall® INERT™ Powder Projectiles - 375 Ct. Packaged in a clear plastic jar.	$371.00	$323.00	$ 328.3
	103-80-0090	PepperBall® LIVE™ PAVA (OC) Powder Projectiles - 90 Ct. Packaged in a clear plastic jar.	$287.00	$250.00	$ 254.0
	103-80-0375	PepperBall® LIVE™ PAVA (OC) Powder Projectiles - 375 Ct. Packaged in a clear plastic jar.	$1,112.00	$967.00	$ 984.1
	104-81-0090	PepperBall® LIVE-X™ PAVA (OC) Powder Projectiles - 90 Ct. Packaged in a clear plastic jar.	$370.00	$322.00	$ 327.4
	104-81-0375	PepperBall® LIVE-X™ PAVA (OC) Powder Projectiles - 375 Ct. Packaged in a clear plastic jar.	$1,431.00	$1,244.00	$ 1,266.4
	105-92-0090	PepperBall® LIVE MAXX™ PAVA (OC) Powder Projectiles - 90 Ct. Packaged in a clear plastic jar.	$720.00	$648.00	$ 637.2
	105-92-0375	PepperBall® LIVE MAXX™ PAVA (OC) Powder Projectiles - 375 Ct. Packaged in a clear plastic jar.	$2,750.00	$2,475.00	$ 2,433.7
	112-01-0010	PepperBall® Glass Breaker Solid Projectiles - 10 ct. Packaged in a clear plastic jar.	$31.00	$27.00	$ 27.44
	112-01-0100	PepperBall® Glass Breaker Solid Projectiles - 100 ct. Packaged in a clear plastic jar.	$303.00	$263.00	$ 268.16
	120-15-0375	PepperBall® Pink Washable Marking Liquid Projectiles - 375 ct. Packaged in a clear plastic jar.	$371.00	$322.50	$ 328.34
VXR™	141-07-0050	PepperBall® VXR™ INERT™ Powder Projectiles - 50 ct. Packaged in sealed mylar tray.	$192.00	$167.00	$ 169.92
	142-81-0050	PepperBall® VXR™ LIVE-X™ PAVA (OC) Powder Projectiles - 50 ct. Packaged in sealed mylar tray	$248.00	$215.00	$ 219.48
	149-01-0010	PepperBall® VXR™ LIVE MAXX™ PAVA (OC) Powder Projectiles - 10 ct. Packaged in sealed mylar tray	$149.00	$135.00	$ 131.87
	149-01-0050	PepperBall® VXR™ LIVE MAXX™ PAVA (OC) Powder Projectiles - 50 ct. Packaged in sealed mylar tray.	$480.00	$432.00	$ 424.80
	140-05-0050	PepperBall® VXR™ Blue Ink Marking Liquid Projectiles - 50 ct. Packaged in sealed mylar tray.	$192.00	$167.00	$ 169.92

PART NUMBER	PRODUCT DESCRIPTION	RETAIL	AGENCY	ALBANY

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378-01-0002	PepperBall® SCUBA Air Fill Kit SCUBA tank, air fill adapter, and whip.	$398.00	$359.00	$ 352.23
378-03-0001	PepperBall® SCUBA Tank w/Harrison Valve - Yellow	$333.00	$300.00	$ 294.71
340-01-0003	PepperBall® Air Fill Adapter & Whip	$100.00	$90.00	$ 88.50
340-01-2920	PepperBall® Air Fill Whip	$21.00	$19.00	$ 18.59
370-01-0013	PepperBall® 13 Cu In. HPA Tank	$93.00	$84.00	$ 82.31
B20-0018	PepperBall® 15 Cu In. Pro Series HPA Tank	$199.00	180.00	$ 176.12
370-01-0002	PepperBall® 30 Cu In. HPA Tank	$147.00	$133.00	$ 130.10
370-01-0062	PepperBall® 62 Cu In. HPA Tank	$173.00	$156.00	$ 153.11
380-10-0001	PepperBall® 88 Gram CO 2 Ct. ^{2}	$31.00	$28.00	$ 27.44
385-01-0601	PepperBall® 12 Gram CO 10 Ct. ^{2}	$29.99	$27.00	$ 26.54
385-01-0002	PepperBall® 8g CO Cartridges 10 ct. ^{2} 10 pack of food grade CO air cartridges. ^{2}	$13.00	$12.00	$ 11.51
385-01-0534	PepperBall® 10 Ct. 1.3g Nitrogen Cartridges 10 ct. 10 pack of food grade HPA air cartridges. Fits TCP™ only.	$24.00	$22.00	$ 21.24
412-01-0003	PepperBall® 88 Gram CO Adapter ^{2}	$57.00	$52.00	$ 50.45
PART NUMBER	**PRODUCT DESCRIPTION**	**RETAIL**	**AGENCY**	**ALBANY**
410-01-0001	PepperBall® SplitShot™ Fits TAC-SA™, FTC™, PPC™, TCP™ and VKS PRO™ (with adapter) launchers.	$102.00	$92.00	$ 90.27
520-01-0001	PepperBall® SplitShot™ Molle Pouch Black 600d nylon pouch.	$23.00	$21.00	$ 20.36
430-01-0001	PepperBall® Speed Pod Loader Holds 160 projectiles.	$20.00	$18.00	$ 17.70
550-01-0001	PepperBall® Patriot 450 Riot Control Vest - Expansion Kit Includes 4 speed pod loaders, 62 cu. in. HPA tank, and coiled remote.	$447.00	$403.00	$ 395.60
412-01-0525	Toolless HPA/88g Stock Kit Fits the PPC™ and VKS™ launchers. Works with 88g CO only. ^{2}	$49.00	$45.00	$ 43.37
520-03-0512	Grab and Go Pouch Yellow nylon, holds 4 88g CO cartridges. ^{2}	$19.00	$18.00	$ 16.82
520-03-0524	PepperBall® TRP™ Sling Bag Holds 1 TRP™, 3 magazines, extra projectiles and air cartridges.	$59.00	$53.00	$ 52.22
N10-0109	TRP™/TCP™/PPC™ Magazine Cap Covers the top of the PPC™, TCP™, and TRP™ magazines.	$9.00	$9.00	$ 7.97

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Service & Maintenance Kits

PART NUMBER	PRODUCT DESCRIPTION	RETAIL	AGENCY	ALBANY
920-01-0009	PepperBall® FTC™ Maintenance Kit	$104.00	$94.00	$ 92.04
920-01-0001	PepperBall® VKS™ Maintenance Kit	$104.00	$94.00	$ 92.04
920-01-0014	TRP™ Maintenance Kit	$49.99	$45.00	$ 44.24
920-01-0002	PepperBall® 13 Cubic Inch HPA Bottle O-Ring (100 pack)	$54.00	$49.00	$ 47.79
920-01-0003	PepperBall® Fill Adapter O-Ring (50 pack)	$21.00	$19.00	$ 18.59
930-01-0001	PepperBall® 2 oz. HPA Oil Synthetic HPA oil intended for use on all PepperBall launchers.	$11.00	$10.00	$ 9.74

New Customer Bundles (Includes One Instructor Course Seat)

PART NUMBER	PRODUCT DESCRIPTION	RETAIL	AGENCY	ALBANY
FTC	FTC Launcher, 375 Round Inert, 375 Round LiveX	$1675.00	$1495.00	$ 1,482.38
PPC 88G	PPC 88G Launcher, 375 Round Inert, 375 Round LiveX	$2254.25	$1995.00	$ 1,995.00
PPC HPA	PPC HPA Launcher, 300 VXR Inert, 150 VXR LiveX	$2254.25	$1995.00	$ 1,995.00
TAC-SA	TAC-SA Launcher, 375 Round Inert, 375 Round LiveX	$1977.50	$1750.00	$ 1,750.00
VKS PRO	VKS PRO Launcher, 300 VXR Inert, 150 VXR LiveX	$2254.25	$1995.00	$ 1,995.00

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COUNTY OF ALBANY
RFB #2020-121 LAW ENFORCEMENT AND EQUIPMENT AND SUPPLIES
BID TABULATION

SECTION A: DISCOUNT

Vendors	Atlantic Tactical	Galls LLC	Lynn Peavy Corp.	Prendo Forensics, LLC	Sirchi Forensics	Safariland LLC	United Uniform Distrobution	New York Police Supply
Discount Offered from Bidder's General Line Law Enforcement Online or Published Catalog or Published Price List	6%	15% off MSRP	5%	12%	15%	No Bid for Section A	6.0%	No bid for Section A
Catalog or price list from which discount will be calculated (hard copy catalog, online catalog, vendor price list):	www.atlantictactical.com	www.galls.com - Not including sale/ clearance items. Also no discount on Bullard or Streamlight items. Free shipping except on oversized or hazmat	https://lynnpeavey.com/?v=dfd44cc06c1b	http://prendoforensics.com/	www.sirchie.com		www.uniteduniform.com	
Discount Offered from Bidder's Forensic Supply Online or Published Catalog or Published Price List	No bid	No bid	5%	12%	15%	No Bid	6.0%	
Catalog or price list from which discount will be calculated (hard copy catalog, online catalog, vendor price list):	ONLINE	ONLINE	https://lynnpeavey.com/?v=dfd44cc06c1b	http://prendoforensics.com/	http://www.sirchie.co	Agency Price List (supplied)	http://www.uniteduniform.com/	
Distributors?	N	N	N	N	N	Y	Y	
Notes	*Price lists also in bid folder	*Price lists also in bid folder	*Price lists also in bid folder	*Price lists also in bid folder	This discount excludes: Vehicles, drying & fuming cabinets/ work stations, RUVIS Equipment, body cameras and digital forensics **Price list also in bid fol	*Authorized Distributors: Atlantic Tactical United Uniforms		

highlighted areas indicate award is being made

Packet Pg. 674
13.Q.2.a
Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

COUNTY OF ALBANY
RFB #2020-121 LAW ENFORCEMENT EQUIPMENT AND SUPPLIES
BID TABULATION

SECTION B: CHEMICAL LAW ENFORCEMENT DEVICES

	United Uniform Dist. LLC*					Safariland LLC					New York Police S		
	% Discount from Price List	Catalog/ Price List Identification	Incl. Price List	Date of Price List	Delivery Lead Time (Days ARO)	% Discount from Price List	Catalog/ Price List Identification	Incl. Price List	Date of Price List	Delivery Lead Time (Days ARO)	% Discount from Price List	Catalog/ Price List Identification	Incl. Price List
A. Combined Tactical Systems- Penn Arms											20%	Agency List	
B. Defense Technology Corporation of America						5%	Defense Tech. Agency List		6/1/2020	60 days ARO			
C. Aerko International	5%	Aerko 2020		1/1/2020	30 days								
Security Equipment Corp./Sabre	10%	SABRE 2020		1/2/2020	30 DAYS								

**Authorized Distributors:*
Atlantic Tactical
United Uniforms

Highlighted areas indicate award is being made

Packet Pg. 675
13.Q.2.a
Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

13.Q.2.a

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 12/15/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Willis Towers Watson Midwest, Inc. c/o 26 Century Blvd P.O. Box 305191 Nashville, TN 372305191 USA	CONTACT NAME: Willis Towers Watson Certificate Center PHONE (A/C, No, Ext): 1-877-945-7378 FAX (A/C, No): 1-888-467-2378 E-MAIL ADDRESS: certificates@willis.com
INSURED Davis-Ulmer Sprinkler Company, Inc. One Commerce Drive Amherst, NY 14228	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A: Zurich American Insurance Company — 16535 INSURER B: AXIS Surplus Insurance Company — 26620 INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER:** W27103119 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR [X] Contractual Liability GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [X] PRO-JECT [X] LOC [ ] OTHER:	Y		GLO 8902940-03	12/31/2022	12/31/2023	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG $	$ 2,000,000 $ 2,000,000 $ 10,000 $ 2,000,000 $ 4,000,000 $ 4,000,000 $
A	AUTOMOBILE LIABILITY [X] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [X] HIRED AUTOS ONLY [X] NON-OWNED AUTOS ONLY			BAP 8488453-03	12/31/2022	12/31/2023	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) $	$ 5,000,000 $ $ $ $
B	[ ] UMBRELLA LIAB [X] OCCUR [X] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $			P-001-000068228-05	12/31/2022	12/31/2023	EACH OCCURRENCE AGGREGATE $	$ 5,000,000 $ 5,000,000 $
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N [No] (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		WC 8902941-03	12/31/2022	12/31/2023	[X] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 5,000,000 $ 5,000,000 $ 5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Stop Gap Employers Liability for the Monopolistic States of North Dakota, Ohio, Washington and Wyoming is provided under Workers' Compensation policy, however, Statutory coverage for the Monopolistic states is not.

The Town of Amherst is included as Additional Insured under the General Liability policy when required by written contract, agreement or permit and executed prior to the loss.

CERTIFICATE HOLDER

Town of Amherst
5583 Main Street
Williamsville, NY 14221

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

AGENCY CUSTOMER ID: _____

LOC #: _____

ADDITIONAL REMARKS SCHEDULE

AGENCY	NAMED INSURED
Willis Towers Watson Midwest, Inc.	Davis-Ulmer Sprinkler Company, Inc. One Commerce Drive Amherst, NY 14228
POLICY NUMBER See Page 1	
CARRIER: See Page 1 / NAIC CODE: See Page 1	EFFECTIVE DATE: See Page 1

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 FORM TITLE: Certificate of Liability Insurance

Insurance afforded to the Additional Insured under the General Liability is Primary and Non-contributory when required by written contract or agreement and when the Additional Insured is a Named Insured under such other insurance.

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

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SR ID: 23422213 BATCH: 2775803 CERT: W27103119

POLICY NUMBER: GLO 8902940-03 **ENDORSEMENT MAN 001**

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

AMENDATORY ENDORSEMENT - ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	Location(s) Of Covered Operations
Blanket when required by written contract, agreement, or permit and is executed prior to loss.	All projects or locations where required by written contract.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. **Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only to the extent of liability for "bodily injury", "property damage" or "personal and advertising injury" caused by:

1. Your negligent acts or omissions; or
2. The negligent acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

Includes copyrighted material of Insurance Services Office, Inc., with its permission

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

POLICY NUMBER: GLO 8902940-03 **ENDORSEMENT MAN 002**

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

AMENDATORY ENDORSEMENT - ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – COMPLETED OPERATIONS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	Location And Description Of Completed Operations
Blanket when required by written contract, agreement, or permit and is executed prior to loss.	All projects or locations where required by written contract.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only to the extent of liability for "bodily injury" or "property damage" caused by your negligent acts or omissions in the completion of your work at the location designated and described in the schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

Includes copyrighted material of Insurance Services Office, Inc., with its permission

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

POLICY NUMBER: GLO 8902940-03

COMMERCIAL GENERAL LIABILITY
CG 20 01 04 13

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

PRIMARY AND NONCONTRIBUTORY - OTHER INSURANCE CONDITION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

The following is added to the Other Insurance Condition and supersedes any provision to the contrary:

Primary And Noncontributory Insurance

This insurance is primary to and will not seek contribution from any other insurance available to an additional insured under your policy provided that:

(1) The *additional* insured is a Named Insured under such other insurance; and

(2) You have agreed in writing in a contract or agreement that this insurance would be primary and would not seek contribution from any other insurance available to the additional insured.

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

© Insurance Services Office, Inc., 2012

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name & Address of Insured (use street address only) Davis-Ulmer Sprinkler Co., Inc. One Commerce Drive Amherst, NY 14228 Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)*	1b. Business Telephone Number of Insured 716-691-3200 1c. NYS Unemployment Insurance Employer Registration Number of Insured 1750987 1d. Federal Employer Identification Number of Insured or Social Security Number 16-0710179
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst 5583 Main Street Williamsville, NY 14221	3a. Name of Insurance Carrier Zurich American Insurance Company 3b. Policy Number of Entity Listed In Box "1a" WC 8902941-03 3c. Policy effective period 12/31/2022 to 12/31/2023 3d. The Proprietor, Partners or Executive Officers are ☒ included. (Only check box if all partners/officers included) ☐ all excluded or certain partners/officers excluded.

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. **(To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy).** The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than the nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) **Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.**

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: James Schuette
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by: _____ 12/9/2022
(Signature) (Date)

Title: Client Advocate

Telephone Number of authorized representative or licensed agent of insurance carrier: 952-842-7000

Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.

C-105.2 (9-17) www.wcb.ny.gov

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

Workers' Compensation Board

CERTIFICATE OF INSURANCE COVERAGE

DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by Disability and Paid Family Leave Benefits Carrier or Licensed Insurance Agent of that Carrier

1a. Legal Name & Address of Insured (use street address only)
Davis-Ulmer Sprinkler Co., Inc.
1 Commerce Drive
Amherst, NY 14228

Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)*

1b. Business Telephone Number of Insured
585-546-3670

1c. Federal Employer Identification Number of Insured or Social Security Number
16-0710179

2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)
Town of Amherst
5583 Main Street
Williamsville, NY 14221

3a Name of Insurance Carrier
HARTFORD LIFE AND ACCIDENT

3b Policy Number of Entity Listed in Box "1a"
LNY616110

3c Policy effective period
01-01-2023 to 12-31-2023

4. Policy provides the following benefits:
- [x] A. Both disability and paid family leave benefits.
- [ ] B. Disability benefits only.
- [ ] C. Paid family leave benefits only.

5. Policy covers:
- [x] A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.
- [ ] B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 12-02-2022 *Elizabeth Tello*
(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number (212) 553-8074 Name and Title: Elizabeth Tello – Assistant Director, Statutory Services

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4C or 5B of Part 1 has been checked)

State of New York
Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law with respect to all of his/her employees.

Date Signed By
(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number Name and Title

Please Note: Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1. Insurance brokers are NOT authorized to issue this form.

DB-120.1 (10-17)

DB-120.1 (10-17) IH

Attachment: Piggybacking Agreement United Uniform for CRS Routing 6.14.2023 (RES-2023-573 : Piggyback with Albany County: Law

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Senior Services
Initiated by: **Melissa Abel**
Co-Sponsored by:

DOC ID: 27637 **RESOLUTION 2023-574** **ADOPTED**

Early Voting Polling Location Lease Agreement CRS #4156

We respectfully request Town Board permission to authorize the Supervisor to sign the Early Voting Lease Agreement between the Town of Amherst and the Board of Elections for the County of Erie.

6/20/2023
Consent

FINANCIAL IMPACT:

none

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

EARLY VOTING POLLING LOCATION LEASE AGREEMENT

CITY/TOWN & DISTRICTS

This agreement made on the _____ (date), by and between the **Amherst Senior Center,** hereinafter known and referred to as the **OWNER,** and the Board of Elections for the County of Erie, hereinafter referred to as the **TENANT.**

Witnesseth that said OWNER has agreed to let, and by these presents, does hereby grant, demise and let unto the said TENANT the following described premises:

LOCATION: Amherst Senior Center
ADDRESS: 370 John James Audubon Parkway, Amherst, New York 14228

The area to be leased is a room or location that has been pre-approved by the Board of Elections within the building suitable for registration and voting and which is as close as possible to a convenient entrance to such building that provides access, by ramp or otherwise, to physically disabled voters.

PRIMARY CONTACT: Melissa Abel
PHONE NUMBER: 716-636-3050
EMAIL: mabel@amherst.ny.us

DELIVERY CONTACT: Melissa Abel
PHONE NUMBER: 716-636-3050
EMAIL: mabel@amherst.ny.us

BUILDING OPENER: Melissa Abel
PHONE NUMBER: 716-628-0178
EMAIL: mabel@amherst.ny.us

As a place to hold official voter registrations and conduct elections in accordance with the provisions of the New York State Election Law on the dates listed below:

EARLY VOTING - PRIMARY ELECTION: JUNE 17, 2023 – JUNE 25, 2023
EARLY VOTING - GENERAL ELECTION: OCTOBER 28, 2023 - NOVEMBER 5, 2023

For Early Voting Dates that occur during weekdays, the TENANT is to have uninterrupted use and possession of the leased area on each said date from 11:30 am, being one-half hour prior to the opening of the polls until 9:30 pm, being one-half hour after the closing of the polls or until the inspectors have completed their work, whichever shall be later.

For Early Voting Dates that occur on Saturday and/or Sunday, the TENANT is to have uninterrupted use and possession of the leased area on each said date from 8:30 am, being one-half hour prior to the opening of the polls until 5:30 pm, being one-half hour after the closing of the polls or until the inspectors have completed their work, whichever shall be later.

In the event an election is delayed or continues as a result of a common disaster to another date, the OWNER agrees to make available the leased area to the TENANT on said subsequent date.

The OWNER hereby agrees to open the building for delivery and pick up of the voting machine(s) on a date mutually agreed to by the parties, between the third and sixth day prior to the election and between the first and fourth day following the election.

The TENANT agrees to pay the OWNER the following total rental for the entire early voting time period: **$900.00 per election.**

Attachment: Early Voting-06062023133051 (RES-2023-574 : Early Voting Polling Location Lease Agreement CRS #4156)

The OWNER hereby promises, covenants and acknowledges as follows:

A. To furnish necessary light, heat, and if available, cooling, to the leased area;
B. To provide and set up twelve chairs and four tables no less than 48" in length for each machine delivered to the leased area;
C. To ensure that the leased area is accessible to the public during the times heretofore specified and that the doors are opened;
D. That there is a functional restroom facility available for use by employees of the TENANT during said day; and
E. That political contributions by the OWNERS of a polling place are prohibited and that it is a misdemeanor for such OWNER to make, offer or promise any such political contribution as an inducement for the leasing of these premises.

The TENANT hereby promises, covenants and acknowledges as follows:

A. Not to use said premises, or any part thereof, for any purpose other than the official voter registration and election functions;
B. Not to let or sign over said premises, or any part thereof, to another without the prior written consent of the OWNER;
C. To punctually pay said rent as the same accrues; and
D. To take special care that no damage happens to the building, or any improvements or fixtures therein.

A breach of any promise or covenant made by the TENANT shall be reported by the OWNER to the commissioners of the Erie County Board of Elections as soon as practicable. If any damage shall occur to the leased premises as a result of the negligence by the TENANT or any of its agents or employees, the TENANT hereby agrees to cooperate with the OWNER in filing a claim for damages with the County of Erie. The County does not assume liability for the OWNER's obligation to maintain and operate the property, building, premises and ingress/egress thereto in a safe condition. Any reported incident related to election operations will be investigated and evaluated by Erie County in cooperation with the lessor.

The commissioners of the Board of Elections, no later than four weeks following the receipt of the fully executed lease agreement and the conclusion of the election, shall transmit to the Erie County Comptroller a voucher, in the form required by said comptroller, requesting prompt payment of the rental due to the OWNER in the amount stated above.

In the event that following the execution of this lease agreement, the premises shall become damaged, restricted, or placed under repair to such an extent that the leased area is no longer suitable for the conduct of voter registration and election, the TENANT shall have the right to terminate this lease agreement.

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals the day and year first above mentioned.

ERIE COUNTY BOARD OF ELECTIONS:

_____
Ralph M. Mohr, Commissioner of Elections

_____
Jeremy J. Zellner, Commissioner of Elections

OWNER: _____

BY: _____

PRINT NAME: _____

Attachment: Early Voting-06062023133051 (RES-2023-574 : Early Voting Polling Location Lease Agreement CRS #4156)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Sewer/Plant 16
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 27660 **RESOLUTION 2023-575** **ADOPTED**

2023 CIP Amendment

The Engineering Department recommends amending the Approved Town of Amherst 2023 CIP to accommodate reallocation of project funds within the Engineering Department's WPCF project list. The total funding allocated for the listed projects ($1,325,000.00) remains unchanged. The allocation among the projects is being amended according to the table below based on current prioritization.

Project ID#	Project Title	Supervisor's Approved 2023 CIP Amount	Amended 2023 CIP Amount
E-9	WPCF Structural Repair/Rebuild of Various Concrete Tanks	150 LW	--
E-10	WPCF Cryogenic O2 Plant Design Replacement	400 LW	350 LW
E-12	WPCF Building and Equipment Infrastructure - Phase 4	425 LW	800 LW
E-13	WPCF HVAC Facility Improvements - Phase 5	350 LW	175 LW
	TOTAL	**1,325 LW**	**1,325 LW**

Thank you for considering this request.

6/20/2023
Consent

FINANCIAL IMPACT:

N/A

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Sewer/Plant 16
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 27661 **RESOLUTION 2023-576** **ADOPTED**

Payment Authorization Dival Safety Equipment, Inc.

The Engineering Department - Water Pollution Control Facility is requesting the Town Board authorize payment to Dival Safety Equipment, Inc for invoice #3263998 in the amount of $1,066.21. The gas metering sensors on the contract could not be provided by Dival at the NYSOGS price, but they could be sent faster than other vendors, so for the importance of safety, they were still ordered through Dival.

Funds are available in G9916-4870.

Thank you for considering this request.

6/20/2023
Consent

FINANCIAL IMPACT:

G9916-4870; $1,066.21

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

TOWN OF AMHERST

VOUCHER

PO NO: 2310122 13.S.2.a

MAY 17 2023

Date: 03/06/2023

This number must appear on all packages and invoices

WATER POLLUTION CONTROL FACILITY
455 TONAWANDA CREEK ROAD
AMHERST, NEW YORK 14228
(716) 691-9771 FAX: (716) 691-4496
Federal ID# 16-6002157

Fund/Dept/Dist.	Object	Amount
G9916	4922	$ 1,666.21
	TOTAL	$ 1,666.21

Supplier: 001226

DIVAL SAFETY EQUIPMENT, INC.
1721 NIAGARA STREET
BUFFALO, NY, 14207

☐ **Check box if partial payment (P.O. will remain open)**

Quantity	Description	Unit Price	Amount
5	4-GAS CALIBRATION MIX-58 LITRES	$ 200.00	$ 1,000.00
3	GMI - PS200 LEL SENSOR	$ 222.07	$ 666.21
		TOTAL	$ 1,666.21

Due Date: _____ **Invoices:** 3248466, 3263998 **SALES TAX EXEMPT**

☐ **Separate Check Required**

Invoices must be rendered on attached form (voucher) furnished by the Town of Amherst and must be properly signed. The town will not be responsible for merchandise delivered without a receipt signature.

Received by CR
Date Received 3/8 & 4/8/23

All purchase contracts involving an aggregate expenditure of more than $20,000 and all contracts for public works for more than $35,000 must be competitively bid.

PURCHASE AUTHORIZATION _____ 5/11/2023
Department Head or Director of Purchasing

DEPARTMENT APPROVAL

The above services or materials where rendered or furnished to The municipality on the dates stated and the changes are correct.

5/15/23 _____
Date Authorized Signature

COMPTROLLERS OFFICE

_____ _____
Date Authorized Official

Audited by: _____ **Contract: Cheryl Golda** **Bids Received Y / N**

Date: _____ **TB Res. No:** **Town Board Approval Y / N**

TB Res. Date: (716) 874-4686

Attachment: DIVAL 2310122 (RES-2023-576 : Payment Authorization)

DIVAL for Life

QUOTE CONFIRMATION Page 1

1721 Niagara St • Buffalo, NY 14207 • Phone: 800.3431354 • Fax: 716.874.4686 • www.divalsafety.com

Bill to: TOWN OF AMHERST WASTEWATER
TREATMENT FACILITY #16
455 TONAWANDA CREEK ROAD
AMHERST NY 14228

Ship to: TOWN OF AMHERST WASTEWATER
TREATMENT PLANT #16
455 TONAWANDA CREEK ROAD
JOHN ATKINS
AMHERST NY 14228

CUSTOMER NUMBER	CONTACT	PRINT DATE
10345	SHAWN KILROY OR TERI	3/02/23

ORDER NUMBER	CUSTOMER PURCHASE ORDER	SALES REPRESENTATIVE	INSTRUCTIONS
VU307 00	QT	167 CON TRANSITION	EMAILED

Ordered	Shipped	B.O.	U/M	Item and Description	Unit Price	Extended Price
3		3	EA	64825GMI GMI LEL sensor for PS200 gas meter	$222.07000	$666.21
5	3	2	EA	6000050070 Cal gas 50% LEL, 18.0% O2, 10ppm H2S, 50ppm CO, 58L RECEIVING HOURS: 7AM-2:30PM ***HIRES CONTRACT PC69018 FOR CAL GAS WE CANNOT QUOTE THE SENSOR AT CONTRACT PRICING AT THIS TIME LEAD TIME APPROX 10-15 DAYS	$200.00000	$1000.00

Quote Confirmation -
Not an Invoice

Total Line Items 2

* COMPLETE *

Subtotal	Tax Pct	Sales tax	Total
$1666.21	.000		$1666.21

Attachment: DIVAL 2310122 (RES-2023-576 : Payment Authorization)

Attachment: DIVAL 231022 (RES-2023-576 : Payment Authorization)

PC69018
DiVal Safety Equipment, Inc.
Effective September 19, 2022

DHS AEL CATEGORY NUMBER	Contractor Item Number	Item Description	Manufacturer Name	Manufacturer Item Number	Unit of Measure (ie. Each/Case)	List Price	HIRE Contract Discount %	HIRE Contract Price
Category 7	64322	Sounder for use with PS200 monitors	Teledyne	64322	EA	$8.83	10.0%	$7.95
Category 7	64303GN	Rubber Boot (Green) for use with PS200 monitors	Teledyne	64322	EA	$46.34	10.0%	$41.71
Category 7	64327	Liquid Crystal Display (LCD) Module for use with PS200 monitors	Teledyne	64327	EA	$33.74	10.0%	$30.37
Category 7	64329	O'Ring 3mm for Centre Section for use with PS200 monitors	Teledyne	64329	EA	$0.79	10.0%	$0.71
Category 7	64825	LEL Sensor (Filtered sensor) for use with PS200 monitors	Teledyne	64825	EA	$127.00	10.0%	$114.30
Category 7	65015	GS500 Oxygen Cell	Teledyne	65015	EA	$158.00	10.0%	$142.20
Category 7	65127	CO Sensor Cell for use with PS500 Series, Gasurveyor, or Shipsurveyor monitors	Teledyne	65127	EA	$277.00	10.0%	$249.30
Category 7	65128	H2S Cell for use with PS500 Series, Gasurveyor, V!SA, or Shipsurveyor monitors	Teledyne	65128	EA	$277.00	10.0%	$249.30
Category 7	65371	CL2 for use with PS500 Series or V!SA monitors	Teledyne	65371	EA	$418.00	10.0%	$376.20
Category 7	65377	SO2 for use with PS500 Series or V!SA monitors	Teledyne	65377	EA	$418.00	10.0%	$376.20
Category 7	65378	NO2 for use with PS500 Series or V!SA monitors	Teledyne	65378	EA	$418.00	10.0%	$376.20
Category 7	65385	NO for use with PS500 Series or V!SA monitors	Teledyne	65385	EA	$418.00	10.0%	$376.20
Category 7	65388	NH3 for use with PS500 Series or V!SA monitors	Teledyne	65388	EA	$638.00	10.0%	$574.20
Category 7	66000	LEL Carbon Cloth for use with PS500 Series or V!SA monitors	Teledyne	66000	EA	$62.00	10.0%	$55.80
Category 7	66003	NO for use with PS500 Series or V!SA monitors	Teledyne	66003	EA	$354.00	10.0%	$318.60
Category 7	66004	NO2 for use with PS500 Series or V!SA monitors	Teledyne	66004	EA	$354.00	10.0%	$318.60
Category 7	66005	NH3 for use with PS500 Series or V!SA monitors	Teledyne	66005	EA	$486.00	10.0%	$437.40
Category 7	66006	CL2 for use with PS500 Series or V!SA monitors	Teledyne	66006	EA	$354.00	10.0%	$318.60

DIVAL Safety & Supplies for Life

SERVICE EXCELLENCE Since 1977

INVOICE

DiVal Safety Equipment, Inc. • 1721 Niagara St. • Buffalo, NY 14207 • Tol 800.343.1354 • Tel 716.874.9060 • Fax 716.874.4686

Bill to: TOWN OF AMHERST WASTEWATER
TREATMENT FACILITY #16
455 TONAWANDA CREEK ROAD
AMHERST NY 14228

Ship to: TOWN OF AMHERST WASTEWATER
TREATMENT PLANT #16
455 TONAWANDA CREEK ROAD
JOHN ATKINS
AMHERST NY 14228

CUSTOMER NUMBER	TERMS	INVOICE DATE	INVOICE NUMBER
10345	NET 30 DAYS	4/04/23	3263998

RECEIVED APR 10 2023

ORDER NUMBER	CUSTOMER PURCHASE ORDER	SALES REPRESENTATIVE	INSTRUCTIONS
VU307 / 01	2310122	CON TRANSITION	OUR DELIVERY

Ordered	Shipped	B.O.	U/M	Item and Description	Unit Price	Extended Price
3	3		EA	64825GMI GMI LEL sensor for PS200 gas DiVal stocking U/M: (3 EA) meter	$222.07000	$666.21
2	2		EA	6000050070 Cal gas 50% LEL, 18.0% O2, DiVal stocking U/M: (2 EA) 10ppm H2S, 50ppm CO, 58L RECEIVING HOURS: 7AM-2:30PM ***HIRES CONTRACT PC69018 FOR C AL GAS THANK YOU FOR YOUR ORDER Invoice due: 5/04/23	$200.00000	$400.00

Subtotal	Tax Pct	Sales tax	Total
$1066.21	.000		$1066.21

Attachment: DIVAL 2310122 (RES-2023-576 : Payment Authorization)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Sewer/Plant 16
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 27665 **RESOLUTION 2023-577** **ADOPTED**

Lift Station Communications 3G - 4G Upgrades Colacino Industries CRS #3816/CMS #3488

The Engineering Department, WPCF division, is requesting that the Town Board authorize payment to Colacino Industries, Inc. for invoices 58965 and 59235. Resolution 2023-114 authorized Colacino Industries to purchase the necessary items and provide labor for a required upgrade to 4G service from the expiring 3G service at our lift stations. At the time, the Resolution was pending approval through CRS and once it was complete, it only allowed the cost of $16,600.00. After the fact, additional materials were required for the installed parts at the cost of $302.98 on invoice 59235. The Resolution also did not cover labor to install parts already on hand, which totaled $7,840.00 on invoice 58965. The total amount of the payment authorization request is $8,142.98.

Funds for this request are available in KP2029-4972.

Thank you for considering this request.

6/20/2023
Consent

FINANCIAL IMPACT:

KP2029-4972; $8,142.98

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 01/17/23 07:00 PM
Department: Sewer/Plant 16
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 27025 C

RESOLUTION 2023-114

ADOPTED

Lift Staton Communications Upgrades Colacino Industries CRS No. 3816

The Engineering Department, WPCF division, currently has the following professional service contract with Colacino Industries, Inc. CRS-CMS 1541-1839 Lift Station Communications Hosting Contract. This contract provides a wireless communication and database system for managing and monitoring our remote lift stations throughout the Town of Amherst. At the end of December, the WPCF was notified that on December 31, 2022 Verizon Wireless was shutting down our 3G service to all our lift stations. In order to continue communications with the lift stations, the modems must be upgraded to 4G service.

The WPCF is routing this, as a "sole source" procurement as this system's communication and database is propriety to Colacino Industries. At this time, we ask that the Town Board consider authorizing the procurement of services listed on the attached Colacino Industries not-to-exceed estimate at the cost of $40,488.61.

This request is pending successful completion of the contract review process.

Funds for this request are available in KP2136-2150.

Thank you for considering this request.

1/17/2023
Consent

FINANCIAL IMPACT:

NTE $40,488.61; KP2136-2150

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Attachment: COLACINO 1 (RES-2023-577 : Lift Station Communications 3G - 4G Upgrades)

TOWN OF AMHERST

VOUCHER

PO NO: 2310261

MAY 17 2023

Date: 05/10/2023

This number must appear on all packages and invoices

WATER POLLUTION CONTROL FACILITY
455 TONAWANDA CREEK ROAD
AMHERST, NEW YORK 14228
(716) 691-9771 FAX: (716) 691-4496
Federal ID# 16-6002157

Fund/Dept/Dist.	Object	Amount
KP 2029	4972	$ 16,902.98
	TOTAL	**$ 16,902.98**

Supplier: 17187

COLACINO INDUSTRIES
126 HARRISON STREET
NEWERK, NY, 14513
RES-2020-423 TBA 4/20/20 CRS #2004

☐ **Check box if partial payment (P.O. will remain open)**

Quantity	Description	Unit Price	Amount
1	3G TO 4G RADIO AND ANTENNA UPGRADE	$ 16,902.98	$ 16,902.98
		TOTAL	**$ 16,902.98**

Due Date: _____ **Invoices:** 59235 **SALES TAX EXEMPT**

☐ **Separate Check Required**

Invoices must be rendered on attached form (voucher) furnished by the Town of Amherst and must be properly signed. The town will not be responsible for merchandise delivered without a receipt signature.

Received by CR
Date Received 3/20/23

All purchase contracts involving an aggregate expenditure of more than $20,000 and all contracts for public works for more than $35,000 must be competitively bid.

PURCHASE AUTHORIZATION _____ 5/11/2023
Department Head or Director of Purchasing

DEPARTMENT APPROVAL

The above services or materials where rendered or furnished to The municipality on the dates stated and the changes are correct.

5/15/23 _____
Date Authorized Signature

COMPTROLLERS OFFICE

_____ _____
Date Authorized Official

Audited by: _____ **Contract:** CRS-CMS # 3816-3488 I **Bids Received** Y / N

Date: _____ **TB Res. No: 2023-114** **Town Board Approval** Y / N

TB Res. Date: 1/17/23

Attachment: COLACINO 1 (RES-2023-577 : Lift Station Communications 3G - 4G Upgrades)

COLACINO INDUSTRIES
QUALITY SINCE 1943

126 Harrison Street
Newark, New York 14513
Phone: 315-331-1330 Web: www.colacino.com

RECEIVED APR 03 2023

Invoice

Date	Invoice #
3/20/2023	59235

Bill To	Ship To
Town of Amherst **5583 Main St.** **Williamsville, NY 14221**	Town of Amherst 5583 Main St. Williamsville, NY 14221

Please Make Checks Payable to Colacino Industries

P.O. Number	Terms	Rep	Ship	Via	Project
Quote Only	Net 30	JRC	3/20/2023		**39620 3G to 4G Radio Upgrade**

Quantity	Item Code	Description	Resale Each	Total
		═══ PROPOSAL OPTION #3 - ALL NEW CUSTOMER SUPPLIED CRADLEPOINT MODEMS ═══		
		Colacino Industries Project #39620 - Town of Amherst 3G to 4G Radio and Antenna Upgrade - Contract price to supply and install 4G Secure Private Network Radio Modem at 38 Customer Locations. Customer currently owns (11) Red Lion 4G Radio Modems that will be returned for a $649/Per Unit Credit. Price includes all labor and materials as described below including re-provisioning of cellular network and I/P addresses to match the Town's existing SCADA Network. Price includes system coordination with Central Control Office as well as final testing and verification.		
1	Job Material - Non-Inventory	3M MP3560 Industrial Velcro Kit	280.48	280.48
1	Job Material - Non-Inventory	XALXMAW 32Pcs Lever Wire Connectors, DIY Mini Compact Splicing Assortment Quick Electrical Connector Kit for 24-12 AWG	22.50	22.50
30	Programming 1	Programming - Level 1 - Estimated Labor to Configure and Provision Customer Supplied Cradlepoint Modems to Virtual Private Network and Verizon Cellular Network.	140.00	4,200.00
60	Programming 1	Programming - Level 1 - Program Radios and Change I/P Address Scheme to Private Network -	140.00	8,400.00
60	Technician 1 Mike	Technician - Level 1 - Field Install Radio Modems and Make MultiSmart Configuration Changes -	140.00	8,400.00
		═══ TRADE IN CREDIT ═══		
1	Credit	Radio Trade In Credit -	-4,400.00	-4,400.00

Subtotal	$16,902.98
Sales Tax (0.0%)	$0.00
Total	$16,902.98

Attachment: COLACINO 1 (RES-2023-577 : Lift Station Communications 3G - 4G Upgrades)

AGREEMENT

Let this document stand as an Agreement between Colacino Industries Inc. and the Town of Amherst permitting the Town of Amherst to secure the services as stated on the attached Colacino Industries Quote E43332 dated January 25, 2023 with an agreed "not-to-exceed" cost of $21,000.00. The term of this contract will be from date of TB Approval by the Town of Amherst through May 01, 2023

Agreed to and Accepted by:

Colacino Industries Inc.

By: _____
Signature

Printed name

President
Title

Date: 1/26/23

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
Brian J. Kulpa
Supervisor

Date: 2/15/23

Attachment: COLACINO 1 (RES-2023-577 : Lift Station Communications 3G - 4G Upgrades)

COLACINO INDUSTRIES
QUALITY SINCE 1943

126 Harrison Street
Newark, New York 14513
Phone: 315-331-1330 Web: www.colacino.com

Estimate

Date	Estimate #
1/25/2023	E43332

Name / Address	Ship To
Town of Amherst 5583 Main St. Williamsville, NY 14221	Town of Amherst 5583 Main St. Williamsville, NY 14221

P.O. No.	Terms	Due Date	Rep	Project
Quote Only	Net 30	2/8/2023	JRC	**39620 3G to 4G Radio Upgrade**

Item	Description	Qty	Cost	Total
	═══ PROPOSAL OPTION #3 - ALL NEW CUSTOMER SUPPLIED CRADLEPOINT MODEMS ═══ Colacino Industries Project #39620 - Town of Amherst 3G to 4G Radio and Antenna Upgrade - Contract price to supply and install 4G Secure Private Network Radio Modem at 38 Customer Locations. ~~Customer currently owns (11) Red Lion 4G Radio Modems that will be returned for a $649/Per Unit Credit.~~ W/O Price includes all labor and materials as described below including re-provisioning of cellular network and I/P addresses to match the Town's existing SCADA Network. Price includes system coordination with Central Control Office as well as final testing and verification.			
Job Material - No...	Misc Materiel, Panel Hardware, Coax Fittings, Tie Wraps, Wire,	0	31.00	0.00
Programming 1	Programming - Level 1 - Estimated Labor to Configure and Provision Customer Supplied Cradlepoint Modems to Virtual Private Network and Verizon Cellular Network.	30	140.00	4,200.00
Programming 1	Programming - Level 1 - Program Radios and Change I/P Address Scheme to Private Network - DURING CUTOVER DAY	60	140.00	8,400.00
Technician 1	Technician - Level 1 - Field Install Radio Modems and Make MultiSmart Configuration Changes - DURING CUTOVER DAY	60	140.00	8,400.00

Subtotal	
Sales Tax (0.0%)	
Total	

Customer Signature

Attachment: COLACINO 1 (RES-2023-577 : Lift Station Communications 3G - 4G Upgrades)

COLACINO INDUSTRIES
QUALITY SINCE 1943

126 Harrison Street
Newark, New York 14513
Phone: 315-331-1330 Web: www.colacino.com

Estimate

Date	Estimate #
1/25/2023	E43332

Name / Address	Ship To
Town of Amherst 5583 Main St. Williamsville, NY 14221	Town of Amherst 5583 Main St. Williamsville, NY 14221

P.O. No.	Terms	Due Date	Rep	Project
Quote Only	Net 30	2/8/2023	JRC	**39620 3G to 4G Radio Upgrade**

Item	Description	Qty	Cost	Total
	NOTE: Customer must include all Cradlepoint options as originally proposed by Colacino Industries as these need to be purchased together for "Bundle Pricing". DIN Rail Brackets can possibly be omitted with further discussion for additional savings. OPTION #1 - Colacino Industries will allow a credit of $400 per Red Lion SN-6901 up to 11 Units that are currently in service. ~~~~~ CHANGE ORDER ~~~~~ January 31, 2023 > Decreased quantity of Job Material - Non-Inventory from 37 to 0. Decreased price of Job Material - Non-Inventory from $1,147.00 to $0.00. (-$1,147.00) Total change to estimate -$1,147.00 ~~~~~~~~~~~~~~~~~~~~~~~~~~			

Subtotal	$21,000.00
Sales Tax (0.0%)	$0.00
Total	$21,000.00

Customer Signature _____

Attachment: COLACINO 1 (RES-2023-577 : Lift Station Communications 3G - 4G Upgrades)

Russell, Crystal

From: Suszynski, Jerome
Sent: Wednesday, May 10, 2023 9:40 AM
To: Russell, Crystal
Cc: Burroughs, Jeffrey; Dean, Tom
Subject: RE: Colacino Invoice 59235

Good morning Crystal,
Please move forward with payment to Colacino. Thank you - Jerry

jsuszynski@amherst.ny.us

Jerome M. Suszynski
Engineering Dept.
Assistant Plant Superintendent of Maintenance
Waste Water Treatment Facility
455 Tonawanda Creek Rd.
Amherst N.Y. 14228
Office (716)691-9771 ext. 8036

From: Russell, Crystal <crussell@amherst.ny.us>
Sent: Tuesday, May 9, 2023 9:30 AM
To: Suszynski, Jerome <jSuszynski@amherst.ny.us>
Cc: Burroughs, Jeffrey <jburroughs@amherst.ny.us>; Dean, Tom <TDean@amherst.ny.us>
Subject: FW: Colacino Invoice 59235
Importance: High

Hi Jerry,

Below is Colacino's request for a payment status. I attached Tom's email with Jim's clarification for the hours charged. Is the invoice ok to pay yet?

Thank you,

Crystal Russell
Town of Amherst WPCF, Accounts Payable
455 Tonawanda Creek Road
Amherst, NY 14228
P: 716.691.9771 ext. 8010
F: 716.691.4496
crussell@amherst.ny.us

From: Marie Saltrelli <msaltrelli@colacino.com>
Sent: Tuesday, May 9, 2023 9:17 AM
To: Dean, Tom <TDean@amherst.ny.us>
Cc: Burroughs, Jeffrey <jburroughs@amherst.ny.us>; Suszynski, Jerome <jSuszynski@amherst.ny.us>; Russell, Crystal

Attachment: COLACINO 1 (RES-2023-577 : Lift Station Communications 3G - 4G Upgrades)

<crussell@amherst.ny.us>; Jim Colacino <jcolacino@colacino.com>
Subject: Re: Colacino Invoice 59235

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Tom,

I'm just following up payment for Inv 59235 for the 4G radio and antenna upgrade. Do you know when this invoice is scheduled for payment or can you direct me to who can help with that information.

Thank you,

Marie

Marie Saltrelli
Office Manager
Colacino Industries Inc.
126 Harrison Street
Newark, NY 14513
O. 315-331-1330
F. 315-331-1076

From: Jim Colacino <jcolacino@colacino.com>
Sent: Wednesday, April 19, 2023 9:44 AM
To: Dean, Tom <TDean@amherst.ny.us>; Marie Saltrelli <msaltrelli@colacino.com>
Cc: Burroughs, Jeffrey <jburroughs@amherst.ny.us>; Suszynski, Jerome <jSuszynski@amherst.ny.us>; Russell, Crystal <crussell@amherst.ny.us>
Subject: RE: Colacino Invoice 59235

Dear Tom,

I hope this message finds you well. I wanted to follow up on our previous conversation regarding the invoice. As we discussed, although your time on site was limited, we ended up spending more time than anticipated on the backend, specifically configuring the Cradlepoint/Network and licensing for Joe, Ben, and Bakai.

In addition, I wanted to mention that while Ben, Bakai, and I do not typically track hours like our field service employees, we all dedicated considerable time to this project to ensure a smooth transition. However, fully accounting for these hours would require even more time to be invested.

I want to assure you that despite the full payment, we did not make any profit on this project. In fact, I still have the trade-in radios in my possession which I need to sell as critical spares. I took on this project in good faith, understanding the challenges involved, and hoping to provide some assistance during a difficult time.

Thank you for your attention to this matter and let me know if this helps to explain the costs.

Sincerely,
Jim

Attachment: COLACINO 1 (RES-2023-577 : Lift Station Communications 3G - 4G Upgrades)

COLACINO INDUSTRIES
QUALITY SINCE 1943

James R Colacino
President / CEO
Colacino Industries Inc.
Address: 126 Harrison Street, Newark, NY 14513
Phone: +315-331-1330 | **Mobile:** +315-573-4066
Email: jcolacino@colacino.com | http://www.colacino.com

Schedule a time to connect! https://calendly.com/jcolacino

From: Dean, Tom <TDean@amherst.ny.us>
Sent: Wednesday, April 19, 2023 9:10 AM
To: Jim Colacino <jcolacino@colacino.com>; Marie Saltrelli <msaltrelli@colacino.com>
Cc: Burroughs, Jeffrey <jburroughs@amherst.ny.us>; Suszynski, Jerome <jSuszynski@amherst.ny.us>; Russell, Crystal <crussell@amherst.ny.us>
Subject: Colacino Invoice 59235
Importance: High

Hello Jim,

We are looking for clarification on the following estimated NTE charges as my review doesn't show that 150 hours was actually performed, especially for the field install?

Programming 1 – 30 hours x $140.00 = $4,200.00 - estimated labor to configure and provision customer supplied Cradlepoint modems to virtual private network and Verizon cellular network.

Programing 1 – 60 hours x $140.00 = $8,400.00 – program radios and change I/P address scheme to private network.

Technician 1 Mike – 60 hours x $140.00 – $8,400.00 – field install radio modems and make Multismart configuration changes.

Please clarify and/or adjust this invoice accordingly, thank you!

Best regards!
Tom

Tom Dean
General Crew Chief - Procurement
Town of Amherst WPCF
455 Tonawanda Creek Road
Amherst, NY 14228
716.691.9771 ext. 8041
tdean@amherst.ny.us

Attachment: COLACINO 1 (RES-2023-577 : Lift Station Communications 3G - 4G Upgrades)

TOWN OF AMHERST

VOUCHER

PO NO: 2310111

MAR 0 6 2023

Date: 02/28/2023

This number must appear on all packages and invoices

WATER POLLUTION CONTROL FACILITY
455 TONAWANDA CREEK ROAD
AMHERST, NEW YORK 14228
(716) 691-9771 FAX: (716) 691-4496
Federal ID# 16-6002157

Fund/Dept/Dist.	Object	Amount
KP 2136	2150	$ 7,840.00
	TOTAL	**$ 7,840.00**

Supplier: 17187

COLACINO INDUSTRIES
126 HARRISON STREET
NEWERK, NY, 14513
CRS-CMS # 3816-3488 RES-2023-114 TBA 1/17/23

☐ **Check box if partial payment (P.O. will remain open)**

Quantity	Description	Unit Price	Amount
1	INVOICE # 58965 LABOR TO INSTALL MODEMS	$ 7,840.00	$ 7,840.00
		TOTAL	**$ 7,840.00**

Due Date: _____ **Invoices:** 58965 **SALES TAX EXEMPT**

☐ **Separate Check Required**

Invoices must be rendered on attached form (voucher) furnished by the Town of Amherst and must be properly signed. The town will not be responsible for merchandise delivered without a receipt signature.

Received by CR
Date Received 1/5/23

All purchase contracts involving an aggregate expenditure of more than $20,000 and all contracts for public works for more than $35,000 must be competitively bid.

PURCHASE AUTHORIZATION 3/2/2023
Department Head or Director of Purchasing

DEPARTMENT APPROVAL

The above services or materials where rendered or furnished to The municipality on the dates stated and the changes are correct.

3/1/22 _____
Date Authorized Signature

COMPTROLLERS OFFICE

_____ _____
Date Authorized Official

Audited by: _____ **Contract:** CRS-CMS # 3816-3488 F **Bids Received** Y / N

Date: _____ **TB Res. No:** 2023-114 **Town Board Approval** Y / N

TB Res. Date: 1/17/23

Attachment: COLACINO 1 (RES-2023-577 : Lift Station Communications 3G - 4G Upgrades)

Dean, Tom

From: Marie Saltrelli <msaltrelli@colacino.com>
Sent: Tuesday, January 10, 2023 2:28 PM
To: Dean, Tom
Cc: Jim Colacino; Suszynski, Jerome; Burroughs, Jeffrey
Subject: 3G to 4G Radio Upgrade
Attachments: Amherst Inv 58965.pdf; Amherst Quote E43321.pdf

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Tom,

Jim asked me to send the attached Invoice 58965 and Quote to you in regards to the 3G to 4G Radio Upgrade.

Please let me know if you have any questions.

Marie

Marie Saltrelli
Office Manager
Colacino Industries Inc.
126 Harrison Street
Newark, NY 14513
O. 315-331-1330
F. 315-331-1076

Attachment: COLACINO 1 (RES-2023-577 : Lift Station Communications 3G - 4G Upgrades)

COLACINO INDUSTRIES
QUALITY SINCE 1943

126 Harrison Street
Newark, New York 14513
Phone: 315-331-1330 Web: www.colacino.com

Invoice

Date	Invoice #
12/30/2022	58965

Bill To	Ship To
Town of Amherst **5583 Main St.** **Williamsville, NY 14221**	Town of Amherst 5583 Main St. Williamsville, NY 14221

Please Make Checks Payable to Colacino Industries

P.O. Number	Terms	Rep	Ship	Via	Project
Verbal?	2% 10 Net 30	JRC	12/30/2022	On Site	**39620 3G to 4G Radio Upgrade**

Quantity	Item Code	Description	Resale Each	Total
		Colacino Industries Project #39620 - Labor to install (9) New Customer Supplied Red Lion Radio Modems to keep basic protection of critical sites.		
56	Technician 1	Programming - Level 1 - All Labor to Date for Temp Installation of Red Lion 4G Hardware - 1/5/23	140.00	7,840.00

Subtotal	$7,840.00
Sales Tax (0.0%)	$0.00
Total	$7,840.00

Attachment: COLACINO 1 (RES-2023-577 : Lift Station Communications 3G - 4G Upgrades)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 01/17/23 07:00 PM
Department: Sewer/Plant 16
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 27025 C

RESOLUTION 2023-114

ADOPTED

Lift Staton Communications Upgrades Colacino Industries CRS No. 3816

The Engineering Department, WPCF division, currently has the following professional service contract with Colacino Industries, Inc. CRS-CMS 1541-1839 Lift Station Communications Hosting Contract. This contract provides a wireless communication and database system for managing and monitoring our remote lift stations throughout the Town of Amherst. At the end of December, the WPCF was notified that on December 31, 2022 Verizon Wireless was shutting down our 3G service to all our lift stations. In order to continue communications with the lift stations, the modems must be upgraded to 4G service.

The WPCF is routing this, as a "sole source" procurement as this system's communication and database is propriety to Colacino Industries. At this time, we ask that the Town Board consider authorizing the procurement of services listed on the attached Colacino Industries not-to-exceed estimate at the cost of $40,488.61.

This request is pending successful completion of the contract review process.

Funds for this request are available in KP2136-2150.

Thank you for considering this request.

1/17/2023
Consent

FINANCIAL IMPACT:

NTE $40,488.61; KP2136-2150

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Attachment: COLACINO 1 (RES-2023-577 : Lift Station Communications 3G - 4G Upgrades)

COLACINO INDUSTRIES
QUALITY SINCE 1943

126 Harrison Street
Newark, New York 14513
Phone: 315-331-1330 Web: www.colacino.com

Estimate

Date	Estimate #
1/9/2023	E43321

Name / Address	Ship To
Town of Amherst 5583 Main St. Williamsville, NY 14221	Town of Amherst 5583 Main St. Williamsville, NY 14221

P.O. No.	Terms	Due Date	Rep	Project
Quote Only	Net 30	2/8/2023	JRC	39620 3G to 4G Radio Upgrade

Item	Description	Qty	Cost	Total
	═══ PROPOSAL #1 - ALL NEW CRADLEPOINT MODEMS ═══ Colacino Industries Project #39620 - Town of Amherst 3G to 4G Radio and Antenna Upgrade - Contract price to supply and install 4G Secure Private Network Radio Modem at 38 Customer Locations. Customer currently owns (11) Red Lion 4G Radio Modems that will be returned for a $649/Per Unit Credit. Price includes all labor and materials as described below including re-provisioning of cellular network and I/P addresses to match the Town's existing SCADA Network. Price includes system coordination with Central Control Office as well as final testing and verification.			
Job Material - No...	Cradlepoint IBR Series 4G SECURE Router with WiFi - INCLUDES 1 SPARE RADIO ONLY	39	649.00	25,311.00
Job Material - No...	NCX Secure Connect Micro Site License (6-year)	38	75.00105	2,850.04
Job Material - No...	Cradlepoint DIn Rail Mounting Bracket	38	39.98868	1,519.57
Job Material - No...	Misc Materiel, Panel Hardware, Coax Fittings, Tie Wraps, Wire,	37	31.00	1,147.00
Programming 1	Programming - Level 1 - Program Radios and Change I/P Address Scheme to Private Network -	60	140.00	8,400.00
Technician 1	Technician - Level 1 - Field Install Radio Modems and Make MultiSmart Configuration Changes	60	140.00	8,400.00
Credit	Red Lion 4G Modem Trade In Credit	11	-649.00	-7,139.00

	Subtotal
	Sales Tax (0.0%)
	Total

Customer Signature

Attachment: Colacino Estmate (RES-2023-114 : Lift Staton Communications Upgrades)
Attachment: COLACINO 1 (RES-2023-577 : Lift Station Communications 3G - 4G Upgrades)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Youth & Recreation
Initiated by: **Mary Diana Pouli**
Co-Sponsored by:

DOC ID: 27629 **RESOLUTION 2023-578** **ADOPTED**

Authorization to Pay Vendor

WHEREAS, the Youth & Recreation Department had a valid contract with Davis-Ulmer for quarterly inspection of wet pipe sprinkler systems at the Northtown Center at Amherst, and

WHEREAS, a town-wide bid for these services was issued, the timing of which resulted in a gap in service for the Department, and

WHEREAS, the Department sought to move the quarterly inspection to coincide with the new contract but a breakdown in communication resulted in the inspection being done during the gap time, and

WHEREAS, the cost did not change between the old and the new contracts,

NOW THEREFORE, BE IT RESOLVED that the Amherst Town Board authorizes the payment of Invoice 1052-F171377 in the amount of $300.00 To Davis-Ulmer Fire Protection.

6/20/2023
Consent

FINANCIAL IMPACT:

A 7253.4110 - $300.00

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Youth & Recreation
Initiated by: **Mary Diana Pouli**
Co-Sponsored by:

DOC ID: 27658 **RESOLUTION 2023-579** **ADOPTED**

Authorization to Proceed (NCA) - CRS #4147

Authorize the Supervisor to sign an Authorization to Proceed with the New York Power Authority for repairs and modifications to the Feature Rink at the Northtown Center at Amherst, pending satisfactory completion of the contract routing process.

6/20/2023
Consent

FINANCIAL IMPACT:

$4,694,829.00

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

NEW YORK STATE OF OPPORTUNITY. | NY Power Authority

KATHY HOCHUL
Governor

JOHN R. KOELMEL
Chairman

JUSTIN E. DRISCOLL
Interim President and Chief Executive Officer

AUTHORIZATION TO PROCEED

Project Name: Town of Amherst Northtown Center

Customer Name: Town of Amherst

Project Scope of Work:

The proposed project will remove and replace the existing concrete ice rink floor and failed under floor piping. The new system will eliminate the use of ozone depleting/discontinued R22 refrigerant with CO2, a natural refrigerant. The Town has been awarded a $2,000,000 matching grant through the Climate Smart Communities program based on removing the R22 refrigerant in favor of a more environmentally friendly technology. The project includes a new chiller package for the Feature rink and a pumping package setup for use on two rinks for future replacements. The project provides a new dehumidification unit for the Feature rink. The new system will include heat recovery features to be used for heating domestic hot water, space heating, underfloor heating & Zamboni water. The existing water-cooling tower will be replaced with an air-cooled unit reducing a
costly water treatment maintenance contract.

Project Commitment: By signing below, we hereby authorize New York Power Authority (NYPA) to proceed with the implementation of the Town of Amherst North Town Center. Please see attached Project Summary Page for estimate and/or proposal for additional information and scope of work. Estimated project cost as defined in attached scope of work is $4,694,829.00.

In accordance with the Energy Services Program Master Cost Recovery Agreement (MCRA), and Exhibit A., Statewide Compensation Schedule, each party agrees that the Town of Amherst will be obligated to reimburse NYPA for all costs incurred during the implementation of this project. If you choose to proceed further with this project, all project costs incurred during the implementation can be rolled into the overall project. If the project is terminated in whole or part during the design, procurement or installation phase, the Authority's Program Fee for the project will be the cumulative percentage value at the current milestone.

The next step will be for NYPA to assign this project to an implementation contractor and schedule a project kick off meeting.

Attachment: NYPA Town of Amherst ATP FINAL (RES-2023-579 : Authorization to Proceed (NCA) - CRS #4147)

NEW YORK STATE OF OPPORTUNITY. | NY Power Authority

KATHY HOCHUL
Governor

JOHN R. KOELMEL
Chairman

JUSTIN E. DRISCOLL
Interim President and Chief Executive Officer

Authorized Customer Representative:

Signature & Print: **DATE:**

Brian Kulpa, Town Supervisor

Authorized NYPA Representative:

Signature & Print: **DATE:**

Joseph Rende, Senior Director Key Account Management

Attachment: NYPA Town of Amherst ATP FINAL (RES-2023-579 : Authorization to Proceed (NCA) - CRS #4147)

Total Project Summary

New York Power Authority - Energy Efficiency Program
Town of Amherst Northtown Center

ES-ESN-XXXX June 13, 2023

Project Cost: Pre-Design

Construction Costs:		$3,797,101.46	
Asbestos Abatement:		$0.00	
Special Inspections:		$0.00	
Performance and Payment Bonds:		$0.00	
Subtotal:		**$3,797,101.46**	
Contingency:	10%	$379,710.15	
Subtotal:		**$4,176,811.61**	
Abatement Design & Monitoring:		$10,000.00	
Hazardous Waste Disposal Cost:		$5,000.00	
Environmental Subtotal:		**$15,000.00**	
Audit, Feasibility Study, or Design Only Services:		$0.00	
Design & Construction Mgt:			(See Note # 1)
Permits:		$0.00	
NYPA Project Mgt. & Administrative:		$503,017.39	(See Note # 2)
Project Management Subtotal:		**$503,017.39**	
Project Subtotal:		**$4,694,829.00**	
Short-Term Financing (STF):		$0.00	(See Note # 3)
Total Project Cost:		**$4,694,829.00**	

Estimated Energy Savings #VALUE!

Estimated Electrical Savings:		Estimated Fuel Savings:			MMBtu Savings:	Cost Savings:
kWh Savings:	TBD	Natural Gas:	TBD	Therm	TBD	TBD
kWh Cost Savings:	TBD	#2 Fuel Oil:	TBD	gal	TBD	TBD
Monthly kW Savings:	TBD	Steam (150 psi):	TBD	KLbs	TBD	TBD
kW Cost Savings:	TBD	Water:	TBD	Kgal	TBD	TBD
Total Electrical Savings:	TBD				TBD	TBD
Total Energy Savings:	TBD	Maint. Savings:	TBD		Est. Total Savings:	**TBD**

Simple Payback

Total Project Cost with STF:	$4,694,829.00	
NYPA Grants:	$0.00	
Estimated 3rd Party Rebates & Incentives:	$0.00	
Net Project Cost:	**$4,694,829.00**	
Total Amount Saved:	TBD	
Simple Payback:	NA	

Project Financing

Planned Payments (through Completion):	$4,694,829.00	(Lump Sum Payment)
AMOUNT FINANCED (LONG-TERM):	**$0.00**	(NYPA Facilitated Loan)
Interest Rate:	5.00%	(See Note # 4)
Years Financed:	0.0	
Number of Payments:	0	
Annual Debt Service to NYPA:	**NA**	
Monthly Debt Service to NYPA:	**NA**	
Total Project Cost after Financing:	**$4,694,829.00**	
Total Annual Savings:	TBD	
Payback With Financing:	NA	
Annual Cash Flow:	**TBD**	

Notes:

1. Design & Construction Mgt (D&CM) is approximately 4% of the Construction Cost Subtotal.
2. NYPA Project Mgt. & Administrative cost is 12.0% of all project costs except NYPA Material Handling Cost and STF.
3. Short-Term Financing (STF) is estimated based on 4.00% interest rate.
4. Indicative long-term financing interest rate is shown as 5.00% for project financing cost estimates. Long term financing and rates are subject to negotiation of a separate and distinct agreement for long-term financing.

Attachment: NYPA Town of Amherst ATP FINAL (RES-2023-579 : Authorization to Proceed (NCA) - CRS #4147)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Youth & Recreation
Initiated by: **Mary Diana Pouli**
Co-Sponsored by:

DOC ID: 27663 **RESOLUTION 2023-580** **ADOPTED**

Travel Authorization

Authorize Roseanne McCarthy and Anne Rohrer to attend the 2023 CADCA Mid-Year Training Institute in Dallas, TX from July 16-20, 2023, as part of the requirements of the town's Drug Free Communities Grant.

6/20/2023
Consent

FINANCIAL IMPACT:

A 7258.4040: $5,629.70

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ $250 or LESS and under 75 miles — Department Head Approval ONLY Required

☒ $250 + or greater than 75 miles — Department Head AND Town Board Approval Required

NAME	Employee #	Department	Phone Number
Anne Rohrer		Y & R	(716) 631-7132

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
7/16/23	7/20/23	Dallas, TX	CADCA Mid-Year Training Institute

Expenses	Estimated	Budget A/C #	Actual
Transportation:		A 1258 ↓	
Mileage @ $0.655			
Tolls			
Parking			
Local Transportation (bus/taxi)	$ 200.00		
Plane/Rail/Bus	$ 611.18		
Lodging:			
# nights 4 @ $ 190.00	$ 760.00		
Meals:			
IRS Per Diem Per Day: $ 69.00	$ 207.00		
1st & Last Day of Travel @ 75%	$ 103.50		
# Breakfasts @ $			
# Lunches @ $			
# Dinners @ $			
# Incidentals @ $			
Registration/Conference Fee	$ 745.00		
Other			
Subtotal	-		N/A
Contingency - 10% of subtotal or $200	$ 188.17 -		N/A
TOTAL	$ 2,814.85 -		

Request Approved By:

Mary Maia Youri

Department Head Signature

6/14/23

Date

Town Board :

Town Board Resolution & Date

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

Employee Signature — Date

Print Employee Name

Reimbursement Approved By:

Department Head Signature — Date

Complete Shaded Area For Expense Reimbursement

Attachment: CADCA Mid-Year (RES-2023-580 : Travel Authorization)

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ $250 or LESS and under 75 miles — Department Head Approval ONLY Required

☒ $250 + or greater than 75 miles — Department Head AND Town Board Approval Required

NAME	Employee #	Department	Phone Number
Roseanne McCarthy		Y&R	(716)631-7132

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
7/16/23	7/20/23	Dallas, TX	CADCA Mid-Year Training Institute

Expenses	Estimated	Budget A/C #	Actual
Transportation:		A 7258	
Mileage @ $0.655			
Tolls			
Parking			
Local Transportation (bus/taxi)	$ 200.00		
Plane/Rail/Bus	$ 611.18		
Lodging:			
# nights 4 @ $ 190.00	$ 760.00		
Meals:			
IRS Per Diem Per Day: $ 69.00	$ 207.00		
1st & Last Day of Travel @ 75%	$ 103.50		
# Breakfasts @ $			
# Lunches @ $			
# Dinners @ $			
# Incidentals @ $			
Registration/Conference Fee	$ 745.00		
Other			
Subtotal	-		N/A
Contingency - 10% of subtotal or $200	$ 188.17 -		N/A
TOTAL	$ 2,814.85 -		

Request Approved By:

Mary Diana Pauli

Department Head Signature

6/14/23

Date

Town Board :

Town Board Resolution & Date

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

Employee Signature — Date

Print Employee Name

Reimbursement Approved By:

Department Head Signature — Date

Complete Shaded Area
For Expense Reimbursement

Attachment: CADCA Mid-Year (RES-2023-580 : Travel Authorization)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Clerk
DOC ID: 27631

COMMUNICATION 2023-79 **APPROVED**

Amherst Symphony Orchestra Fee Waiver

Request from The Amherst Symphony Orchestra seeking permission to place signs and a waiver of sign permit fees.

Response from the Building Commissioner is attached.

6/20/2023
Consent

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

TOWN OF AMHERST
BUILDING DEPARTMENT

INTER-DEPARTMENTAL CORRESPONDENCE

5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221

PHONE: (716) 631-7080
FAX: (716) 631-7192

Mark S. Berke, P.E.
Commissioner of Building

Memorandum

DATE: June 9, 2023

TO: Tim Koller, Deputy Town Clerk

FROM: Mark Berke, P.E., Commissioner of Building, Amherst Building Department

RE: Waiver of Fees for Temporary Sign Permit of Amherst Symphony Orchestra

The Amherst Building Department recommends approval of the waiver of fees for the Amherst Symphony Orchestra's for temporary signs to be placed on town properties.

The properties and dates are as follows:

CONCERT DATES:
August 1, 2023 February 20, 2023 October 22, 2023, December 3, 2023, February 18, 2024, and April 14, 2024

SIGNAGE DATES:
For one week prior to each concert

SIGNAGE LOCATIONS:
Clearfield Library, 770 Hopkins Rd; Parks Department
Amherst Parks Department, 450 Maple Road,
Harlem Road Community Center; 4255 Harlem Rd, Buffalo, NY 14226

Permits will be required.

Commissioner of Building
Town of Amherst Building Department

6/9/2023

Attachment: Amherst Symphony Orchestra temp sign fee waiver memo_2023 (COM-2023-79 : Amherst Symphony Orchestra Fee Waiver)

June 8, 2023

My name is Lee Brusino, VP Promotions with the Amherst Symphony Orchestra, and I am requesting

The board's permission to place roadside signage at the following locations to promote our free community concerts (5): August 1, 2023 February 20, October 22, 2023, December 3, 2023, February 18, 202, and April 14, 2024 and to have Fees Waived.

Locations:

Parks and Recreation

Clearfield Library

Harlem Road Community Center

When: For one week prior to each concert.

Thank you for your time and consideration in this matter.

Lee Brusino

VP Promotions

Amherst Symphony Orchestra

Attachment: ASO ROADSIDE SIGNAGE REQUEST 2023-2024 (COM-2023-79 : Amherst Symphony Orchestra Fee Waiver)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Clerk
DOC ID: 27632

COMMUNICATION 2023-80

APPROVED

Newman Center Fee Waiver

Request from the Newman Center seeking a waiver of the tent permit fee for their 47th annual Chicken Barbecue on Sunday, August 13, 2023.

Response from the Building Commissioner is attached.

6/20/2023
Consent

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

TOWN OF AMHERST
BUILDING DEPARTMENT
ERIE COUNTY, NEW YORK
5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221

PHONE: (716) 631-7080
FAX: (716) 631-7192

Mark S. Berke, P.E.
Commissioner of Building

Agenda Item

DATE: June 9, 2023

TO: Town Board

FROM: Mark S. Berke, P.E., Commissioner of Building

RE: Request for Waiver of Fire Prevention Permit Fee for 47th Annual Chicken Barbecue at the Newman Center, UB North Campus

In response to the letter received June 5, 2023, from Rev. Msgr. J. Patrick Keleher, Director of the Newman Centers S.U.N.Y.A.B. regarding a Chicken Barbecue to be held on August 13, 2023 at the Newman Center, UB North Campus, this memo serves to recommend approval of this request to waive the fee associated with a fire prevention permit.

Please contact me if you have any questions regarding this matter.

Mark S. Berke, P.E.
Commissioner of Building

CC: Bryan Parnell, Sr. Fire Inspector
Francina J. Spoth, Town Clerk

Attachment: Newman Center Fire Prevention Permit Fee Waiver_6-9-23 (COM-2023-80 : Newman Center Fee Waiver)

CENTERING OUR COMMUNITY

NEWMAN CENTER - UB NORTH CAMPUS

June 5, 2023

Francina Spoth, Town Clerk
Amherst Town Hall
5583 Main Street
Williamsville, New York 14221

Dear Ms. Spoth,

The Newman Center at UB North Campus is holding its' 47th annual Chicken Barbeque on Sunday, August 13th, 2023. We are requesting the $100 tent permit fee be waived for our nonprofit community. Please send the voucher to the attention of John Blersch, who oversees all the logistics for the barbeque. Thank you in advance for your attention to our request.

Rev. Msgr. J. Patrick Keleher

Fr Pat Keleher

Director
Newman Centers S.U.N.Y. A. B.

Catholic Campus Ministry since 1937
495 Skinnersville Road, Amherst, NY 14228
716.636.7495 • Fax 716.568.0692

Attachment: Newman Center request (COM-2023-80 : Newman Center Fee Waiver)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 27681 **RESOLUTION 2023-581** **ADOPTED**

PIP 3031 - Roger Chaffee Drive Apartments - Sanitary

This is to certify that the referenced sanitary sewer construction has been completed in accordance with plans and specifications, and we recommend that the same be accepted.

6/20/2023
Consent

FINANCIAL IMPACT:

N/A

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 27682 **RESOLUTION 2023-582** **ADOPTED**

PIP 3037 - George Karl Bouelvard - Sanitary

This is to certify that the referenced sanitary sewer construction has been completed in accordance with plans and specifications, and we recommend that the same be accepted.

6/20/2023
Consent

FINANCIAL IMPACT:

N/A

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 27683 **RESOLUTION 2023-583** **ADOPTED**

PIP 3057 - 4400 North French Development - Sanitary

This is to certify that the referenced sanitary sewer construction has been completed in accordance with plans and specifications, and we recommend that the same be accepted.

6/20/2023
Consent

FINANCIAL IMPACT:

N/A

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 27684 **RESOLUTION 2023-584** **ADOPTED**

PIP 3073 - Auden Amherst Development - Sanitary

This is to certify that the referenced sanitary sewer construction has been completed in accordance with plans and specifications, and we recommend that the same be accepted.

6/20/2023
Consent

FINANCIAL IMPACT:

N/A

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/20/23 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 27692 **RESOLUTION 2023-585** **ADOPTED**

Donation of Natural Gas Driven Motor Cooling Skid Hardware, Silencing Muffler and Appurtenances

SUSPENSION ITEM - JUNE 20, 2023 TOWN BOARD AGENDA

TO: **Town Board**

FROM: **Jeffrey S. Burroughs, PE, Town Engineer**

DATE: **June 20, 2023**

RE: **Donation of Natural Gas Driven Motor Cooling Skid Hardware, Silencing Muffler and Appurtenances**

Kindly adopt a resolution authorizing the donation of the above referenced equipment from the Eden Central School District to the Town of Amherst (Water Pollution Control Facility) and also authorize the Supervisor to execute any agreement necessary to complete the transfer of said equipment.

In working with our service provider, Siemens Industry Inc., they have identified this potential donation as a means to further attenuate the noise profile of the natural gas driven pump at the Water Pollution Control Facility.

Thank you.

c: Tim Koller, Deputy Town Clerk
(**Suspension Agenda Item - June 20, 2023**)
Sharon Dehn, Principal Clerk Typist

6/20/2023
A motion to approve was made by Deputy Supervisor Bucki, seconded by Councilmember Berger and unanimously approved 5-0.

FINANCIAL IMPACT:

n/a

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Deborah Bruch Bucki, Deputy Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala