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

Monday, July 22, 2024 | **7:00 PM** | **Amherst Municipal Building**

I. IN MEMORY

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL:

7:00 PM Meeting called to order on July 22, 2024 at Amherst Municipal Building, 5583 Main Street, Williamsville, NY.

Attendee Name	Organization	Title	Status	Arrived
Brian J. Kulpa	Town of Amherst	Supervisor	Present	
Shawn Lavin	Town of Amherst	Deputy Supervisor	Present	
Jacqualine Berger	Town of Amherst	Councilmember	Present	
Michael Szukala	Town of Amherst	Councilmember	Present	
Angela Marinucci	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	

V. MINUTES APPROVAL

1. Monday, July 08, 2024

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

VI. PROCLAMATIONS AND ANNOUNCEMENTS

VII. PUBLIC HEARINGS

Speakers will be limited to 3 minutes.

1. Resolution 2024-576

Appeal of the Historic Preservation Commission Decision - 400 Mill Street

A public hearing on the appeal of the Historic Preservation Commission decision to deny the request for a Certificate of Appropriateness for a synthetic slate replacement of the existing slate roof at 400 Mill Street also known as St. Mary's Motherhouse.

7/8/2024

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The public hearing was opened at 3:02 PM.

Attorney Tom Lyons and Nick Kraus presented.

The following speakers addressed the Board:
Dorothy Tudor, St. Mary's Apartments
Sister Judy Beiswanger, St. Mary's Apartments
Diane Foster, St. Mary's Apartments
Sister Barbara Whelan, St. Mary's Apartments
Genevieve Overholt, St. Mary's Apartments
Kathryn Luppi, St. Mary's Apartments
Tory Allen, St. Mary's Apartments
Susan Blum, 195 Old Lyme Dr
Elizabeth Clough, 70 Haymarket Sq
Ann Hutchinson, St. Mary's Apartments
Jane Cox, 4584 Harlem Rd
Shelly Schratz, 1952 Kensington Ave
Angela Wawro, 26 Old Spring Ln
Dave Howard, 194 Roycroft Dr
Don Smith, 201 N Long St
Dennis Hoban, 216 California Dr

There were no further speakers from the public, therefore Supervisor Kulpa moved to keep the hearing open and set a decision date for July 22nd Town Board meeting, seconded by Deputy Supervisor Lavin and unanimously approved 5-0.

7/22/2024

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 7:02 PM.

The following speakers addressed the Board:
Attorney Tom Lyons
Brian Swartz, Chairman of the Historic Preservation Commission
Jeffery Amplement, member of the Historic Preservation Commission
Thomas Granville, St. Mary's Apartments
Kathy Tepas, St. Mary's Apartments
Sister Judy Beiswanger, St. Mary's Apartments
Dorothy Tudor, St. Mary's Apartments
Michael Clough, 70 Haymarket Sq
Dennis Blackwell, St. Mary's Apartments

Dan Rider, 38 Garden Pkwy
John Trabert, 234 Mt Vernon Rd
Susan Blum, 195 Old Lyme Dr
Bob Drdul, 92 Chateau Ter
Dennis Hoban, 216 California Dr
Matt Plunkett, 299 Northill Dr

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Deputy Supervisor Lavin and unanimously approved 5-0. The public hearing was closed at 7:45 PM.

RESULT:	**HEARING CLOSED**

VIII. DEVELOPMENT REVIEW ACTIONS

1. Resolution 2024-613

SEQR Determination (1789 Dodge Road, Z-2020-15)

RESOLVED, that pursuant to 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Town Code Chapter 104, as amended, the Town Board is deemed the Lead Agency for those actions which it has sole discretionary power, including but not limited to rezoning decisions and adoptions of local laws, and be it further

RESOLVED, that this Town Board as SEQR Lead Agency has reviewed a request for a rezoning at 1789 Dodge Road and has identified the areas of environmental concern, thoroughly analyzed them for significant adverse impact, including any concerns and/or recommendations from other agencies, and be it further

RESOLVED, that the requirements of SEQR are now complete therefore this Town Board issues the attached Negative Declaration as its determination of environmental significance, for the subject action.

7/22/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 5-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

2. Resolution 2024-539

Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-15)

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR have been completed and the Town Board issues the attached Negative Declaration, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board does not concur with the findings of the Planning Board as stated in their resolution of September 23, 2021 that the proposed Single Family Residential District Three (R-3) zoning at 1789 Dodge Road is generally inconsistent with the policies of the adopted Bicentennial Comprehensive Plan, and is not compatible with the present zoning and conforming use of nearby property and with the character of the neighborhood, and be it further

RESOLVED, that the Town Board does find that the proposed Residential District Three (R-3) zoning at 1789 Dodge Road is consistent with the adopted Bicentennial Comprehensive Plan because the proposal provides single-family residential density within the target range (2-4 units/acre) as established by Section 3.3.1 of the Bicentennial Comprehensive Plan for single family residential uses and further depicted by Figure 6 of the Plan and is consistent in character with the other single-family subdivisions in the vicinity, which are predominantly single family homes, and be it further

RESOLVED, that the Town Board does find that the proposal is consistent with the adopted Bicentennial Comprehensive Plan because the proposal will incorporate design changes that reflect a mutually beneficial transition between the R-3 zoning to the surrounding S-A zoning by utilizing perimeter open spaces, a 75-foot natural buffer / no build area along the Dodge Road frontage, and be it further

RESOLVED, that in accordance with Chapter 203, Section 8-3-6 of the Town Code (Zoning), the Town Board adopts Local Law (#) to amend the Town Zoning map from Suburban Agriculture (SA) to Residential District Three (R-3) subject to the following conditions:

1. That future development of the site shall be limited to single family detached residential uses with a maximum yield of fifteen (15) homes.
2. That any future development of a principal or accessory structure or uses in the 2.7 acres of Permanent Open Space shall be prohibited. The only proposed development of the portion of the Permanent Open Space is limited to required stormwater management system improvements and utility infrastructure.
3. That a protective covenant/conservation easement shall be placed on all proposed open space and confirm total acreage to be under the control of a home owners association.
4. That the final plat design shall include a right-of-way access to a potential future Youngs Road extension.
5. That the landscaping and screening to be provided in the Permanent Open Space along the Dodge Road frontage of the project site shall require the approval of the Planning Board at the Preliminary Plat Application stage of the subdivision review process.
6. Any future Preliminary Plat that shall be submitted to the Planning Board shall

consider provisions for future access to the north and south of the subject property.

6/24/2024
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The public hearing was opened at 7:27 PM.

Sean Hopkins, Esq. and Joe Rubino presented and answered questions.

The following speakers addressed the Board:
William Pitz, 1815 Dodge Rd
Cheryl Anastasia, 1860 Dodge Rd
Nancy Fender, 101 Main St
John Hamsik, 1820 Dodge Rd
Pam Curcio, 1745 Dodge Rd
Jina Gentry, 65 Bissell Dr
Merja Kenola, 1800 Dodge Rd
Sandy Mack, 1790 Dodge Rd
Nick Rockwell, 1765 Dodge Rd
Bob Drdul, 92 Chateau Ter
Don Smith, 201 N Long St

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the July 22nd Town Board meeting, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The public hearing was closed at 8:38 PM.

7/22/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and was approved via Roll Call vote 4-1 (nay, Kulpa).

RESULT:	**ROLL CALL VOTE (ADOPTED) [4 TO 1]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Lavin, Berger, Szukala, Marinucci
NAYS:	Kulpa

3. Resolution 2024-538

Denial to Amend the Bicentennial Comprehensive Plan 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard (Portion) (BCPA-2024-01)

RESOLVED, that pursuant to 6NYCRR Part 617.5 (c) (46) (SEQR) and Chapter 104 of Amherst Town Code, 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 May 16, 2024 that the proposed change in land use designation for properties located at 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard (portion) from "Recreation, Open Space & Greenways" and "Industrial Office" to "Commercial/Mixed Use" on Figure 6 and to "Suburban Center" at the same location on Figure 6A is inconsistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that in accordance with NYS Town Law Sec. 272-a, the Town Board denies the request to amend the Bicentennial Comprehensive Plan for 62± acres of land from "Recreation, Open Space & Greenways" and "Industrial Office" to "Commercial/Mixed Use" and Figure 6A to "Suburban Center at 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard (portion) based on the findings as stated below.

A. The proposed request is generally inconsistent with the Zoning Ordinance and is inconsistent with the following goals, objectives, recommendations and sections of the Comprehensive Plan:

- The Comprehensive Plan encourages redevelopment and infill development within existing residential neighborhoods and commercial areas as opposed to extending suburban development on to open lands in northern Amherst.

- Chapter 3, Land Use and Development, designates the subject area as a location for additional industrial/office land uses. As stated in Section 3.3.4 of the Plan, the desirable site characteristics for the location of industrial-office uses are: 1) access to major transportation routes; 2) away from residential neighborhoods; and 3) on large tracts of land that can be buffered from surrounding areas.

- The Conceptual Land Use Plan (Figure 6), acknowledges the presence of wetlands on these parcels, while also acknowledging their location adjacent to land designated for Industrial-Office uses and zoned for Research-Development (RD). Lands designated for these uses on Figure 6 are limited and located to those that meet the desired site characteristics noted in the Plan.

- The I-990 is an interstate expressway and North French Road is a minor arterial roadway serving this location. The subject site is ideally located with efficient access to roads such as the Intersate-990, North French Road and Millersport Highway that provide for higher volume, higher speed travel to enable efficient intercommunity and interregional trade vital to supporting light industrial, logistics and research-development activities.

B. The Town's Strategic Economic Development Plan prepared by RKG consultants indicates continued regional demand for warehousing space due to high volume ecommerce spending and identifies this area as an ideal location for warehouse/distribution facilities.

6/24/2024

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The public hearing was opened at 7:01 PM.

Sean Hopkins, Esq. presented.

The following speakers addressed the Board:
Kathleen & Joe Towart, 1840 N French Rd

Mark Weisbeck, 1873 N French Rd
Tom Weisbeck, 48 Drawbridge Ct
Don Smith, 201 N Long St
Elliot Lasky, Owner of Regency Builders

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the July 22nd Town Board meeting, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The public hearing was closed at 7:26 PM.

7/22/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and approved via Roll Call vote 3-2 (nay, Kulpa & Berger).

RESULT:	**ROLL CALL VOTE (ADOPTED) [3 TO 2]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Lavin, Szukala, Marinucci
NAYS:	Kulpa, Berger

4. Resolution 2024-210

46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive Plan Amendment

Request to amend the Bicentennial Comprehensive Plan for 46, 54, 60, 68, 74 & 84 South Linden Street from Single Family Residential to Mixed Residential.

3/11/2024
Supervisor Kulpa made a motion to adjourn to the March 25th meeting per the petitioner's request, seconded by Councilmember Berger and unanimously approved 5-0.

3/25/2024
Supervisor Kulpa made a motion to adjourn to the June 10th meeting per the petitioner's request, seconded by Councilmember Berger and unanimously approved 5-0.

6/10/2024
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The public hearing was opened at 7:02 PM.

Jeff Palumbo, Esq. presented.

The following residents spoke:
Stephen Martin, 74 S Harvest St
Michael Marshall, 90 Altair Dr
Sharon Caleca, 88 Tristan Ln
Ray Herman, 114 Oakgrove Dr

Tim Boyle, 91 Pasadena Pl
Francine Fabozzi, 42 Post Rd
Tom Weisbeck, 48 Drawbridge Ct

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the June 24th Town Board meeting, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The public hearing was closed at 7:34 PM.

6/24/2024
Supervisor Kulpa made a motion to adjourn to the July 22nd meeting per the petitioner's request, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

7/22/2024
Supervisor Kulpa made a motion to adjourn to the August 19th meeting per the petitioner's request, seconded by Deputy Supervisor Lavin and unanimously approved 5-0.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 8/19/2024 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Shawn Lavin, Deputy Supervisor	
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci	

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 (6)**

5. **Amherst Government Financial Advisory Board**

   Membership is full.

6. **Amherst Industrial Development Agency**

   Membership is full.

7. **Amherst Veterans Committee (6)**

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**
    Membership is full.

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 (2)**

21. **Library Board of Trustees (2)**

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

23. **Open Government Advisory Board (8)**

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

25. **Recreation Commission (1)**

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

27. Senior Services Advisory Board (6)

28. Traffic Safety Board

29. Youth Board

Adult vacancies (6), Youth vacancies (0)

30. Zoning Board of Appeals

X. PUBLIC EXPRESSION

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 Lavin and unanimously approved 5-0. Public Expression was opened at 7:51 PM.

The following speakers addressed the Town Board:
Andrea Morgante, 253 Woodshire Ct - replacement of garbage totes
Tom Weisbeck, 48 Drawbridge Ct - streetlights
John Trabert, 234 Mt Vernon Rd - streetlights
Dennis Hoban, 216 California Dr - Town Department heads at meetings
Geri DiCosmo, 378 Meyer Rd - 2025 Town budget
Matt Plunkett, 299 Northill Dr - Peanut Line bike path
Jina Gentry, 65 Bissell Dr - Town union contracts
Bob Drdul, 92 Chateau Ter - School Zone signs for Bornhava
Don Smith, 201 N Long St - budget process
Joe Voytovich, 35 Bucyrus Dr - Emergency Services Department
Tom Frank, 5403 Main St - Resolutions 2024-538 & 576
Dave Howard, 194 Roycroft Dr - Royal Parkway project
Shelly Schratz, 1952 Kensington Ave - Town budget

There were no further speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Deputy Supervisor Lavin and unanimously approved 5-0. Public Expression was closed at 8:30 PM.

XI. CONSENT AGENDA

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

XII. COUNCILMEMBER RESOLUTIONS

A. SUPERVISOR KULPA:

B. DEPUTY SUPERVISOR LAVIN:

C. COUNCILMEMBER BERGER:

D. COUNCILMEMBER SZUKALA:

E. COUNCILMEMBER MARINUCCI:

1. Resolution 2024-614

Glen Park Joint Board Re-Appointment

WHEREAS, the Glen Park Joint Board (GPJB) oversees the maintenance and improvement of Glen Park, dedicated to fostering a clean, safe, and enjoyable environment through water quality, landscaping and nature education initiatives that enhance and improve the quality of life in both the Village of Williamsville, and the Town of Amherst, while protecting the historic character of the park, its natural beauty and its sense of community; and

WHEREAS, the GPJB generally meets first Tuesday of the month; and

WHEREAS, the GPJB shall consist of nine (9) members, five (5) appointed by the Williamsville Village Board and four (4) by the Amherst Town Board, each member serving three (3) year terms to conclude on June 30 of the designated year; and

WHEREAS, members may be re-appointed, but in the event of a vacancy, the appointing board shall fill the remaining duration of the term; and

WHEREAS, Paul Krieter's term has concluded and would like to continue to serve on the GPJB.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board re-appoints Paul Krieter to serve for a term to expire June 30, 2027.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Angela Marinucci, Councilmember
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

2. Resolution 2024-615

Youth Board Appointment

WHEREAS, the Amherst Youth Board is an organization offering varied services in support of children, youth and families living in the Town of Amherst. Chartered by the Amherst Town Board and New York State Executive Law, the agency is governed by a policy-making board of 23 citizen volunteers, comprising both adults and youth; and

WHEREAS, members are appointed by the Amherst Town Board for three-year terms and participate in decisions affecting programming, policies, funding and public relations for youth programs and services.

WHEREAS, the Youth Board also relies on the efforts and contributions of citizen volunteers in its programs. Many different volunteer opportunities are available, and may be tailored to individual needs; and

WHEREAS, the Youth Board currently has a Board of 9 members, who shall continue to serve a three (3) year term; and

WHEREAS, Salil Karkhanis has expressed an interest in serving on the Amherst Youth Board.

BE IT RESOLVED that, as recommended by the Director of Youth & Recreation, Salil Karkhanis be appointed as a youth member of the Youth Board by the Amherst Town Board for a term to end December 31, 2026.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Angela Marinucci, Councilmember
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

XIII. DEPARTMENT HEAD RESOLUTIONS AND REPORTS

A. TOWN ATTORNEY:

1. Resolution 2024-616

2024 Waterline Replacements Project (OCPH - $700,000)

AGENDA ITEM : JULY 22nd, 2024

TO: **Town Board**

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

DATE: **July 17, 2024**

RE: **2024 Waterline Replacements Project**
2024-2029 C.I.P. - Project No. E-1
Order Calling Public Hearing - $700,000

Kindly adopt the attached Order Calling Public Hearing regarding the above matter by scheduling a Public Hearing for the project on August 19, 2024 at 7:00 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 - July 22, 2024**)
Daryl C. Bramer, Comptroller *(w/attachment)*
Lynda Juul, Director of Finance *(w/attachment)*
Dan Howard, Director of Planning *(w/attachment)*
Brian J. Armstrong, Director of Engineering Services *(w/attachment)*
Michael J. Hitzel, AIA, LEED AP, Architect *(w/attachment)*

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

2. Resolution 2024-617

Settlement and Release - Town of Amherst/GEICO ($65,000)

AGENDA ITEM : JULY 22nd, 2024

TO: **Town Board**

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

DATE: **July 17, 2024**

RE: **Settlement of Bodily Injury Claim With GEICO - $65,000.00**
Date of Loss : 1.2.19
Claimant : Town of Amherst

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

WHEREAS, the above matter arises from a motor vehicle accident that occurred on January 2, 2019; and

WHEREAS, the Town of Amherst ("Town") held a claim for bodily injury to a Town police officer pursuant to CPLR §207-c; and

WHEREAS; endorsement and cashing the draft issued by GEICO constitutes a full and final settlement and release for any and all claims the Town has against GEICO and the GEICO insured and/or Defendant Client(s) and

WHEREAS, all other liens have been satisfied;

NOW, THEREFORE BE IT RESOLVED that the Town Board authorizes the Town Supervisor to execute the attached Release and any associated settlement paperwork to effectuate settlement of the above matter and to dismiss all claims against GEICO and the GEICO insured and/or Defendant Client(s).

SAA:MAP:NMB:hs
Attachment
c: Tim Koller, Deputy Town Clerk (*w/attachment*, **Agenda Item - July 22, 2024**)

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

3. Resolution 2024-618

Settlement of Article 7 Matter - Brompton Heights, Inc. V. Town of Amherst

AGENDA ITEM : JULY 22nd, 2024

TO: **Town Board**

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

DATE: **July 16, 2024**

RE: **Settlement of Article 7 Matter**
Brompton Heights, Inc. v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached 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 : July 22, 2024**)
Emily Murphy, Town Assessor

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

4. Resolution 2024-619

Settlement of Article 7 Matter - West Herr Acquisitions, LLC V. Town of Amherst

AGENDA ITEM : JULY 22nd, 2024

TO: **Town Board**

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

DATE: **July 17, 2024**

RE: **Settlement of Article 7 Matter**
West Herr Acquisitions, 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 Order; and

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Stipulation of Settlement and 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 : July 22, 2024**)
Emily Murphy, Town Assessor

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

B. TOWN CLERK:

1. Resolution 2024-620

GRANICUS, LLC Meeting Management Software for MinuteTraq CRS #4969

Please authorize the Supervisor to sign the Annual Service Agreement Renewal with Granicus, LLC for the Meeting Management Software for MinuteTraq.

The agreement is valid from 4/17/2024 to 4/16/2025. CRS #4969. The funds will be paid from Trust Account 4011 4002.

Approval is pending successful completion of the Contract Routing System.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

C. ASSESSOR:

D. BUILDING/BUILDING MAINTENANCE:

1. Resolution 2024-621

61" Turf Tiger Mower CRS #4962

Upon successful completion of CRS routing, please authorize the Supervisor to approve the purchase of the Turf Tiger Mower.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

E. CENTRAL ALARM:

F. COMPTROLLER:

1. Resolution 2024-622

Budget Transfers and Amendments

For July 22, 2024 Town Board Agenda

To: Town Board
From: Office of Town Comptroller
Date: 07/17/2024
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 - 2024

FROM:	***TO:***
N2125.1000 AMH CDBG Admin- Personal Svcs $15,836.03 N2125.8030 FICA $2,201.23	N2125.1300 Longevity $3,130.00 N2125.1400 Vacation Buyback $663.81 N2125.4050 Mileage $61.42 N2125.8010 Retirement $1,521.44 N2125.8050 Hospital Ins. $10,519.03 N2125.8051 Dental $1,978.16 N2125.8052 Vision $163.40
Requested per department to clean up budget.	
N2242.4000 HOME Acq- Contractual $19,904.42 *Requested per department.*	N2241.4000 Contractual $19,904.42
A1990.4000 General Fund - Contingency $6,500	A3120.2200 Police Vehicles $6,500
To transfer funds from contingency to cover purchase of police vehicle. Insurance proceeds were recorded at the end of 2023. For CRS#4953.	

BUDGET AMENDMENTS - 2024

INCREASE:	***INCREASE:***
N2323.02785 CDBG & VG- PI $170.00	N2323.4000 Contractual $170.00
To recognize Community Development program income from 169 Hillcrest, Amherst.	
KP2411.03089 DCJS Law Enforcement Grant $931,000.00	KP2411.2130 Computer Equip $3,500.00 KP2411.2290 2-Way Radio $337,500.00 KP2411.2450 Public Safety Equip $584,000.00 KP2411.2460 Vehicle/Body Camera $6,000.00
To recognize money for Division of Criminal Justice Services (DCJS) Law Enforcement Technology (LETECH) grant.	
N2323.02401 CDBG & VG- Interest $547.96 N2340.02401 HOME- Interest $6,522.10	N2323.4000 Contractual $547.96 N2340.4000 Contractual $6,522.10
To account for interest earned on CDBG & HOME accounts.	

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

G. CONTRACT COMPLIANCE:

1. Resolution 2024-623

Award Bid #2024024 Garbage & Recycling Totes and Parts - CRS #4903 & 4904

WHEREAS, the Contract Compliance and Administration Department received bids on June 20, 2024 for Bid #2024024 for Garbage and Recycling Totes and Parts; and

WHEREAS, the bid process resulted in a response from five (5) 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 the bid to Otto Environmental Systems and Cascade Cart Solutions as per the attached bid tabulation; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contracts with Otto Environmental Systems and Cascade Cart Solutions; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the fact that we are currently without a contract.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

2. Resolution 2024-624

Award Bid #2024029 for Police Vehicles CRS #4953

WHEREAS, the Contract Compliance and Administration Department received bids on July 11, 2024 for Bid #2024029 Police Vehicles; and

WHEREAS, the bid process resulted in a response from three (3) 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 Delacy Ford; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Police Department to trade in the vehicle listed in the table below:

CAR #	YEAR	VIN	MAKE/MODEL	MILEAGE	Delacy Ford
179	2006	1FTSX21546EC85825	Ford F250	84,519	$2,600.00
		TOTAL			**$2,600.00**

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with Delacy Ford, pending successful completion of the contract routing process due to the long lead time.

7/22/2024

Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

H. COURT:

I. ECONOMIC DEVELOPMENT:

1. Resolution 2024-625

Authorization to Submit MS4 Mapping Grant Application

Purpose: to authorize the Supervisor to submit a grant application for State funding assistance to complete MS4 Mapping Phase II

WHEREAS, The Town of Amherst adopted a revised Stormwater Management Plan in 2024 per GP-0-24-001; and

WHEREAS, The Town needs updated field data to develop accurate GIS mapping to improve conveyance system components in identified problem areas and better manage the stormwater system

WHEREAS, MS4 Mapping Phase II will start the creation of accurate GIS mapping of the existing stormwater management system which will allow the Town to schedule required maintenance and more easily keep track of system updates and illicit discharges.

WHEREAS, the Town Board desires to provide the MS4 Mapping Phase II for its residents at the lowest possible cost to Town taxpayers; and

WHEREAS, the Town Board commits to providing the required local matching funds of $7,500 to ensure the timely implementation of the proposed project;

NOW THEREFORE BE IT RESOLVED, Brian J. Kulpa, Supervisor of the Town of Amherst, is hereby authorized and directed to file an application for funds from the New York State Department of Environmental Conservation in accordance with the provisions of the Environmental Protection Fund program, in an amount not to exceed $67,500 and, upon approval of said application for funds to enter into and execute a project to execute the Master Contract with the State for such financial assistance to the Town of Amherst for the MS4 Mapping Phase 1I.

NOW BE IT FURTHER RESOLVED that Brian J. Kulpa, Supervisor of the Town of Amherst be authorized and directed to complete the necessary application, forms, and attachments to be submitted through the New York State Consolidated Funding Application for the purpose of securing this grant.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

2. Resolution 2024-626

Authorize Supervisor to Submit WQIP Grant Application - Funding WPCF Oxygen Separation Plant

Purpose: *To authorize the Supervisor to submit a grant application for State funding assistance for the construction of a new pure oxygen separation plant at the Town's Water Pollution Control Facility (WPCF).*

WHEREAS, the Town needs to make investments relative to the replacement of critical process infrastructure at the WPCF; and

WHEREAS, such investments in plant infrastructure are necessary to maintain the compliance record of the facility and maintain water quality in the Tonawanda Creek watershed; and

WHEREAS, the project is determined to be a Type II action under the provisions of SEQR according to Part 617.5, therefore no further environmental review is required and a short environmental assessment form for the project is attached; and

WHEREAS, the total project costs are estimated to be $9,700,000;

NOW THEREFORE BE IT RESOLVED, that the Town Board commits to providing the required local matching funds for the Water Quality Improvement Projects (WQIP) program not to exceed 25% of the total project costs; and

BE IT FURTHER RESOLVED, Brian Kulpa, Supervisor of the Town of Amherst, is hereby authorized and directed to file an application for funds from the New York State Department of Environmental Conservation through their Water Quality Improvement Projects (WQIP) program and, upon approval of said application for funds to enter into and execute a project agreement with the State for such financial assistance to the Town of Amherst for replacement of the pure oxygen separation plant at its WPCF; and

BE IT FURTHER RESOLVED that the Supervisor is authorized and directed to complete the necessary application, forms, and attachments to be submitted through the New York State Consolidated Funding Application for the purpose of securing this grant.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

J. EMERGENCY SERVICES:

K. ENGINEERING SERVICES:

1. Resolution 2024-627

Authorization to Install One (1) Fire Hydrant Royal Park Sports Complex Improvements TOA Project No. 2019.055

We are hereby requesting authorization to have one (1) fire hydrant installed at the above location.

During the course of construction associated with the above referenced project and in an effort to comply with all fire safety codes, the project is required to install one (1) additional fire hydrant onsite. Under the Lease Management Agreement, a Resolution from the Town Board is required for Erie County Water Authority to accept this installation. The Town shall pay the annual maintenance fee of $160.80 per fire hydrant for a total of $160.80.

May we have your approval for the installation of one (1) additional fire hydrant?

Thank you for considering this request.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

2. Resolution 2024-628

Public Improvement Permit No. 3121 Street Lights – Harding Road Subdivision 2005.101/SUB-2022-01

Attached please find an application for a Street Light Public Improvement Permit properly filled out. This permit will include the installation of five (5) public street lights. The permit fee and inspection cost amount to $7,650.00.

We are sending two (2) checks to the Comptroller's Office, one for $150.00 to be retained as a Permit Fee and one in the amount of $7,500.00 which will be held in escrow to cover the inspection costs.

At this time, we are asking for your approval of the application for PIP No. 3121.

Thank you for considering this request.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

L. FINANCE:

M. HIGHWAY

1. Resolution 2024-629

Postage Meter Rental and Service Agreement with Quadient Leasing Inc and Lineage Inc. CRS #4952

The Highway Department is requesting the Town Board to authorize the Supervisor to sign the attached sixty (60) month postage rental and service agreements with Quadient Leasing, 478 Wheelers Farms Road, Milford, CT 06461 and Lineage-Buffalo, 385 North French Road, Amherst, NY 14228.

The cost for rental ($64.53) and service ($21.00) for 60 months is $5,131.80. Funding is available to pay for this purchase order in account A5010:4025.

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes the Supervisor to sign this contract. This contract approval is pending successful completion of the Contract Routing System (CRS#4952) and the Town Attorney approval.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

N. HUMAN RESOURCES:

1. Resolution 2024-630

Records Inventory Clerk/Town Clerk

Please appoint a Records Inventory Clerk to the Town Clerk's Office. Provisional, pending satisfactory completion of a Civil Service Examination. Effective July 23, 2024 at an annual salary of $43,348, Grade 4, Step G for Tracy Metro.

Contingent upon completing all pre-employment requirements.

Replacing an employee who resigned.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

2. Resolution 2024-631

Program Leader (Youth)/Youth & Recreation

Please appoint a Program Leader (Youth) to the Youth and Recreation Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective July 23, 2024 at an annual salary of $38,674, Grade 7, Step A for Nicholas Lisman.

Contingent upon completing all pre-employment requirements.

Please authorize a six (6) month residency waiver.

Replacing an employee who is being promoted.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

3. Resolution 2024-632

Recreation Supervisor/Youth & Recreation

Please appoint a Recreation Supervisor to the Youth and Recreation Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective July 23, 2024 at an annual salary of $50,543, Grade 9, Step E for Marcelle Simpson.

This is a promotion for an employee currently serving as Program Leader (Youth).

Replacing an employee who retired.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

4. Resolution 2024-633

Recreation Supervisor/Youth & Recreation

Please appoint a Recreation Supervisor to the Youth and Recreation Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective July 23, 2024 at an annual salary of $53,906, Grade 9, Step G for Jennifer Reed.

This is a promotion for an employee currently serving as Program Leader (Youth).

Replacing an employee who retired.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

5. Resolution 2024-634

Youth Service Program Coordinator/Youth & Recreation

Please appoint a Youth Service Program Coordinator to the Youth and Recreation Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective July 23, 2024 at an annual salary of $53,906, Grade 9, Step G for Michele Holmes.

This is a promotion for an employee currently serving as Program Leader (Youth).

Replacing an employee who retired.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

6. Resolution 2024-635

Youth Service Program Coordinator/Youth & Recreation

Please appoint a Youth Service Program Coordinator to the Youth and Recreation Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective July 23, 2024 at an annual salary of $52,850, Grade 9, Step F for Alan Laudico.

This is a promotion for an employee currently serving as Program Leader (Youth).

Replacing an employee who retired.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

7. Resolution 2024-636

Assistant Code Enforcement Officer/Building Department

Please appoint an Assistant Code Enforcement Officer to the Building Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective July 23, 2024 at an annual salary of $49,943, Grade 12, Step B for Nicholas Barnas.

This is a Permanent appointment for a current employee who has been serving Provisionally.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

8. Resolution 2024-637

Police Officer/Police Department (3 Positions)

Please appoint three (3) Police Officers to the Police Department. Permanent from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII(c). Effective July 24, 2024 at an annual salary of $67,171 for Tyler Thurn, Jacob Abdallah & Matthew Wall.

Replacing employees who have retired.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

9. Resolution 2024-638

Police Officer/Police Department (2 Positions)

Please appoint two (2) Police Officers to the Police Department. Permanent from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII(c). Effective July 24, 2024 at an annual salary of $67,171 for Aaron Brown & Tyler Smith.

Please authorize a six (6) month residency waiver.

Replacing an employee who retired and an employee who resigned.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

10. Resolution 2024-639

Police Officer/Police Department

Please appoint a Police Officer to the Police Department. Permanent from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII(c). Effective July 24, 2024 at an annual salary of $67,171 for Julia Dombrowski.

Please authorize a six (6) month residency waiver.

Replacing an employee who resigned.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

11. Resolution 2024-640

Police Officer/Police Department

Please appoint a Police Officer to the Police Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII (c). Effective July 24, 2024 at an annual salary of $67,171 for Emily Watson.

Contingent upon successful completion of all pre-employment requirements and Erie County Civil Service Rules and Regulations.

Replacing an employee who resigned.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

O. INFORMATION TECHNOLOGY:

P. PLANNING:

1. Resolution 2024-641

Appeal of Denied Certificate of Appropriateness for St. Mary Motherhouse Located at 400 Mill Street

WHEREAS, the property known as the St. Mary's Motherhouse located at 400 Mill Street is designated by the Town of Amherst as a local historic landmark; and

WHEREAS, the owner and/or agents for owners of the property located at 400 Mill Street applied for a Certificate of Appropriateness Pursuant to Section 121-7 of Chapter 121 of the Town of Amherst Code (Historic Preservation) to replace the existing slate roof; and

WHEREAS, the Historic Preservation Commission (HPC) denied the request for a certificate of appropriateness to use and install the EcoStar synthetic slate product to replace the existing slate roof on the building; and

WHEREAS, this Board, pursuant to Section 121-15 of the Historic Preservation Chapter, has been petitioned to review said denial of a certificate of appropriateness and held a public hearing on the appeal on July 8, 2024; and

WHEREAS, upon review of the information and materials before the HPC, the Town Board makes the following findings regarding the proposed use of the EcoStar synthetic slate product as a replacement of the existing slate roof:

1. In accordance with U.S. Department of the Interior Preservation Briefs 16: *The Use of Substitute Materials on Historic Building Exteriors*, "the Standards for Rehabilitation are to be applied in a reasonable manner, taking into account economic and technical feasibility with inherent flexibility that facilitates their application to diverse projects, historic properties, and conditions;"

2. The proposed EcoStar synthetic slate product matches the appearance and physical properties of the existing slate roof and can be maintained to assure the continued protection of the building;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Amherst hereby vacates the findings of the HPC and, pursuant to the authority enumerated in Section 121-15 of the Historic Preservation Ordinance, issues a certificate of appropriateness for the use of the proposed EcoStar synthetic slate product to replace the existing slate roof on the St. Mary's Motherhuose.

7/22/2024
A motion to approve was made by Deputy Supervisor Lavin, seconded by Councilmember Berger and approved 4-0-1 (Kulpa, abstain).

RESULT:	**ROLL CALL VOTE (ADOPTED) [4 TO 0]**
MOVER:	Shawn Lavin, Deputy Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Lavin, Berger, Szukala, Marinucci
ABSTAIN:	Kulpa

2. Resolution 2024-642

Request to Utilize the Distressed Properties Trust Account for Property Maintenance at 160 Campus Drive, Amherst, NY 14226

WHEREAS, the Amherst Town Board (RES 2012-825) created the Distressed Property Task Force and Distressed Property Trust Fund to address and coordinate property maintenance issues; and

WHEREAS, the Building Department was given permission in 2022 by the Town Board to demolish 160 Campus Drive due to the terrible condition of the vacant home. The Town plans on selling the vacant property in the near future; and

WHEREAS, the Planning Department would like permission to use this trust account for the property maintenance as needed; now therefore

BE IT RESOLVED, that the Town Board of the Town of Amherst authorizes the use of the Distressed Property Trust Account (T4019.4002), for property maintenance at 160 Campus Drive in Amherst for an amount not to exceed $600.00.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

3. Resolution 2024-643

To Authorize the Adoption of Revisions to the Erie County PHA Consortium's Administrative Plan Governing the Section 8 Housing Choice Voucher Program

WHEREAS, the Town of Amherst is the lead agency for the Erie County Public Housing Authority (PHA) Consortium; and

WHEREAS, the Town contracts with Belmont Housing Resources for WNY, Inc. to carry out the day-to-day management of the Section 8 Housing Choice Voucher Program; and

WHEREAS, 24 CFR 982.54 requires that the PHA adopt a written Administrative Plan that establishes local policies for the administration of the program in accordance with HUD requirements; and

WHEREAS, Belmont Housing Resources is requesting approval of the updated Erie County PHA Consortium Administrative Plan to adhere to the Housing Opportunity Through Modernization Act (HOTMA) and to HUD National Standards for the Physical Inspections of Real Estate (NSPIRE); and

WHEREAS, Belmont Housing Resources is requesting approval of the updated Erie County PHA Consortium Administrative Plan that provides the inclusion of each regulation for each policy established; now therefore

BE IT RESOLVED, that the Town Board of the Town of Amherst adopts the recommended revisions to the Erie County PHA Consortium Administrative Plan.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

Q. POLICE:

1. Resolution 2024-644

Digital Surveillance Solutions (DSS) (CRS #4879) Security Repairs & Upgrades to Town Buildings

TOWN BOARD AGENDA ITEM: July 22, 2024

TO: **Town Board**

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

RE: **Digital Surveillance Solutions (DSS) (CRS #4879)**
Security Repairs & Upgrades to Town Buildings

Kindly adopt a resolution authorizing the Supervisor to adopt and execute the attached contract between the Town of Amherst (Police) and Digital Surveillance Solutions, Inc. (DSS), 485 Cayuga Road, Buffalo New York, 14225 with regard to the above-entitled matter. This agreement has successfully completed the Contract Routing System.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: July 22, 2024)**

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

R. SENIOR SERVICES:

1. Resolution 2024-645

Amherst Senior Transportation, Inc. CRS #4967

We respectfully request Town Board permission to authorize the Supervisor to sign the Contract between the Town of Amherst (Senior Services) and Amherst Senior Transportation, Inc. after successful completion of the Routing process.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

S. SEWER/PLANT 16:

1. Resolution 2024-646

TOA Bid 2023031 Sodium Hypochlorite Contract Extension JCI Jones Chemicals, Inc. (Original CRS #4248) CRS No. 4951

The Engineering Department, WPCF division is requesting that the Town Board authorize the Supervisor to sign the attached contract extension agreement with JCI Jones Chemicals, Inc. The terms and conditions within Town of Amherst Bid 2023031 Sodium Hypochlorite shall remain the same. This extension would run from date of Town Board Approval by the Town of Amherst through February 12, 2025.

Funds for this request are available in G9916-4820/4830

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

Thank you for considering this request.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

T. YOUTH AND RECREATION:

1. Resolution 2024-647

Energy Efficient Lighting Systems CRS #4965

Authorize the Supervisor to sign an agreement between the Town of Amherst (Youth & Recreation Department) and National Grid for an energy incentive to upgrade the lighting systems at the Northtown Center, pending satisfactory completion of the contract routing process.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

2. Resolution 2024-648

Authorization to Use Mollenberg-Betz

WHEREAS, certain HVAC equipment at the Northtown Center at Amherst requires the use of Vilter parts to maintain its warranties, and

WHEREAS, Mollenberg-Betz, Inc. is the only authorized dealer in Western New York, the next closest authorized dealers being in Syracuse, NY, and just outside of Toronto, Ontario, Canada, and

WHEREAS, the Town has contracts with other HVAC suppliers which the Youth & Recreation Department routinely uses to purchase non-Vilter parts,

NOW THEREFORE, BE IT RESOLVED that the Amherst Town Board authorizes the use of Mollenberg-Betz for Vilter parts and equipment only (unless Mollenberg-Betz is part of a competitive bidding process for other items) and authorizes payments to Mollenberg-Betz for Vilter parts already purchased.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

XIV. UNFINISHED BUSINESS

XV. COMMUNICATIONS

1. Communication 2024-59

Boy Scouts Troop 4 Request for Fee Wavier

Request from Boy Scouts Troop 4 seeking a waiver of the Building permit fee for a Eagle Scout project renovating the sign at the Buffalo Niagara Heritage Village.

Response from the Building Commissioner is attached.

7/22/2024
Consent

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

2. Communication 2024-60

Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road

Letter from Sean Hopkins, Esq. regarding the proposed rezoning of 1789 Dodge Road.

7/22/2024
Referred to Planning

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

3. Communication 2024-61

Correspondence from Sean Hopkins, Esq. - Proposed Project at 1790, 1860 & 1920 North French Road & Portion of 999 Campbell Boulevard

Letter from Sean Hopkins, Esq. regarding an updated concept site plan.

7/22/2024
Referred to Planning

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

4. Communication 2024-62

Correspondence from Sean Hopkins, Esq. - Proposed Project at 4300 Millerpsort Highway

Letter from Patricia Bittar regarding the proposed project at 4300 Millersport Highway.

7/22/2024
Referred to Planning, Engineering & Highway

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

5. Communication 2024-63

Correspondence from Sean Hopkins, Esq. - 455 & 495 Schoelles Road

Letter from Sean Hopkins, Esq. regarding 455 & 495 Schoelles Road being designated as appropriate for a residential subdivision consistent with the R-3 standards in the Zoning Code.

7/22/2024
Referred to Planning

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

XVI. PUBLIC IMPROVEMENT PERMITS

XVII. 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 Lavin and unanimously approved 5-0. Public Expression was opened at 8:31 PM.

The following speakers addressed the Town Board:
Jina Gentry, 65 Bissell Dr - budget for sewer project
Don Smith, 201 N Long St - public participation
Dennis Hoban, 216 California Dr - tax increase

There were no further speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Deputy Supervisor Lavin and unanimously approved 5-0. Public Expression was closed at 8:38 PM.

XVIII. ADJOURNMENT

There being no further business to come before the Town Board, Supervisor Kulpa moved to adjourn, seconded by Deputy Supervisor Lavin and unanimously approved 5-0. The Town Board meeting of July 22, 2024 was adjourned at 8:47 PM.

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 29208 **RESOLUTION 2024-576** **HEARING CLOSED**

Appeal of the Historic Preservation Commission Decision - 400 Mill Street

A public hearing on the appeal of the Historic Preservation Commission decision to deny the request for a Certificate of Appropriateness for a synthetic slate replacement of the existing slate roof at 400 Mill Street also known as St. Mary's Motherhouse.

7/8/2024
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The public hearing was opened at 3:02 PM.

Attorney Tom Lyons and Nick Kraus presented.

The following speakers addressed the Board:
Dorothy Tudor, St. Mary's Apartments
Sister Judy Beiswanger, St. Mary's Apartments
Diane Foster, St. Mary's Apartments
Sister Barbara Whelan, St. Mary's Apartments
Genevieve Overholt, St. Mary's Apartments
Kathryn Luppi, St. Mary's Apartments
Tory Allen, St. Mary's Apartments
Susan Blum, 195 Old Lyme Dr
Elizabeth Clough, 70 Haymarket Sq
Ann Hutchinson, St. Mary's Apartments
Jane Cox, 4584 Harlem Rd
Shelly Schratz, 1952 Kensington Ave
Angela Wawro, 26 Old Spring Ln
Dave Howard, 194 Roycroft Dr
Don Smith, 201 N Long St
Dennis Hoban, 216 California Dr

There were no further speakers from the public, therefore Supervisor Kulpa moved to keep the hearing open and set a decision date for July 22nd Town Board meeting, seconded by Deputy Supervisor Lavin and unanimously approved 5-0.

7/22/2024
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 7:02 PM.

The following speakers addressed the Board:
Attorney Tom Lyons
Brian Swartz, Chairman of the Historic Preservation Commission

Jeffery Amplement, member of the Historic Preservation Commission
Thomas Granville, St. Mary's Apartments
Kathy Tepas, St. Mary's Apartments
Sister Judy Beiswanger, St. Mary's Apartments
Dorothy Tudor, St. Mary's Apartments
Michael Clough, 70 Haymarket Sq
Dennis Blackwell, St. Mary's Apartments
Dan Rider, 38 Garden Pkwy
John Trabert, 234 Mt Vernon Rd
Susan Blum, 195 Old Lyme Dr
Bob Drdul, 92 Chateau Ter
Dennis Hoban, 216 California Dr
Matt Plunkett, 299 Northill Dr

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Deputy Supervisor Lavin and unanimously approved 5-0. The public hearing was closed at 7:45 PM.

RESULT:	**HEARING CLOSED**

Amherst
Town of Amherst Planning Department Erie County, New York

Brian J. Kulpa
Supervisor

Daniel C. Howard,
Planning Direct

Daniel Ulatowski,
Assistant Planning Di

TO: The Honorable Town Board

FROM: James Quinn, Assistant Planner

DATE: July 3, 2024

RE: Public Hearing - St Mary's Motherhouse at 400 Mill Street

REQUEST: Appeal of the Historic Preservation Commission Decision to deny the request for a Certificate of Appropriateness for a synthetic slate replacement of the existing slate roof; property located at 400 Mill Street also known as St. Mary's Motherhouse.

LOCATION: Within the complex of Amherst Central Park on the West side of Mill Street approximately 1,525 feet from Sheridan Drive.

HISTORIC DESIGNATION STATUS:

- Locally designated landmark (May 2000)
- State and National Register Listed (July and October 2002 respectively)

PROJECT TIMELINE:

January 2023 – Building Department issues a stop work order to the contractors replacing the existing slate roof and replacing it with an architectural shingle without a building permit and without an approved Certificate of Appropriateness from the Historic Preservation Commission.

February 2023 – Roofing Consultant, The Browne Company, presents a request for a Certificate of Appropriateness for the architectural shingle. (Adjourned decision)

March 2023 – Historic Preservation Commission denies the proposal for a Certificate of Appropriateness for the architectural shingle finding that the proposal represents a material change that would significantly alter the historic character of the building.

May 2023 – Roofing Consultant, The Browne Company, presents a new request for a Certificate of Appropriateness proposing a new architectural shingle which imitates the slate roof shingles (Adjourned to install mockup of shingle material and organize for HPC Member site visit – conducted)

June 2023 – Historic Preservation Commission denies the proposal for a Certificate of Appropriateness for the proposed architectural shingle replacement based on the finding that the new material would still significantly alter the historic character of the building.

Attachment: TB Memo Appeal 070824 (RES-2024-576 : Appeal of the Historic Preservation Commission Decision - 400 Mill Street)

October 2023 - Roofing Consultant, The Browne Company, presents several bids received for the slate roof replacement project that included the following options, architectural shingle replacement, synthetic slate replacement, and slate replacement. The bids presented a review of the costs of the different options. With costs being a clear consideration, it was suggested by the HPC that the petitioner pursue historic tax credits for the roof project. It was reported by Whitney Management Corporation, the managing partner, that St. Mary's Commons LLP (the majority owner of the limited liability partnership) was not willing to pursue historic tax credits at either the state or national level.

December 2023 – Roofing Consultant, The Browne Company, presents a new request for a Certificate of Appropriateness for a synthetic slate replacement of the existing slate roof. The HPC denies the proposal for a Certificate of Appropriateness for the proposed synthetic slate based on the finding that the synthetic slate would significantly alter the character of the building.

April 2024 – Whitney Management Corp retains additional council, Duke Holzman Phoiadis & Gresens LLP, and consults with Heritage Consulting Group to present a synthetic slate replacement in a revised request for a Certificate of Appropriateness. The Historic Preservation Commission denies the request of the revised Certificate of Appropriateness noting that the proposal still significantly alters the historic character of the building.

May 2024 – The petitioners advising council, Duke, Holzman, Photiadis, & Gresens LLP, files an appeal of the decision rendered by the Historic Preservation Commission to deny the Certificate of Appropriateness presented at the April 2024 regular meeting with the Town Board.

July 2024 – Town Board Public Hearing on Appeal.

JQ/ac
X:\Special_Projects\Historic Preservation\PROPERTY FILES\St. Marys\TBMemo_Appeal07082024.docx

Attachment: TB Memo Appeal 070824 (RES-2024-576 : Appeal of the Historic Preservation Commission Decision - 400 Mill Street)

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 29234 **RESOLUTION 2024-613** **ADOPTED**

SEQR Determination (1789 Dodge Road, Z-2020-15)

RESOLVED, that pursuant to 6NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Town Code Chapter 104, as amended, the Town Board is deemed the Lead Agency for those actions which it has sole discretionary power, including but not limited to rezoning decisions and adoptions of local laws, and be it further

RESOLVED, that this Town Board as SEQR Lead Agency has reviewed a request for a rezoning at 1789 Dodge Road and has identified the areas of environmental concern, thoroughly analyzed them for significant adverse impact, including any concerns and/or recommendations from other agencies, and be it further

RESOLVED, that the requirements of SEQR are now complete therefore this Town Board issues the attached Negative Declaration as its determination of environmental significance, for the subject action.

7/22/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 5-0.

FINANCIAL IMPACT:

None

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

D R A F T
(***July 22, 2024***)

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency: Town of Amherst
Town Board

Project: Z-2020-15

Address: 5583 Main Street
Williamsville, NY 14221
(716) 631-7051

Date:

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: Rezoning Request.

SEQR Status: Type I.

Description of Action: Rezoning of 6.7± acres of land from SA to R-3 to allow for a proposed 16-lot residential subdivision that will consist of 15 detached single-family home lots and a stormwater management lot located in the eastern most portion of the property. A public roadway and a single curb cut onto Dodge Road are proposed. Seventy-five feet of frontage along Dodge Road is proposed to remain as greenspace with the exception of the access roadway. Approximately 2.7± acres of the 6.7± acre site will remain as permanent open space along the north, south, eastern and western boundaries of the parcel.

Location: 1789 Dodge Road, Town of Amherst, Erie County, New York

Petitioner: Joe Rubino

Attachment: Z-2020-15_draft Neg Dec_052224_072224 (RES-2024-613 : SEQR Determination - (1789 Dodge Road, Z-2020-15))

Reasons Supporting This Determination

Based on information submitted by the applicant, including a Full Environmental Assessment Form (EAF) - Part 1 and Part 2, a complete rezoning application, and concept plan, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that the proposed rezoning of 6.7± acres of land from Suburban Agriculture (SA) to Residential District Three (R-3) for a proposed 16-lot residential subdivision (for 15 detached single-family homes) and related site improvements 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 Town Engineering Department on August 24, 2021 reviewed the application and EAF submitted on August 16, 2021 and had no objection or comments on the proposed rezoning.

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. Permanent open space buffers, including 75 feet along Dodge Road will preserve and enhance natural vegetation. A Landscape Plan shall be required of the applicant upon submittal of a subdivision application for development of the site at which stage all landscape requirements of the Zoning Ordinance will be met. This determination is also based on review of the NYSDEC Environmental Resource Mapper, which shows the site does not contain any significant natural communities, or habitat for rare, threatened or endangered plants or animal species[1].

3. The project is not expected to create any material conflict with the Town of Amherst Bicentennial Comprehensive Plan. The project will comply with all regulations of the Town Zoning Ordinance before the final subdivision plat is approved. The Town Building Department on August 26, 2021 reviewed the application and EAF submitted on August 16, 2021, and has no objection or comments on the proposed rezoning. As described in the Bicentennial Comprehensive Plan, the new development is generally consistent with section 3.3.1 of the Bicentennial Comprehensive Plan for Residential Uses, and in character with the surrounding single-family residential areas.

4. The project is not within an area identified by the State as potentially containing significant cultural or archeological resources, nor will it impair the character or quality of important historical resources.

[1] https://gisservices.dec.ny.gov/gis/erm/, last accessed January 14, 2022

Attachment: Z-2020-15_draft Neg Dec_052224_072224 (RES-2024-613 : SEQR Determination - (1789 Dodge Road, Z-2020-15))

5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character because the proximate land uses within an approximately ¼ mile radius are also single-family detached homes located in the S-A District, R-3 District and CR-3A District; therefore, the project is compatible with surrounding land use.

6. The proposed rezoning to Residential District Three (R-3) for a proposed 16-lot residential subdivision will result in an increase in the use and type of energy. However, the required utilities will be in place to adequately handle the anticipated increase. In addition, development of new single-family dwellings, under either the existing or proposed zoning districts are required to meet the NYS Energy Code for new construction. Therefore, the proposed R-3 rezoning will not cause a significant adverse change in the use of either the quantity or type of energy.

7. A search of NYSDEC data bases (Spill Incidents Database, Remedial Site Database, Bulk Storage Database) did not result in evidence of any known contamination concerns, the rezoning to Residential District Three (R-3) for the proposed 16-lot residential subdivision will not create any hazard to human health.

8. The rezoning from S-A to Residential District Three (R-3) will increase the intensity of use from one single-family dwelling to a total of 15 dwellings. The proposed residential subdivision will be consistent with the scale of surrounding land uses and approximately 1.5 acres of the 6.7-acre site will remain as permanent open space. In addition, there will be no change to existing agricultural, public-open space or recreational resources, as the current land use is not agricultural, or publically-owned open space, or publically-owned recreation resources.

9. The rezoning to Residential District Three (R-3) for the proposed 16-lot residential subdivision will increase the number of people using the site over its previous level of use. However, based on inter-departmental reviews, the existing water, sewer, storm water and street infrastructure have or will have sufficient capacity to serve the proposed 15 single-family dwellings to adequately handle the anticipated increase without significant adverse impact to those existing systems.

10. The rezoning of the subject site will allow for the construction of approximately 15 single-family dwellings, contrasted with 4-6 single-family dwellings that could be allowed under the current S-A zoning designation.

Attachment: Z-2020-15_draft Neg Dec_052224_072224 (RES-2024-613 : SEQR Determination - (1789 Dodge Road, Z-2020-15))

Dodge Road is a County collector roadway as stated in the Town's Bicentennial Comprehensive Plan. The Town Traffic Safety Board on September 7, 2021 reviewed the application and EAF submitted on August 16, 2021, and concluded that significant negative traffic impacts are not expected to result from the proposed project.

11. Coordinated reviews of the project have been undertaken by Town Departments including Building on August 26, 2021, Engineering on August 24, 2021, Highway on May 11, 2021, Traffic/Safety Board on September 7, 2021, Assessor on August 19, 2021, Fire Chiefs' Council on September 10, 2021, and Right-of-Way Agent on August 19, 2021 along with outside agencies including Erie County Department of Environment & Planning on September 23, 2021. These reviews have not identified any significant environmental issues and indicate that the proposal will not have a significant damaging impact on the environment.

12. 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 be causing significant negative environmental impacts.

_____ _____
Signature & title of preparer date

_____ _____
Brian J. Kulpa, Supervisor date

GP/ac
X:\Current_Planning\Files\Rezonings\2020\Z-2020-15_(1789_Dodge_Rd)_2020\Z-2020-15_draft Neg Dec_052224_072224.docx
cc: Amherst Town Clerk
Amherst Building Department
ECDEP
NYSDEC
NYSDOT (if on state hwy.)
Sean Hopkins, Esq., Hopkins Sorgi & McCarthy, 5500 Main St., Ste. 343, Williamsville, NY 14221
Joe Rubino, Hopkins Sorgi & McCarthy, PLLC, 5500 Main St., Ste. 343, Williamsville, NY 14221
Christopher Wood, P.E., Carmina Wood Morris, DPC, 487 Main St., Suite 600, Buffalo, NY 14202
Robert C. Walter, 2765 Dodge Rd., E. Amherst, NY 14051

Attachment: Z-2020-15_draft Neg Dec_052224_072224 (RES-2024-613 : SEQR Determination - (1789 Dodge Road, Z-2020-15))

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 29162 **RESOLUTION 2024-539** **ROLL CALL VOTE (ADOPTED)**

Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-15)

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR have been completed and the Town Board issues the attached Negative Declaration, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board does not concur with the findings of the Planning Board as stated in their resolution of September 23, 2021 that the proposed Single Family Residential District Three (R-3) zoning at 1789 Dodge Road is generally inconsistent with the policies of the adopted Bicentennial Comprehensive Plan, and is not compatible with the present zoning and conforming use of nearby property and with the character of the neighborhood, and be it further

RESOLVED, that the Town Board does find that the proposed Residential District Three (R-3) zoning at 1789 Dodge Road is consistent with the adopted Bicentennial Comprehensive Plan because the proposal provides single-family residential density within the target range (2-4 units/acre) as established by Section 3.3.1 of the Bicentennial Comprehensive Plan for single family residential uses and further depicted by Figure 6 of the Plan and is consistent in character with the other single-family subdivisions in the vicinity, which are predominantly single family homes, and be it further

RESOLVED, that the Town Board does find that the proposal is consistent with the adopted Bicentennial Comprehensive Plan because the proposal will incorporate design changes that reflect a mutually beneficial transition between the R-3 zoning to the surrounding S-A zoning by utilizing perimeter open spaces, a 75-foot natural buffer / no build area along the Dodge Road frontage, and be it further

RESOLVED, that in accordance with Chapter 203, Section 8-3-6 of the Town Code (Zoning), the Town Board adopts Local Law (#) to amend the Town Zoning map from Suburban Agriculture (SA) to Residential District Three (R-3) subject to the following conditions:

1. That future development of the site shall be limited to single family detached residential uses with a maximum yield of fifteen (15) homes.
2. That any future development of a principal or accessory structure or uses in the 2.7 acres of Permanent Open Space shall be prohibited. The only proposed development of the portion of the Permanent Open Space is limited to required stormwater management system improvements and utility infrastructure.
3. That a protective covenant/conservation easement shall be placed on all proposed open space and confirm total acreage to be under the control of a home owners association.
4. That the final plat design shall include a right-of-way access to a potential

future Youngs Road extension.

5. That the landscaping and screening to be provided in the Permanent Open Space along the Dodge Road frontage of the project site shall require the approval of the Planning Board at the Preliminary Plat Application stage of the subdivision review process.
6. Any future Preliminary Plat that shall be submitted to the Planning Board shall consider provisions for future access to the north and south of the subject property.

6/24/2024

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The public hearing was opened at 7:27 PM.

Sean Hopkins, Esq. and Joe Rubino presented and answered questions.

The following speakers addressed the Board:
William Pitz, 1815 Dodge Rd
Cheryl Anastasia, 1860 Dodge Rd
Nancy Fender, 101 Main St
John Hamsik, 1820 Dodge Rd
Pam Curcio, 1745 Dodge Rd
Jina Gentry, 65 Bissell Dr
Merja Kenola, 1800 Dodge Rd
Sandy Mack, 1790 Dodge Rd
Nick Rockwell, 1765 Dodge Rd
Bob Drdul, 92 Chateau Ter
Don Smith, 201 N Long St

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the July 22nd Town Board meeting, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The public hearing was closed at 8:38 PM.

7/22/2024

A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and was approved via Roll Call vote 4-1 (nay, Kulpa).

RESULT:	**ROLL CALL VOTE (ADOPTED) [4 TO 1]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Lavin, Berger, Szukala, Marinucci
NAYS:	Kulpa

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 24, 2024

June 18, 2024

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

Subject: Request to rezone 6.7± acres of land from SA to R-3, Z-2020-15; property located at 1789 Dodge Road, Joseph Rubino, Petitioner.

Honorable Members:

The subject property is a 6.7± acre trapezoid shaped parcel located on the east side of Dodge Road, approximately 1,250± feet northeast of the intersection of Dodge Road and Casey Road, and 120± feet northeast of Brenridge Road. The site has 406.20± ft. of frontage on Dodge Road and a maximum depth of 857.48± ft.

The property presently contains a single family home with garage and barn.

Dodge Road is an Erie County Highway designated as a collector roadway in the Town of Amherst 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 amend zoning for this property to permit development of a 16-lot residential subdivision and related site improvements. The proposed development will consist of 15 detached single family home lots and a stormwater management lot located in the eastern most portion of the property. A public roadway ending in a hammer-head turnaround and a single curb cut onto Dodge Road are proposed. The frontage along Dodge Road, for a depth of seventy-five feet is proposed to remain as greenspace with the exception of the access roadway. Approximately 2.7± acres of the 6.7± acre site are proposed to remain as permanent open space along the north, south and western boundaries of the parcel.

There is no history of any previous rezoning requests or site plan approvals for the subject property.

continued . . .

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Other considerations for the rezoning request include a protest petition with 35 signatures submitted by the adjacent property owners on April 14, 2021 and validated by the Town Assessor on April 29, 2021. The protest petition requires a supermajority vote by the Town Board to act on the petition.

The Planning Board reviewed the request and offered the following findings consistent with Section 8-3 of the Zoning Ordinance, in its letter of 9/30/2021.

INTENT AND OBJECTIVES OF THE COMPREHENSIVE PLAN

Figure 6 of the Bicentennial Comprehensive Plan is the Conceptual Land Use Plan. The Land Use Plan recommends the parcel at 1789 Dodge Road as "Single Family Residential". The corresponding text (Section 3.3.1) indicates that opportunities exist for infill residential development at a scale and in character with existing surrounding residential areas. The proposed concept plan includes housing that is dissimilar to surrounding larger lot homes.

INTENT AND OBJECTIVES OF THE ZONING ORDINANCE

The proposal is inconsistent 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.

CONSISTENCY/COMPATIBILITY WITH SURROUNDING DEVELOPMENT/ZONING

The project site is surrounded by residential zoning districts and development of varying intensities. Adjacent to the north, south and east are single family residential uses on larger lots, zoned Suburban Agriculture (SA), and across Dodge Road to the west are also single family residential uses zoned Residential District -Three (R-3). The scale and density of the proposed concept plan is not in character with the surrounding existing larger lot single family residential development.

ADEQUATE SERVICES AND UTILITIES

All services and utilities necessary for the proposed rezoning are available and adequate at the subject location. This is a Type I action, and an environmental assessment consistent with SEQR has been prepared for the subject proposal. The Town Board has been established as Lead Agency. Pursuant to Local Law #3-82, as amended, the requirements of SEQR must still be completed if the Town Board desires to approve the proposed rezoning request. A draft SEQR determination will be prepared by the Planning Department if directed. A SEQR determination is not required if the Town Board concurs with the recommendation below.

continued . . .

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Honorable Town Board

Rezone land from SA to R-3;
property located at 1789 Dodge Road
Agenda of June 24, 2024

RECOMMENDATION

The Planning Board recommended that your Honorable Body concur with their findings that the subject request be denied.

Following the Planning Board's public hearing and recommendation the Town Board held a public hearing on the request on February 7, 2022. At that meeting the Town Board directed the Planning Department to study the Suburban Agriculture (SA) zoning district, and its distribution/designation on properties in the Town. The Draft Study report recommends zoning changes for properties zoned SA and the subject parcel is recommended to be zoned R-3.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

DH/RR/ac
Att.
X:\Current_Planning\Files\Rezonings\2020\Z-2020-15_(1789_Dodge_Rd)_2020\Z-2020-15_TB letter 112221_.docx
cc: Marty Polowy, Town Attorney

Planning Board Denial September 23, 2021
Ayes 5, Noes 2 (Gelber, Gilmour)

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2020-15

PETITIONER

Joe Rubino
c/o Sean Hopkins, Esq.
Hopkins, Sorgi & McCarthy PLLC
5500 Main Street, Suite 343
Williamsville, New York 14221

PROPERTY LOCATION

1789 Dodge Road

OCT 01 '21 AM 8:55 RCVD

WHEREAS the Town of Amherst Planning Board on Thursday, September 23, 2021 held a remote public hearing on the proposed rezoning of land from Suburban Agriculture District (SA) to Single Family Residential District Three (R-3), 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 inconsistent with the policies of the Comprehensive Plan and the Zoning Ordinance.

B. The proposal is consistent with the Conceptual Land Use Plan which shows Single Family Residential use in this area of the Town.

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

D. The proposal is not compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.

E. The subject property is suitable for uses permitted by the current versus the proposed district.

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

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2020-15

PETITIONER

Joe Rubino

PROPERTY LOCATION

1789 Dodge Road

OCT 01 '21 AM 9:56 R

G. Review by the US Army Corps of Engineers under Section 404 of the Clean Water Act is required since hydric/potentially hydric soils have been identified on the parcel. The NYSDEC has determined that regulated freshwater wetland CC-15 and its regulated 100-foot-wide adjacent area is located on or adjacent to the subject 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.

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 as the proposed scale of development as presented is not in character with the surrounding neighborhood.

The foregoing resolution was adopted by the Town of Amherst Planning Board, September 23, 2021; moved by – Giuliani; seconded by – Gill; ayes 5, noes 2 (Gelber, Gilmour).

Robert J. Gilmour, Chair

9-30-21
Date

RR/bf
X:\Current_Planning\Files\Rezonings\2020\Z-2020-15_(1789_Dodge_Rd)_2020\Z-2020-15_Resolution_092321.docx
cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Traffic/Safety Coordinator
Joe Rubino, c/o Hopkins Sorgi & McCarthy, PLLC, 5500 Main St., Ste. 343, Williamsville, NY 14221
Christopher Wood, P.E., Carmina Wood Morris, DPC, 487 Main St., Suite 600, Buffalo, NY 14202

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Amended Rezoning Application & Supporting Documentation
Rezoning of 1789 Dodge Road from SA to MFR-4A - Applicant: Joe Rubino
Date: March 22, 2021

Applicant: Joe Rubino c/o
Sean Hopkins, Esq.,
5500 Main Street, Suite 343
Williamsville, NY 14221
Tel: 716.510-4338
E-mail: shopkins@hsr-legal.com

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning Review and, if required Comprehensive Plan Amendment

For Official Use

File #: _____ **Acreage** _____ **Fee $** _____

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. _____ 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**		$1,250.00
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:	$ 2,515.00

RECEIVED
MAR 22 2021
TOWN OF AMHERST
PLANNING DEPT.

[Note: A completed Amended Part 1 of the Full Environmental Assessment Form dated March 22, 2021 along with Page 5[a] is attached as Exhibit "2".]

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

TO BE COMPLETED BY APPLICANT

1. **Petitioner:** Name: Joe Rubino

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@hsr-legal.com

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

From: SA District

To: MFR-4A District

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

1789 Dodge Road

SBL #: 42.00-1-45.2

4. **Area of land to be rezoned** (in acres): 6.7 acres

5. **Owner of Land:**

Name: Joe Rubino

Address: 1789 Dodge Road, East Amherst, NY 14051

Telephone:

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

Other Representative:
Christopher Wood, P.E.
Carmina Wood Morris DPC
487 Main Street, Suite 600
Buffalo, New York 14202
Tel: 842-3165 [Ext. 103]
E-mail: cwood@cwm-ae.com

Name: Sean W. Hopkins, Esq.

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

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

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

[Note: Authorization Letter of the Property Owner signed on December 28, 2020 attached as Exhibit "1" of this Amended Rezoning Application.]

_____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 SA to MFR-4A is attached as Exhibit "3" ar copy of the Survey prepared by Nussbaumer & Clarke Inc. is attached as Exhibit "4".

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 5.

B. Rationale for rezoning request:

1. Why was this site chosen?

See Exhibit 5.

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

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

See Exhibit 5.

3. How will this rezoning impact surrounding properties?

See Exhibit 5.

4. How will this rezoning impact the school system?

See Exhibit 5.

12. Quantitative Data:

A. Total # of dwelling units: 17

B. Distribution of dwelling units by type: The dwelling units will consist exclusively of detached single-family homes on individual lots.

C. Gross Residential Density per acre: 2.53 homes per acre.

D. Total amount of Open Space: 2.1 acres

E. Proposed Non-Residential Floor Area: Not Applicable

[Note: A reduced size copy of the Concept Plan Plan [Drawing C-100] prepared by Carmina Wood Morris is provided at Exhibit "7" and a full size copy is also attached.]

13. Development Schedule:

Start: Fall 2021

Finish: 2022 [Completion date dependent on build-out period for the single-family homes.]

Stages (# of): 1

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

The single-family homes and residential lots will be sold.

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

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

Greenspace and landscaping will be privately owned and maintained. Permanent Open Space to be owned and maintained by association to be formed.

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 6.

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 6.

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

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

See Exhibit 6.

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 6.

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

See Exhibit 6.

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

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

See Exhibit 6.

17. The petitioner encloses herewith the sum of $2,515.00 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.

[Note: Authorization Letter of Property Owner signed attached as Exhibit "1".]

Counsel for Petitioner
Signature of Petitioner

Subscribed and sworn to before me this 22nd day of March, 2022

Notary Public, Erie County, New York

Anthony S Pecoraro
Notary Public, Erie County, NY
My Commission Expires 7-12-

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-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

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-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Exhibit 1 – Authorization Form of Property Owner as Signed on December 28, 2020

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

AUTHORIZATION

Joe Rubino, as the owner of property located at 1789 Dodge Road in the Town of Amherst [SBL 42.00-1-45.2] (the "Project Site") hereby authorizes Hopkins Sorgi & McCarthy PLLC and Carmina Wood Morris DPC, to seek all required approvals and permits from the Town of Amherst and other involved governmental agencies relative to the intended use of the Project Site as a residential subdivision including but not limited to an amendment of the zoning classification of the Project Site from SA to R-3.

Date: December 28, 2020

Joe Rubino

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Exhibit 2 – Amended Part 1 of Full Environmental Assessment Form Prepared Pursuant to the State Environmental Quality Review Act ("SEQRA") with Attached Page 5[a]

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Amended Part 1 of Full Environmental Assessment Form - Rezoning of 1789 Dodge Road from SA to MFR-4A
Date: March 22, 2021

Full Environmental Assessment Form
Part 1 - Project and Setting

Prepared By: Sean Hopkins, Esq.
Hopkins Sorgi & McCarthy PLLC
5500 Main Street, Suite 343
Williamsville, NY 14221
Tel: 510-4338
E-mail: shopkins@hsr-legal.com

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: Proposed Residential Subdivision		
Project Location (describe, and attach a general location map): 1789 Dodge Road - Town of Amherst - Erie County		
Brief Description of Proposed Action (include purpose or need): The proposed project ("action") consists of a rezoning of approximately 6.7 acres of land at 1789 Dodge Road ("Project Site") from Suburban Agriculture ("S-A") to Multifamily Residential District Four-A ("MFR-4A") to accommodate a proposed 18 lot residential subdivision (17 homes) along with all related site improvements. A copy of the updated Concept Plan [Drawing C-100] depicting the layout of the proposed residential subdivision as prepared by Carmina Wood Morris DPC is attached to the Amended Rezoning Application. The proposed action has been defined broadly to include all required discretionary approvals and permits as well as all proposed site improvements including proposed detached single family homes, a public roadway, a roadway connection onto Dodge Road, driveways, lighting, an on-site storm water management system, and all required utility improvements. The project purpose is to develop the Project Site for Single Family Residential Use per the recommended land use in Figure 6 of the Town's adopted Comprehensive Plan. The Project Sponsor believes the project will not result in any potentially significant adverse environmental impacts and that the issuance of a negative declaration by the designated lead agency [anticipated to be the Amherst Town Board] is both appropriate and justified.		
Name of Applicant/Sponsor: Joe Rubino c/o Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC	Telephone: 716.510-4338 E-Mail: shopkins@hsr-legal.com	
Address: 5500 Main Street, Suite 343		
City/PO: Williamsville	State: New York	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): Same as Project Sponsor	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial 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 Board - Rezoning and Public Improvement Permits	December 28, 2020; Amended Application submitted on March 22, 2021
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Planning Board - Preliminary Plat and Final Plat Approval	To be determined
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☑Yes ☐No	Engineering Dept. - Stormwater Permit; Building Dept. - Demolition Permit and Building Permits	To be Determined
e. County agencies ☑Yes ☐No	ECDPW - Highway Work Permit; ECWA - Water; ECHD - Sewer Extension and Waterline Ext.	To be Determined
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	NYSDEC - SPDES Permit, DSCA Approval, and potential minor impact to 100 ft. AA of wetland.	To be Determined
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): [Note: The proposed action will not have any adverse impacts on the West Erie Canal Corridor.]
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-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

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?
Suburban Agriculture District ("SA")

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? Multifamily District Four-A ("MFR-4A").

C.4. Existing community services.

a. In what school district is the project site located? Williamsville 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?
Volunteer Fire Department

d. What parks serve the project site?
There are various Town parks that will be accessible to the future residents of the proposed residential subdivision.

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)? Residential subdivision consisting of detached single-family homes on individual lots with public roadway.

b. a. Total acreage of the site of the proposed action? 6.7 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? 6.7 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? 18
iv. Minimum and maximum proposed lot sizes? Minimum 7,550 sq. ft Maximum 15,339 sq. ft

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-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

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	17			
At completion of all phases	17			

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: 0.7 +/- acres

v. Dimensions of the proposed dam or impounding structure: N/A height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

impoundment is an excavation, does not require a dam

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-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

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: 7,480 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: ECWA
- 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:
  new public water main will be installed along the new public road to serve the proposed lots
- Source(s) of supply for the district: ECWA

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:
N/A

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

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

i. Total anticipated liquid waste generation per day: 7,480 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 Waste Water Treatment Plant on Tonawanda Creek Road.
- 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-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

- 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: new public sewer main will be installed along the new public road to serve the proposed lots

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):

N/A

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

None

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 1 +/- acres (impervious surface)

_____ Square feet or 6.7 acres (parcel size)

ii. Describe types of new point sources. Roadway, roofs and driveways.

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)?

Storm water will be directed to a proposed storm water management area and will discharge to the existing ditch on the east side of the site

- 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-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

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: _____

typical usage for a single family subdivision

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

National Grid

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: 7am - 7pm
- Saturday: 7am - 7pm
- Sunday: none
- Holidays: none

ii. During Operations:

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

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

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 activities in furtherance of the construction of the proposed residential subdivision will result in temporary unavoidable adverse noise impacts during daytime hours. The project will not result in any long-term adverse noise impacts.

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:

There will be lighting provided within the public right-of-way per Town's standards for a residential street.

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: 1 tons per month (unit of time)
- Operation : typical residential tons per month (unit of time)

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

- Construction: contractor may recycle wood or metal that their discretion
- Operation: will follow Town of Amherst recycling program

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

- Construction: approved NYSDEC C&D facility
- Operation: approved NYSDEC facility via municipal collection

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

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): _____

ii. If mix of uses, generally describe:

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	0.3	1.0	+0.7
• Forested	1.9	1.5	-0.4
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	3.446	1.7	-1.746
• 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)	0.054	0.054	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Lawn	1.0	2.446	+1.446

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

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:
Dodge Road Elementary School located at 1900 Dodge 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):

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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? > 5 ft. 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:

Elnora loamy fine sand	53 %
Wayland soils complex	28 %
Cheektowaga fine sandy loam	19 %

d. What is the average depth to the water table on the project site? Average: 5 feet

e. Drainage status of project site soils:

☐ Well Drained:	% of site
☑ Moderately Well Drained:	53 % of site
☑ Poorly Drained	47 % 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 837-47 Classification C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name NYS Wetland, Federal Waters, Federal Waters, Fe... Approximate Size NYS Wetland (in a...
- Wetland No. (if regulated by DEC) CC-15

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: _____
Name - Pollutants - Uses:Ransom Creek, Lower, and tribs – Pathogens;D.O./Oxygen Demand – Recreation;Aquatic Life

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: _____

A copy of the correspondence issued by Angela G. Driscoll of the New York State Department of Environmental Conservation confirming the boundary of the 0.054 acre wetland on the easternmost portion of the Project Site is attached as Attachment "A" of this Amended Part 1 of the Full EAF.

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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: _____

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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: _____

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 Joe Rubino Date March 22, 2021

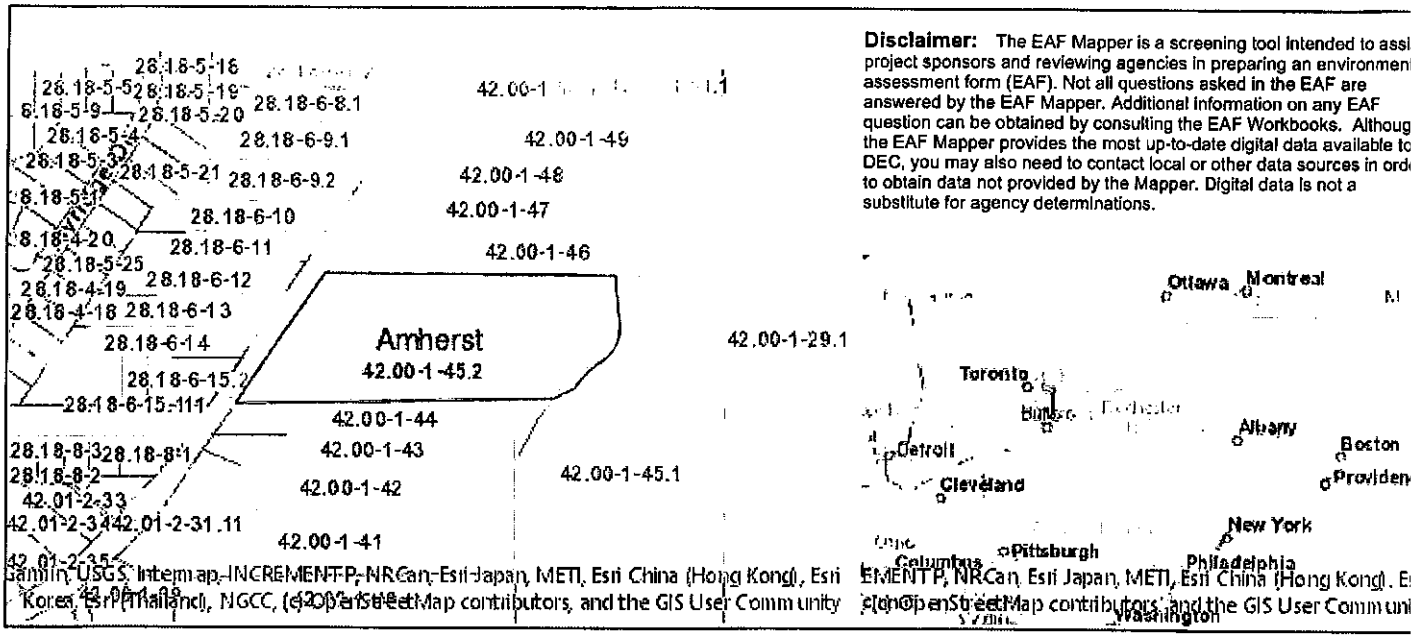
Signature Sean Hopkins Title Counsel for Project Sponsor

PRINT FORM

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

EAF Mapper Summary Report

Monday, December 21, 2020 3:37 PM



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]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	837-47
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	NYS Wetland, Federal Waters
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):182.9
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	CC-15

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Ransom Creek, Lower, and tribs – Pathogens;D.O./Oxygen Demand – Recreation;Aquatic Life
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
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
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]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

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
Wayland Soils Complex	Severe	Severe	Severe	Severe	Severe
Cheektowaga Fine Sandy Loam	Severe	Severe	Severe	Severe	Severe
Elnora Loamy Fine Sand	Severe	Moderate	Severe	Moderate	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).

   ✓ Geotechnical report attached ____ Not applicable

   [Note: Three copies of the Geotechnical Report prepared by Barron & Associates dated January 14, 2021 were submitted to the Planning Department on January 20, 2021.]

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
   Proposed residential subdivision at 1696, 1701 and 1721 Dodge Road that received Final Plat Approval on 03/18/21

   (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 17
   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:
    7,480 gpd average flow 29,920 gpd 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

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Attachment "A" of Amended Part 1 of the Full Environmental Assessment Form – Wetland Boundary Determination Letter of the NYS Department of Environmental Conservation dated March 10, 2021

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, Region 9
270 Michigan Avenue, Buffalo, NY 14203-2915
P: (716) 851-7010 | F: (716) 851-7005
www.dec.ny.gov

March 10, 2021

Joe Rubino
Howard Hanna Office
4562 Sheridan Drive
Williamsville, New York 14221

Dear Joe Rubino:

Wetland CC-15
Boundary Delineation
1789 Dodge Road
Town of Amherst, Erie County

This letter serves as notification that I completed an office review of your property at 1789 Dodge Road, parcel #42.00-1-45.2, to determine whether wetlands present within and adjacent to the parcel meet New York State Department of Environmental Conservation (NYSDEC) criteria for state wetlands jurisdiction.

Based on our review, we verified the boundary, delineated by Earth Dimensions, Inc. (EDI), of Wetland CC-15, denoted as "Wetland 1" by EDI. The wetland boundary is identified with pink plastic flagging consecutively numbered from W1-1 through W1-7 and extends generally south to north across the eastern property boundary, as depicted in Figure 6 in EDI's December 2020 Wetland and Waterbodies Delineation Report.

In 1975, the New York State Legislature passed the Freshwater Wetlands Act to preserve and protect wetlands and their functions, such as flood protection and fish and wildlife habitat. Activities that may have a negative impact on the wetlands and their functions, such as construction, filling, draining, clearing vegetation, or polluting, are regulated. Landowners must first obtain permits in order to ensure that no problems result from their proposed activities in the wetland or the regulated 100-foot adjacent area. Contact our Division of Environmental Permits Office for information regarding permit requirements at:

New York State Department of Environmental Conservation
Division of Environmental Permits
270 Michigan Avenue
Buffalo, New York 14203-2915
Telephone: (716) 851-7165

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Locations of wetland flags were recorded with a hand-held Global Positioning System and, therefore, may not be survey-accurate. For precise locations of the boundaries, have the flags surveyed relative to the property boundary. Note that wetland boundaries may change over time and this map does not fix the wetland boundary indefinitely.

If you would like to document the precise boundary of the wetland relative to your property boundary, it is your responsibility to have the wetland boundary surveyed. If you choose to complete a survey, the wetland boundary survey map should be submitted to me for verification. A copy of this Department's Requirements for Wetland Survey and Mapping is enclosed. Please note that a surveyed wetland boundary that has been verified by this Department will be considered valid for **five** years.

Please note that, for the purpose of an Article 24 application, this Department will not require a surveyed wetland boundary map. Instead, you may submit a sketch of the planned work areas on the wetland delineation map and indicate distances between the work areas and the wetland boundary using on-the-ground measurements.

Be advised that the U.S. Army Corps of Engineers may also have wetland jurisdiction irrespective of the Department of Environmental Conservation. For more information, you may contact the Corps at:

United States Army Corps of Engineers Regulatory Branch
1776 Niagara Street
Buffalo, New York 14207
Telephone: (716) 879-4330

If you have any questions about this wetland delineation, please feel free to call me in the Buffalo office at (716) 851-7010.

Sincerely,

Angela G. Driscoll
Wetlands & Waters Ecologist
Region 9 - Buffalo

AGD:ef

Attach: Survey Requirements
Wetland Information Handout

cc: Ms. Jody Celeste, Earth Dimensions, Inc.
Wetland CC-15 file

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Exhibit 3 – Legal Description of Property to be Rezoned from Suburban Agriculture District ("S-A") to Multifamily Residential District Four-A ("MFR-4A")

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

EXHIBIT 3 OF AMENDED REZONING APPLICATION

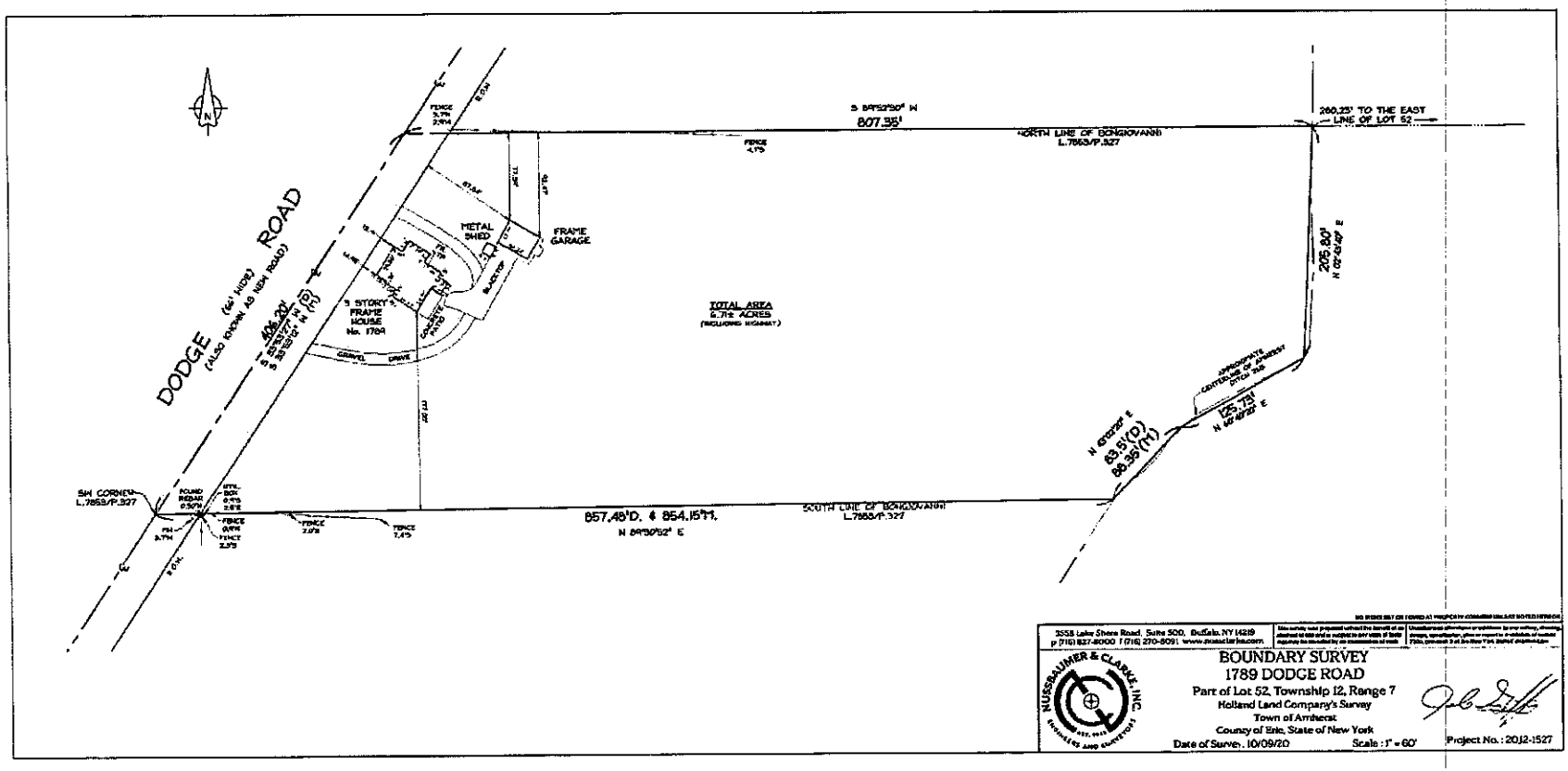
LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM SUBURBAN AGRICULTURE DISTRICT ("SA") TO MULTIFAMILIY RESIDENTAIL DISTRICT FOUR-A ("MFR-4A")

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: 52, Township 12, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point in the northerly line of the lands conveyed to Eli J. and Doris A. Bongiovanni recorded in Erie County Clerk's Office in Liber 7853 of Deeds at page 327 distant two hundred eighty and twenty-three hundredths (280.23) feet westerly from the easterly line of Lot 52; thence S 89° 52' 30" W along the northerly line of the said Bongiovanni a distance of eight hundred seven and thirty-five hundredths (807.35) feet to the centerline of Dodge Road; thence S 33° 53' 27" VV along the centerline of Dodge Road a distance of four hundred six and twenty hundredths (406.20) feet to the southwesterly corner of the said Bongiovanni; thence N 89° 30' 52" E along the southerly line of the said Bongiovanni a distance of eight hundred fifty-seven and forty-eight hundredths (857.48) feet, said point being in the approximately centerline of Town of Amherst Ditch 26B; thence along the approximate centerline of Ditch 26B.the following courses and distances: 1) N 43° 02' 20" East distance of eighty-three and five tenths (83.5) feet, 2) N 60° 40' 20" East a distance of one hundred twenty-five and seventy-three hundredths (125.73) feet, N 02° 43' 40" East a distance of two hundred five and eighty hundredths (205.80) feet to the point of beginning.

Exhibit 4 – Survey of Project Site as Prepared by Nussbaumer & Clarke, Inc. [11" x 17"]

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-



3558 Lake Shore Road, Suite 500, Buffalo, NY 14219
p (716) 827-6000 f (716) 270-8091 www.nussbaumer.com

NUSSBAUMER & CLARKE, INC.
ENGINEERS AND SURVEYORS

BOUNDARY SURVEY
1789 DODGE ROAD

Part of Lot 52, Township 12, Range 7
Holland Land Company's Survey
Town of Amherst
County of Erie, State of New York

Date of Survey: 10/09/20 Scale: 1" = 60' Project No.: 2012-1527

Exhibit 5 – Responses to Questions 11A & 11B of the Rezoning Application

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

EXHIBIT 5

REZONING OF 1789 DODGE ROAD FROM S-A TO MFR-4A

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

Response to Question 11(A): The proposed residential project on the parcel 1789 Dodge Road ("Project Site") will be upscale in character and will feature seventeen lots for detached single-family homes. The conceptual layout of the proposed residential subdivision is depicted on the updated Concept Plan [Drawing C-100 – Date: 03/19/21] prepared by Carmina Wood Morris P.C. attached to this Amended Rezoning Application and a reduced size copy of the updated Concept Plan is also provided at Exhibit "7". The proposed residential lots will be accessed via a proposed public roadway complying with the Town specifications as depicted on the Concept Plan. Approximately 2.1 acres of the approximately 6.7 acre Project Site will be consist of Permanent Open Space [31.3% of the Project Site].

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 from S-A to MFR-4A given the character and scale of nearby land uses. It is also important to mention that the requested amendment of the zoning classification of the Project Site is consistent with the Conceptual Land Use Plan for the Town of Amherst provided Figure 6 of the adopted Bicentennial Comprehensive Plan ("Comprehensive Plan"), which designates the Project Site as appropriate for "Single Family Residential" use. A color copy of Figure 6 of the Comprehensive Plan is attached as Exhibit "9" of this Amended Rezoning Application.

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 S-A and is not a suitable location for agricultural uses given that the predominant use of nearby parcels consists of single-family homes. It would not be feasible to develop a residential subdivision on the Project Site without amending the zoning classification of the Project Site.

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 S-A to MFR-4A to accommodate the proposed eighteen lot residential subdivision (17 homes) will not result in any potentially significant adverse impacts on surrounding properties. The density of the proposed residential subdivision is only 2.54 homes per acre and is less than the density of many of the nearby residential subdivisions on parcels zoned R-3, CR-3A and MFR-4A.

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 current property taxes. The proposed project will potentially generate demand for educational services provided by the Williamsville Central School District but the proposed residential subdivision will have positive fiscal impacts since the annual school taxes will be higher than the cost of educational services for school age children of the owners of the detached single-family homes.

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Exhibit 6 – Responses to Questions 16A, 16B, 16D & 16E of the Rezoning Application

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

EXHIBIT 6

REZONING OF 1789 DODGE ROAD FROM S-A TO MFR-4A

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] In June of 2019, the Town Board adopted amendments to the Bicentennial Comprehensive Plan.

Figure 6 of the Bicentennial Comprehensive Plan is the Conceptual Land Use Plan and it depicts the parcel at 1789 Dodge Road (the "Project Site") as being appropriate for "Single Family Residential" use. A copy of Figure 6 of the Comprehensive Plan is provided at Exhibit "9". The Conceptual Land Use Plan is intended to communicate the overall direction and concept of future development in the Town of Amherst.

Single Family Residential is described on Pages 3-30 and 3-31 of the Comprehensive Plan as consisting of 2 to 4 residential units per acre. The density of the proposed residential subdivision will only be 2.54 residential units (detached single-family homes) per acre. The text on Page 3-31

[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-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

of the Comprehensive Plan indicates that opportunities exist for infill residential development. The Project Site represents an example of an appropriate location for an infill residential subdivision since the proposed use and the proposed MFR-4A zoning classification is consistent with the adopted Comprehensive Plan.

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 Applicant does not believe that the proposed rezoning of the Project Site from S-A to MFR-4A to accommodate the proposed low-density residential subdivision requires 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 proposed rezoning of the Project Site from S-A to MFR-4A to accommodate the proposed residential subdivision 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 13 objectives that are discussed below as follows:

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

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 and will be consistent with the objective of protecting the character and value of existing land uses. The proposed rezoning will allow the Project Site to be utilized as a residential subdivision that 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 from S-A to MFR-4A and the proposed residential subdivision will not be inconsistent with this objective.

C. To prevent overcrowding of land;

Response: The proposed rezoning and the proposed residential subdivision will not result in the overcrowding of land. The density of the project will only be 2.53 residential units per acre.

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

Response: The proposed rezoning of the Project Site from S-A to MFR-4A will not result in excessive concentration of population. The project consists of a low density residential subdivision.

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 of the Amended Rezoning Application set 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 Preliminary Plat review process will trigger the need for an Engineer's Report and SWPPP 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 single-family homes 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 residential project will not be inconsistent with this objective. The Project Sponsor has made a deliberate effort to propose a layout for the proposed residential subdivision that will avoid the 0.054 acres of wetlands on the Project Site.

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 updated Concept Plan [Drawing C-100 – Date: 03/119/21] 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 layout of the proposed low-density residential subdivision as depicted on the updated Concept Plan attached to this Amended Rezoning Application prepared by Carmina Wood Morris DPC demonstrates the residential project will not result in any potentially significant traffic impacts. The Project Sponsor acknowledges that

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

it will be required to obtain a Highway Work Permit from the Erie County Department of Public Works since Dodge Road is an Erie County Highway.

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 residential subdivision.

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 from S-A to MFR-4A is consistent with this objective since the project is 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 from S-A to MFR-4A will be 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 residential project will not be 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 proposed residential subdivision is compatible with the present zoning and conforming uses of nearby properties and the character of the neighborhood. There are numerous residential subdivisions in the vicinity of the Project Site. The proposed MFR-4A

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

zoning classification is clearly more suitable than the existing S-A zoning classification which expressly permits high intensity agricultural uses that would be inconsistent with character of the surrounding neighborhoods.

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 agricultural uses given its size and location. The Applicant believes the proposed residential subdivision is more appropriate for the Project Site than uses permitted in the existing S-A zoning classification.

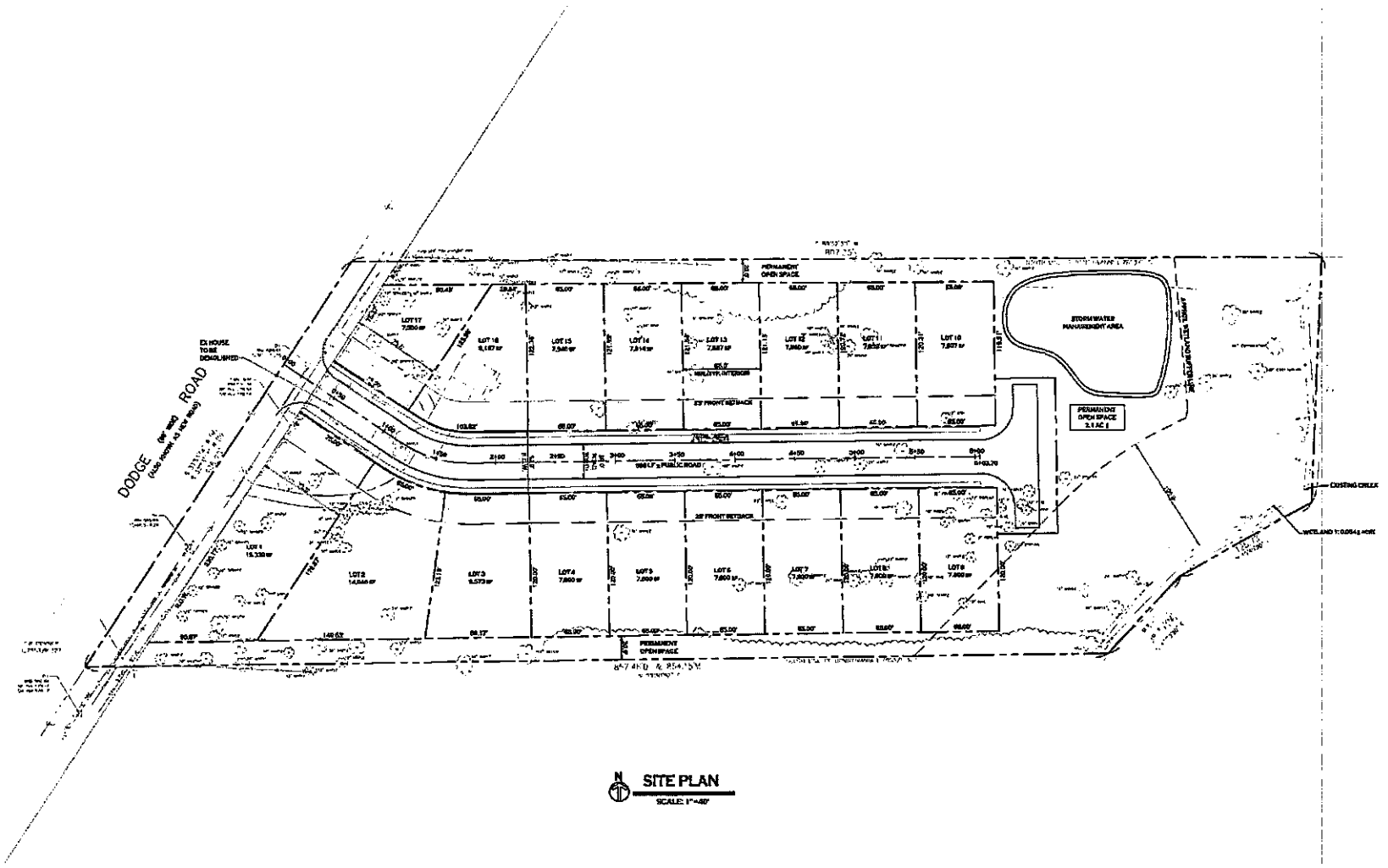
Question 16(E): **Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:**

Response to Question 16(D): The proposed change in the zoning classification of the Project Site from S-A to MFR-4A to accommodate the proposed residential subdivision will have positive impacts on the balance of uses in the Town since there is demand for upscale detached single-family homes on individual lots.

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Exhibit 7 – Reduced Size Copy of the Concept Plan [Drawing C-100] as Prepared by Carmina Wood Morris DPC [Note: Full Size Copy of the Concept Plan is also attached]

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-



SITE PLAN
SCALE: 1" = 40'

SITE DATA (CONVERSION FROM SA TO MFS-4A ZONING)

AREA = 6.7 ACRES ±

MIN. LOT WIDTH = 50 FT INTERIOR LOTS
MIN. LOT WIDTH = 60 FT CORNER LOTS

MIN. LOT AREA = 6,000 SF INTERIOR LOTS
MIN. LOT AREA = 7,200 SF CORNER LOTS

FRONT SETBACK = 25 FT (OFF EDGE OF PAVE)
SIDE SETBACK = 5 FT
REAR SETBACK = 20 FT

MAXIMUM LOT COVERAGE = 40%
MAXIMUM BUILDING HEIGHT = 30 FT

MINIMUM FLOOR AREA = 1,200 SF (1 STORY)
MINIMUM FLOOR AREA = 1,200 SF (2 STORIES)

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS, CARMINA WOOD MORRIS, P.C. ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

40' 0 20 40 80' FT.

Carmina Wood Morris DPC

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Carmina Wood Morris
437 Main Street Suite 200 Buffalo, New York 14203
P 716.842.3795
F 716.842.3560

REVISIONS:
No. Description Date

PROJECT NAME:
New Construction
Single Family Subdivision
1789 Dodge Road
Amherst, New York

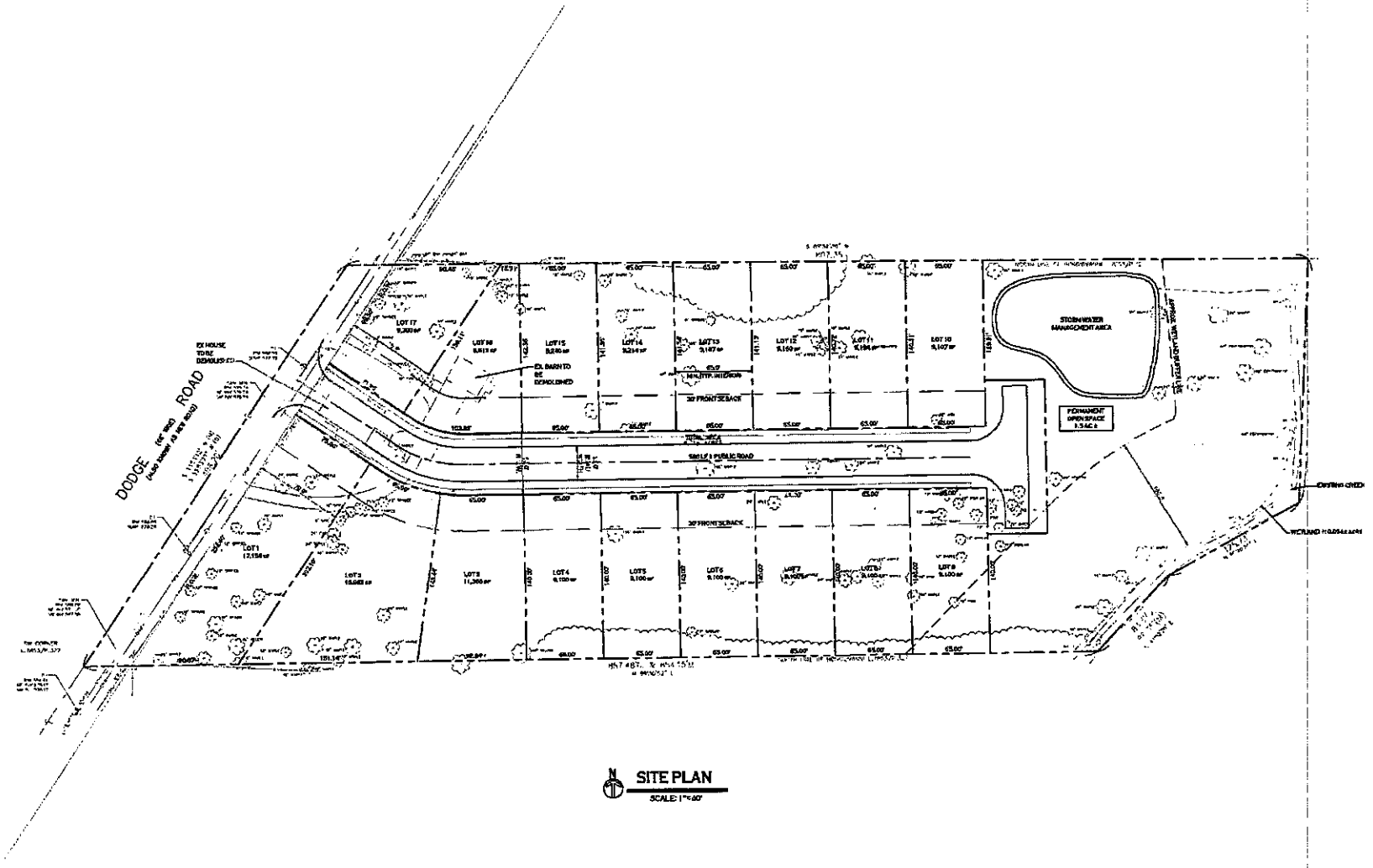
Date: 3/16/21
Drawn by: C. Wood
Scale: As Noted

DRAWING NAME:
Concept Plan

DRAWING NO.
C-100
Project no.: 20.247

Exhibit 8 – Reduced Size Copy of Previous Concept Plan [Drawing C-100 – 01/18/21] as Prepared by Carmina Wood Morris DPC

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-



SITE PLAN
SCALE: 1"=40'

SITE DATA REZONED FROM SA TO R-3

AREA = 6.7 ACRES ±

MIN. LOT WIDTH = 65 FT INTERIOR LOTS
MIN. LOT WIDTH = 75 FT CORNER LOTS

MIN. LOT AREA ± 6,450 SF INTERIOR LOTS
MIN. LOT AREA ± 9,250 SF CORNER LOTS

FRONT SETBACK = 30 FT MIN FROM EDGE OF PAVING
SIDE SETBACK = 7 FT
REAR SETBACK = 30 FT

MAXIMUM LOT COVERAGE = 35%
MAXIMUM BUILDING HEIGHT = 35 FT

MINIMUM FLOOR AREA = 1,000 SF / 1 STORY
MINIMUM FLOOR AREA = 1,300 SF / 2 STORIES

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY O'BRIEN, CAMPINA WOOD MORRIS, P.C. ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

40 0 40 80 FEET

© Campina Wood Morris 2024

Campina · Wood · Morris

REVISIONS:
No. Description Date

PROJECT NAME:
New Construction
Single Family Subdivision
1789 Dodge Road
Amherst, New York

Date: 04/18/21
Drawn by: C. Wood
Scale: As Noted

DRAWING NAME:
Concept Site Plan -

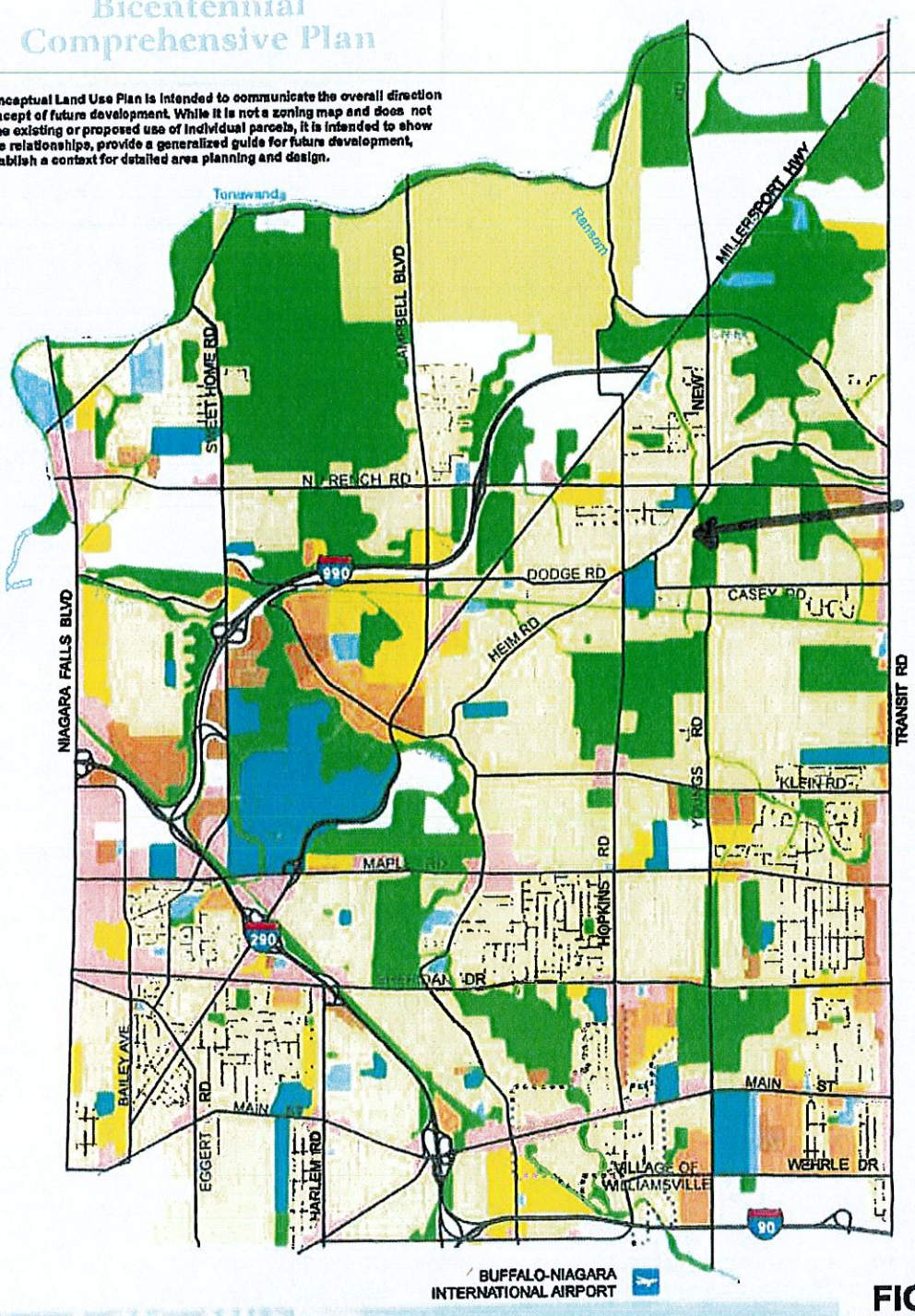
DRAWING NO.
C-100
Project no.: 20.247

Exhibit 9 – Color Copy of Figure 6 of the Town of Amherst Comprehensive Plan titled "Conceptual Land Use Plan"

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

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.



Project Site Designated as Single Family Residential

FIGURE 6

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 Form/Type Designation

SOURCE NOTES:

Original Source Data Provided by the Town of Amherst Information Technology Department, URS Corporation and Wallace Roberts & Todd, LLC

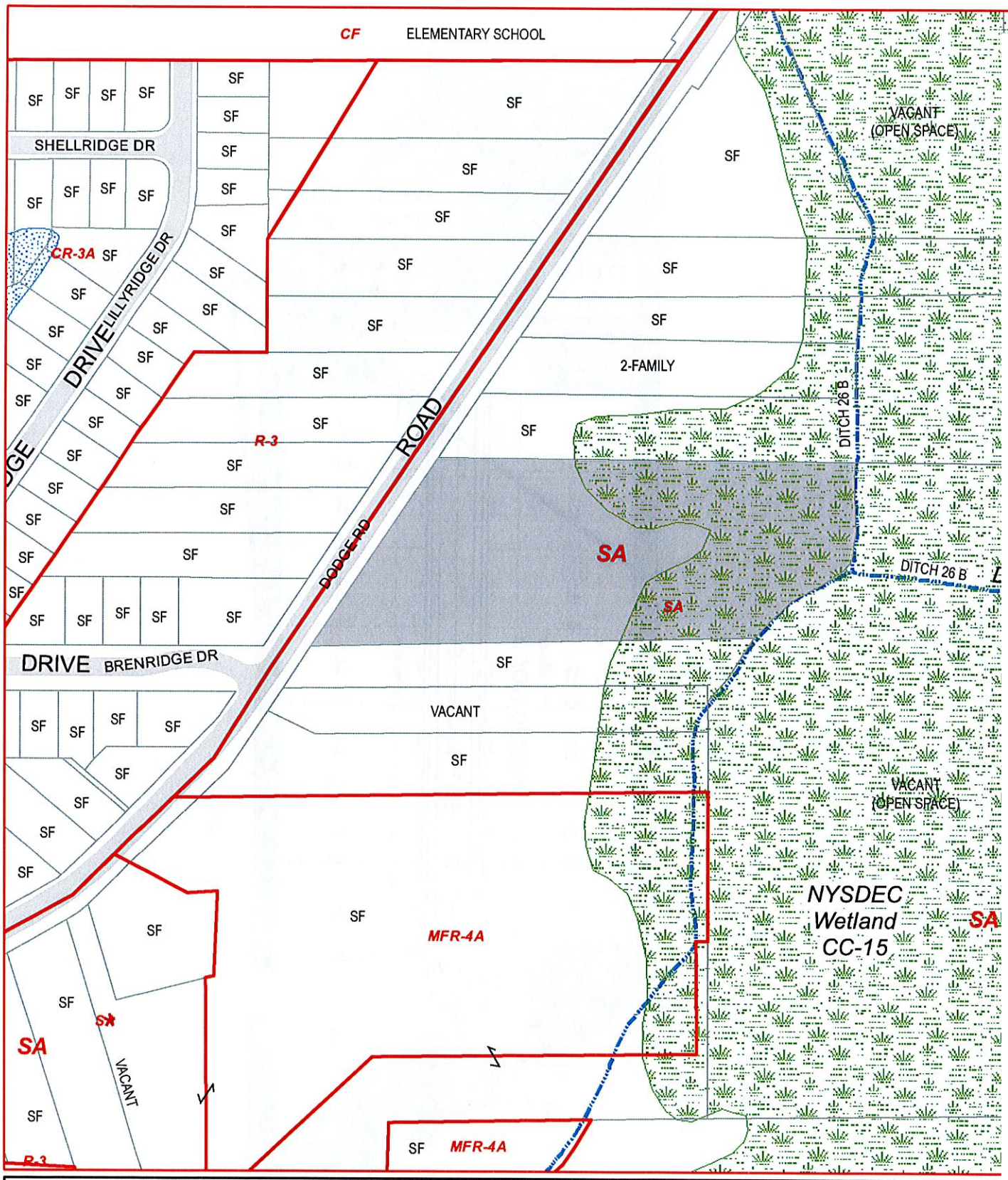
Map Compiled by the Town of Amherst Planning Department

Date: December 2017

N

0 0.2 0.4 0.6 0.8 1
Miles

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-



Z-2020-15

Amended Request to Rezone 6.7± acres of Land from SA to R-3
Property Located at 1789 Dodge Road
Joe Rubino, Petitioner

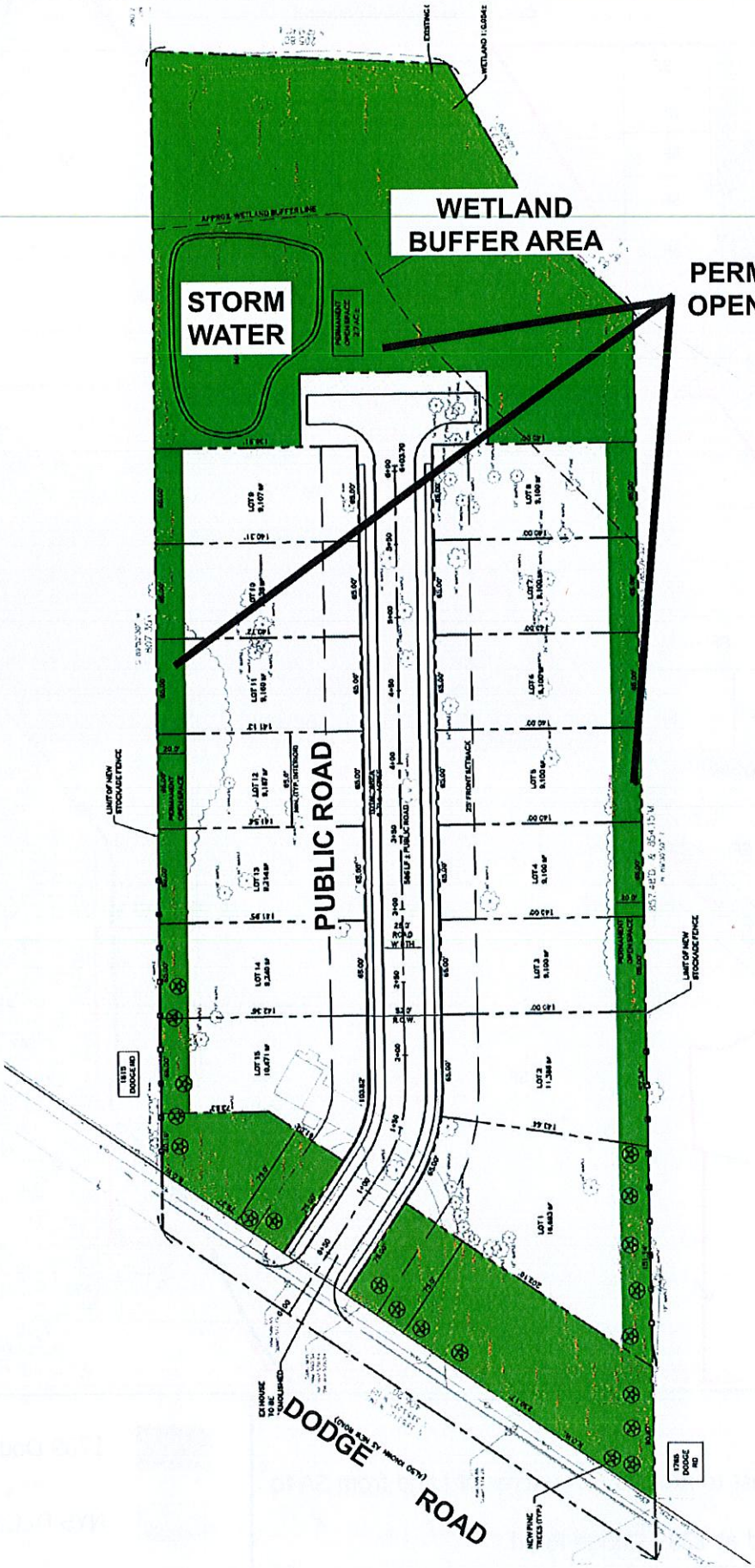
September 23, 2021

1789 Dodge Road

NYS DEC Regulated Wetland

Prepared by the Town of Amherst Planning Departm

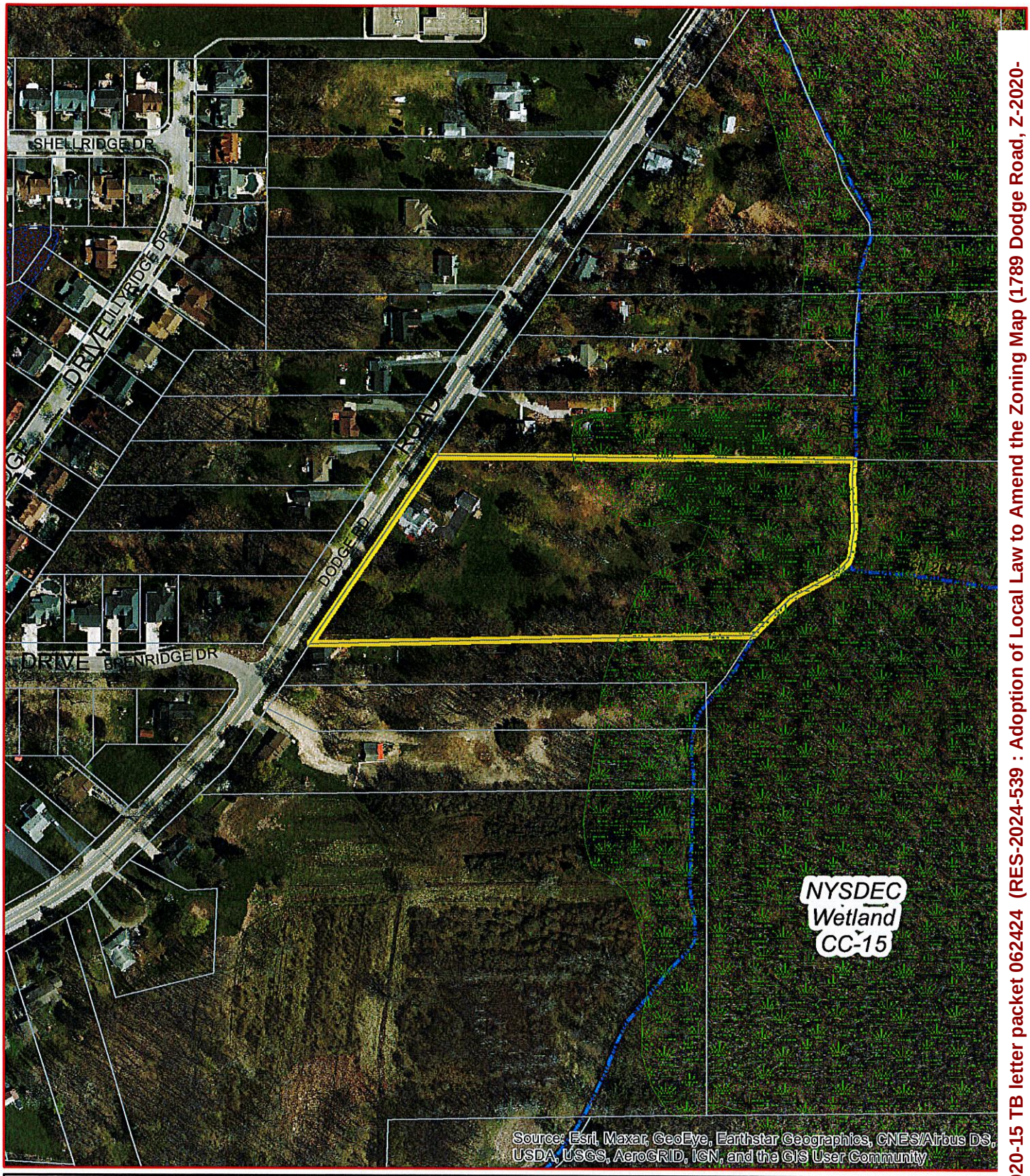
Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-



CONCEPT PLAN

Z-2020-15
1789 Dodge Road

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-



Z-2020-15

Amended Request to Rezone 6.7± acres of Land from SA to R-3
Property Located at 1789 Dodge Road
Joe Rubino, Petitioner

September 23, 2021

1789 Dodge Road

NYS DEC Regulated Wetland

Prepared by the Town of Amherst Planning Departm

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

AMHERST HIGHWAY DEPARTMENT

1042 North Forest Road Williamsville, New York 14221

Patrick Lucey
Superintendent of Highways
plucey@amherst.ny.us

Paul Anderson
Deputy Highway Superintendent
panderson@amherst.ny.us

PHONE (716) 631-7117
FAX (716) 631-7265
www.amherst.ny.us

May 11, 2021

To: Ellen Kost, AICP, Associate Planner

From: Patrick Lucey, Superintendent of Highways

Re: REQUEST TO REZONE 6.7 ACRES OF LAND FROM **SA** TO **MFR-4A** **Z-20250-15;** PROPERTY LOCATED AT **1789 DODGE ROAD,** JOE RUBINO, PETITIONER.

After review relative to Highway Department concerns, the plan is approved as submitted.

/ke
C: Daniel Ulatowski, AICP, Zoning Enforcement Officer
Douglas Gesel, Supervising Code Enforcement Officer
Jeffrey Burroughs, Town Engineer
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Dave Marrano, Town Assessor
Bryan Parnell, Fire Chiefs Association (c/o Building)
Stan Sliwa, Town Attornewy (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, ROW Agent
Scott A Marshall, Principal Planner
Brian Barnes, Senior GIS Analyst (Eng)
Integrated Review Coordinator, ECDEP
Williamsviile Central School District
Kathy Cooper, Deputy Town Clerk
Sean Hopkins, Esq., Hopkins, Sorgi & McCarthy, PLLC, 5500 Main Street, Suite 343, Williamsville, NY 14221
Joe Rubino, c/o Hopkins, Sorgi & McCarthy, PLLC
Christopher Wood, Carmina Wood Morris, DPC, 487 Mai Street, Suite 600, Buffalo, NY 14202

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY AND REPLY TO MUNICIPALITY

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202. Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.: ZR-21-9

Received: 8/19/20

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final a without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered

Description of Proposed Action

1. Name of Municipality: Town of Amherst

2. Hearing Schedule: **Date** September 23, 202 **Time** 6:30pm **Location** 5583 Main Street, Williams

3. Action is before: ☐ Legislative Body ☐ Board of Appeals ☒ Planning Board

4. Action consists of: ☐ New Ordinance ☒ Rezone/Map Change ☐ Ordinance Amendmer

☐ Site Plan ☐ Variance ☐ Special Use Permit ☐ Other

5. Location of Property: ☐ Entire Municipality ☐ Specific as follows 1789 Dodge Road.

6. Referral required as Site is within 500'of: ☐ State or County Property/Institution ☐ Municipal Boundary ☐ Farm Operation locate an Agricultural District

☐ Expressway ☒ County Road ☐ State Highway ☐ Proposed State or Cou Road, Property, Buildi Institution, Drainagew

7. Proposed change or use: (be specific) Rezone 6.7± acres of land from SA to R-3

8. Other remarks: (ID#, SBL#, etc.) Z-2020-15 Amended

9. Submitted by: Scott A Marshall Principal Planner August 17 2021

Town of Amherst, 5583 Main St., Williamsville, NY 14221

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 8/23/21**. 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. ☒ **Form ZR-3, Comment on Proposed Action is attached hereto.**
3. ☐ **The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.**
4. ☐ **No recommendation; proposed action has been reviewed and determined to be of local concern**

By the Division of Planning: Date: 9/23/21

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 23, 2021

Mr. Scott Marshall
Principal Planner Town
of Amherst
5583 Main Street
Williamsville, NY 14221

Re: **Proposed Rezoning at 1789 Dodge Road**

Location: **1789 Dodge Road**
Review No.: **ZR-21-91**

Dear Mr. Marshall,

Pursuant to New York General Municipal Law Section 239-m, and Article 8 of the New York Environmental Conservation Law, the County of Erie (the "County") has reviewed the above-referenced project referred to us on August 23, 2021.

The Department of Environment and Planning (DEP) consents to the Town of Amherst acting as Lead Agency in the environmental review of this action. DEP reviewed and provided comments on this referral in the enclosed letter, dated February 18, 2021.

This review pertains to the above-referenced project submitted to Erie County DEP. This should not be considered sufficient for any County approvals. The applicant must still obtain any other permits and regulatory approvals applicable to this project.

Sincerely,

David Hall
Planner

Enclosure

SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY AND REPLY TO MUNICIPALITY

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202. Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.: ZR-21-91

Received: 1/5/21

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final act without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

Description of Proposed Action

1. Name of Municipality: Town of Amherst

2. Hearing Schedule: **Date** 2/18/2021 **Time** 6:30 pm **Location** 5583 Main Street, Williamsv

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 ☒ Specific as follows 1789 Dodge Rd

6. Referral required as Site is within 500'of:

☐ State or County Property/Institution ☐ Municipal Boundary ☐ Farm Operation locatec an Agricultural District

☐ Expressway ☒ County Road ☐ State Highway ☐ Proposed State or Cou Road, Property, Buildin Institution, Drainagewa

7. Proposed change or use: (be specific) Rezone 6.7 acre lot from SA to R3

8. Other remarks: (ID#, SBL#, etc.) Z-2020-15

9. Submitted by: Thomas Voigt, Assistant Planner

Town of Amherst, 5583 Main St., Williamsville, NY 14221 12/09/2020

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 1/19/21**. 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. ☒ **Form ZR-3, Comment on Proposed Action is attached hereto.**
3. ☐ **The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which 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:** 2/18/21

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

February 18, 2021

Ms. Roberta Rappoccio
Associate Planner
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Re: **Proposed Rezoning at 1789 Dodge Road**

Location: **1789 Dodge Road**
Review No.: **ZR-21-91**

Dear Ms. Rappoccio,

Pursuant to New York General Municipal Law Section 239-m, and Article 8 of the New York Environmental Conservation Law, the County of Erie (the "County") has reviewed the above-referenced project referred to us on January 19, 2021. The Department of Environment and Planning (DEP) offers the following comments based upon its review of the project:

- A portion of the subject site appears to be located within Zone AE, a Special Flood Hazard Area, as per FEMA's National Flood Hazard Layer. Future development will need to meet the requirements of the National Flood Insurance Program.
- The subject site contains portions of wetlands listed in the New York State Department of Environmental Conservation (NYSDEC) Freshwater Wetland Map. Future development on the site may require a wetlands delineation conducted in consultation with NYSDEC. Wetlands provide significant habitat and stormwater storage that cannot be completely replaced. The Town should consider the cumulative impacts of the continued development of residential subdivisions within or adjacent to FEMA floodplains and state- or federally-designated wetlands, and the potential effects on existing and future residents during flood events.
- According to a review of aerial photography and agricultural district maps, the subject site is located within 500' of land in agricultural production in Erie County's Agricultural District #17 - Amherst. Any future development on this site may require the applicant to prepare an Agricultural Data Statement as required in Section 283-a of Town Law and Article 25-AA of the NYS Agriculture and Markets Law.

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

- The project is in a Developed Area according to the Erie Niagara Framework for Regional Growth. The Town and/or developer should consider the addition of sidewalks throughout the proposed development to foster improved mobility, pursuant to policies outlined in the Framework. The Town should also continue the construction of sidewalks on Dodge Road. Extending these sidewalks would provide safe, walkable routes to school for students attending Casey Middle School or Williamsville North High School to the west of this project, and Dodge Road Elementary School to the east.

This review pertains to the above-referenced project submitted to Erie County DEP. This should not be considered sufficient for any County approvals. The applicant must still obtain any other permits and regulatory approvals applicable to this project.

Sincerely,

David Hall
Planner

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

WILLIAM E. GEARY, JR.
COMMISSIONER

DEPARTMENT OF PUBLIC WORKS
RATH BUILDING 14TH FLOOR

TELEPHONE:716.858.8300
FAX: 716.858.8228

September 14, 2021

Ms. Roberta Rappoccio, Associate Planner
Town of Amherst Planning Dept.
5583 Main Street
Williamsville, NY 14221

Re: Single Family Subdivision
Lead Agency Coordination
1789 Dodge Road (CR-45)
(T) of Amherst, Erie County NY

Dear Ms. Rappoccio:

We have reviewed your request for Lead Agency for the above referenced project. Erie County Department of Public Works has no problem with the Town of Amherst being Lead Agency for this project. This approval of Lead Agency is only form Erie County Department of Public Works and does not imply that other County Departments concur with this approval, as their response will be coming by separate letter.

This Department will commence further review upon receipt of design plans and a stormwater management report.

Permit Requirements

1. The project sponsor will be required to apply for and obtain an Erie County Highway Work Permit for Utility Work Perm-2 prior to construction within the Dodge Road (CR-45) highway right-of-way.

2. The project sponsor will be required to apply for and obtain an Erie County Highway Work Permit for Non-Utility Work, Perm 3 prior to construction of a new subdivision road within the Dodge Road (CR-45) highway right-of-way.

Please keep us informed as this project progresses.

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Attn: Ms. Roberta Rappoccio, Associate Planner
Town of Amherst Planning Dept.
Re: Lead Agency Coordination
1789 Dodge Road (CR-45)
Date: September 14, 2021
Page: 2 of 2

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Garrett M. Hacker, P.E.
Senior Civil Engineer

cc: Karen Hoak, Deputy Commissioner – Highways
Darlene Svilokos, P.E., Director of Engineering
Brian Rose, P.E., Supervisor of Engineering
Gina Wilkolaski, P.E., Traffic Safety Engineer
Patrick Baskerville, Senior Highway Maintenance Engineer
File: CR-45

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Amherst

Town of Amherst Planning Department

RECEIVED
SEP – 7 2021
TOWN OF AMHERST
PLANNING DEPT.

TOWN OF AMHERST
ENGINEERING
DEPARTMENT
2021 AUG 20 A 11:39

Erie County, New York

Brian J. Kulpa
Supervisor
Daniel C. Howard, Al
Planning Director
Daniel J. Ulatowski, A
Assistant Planning Dir

MEMORANDUM

August 17, 2021

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. 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)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent adempoulos@amherst.ny.us
Integrated Review Coordinator, ECDEP
NYSDEC
Williamsville Central School District

FROM: Scott Marshall, Principal Planner

SUBJECT: REQUEST TO REZONE 6.7± ACRES OF LAND FROM **SA** TO **R-3, Z-2020-15**; PROPERTY LOCATED AT **1789 DODGE ROAD**; JOE RUBINO, PETITIONER.

AMENDED APPLIATION AND CONCEPT PLAN:
Received August 16, 2021

REVIEW:

Do you agree with all statements made? YES

If you do not, briefly state why: _____

General comments relative to your agency interests: None @ 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:** 9/7/21

SM/ac
X:\Current_Planning\Files\Rezonings\2020\Z-2020-15_(1789_Dodge_Rd)_2020\Z-2020-15_Rev_Transmittal_081721.doc
cc: Joe Rubino, c/o Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main St., Ste. 343, Williamsville, NY 14221
Christopher Wood, P.E., Carmina Wood Morris, DPC, 487 Main St., Suite 600, Buffalo, NY 14202
Scott A. Marshall, Principal Planner

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9
270 Michigan Avenue, Buffalo, NY 14203-2915
P: (716) 851-7165 I F: (716) 851-7168
www.dec.ny.gov

September 2, 2021

Ms. Ellen Kost
Town of Amherst
5583 Main Street
Williamsville, New York 14221

Dear Ellen Kost:

SEQR Lead Agency Coordination
Rezone 6.7 Acres from SA to R-3
1789 Dodge Road
Town of Amherst, Erie County

This letter is in response to your August 20, 2021 correspondence regarding the above-noted project. The revised project plan has been reviewed and the Department has no additional comments on the proposed project beyond those in the attached January 19, 2021 SEQR lead agency response letter from this agency. Thank you.

If you have any other questions, please feel free to contact Ms. Kerri Pickard-DePriest of my staff or me at 716/851-7165.

Sincerely,

David S. Denk

David S Denk
Regional Permit Administrator

KPD:cmn

Ecc: Mr. Sean Hopkins, Esq, shopkins@hsr-legal.com

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

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 Dir

MEMORANDUM August 17, 2021

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. 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)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent ademopoulos@amherst.ny.us
Integrated Review Coordinator, ECDEP
NYSDEC
Williamsville Central School District

FROM: Scott Marshall, Principal Planner

SUBJECT: REQUEST TO REZONE 6.7± ACRES OF LAND FROM **SA** TO **R-3, Z-2020-15**; PROPERTY LOCATED AT **1789 DODGE ROAD**; JOE RUBINO, PETITIONER.

AMENDED APPLIATION AND CONCEPT PLAN:
Received August 16, 2021

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:** 8/24/21

SM/ac
X:\Current_Planning\Files\Rezonings\2020\Z-2020-15_(1789_Dodge_Rd)_2020\Z-2020-15_Rev_Transmittal_081721.doc
cc: Joe Rubino, c/o Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main St., Ste. 343, Williamsville, NY 14221
Christopher Wood, P.E., Carmina Wood Morris, DPC, 487 Main St., Suite 600, Buffalo, NY 14202
Scott A. Marshall, Principal Planner

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Amherst

Town of Amherst Planning Department *Erie County, New York*

RECEIVED
Williamsville Central School District

AUG 24 2021

Asst Superintendent for
Finance & Management Services

Brian J. Ku
Supervisor
Daniel C. Howar
Planning Dire
Daniel J. Ulatowsl
Assistant Planning

MEMORANDUM

August 17, 2021

RECEIVED
AUG 30 20
TOWN OF AMHE
PLANNING DEP

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
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Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent adempoulos@amherst.ny.us
Integrated Review Coordinator, ECDEP
NYSDEC
Williamsville Central School District

FROM: Scott Marshall, Principal Planner

SUBJECT: REQUEST TO REZONE 6.7± ACRES OF LAND FROM **SA** TO **R-3, Z-2020-15**; PROPERTY LOCATED AT **1789 DODGE ROAD**; JOE RUBINO, PETITIONER.

AMENDED APPLIATION AND CONCEPT PLAN:
Received August 16, 2021

REVIEW:

Do you agree with all statements made? No comment-

If you do not, briefly state why: _____

General comments relative to your agency interests: Per current Williamsville CSD policy, based on plans, a bus stop will be at the corner of Dudley and the name of the street. Bus service does not enter the

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) of this development.

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 8/25/21

SM/ac
X:\Current_Planning\Files\Rezonings\2020\Z-2020-15_(1789_Dodge_Rd)_2020\Z-2020-15_Rev_Transmittal_081721.doc
cc: Joe Rubino, c/o Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main St., Ste. 343, Williamsville, NY 14221
Christopher Wood, P.E., Carmina Wood Morris, DPC, 487 Main St., Suite 600, Buffalo, NY 14202
Scott A. Marshall, Principal Planner

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Amherst

Town of Amherst Planning Department *Erie County, New York*

RECEIVED
AUG 19 2021
TOWN ATTORNEY

Brian J. Kulpa
Supervisor
Daniel C. Howard, AI
Planning Director
Daniel J. Ulatowski, A
Assistant Planning Dire

MEMORANDUM August 17, 2021

RECEIVED
AUG 23 2021
TOWN OF AMHERST
PLANNING DEPT.

FROM

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. 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)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent adempoulos@amherst.ny.us
Integrated Review Coordinator, ECDEP
NYSDEC
Williamsville Central School District

TO:

FROM: Scott Marshall, Principal Planner

SUBJECT: REQUEST TO REZONE 6.7± ACRES OF LAND FROM **SA** TO **R-3**, **Z-2020-15**; PROPERTY LOCATED AT **1789 DODGE ROAD**; JOE RUBINO, PETITIONER.

AMENDED APPLIATION AND CONCEPT PLAN:
Received August 16, 2021

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: Scott Marshall **Date:** 8/23/21

SM/ac
X:\Current_Planning\Files\Rezonings\2020\Z-2020-15_(1789_Dodge_Rd)_2020\Z-2020-15_Rev_Transmittal_081721.doc
cc: Joe Rubino, c/o Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main St., Ste. 343, Williamsville, NY 14221
Christopher Wood, P.E., Carmina Wood Morris, DPC, 487 Main St., Suite 600, Buffalo, NY 14202
Scott A. Marshall, Principal Planner

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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

RECEIVED
AUG 19 2021
TOWN ATTORNEY

MEMORANDUM August 17, 2021

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. 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)
Stan Sliwa, Town Attorney (Local Law Only)
(ad) ✓ Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent ademopoulos@amherst.ny.us
Integrated Review Coordinator, ECDEP
NYSDEC
Williamsville Central School District

FROM: Scott Marshall, Principal Planner

SUBJECT: REQUEST TO REZONE 6.7± ACRES OF LAND FROM **SA** TO **R-3, Z-2020-15**; PROPERTY LOCATED AT **1789 DODGE ROAD**; JOE RUBINO, PETITIONER.

AMENDED APPLIATION AND CONCEPT PLAN:
Received August 16, 2021

REVIEW:

Do you agree with all statements made? yes, 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:** 8/19/21

SM/ac
X:\Current_Planning\Files\Rezonings\2020\Z-2020-15_(1789_Dodge_Rd)_2020\Z-2020-15_Rev_Transmittal_081721.doc
cc: Joe Rubino, c/o Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main St., Ste. 343, Williamsville, NY 14221
Christopher Wood, P.E., Carmina Wood Morris, DPC, 487 Main St., Suite 600, Buffalo, NY 14202
Scott A. Marshall, Principal Planner

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Amherst

Town of Amherst Planning Department *Erie County, New York*

RECEIVED
APR 29 2021
TOWN OF AMHERST
BUILDING DEPT

Brian J. Kulpa
Supervisor
Daniel C. Howard, AI
Planning Director
Ellen M. Kost, AICI
Assistant Planning Dire

MEMORANDUM April 28, 2021

RECEIVED
MAY 03 2021
TOWN OF AMHERST
PLANNING DEPT.

TO: Daniel Ulatowski, Principal Planner
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Francina Spoth, Town Clerk

FROM: Planning Department, Ellen M. Kost, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 6.7± ACRES OF LAND FROM **SA** TO **MFR-4A**; **Z-2020-15**; PROPERTY LOCATED AT **1789 DODGE ROAD**; JOE RUBINO, PETITIONER.

DOWNSTREAM SEWER CAPACITY ANALYSIS REPORT:
Received April 28, 2021

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: _____ **Date:** 4-30-21

EK/
X:\Current_Planning\Files\Rezonings\Forms\Rev_Transmittal.doc

cc: Scott A. Marshall, Principal Planner
Sean Hopkins, Esq., Hopkins Sorgi & McCarthy, PLLC, 5500 Main St., Ste. 343, Williamsville, NY 14221
Rami Herzellah, Camina Wood Morris DPC, 487 Main St. Suite 500, Buffalo, NY 14203

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, Al
Planning Director
Ellen M. Kost, AIC
Assistant Planning Dir

MEMORANDUM March 23, 2021

TO: Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. 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)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Williamsville Central School District
Kathy Cooper, Deputy Town Clerk

FROM: Planning Department, Ellen M. Kost, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 6.7± ACRES OF LAND FROM **SA** TO **MFR-4A**; **Z-2020-15**; PROPERTY LOCATED AT **1789 DODGE ROAD**; JOE RUBINO, PETITIONER.

AMENDED APPLICATION:
Received March 22, 2021

REVIEW:

Do you agree with all statements made? Yes.

If you do not, briefly state why: _____.

General comments relative to your agency interests: Any rezoning decision should consider a condition that restricts the proposed dwellings to detached single family homes. The proposed MFR-4A permits attached dwelling units.

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:** April 1, 2021

EK/SM/ac
X:\Current_Planning\Files\Rezonings\2020\Z-2020-15_(1789_Dodge_Rd)_2020\Z-2020-05_Amended_Transmittal_032321.doc

cc: Sean Hopkins, Esq., Hopkins Sorgi & McCarthy, PLLC, 5500 Main St., Ste. 343, Williamsville, NY 14221
Joe Rubino, Hopkins Sorgi & McCarthy, PLLC, 5500 Main St., Ste. 343, Williamsville, NY 14221
Christopher Wood, P.E., Carmina Wood Morris, DPC, 487 Main St., Suite 600, Buffalo, NY 14202
Scott A. Marshall, Principal Planner

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Amherst
Town of Amherst Planning Department
Erie County, New York

Brian J. Kulpa
Supervisor
Daniel C. Howard, AI(
Planning Director
Ellen M. Kost, AICP
Assistant Planning Dire

MEMORANDUM

February 5, 2021

TO: Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)-ENG COPY
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent

To: E. Kost
From: D. Marrano
Date: 2/22/20

FROM: Planning Department, Ellen M. Kost, AICP, Assistant Planning Director EMK

SUBJECT: REQUEST TO REZONE 6.7± ACRES OF LAND FROM SA TO R-3; **Z-2020-15;** PROPERTY LOCATED AT **1789 DODGE ROAD**. JOE RUBINO, PETITIONER.

See Below

cc: C. Wa

REVISED CONCEPT PLAN:
Received: February 1, 2021

REVIEW:

Do you agree with all statements made? Yes.

If you do not, briefly state why: N/A

General comments relative to your agency interests: Assessors office has no objection.

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:** 2/22/20

EK/bf
X:\Current_Planning\Files\Rezonings\2020\Z-2020-15_(1789_Dodge_Rd)_2020\Z-2020-15_Rev_Transmittal_020421.doc
cc: Sean Hopkins, Esq., Hopkins Sorgi & McCarthy, PLLC, 5500 Main St., Ste. 343, Williamsville, NY 14221
Joe Rubino, Hopkins Sorgi & McCarthy, PLLC, 5500 Main St., Ste. 343, Williamsville, NY 14221
Christopher Wood, P.E., Carmina Wood Morris, DPC, 487 Main St., Suite 600, Buffalo, NY 14202
Scott A. Marshall, Principal Planner

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: wp454@bluefrog.com
Sent: Thursday, September 23, 2021 7:55 PM
To: Carrato, Amy
Subject: 1789 Dodge 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.

Why is it the lawyer get to state his case again. He is completely wrong. My Property will never be sold. It has been put into a trust the will out live me. My 2 boys are married and both have children on the way. So a PITZ will live in this home even if it's the last one standing. This is wrong unfair to us land owners!!
He gets to keep coming with different perposals. Until we give up. I will spend every penny I have to fight this.

William G Pitz

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Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Cheryl Anastasia <clana1860@gmail.com>
Sent: Friday, September 24, 2021 8:48 AM
To: Carrato, Amy
Subject: 1789 Dodge Road
Attachments: 9-23-2021.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.

I am attaching my blurb I read last night.

And I am so pleased with the 5/2 vote. Thank you.

And I will continue my disapproval at the next meeting, as I am sure this is not going down without a fight.

As previously said, the three existing developments (currently in the clearing/grubbing stage) will bring approximately 270 cars into a 1.2 mile radius of my home. Enough is enough.

Thank you again.

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

9-23-2021

5|2

My name is Cheryl Anastasia and I live at 1860 Dodge Road

I moved here in 2000 and I love, love, love it. I have 1.29 acres. The space – the peace; it is truly soul soothing. It's my refuge, my home

I came from Niagara Falls with all is crowdedness, cars, noise and crime.

Our little neighborhood of approximately 15 homes on 30+ acres is a dream. We all moved here because we loved the space. Us current residents are pretty much lifers; there are a few here from the 50s in generational homes.

= 1.3 acres

Our homes and properties have stood the test of time. Will these new developments?

15 4.7 " 0/45

The Proposed Development at 1789 Dodge: does not fit in with the size lots of 17 homes in 6.7 acres. My concern is the amount of homes being squeezed into a small area. This will impact our neighborhood. More people create more of everything...the good, the bad and the ugly. It will take years to see how it plays out and then it will be too late.

But just for starters, Proposed 1789 will include 34 cars (assuming 2 per couple/family) exiting ***directly onto Dodge.***

Proposed 1789 Dodge is very close to a ***current Essex Community Development: The Preserve at Glen Meadow***. I didn't even know this was going in until I saw the sign. This has 29 patio homes scheduled on 15.5 Acres. Again, assuming 2 cars per house, ***there will be 58 cars exiting directly onto Dodge.***

There is another Essex Developmemt on Heim (.2 miles from Hopkins). ***Fairwood Estates*** will have 24 two-story and ranch homes on 7 acres. ***Miller's Crossing*** (1.3 miles from my house) at 284 New Road is 82 homes.

The traffic will be horrendous. Sometimes I now wait for 10 cars to go by before I can get out of my driveway onto Dodge.

And my next concern is how a developer can manipulate zoning ordinances to be changed. I was told repeatedly that I could not build another house on my property due to the ordinances. It's my property, I have 1.29 acres and I cannot build one family home behind me? ***But a developer, who doesn't live on the property can put up 17 homes on 6.7 acres for profit?*** Additionally, Proposed 1789 Dodge is designated wetlands.

These three existing developments will create a great deal of congestion (about 270 cars). We have no say in that; it's a done deal. Dodge Road is a cut through from N. French all the way to N. Forest

But to put in a fourth development at 1789 Dodge. What are you thinking? When is ***Enough . enough.*** Our quality of life is going to be impacted and not for the better. It breaks my heart that our rural homes, our neighborhood is being turned into subdivisions for profit.

our sanctuary

I implore you to vote down 1789. Thank you.

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Ken Montz <kpmontz@msn.com>
Sent: Thursday, September 23, 2021 1:18 PM
To: Carrato, Amy
Subject: Rezoning 1789 Dodge

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.

If you're living on Dodge now, you're all too aware of allowing this disruption in this neighborhood. The truck traffic and construction I've been listening to all summer from a previous rezoning here at 1965 Dodge is really avoided by stopping the rezoning. You're affecting us all for years to come with the house building that comes with it. Following our Zoning is protecting this neighborhood. On behalf of the residents of Dodge rd I would like to stop thinking about and hearing these issues. Let some off us retire and return to our peaceful neighborhood, as many of you do.
Kenneth Montz
Sent from my iPhone

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Barbara Makuch <barbaramakuch007@gmail.com>
Sent: Wednesday, September 22, 2021 12:39 PM
To: Carrato, Amy
Subject: Opposition to Request to Rezone 1789 dodge road
Attachments: cid7F7CAB15-CB44-45F6-987C-BD2B621C9511.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.

Sent from my iPad

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

To
Town Supervisor Kulpa
members of the Town of Amherst board
Head of the planning board
Members of the planning board

I am writing in opposition to the proposed development of 1789 Dodge Road. I have been a resident of this town for more than thirty years, and have enjoyed the benefits of living in this area of town, and its rural nature. I only recently heard of this new development. I missed being able to comment on the previous development by Essex homes, which should never have been approved. Dodge road is a rural two lane road, not equipped to handle any more traffic. It is difficult now to try to leave my subdivision during certain hours, but if there is new development, it will be near impossible to get out. In addition, cars may try to shortcut through our neighborhood to avoid the log jam further up the road. Our children will be at risk, as will bicycle riders and walkers.

Perhaps we need to put a moratorium on building new developments without a true master plan that is in the immediate future. The development off Casey road has shown how builders make more use of small plots of land with no regard to the impact it has in the area. Homes on top of one another, wildlife driven out, trees cut down, and the beauty of our area is seriously diminished. I am pleased that this subdivision has been denied in the past, and hope that you will deny once more.

Simply because there will be more buildings does not mean our taxes will go down. We need to consider all things within the infrastructure of the town of Amherst, and there certainly needs to be more transparency when it comes to new development.

I believe that Amherst taxpayers deserve to be informed, to be heard, and for the people who work for us be accountable for their actions.

Thank you.

Barbara Makuch

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: mamamed03 <mamamed03@aol.com>
Sent: Wednesday, September 22, 2021 1:06 PM
To: Carrato, Amy
Subject: 1789 Dodge 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.

Hello,

This is Merja Kenola. I live at 1800 Dodge Rd. and I very strongly oppose a subdivision being proposed directly across the street from me. It just does not belong there. Period. I understand every town needs to generate revenue but at what cost? We are losing so much green space around here and frankly I find it so upsetting. The idea of tearing down that lovely 100 year old house is also very upsetting. I can understand adding maybe two or three houses to that property so that the concept of having a natural park like setting is maintained. What Mr. Rubino is proposing is ridiculous and I will never support it!

Thank you for your time and consideration.

Sent from the all new AOL app for iOS

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Joanna Pitz <pitzjoanna@gmail.com>
Sent: Wednesday, September 22, 2021 10:40 PM
To: Carrato, Amy
Subject: 1789 Dodge 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 the members of the board,
I am Joanna Pitz and I have lived at 1815 Dodge Rd since I married My husband. He was proud to bring me to the home that has been in the family since 1953.
It's very different from the neighborhood I came from in Lancaster where yards are the size of postage stamps and there are people everywhere.
My neighborhood now has space and privacy and nature. The first year I was here I kept track of a dear mother and her two foals as they grew right in my backyard. There are also turkeys and other woodland creatures.
I'm delighted to make this my home that will be passed down to the next generation.
What makes me upset is that my neighborhood might be changed forever by the proposed subdivision right next door. I have let my husband do all of the talking, but my point of view is important too.
The newest version of the proposal is for 15 homes and a new street to be built next door in this quaint rural neighborhood. Almost half of which would have postage stamp backyards facing my house and yard. This does not fit in this neighborhood. The traffic, noise, light, and more would make our neighborhood into a cookie cutter suburban area instead of the place I've adopted as my forever home.
I get the feeling of being in the country and I still have everything I need a close drive away. This is the spirit of the neighborhood. As a resident and adjacent land owner I would consider it a tragedy if the proposed rezoning was passed.
Please think about the residents of Amherst and especially those on Dodge Rd when you vote.

Joanna Pitz

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Janie Sparks <janie.sparks@ctg.com>
Sent: Thursday, September 23, 2021 9:09 AM
To: Carrato, Amy; janiesparks1990@gmail.com
Subject: Opposition to planned rezoning 1789 Dodge Rd East Amherst

Importance: High

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 am sorry this email is late but I would like to voice our opposition to the planned rezoning of 1789 Dodge Rd. I (Mary Jane Sparks) and my brother (Thomas Heim) reside at 1990 Dodge Rd. (the corner of Dodge and North French Rds.). We have seen and experienced the increased traffic in our area. The construction vehicles alone for the other subdivision just down from 1789 Dodge are horrendous. I cannot imagine the increase of new home owners traffic once construction is completed. And now another subdivision is being considered. We live on top of the signal at Dodge and North French and the accidents and near misses at the intersection are numerous. Additional traffic will only expiate the current situation. Please do not allow this plan to go through. My brother, Thomas Heim, and I have resided here for almost 70 years and the changes we have seen throughout our lifetimes are sometimes very upsetting. We do not need more overcrowded roadways in the Town of Amherst. I wish that I could be online for the web meeting but have another commitment for this evening. Thank you for listening.

Mary Jane Sparks
janiesparks1990@gmail.com

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Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

RECEIVED
SEP 22 202
TOWN OF AMHER
PLANNING DEP

Marlene C. Wagner
1790 Dodge Rd. PO Box 561
East Amherst, NY 14051

Sept 19, 2021

Re: 1789 Dodge Rd [Z-2020-15] Town of Amherst
Proposed Residential Subdivision

Concern of 15 homes on 6.7 acres
which will add approximately 30 cars
to our current traffic.

There will be 3 roads off Dodge Rd.
in a very short distance starting with
Casey Road, new development of 29 hom
Bryndge Rd, the new development on
Dodge Rd of 15 homes just before the
school, right French Rd.

This is a short distance for all these
cars etc. traffic now is heavy with
the nearby schools so close in this
area.

Please understand our situation.
the addition of 29 homes adding approx -
58 more cars.

Sincerely
Marlene Wagner

P.S. I did not receive the last two
letters from the Town of Amherst.

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Carrato, Amy
Sent: Wednesday, September 22, 2021 9:40 AM
To: Howard, Dan; Ulatowski, Daniel; Rappoccio, Roberta; Marshall, Scott; Voigt, Thomas J.
Subject: FW: Permit for M3 at 1789 Dodge Road

See below regarding Z-2020-15, 1789 Dodge Road

I will forward to the Board

From: Nick Rockwell
Sent: Wednesday, September 22, 2021 8:48 AM
To: Carrato, Amy
Subject: Permit for M3 at 1789 Dodge Road

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.

Dear Amherst Planning Board
I am writing to you in regards to the request to rezone 6.7 acres of land at 1789 Dodge Road from SA to M3. My wife, Lisa, and I live next to this property with our two children. Changes to this property will have a significant impact on our family's quality of life. We ask that you please consider our words before deciding on your vote at the upcoming Amherst Planning Meeting on September 23rd. It is our intent that the planning board joins us in opposing the rezoning to R-3 because it is inconsistent with the Dodge Road community. If the instead board approved, zoning that required 100 feet of frontage (R1, I think), any residences developed there would be able to remain consistent with the neighborhood we have grown to love.
We moved to the Dodge Road community 6 years ago from Buffalo. In Buffalo we enjoyed living in close proximity to many of our neighbors, though we grew to feel confined by the close proximity of so many neighbors. We started to dream of a day when we could purchase a home that would allow us the space to live our best lives with our neighbors at a comfortable distance. After years of hard work and frugal living we could afford the home we dreamed of, and we found it here in the Dodge Road Community in East Amherst.
Here we have enjoyed living the quiet suburban lifestyle that exists here. We have enjoyed interacting with our neighbors, who all live far enough from us that our lifestyle needn't impede on them and their lifestyle needn't impede on us. We have the space and privacy to create a garden that suits our tastes, and we don't have to worry about interfering with our neighbors' enjoyment of their lives as we enjoy our lives on our private property. And because our neighbors live on more than an acre of property their enjoyment of their best lives doesn't impact us. Buying a house in a suburban-agricultural zone was a major selling point for our home, which we have considered to be our forever home.
As our forever home we have invested significantly in our property, which would be a huge barrier to us being able to move another area that would allow us to regain our version of the American Dream. For us, the prospect of relocating would be devastating, and not only for financial reasons. Yes, we have invested a significant amount of money, but we have also poured our time, sweat and love into developing our property. We have planted trees, shrubs

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

and perennial plants here, some of which were given to us as gifts. To us our garden isn't just decoration, it is our oasis.

If the R-4 permit is approved and Mr Rubino is able to build 15 homes 20 feet from us we will lose almost all of the charms that brought us to this community. This project will result in 8 new properties, with 8 new families living along our nearly 900 foot long property. Because these small lots, which average 9,208 square feet, are incompatible with our property, which is 1.67 acres, it would convert our property into something completely different than what we purchased 6 years ago. However, if zoning for 100+ feet of frontage was approved, instead it would result in one new residence being build next to us and one new family living along our property. Approving the R1 zone would result in a major invasion of our way of life. We know that you don't have any more control over what Mr. Rubino applies for than we do, but approving a permit that only allowed for a single property along our property line would help us maintain our quality of life while also maintaining the integrity of our neighborhood as the suburban-agricultural community that we value.

We are also concerned for yet another construction project that will impact yet more summers of our children's lives. We are concerned for the pesticides that these 15 new residents will likely use in their gardens, and the impact it will have on the local flora and fauna. We are concerned about the impact to traffic on a road that pedestrians use to commute to school and for recreation. We are concerned about the destruction of further wildlife habitats, driving out native residents. And we feel like families like ours are being driven out of East Amherst.

I thank you for reading our words. I would like to share a special thank you for the board members who *heard* us and stood with us at the first Planning Board Meeting on April 15th, 2021. We would also like to thank the board members who stood with us at the meeting in June. You really listened to our community's needs and stood with your constituents. We value you. Thank you for listening with open minds and compassion. To the two board members who voted to approve the MFR-4A zone at prior meetings, we sincerely hope that you keep your hearts and minds open to the needs of our community and reconsider where you will place your support after you have another opportunity to hear our voices.

Warm wishes,

Nick & Lisa Rockwell
1765 Dodge Road
East Amherst, NY 14051

Sent from my iPhone

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Carrato, Amy
Sent: Tuesday, September 21, 2021 8:33 AM
To: Howard, Dan; Ulatowski, Daniel; Rappoccio, Roberta; Marshall, Scott; Voigt, Thomas J.
Subject: FW: planning board meeting

See email below regarding Z-2020-15, 1789 Dodge Road

I will forward to the Board

From: wp454@bluefrog.com
Sent: Monday, September 20, 2021 8:06 PM
To: Carrato, Amy
Subject: planning board meeting

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.

Hello,

I am sending to let you know I William Pitz at 1815 Dodge Rd. I am still the Neighborhood spokesperson. Also to let you know we the residents of Dodge rd still very much oppose this rezoning of 1789 Dodge rd. As we have offered a alternative to this rezoning. We still ask that you would only consider R1 with a min of 100' lots on Dodge Rd. This would allow the building of 4 homes that would be neighborhood friendly.

Thank you for your time,

William G Pitz

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Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

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To: Carrato, Amy
Subject: planning board meeting

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Hello,

I am sending to let you know I William Pitz at 1815 Dodge Rd. I am still the Neighborhood spokesperson. Also to let you know we the residents of Dodge rd still very much oppose this rezoning of 1789 Dodge rd. As we have offered a alternative to this rezoning. We still ask that you would only consider R1 with a min of 100' lots on Dodge Rd. This would allow the building of 4 homes that would be neighborhood friendly.

Thank you for your time,

William G Pitz

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Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Carrato, Amy
Sent: Monday, September 20, 2021 4:29 PM
To: Dan Howard; Ulatowski, Daniel; Rappoccio, Roberta; Marshall, Scott; Voigt, Thomas J.
Subject: FW: Planning Board Meeting 9/23 1789 Dodge Rd

See email below regarding Z-2020-15, 1789 Dodge Road.

I will forward to the board

From: Andrew Godell
Sent: Monday, September 20, 2021 3:56 PM
To: Carrato, Amy
Subject: Planning Board Meeting 9/23 1789 Dodge 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

In regards to the upcoming Planning Board meeting on September 23, I would like to submit comments in regards to Amend Request to Rezone 6.7 acres of land located at 1789 Dodge Road.

I currently live at 189 Shellridge Dr, and my children utilize Dodge Road to walk to school at Casey Middle. I feel that this rezoning will increase traffic and increase the risk to children who are walking to the three school's in the area (Dodge, Casey and North). I feel that before rezoning can be considered, improvements to Dodge Road are required. Particularly pedestrian friendly enhancements such as sidewalks between N French and Casey and crosswalks at the intersection of Dodge and Casey. Without these enhancements, rezoning should not be considered.

Regards,
Andrew Godell
189 SHellridge Dr, East Amherst, NY 14051

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Cheryl Anastasia <clana1860@gmail.com>
Sent: Wednesday, September 15, 2021 1:12 PM
To: Carrato, Amy
Subject: Proposed rezoning at 1789 Dodge Road
Attachments: 1860 Dodge Road.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.

My name is Cheryl Anastasia and I live at 1860 Dodge Road.

I could not be at the last meeting as ironically my car was totaled LEAVING MY DRIVEWAY June 8th and I was picking up a new vehicle during the meeting (Dodge Elementary was having a function and SUVs were blocking my view as they were parked right up to driveway apron.)

I am attaching my notes read by Sandy Mack.

I will be at her house with the next meeting Thursday 9-23-2021

Thank you.

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

As best as I can determine, the following is true (I used my end of the neighborhood up to 1789 Dodge):

The following developments have been approved and are in progress:

1695 Dodge	ESSEX DEVELOPMENT	32-unit patio homes	= 64 cars
284 New Road	MILLER'S CROSSING	85 new homes (2 story, ranch, patio)	= 170 cars

PROPOSED:

1789 Dodge	(Joe Rubino rezone 6.7 acres)	17 homes

EXISTING:

1790 Dodge	Mack	1.22 acres
1800 Dodge	Kenola	1.22 acres
1810 Dodge		1 acre
1820 Dodge		1 acre
1830 Dodge		1.02 acres
1840 Dodge	Gamel	1.18 acres
1850 Dodge	Smith	1.10 acres
1860 Dodge	Anastasia	1.29 acres
1880 Dodge	Pearce	3+ acres
1721 Dodge	Fiegl?	4.0 acres
1815 Dodge	Pitz	4.0+ acres
1825 Dodge		2.0+ acres
1835 Dodge	Priebe	1.37 acres
1845 Dodge	Schoenle	3+ acres
1875 Dodge		3+ acres
		29.40 acres 15 homes

As these are family homes, using a calculation of 3 per address = 45 people for 29.40 acres = .66 per acre per person; using a high calculation of 4 per address = .49 acre per person.

Proposed development of 2 per house = 34 people for 6.7 acres = .20 per acre per person

This development will change our neighborhood forever.

As these calculations suggest, the proposed development (and I am sure the homes will be beautiful but due to close proximity, will they stand the test of time? Our homes have.) does not provide the same space and therefore, does not keep the integrity and of our established neighborhood, which is why we moved here in the first place. The feeling of country...not congestion.

Truthfully, I am dreading the completion of the two new approved developments. It breaks my heart. Is progress always progressive?

Why are developers allowed to infiltrate established neighborhoods? Change zoning codes?

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

There's North French, Transit..... Oh, is it more expensive to purchase initially????? And, why is it always about money (more tax dollars, Planning Board?).

Respectfully submitted,

Cheryl Anastasia
1860 Dodge Road

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: mjlsml_goherd@roadrunner.com
Sent: Wednesday, September 8, 2021 11:09 AM
To: Carrato, Amy
Subject: 1789 Dodge Road request to refine

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.

Dear Amherst Planning Board,
Please deny the request to rezone the property at 1789 Dodge Road. I am opposed to the request because I am highly concerned about the increase in traffic and noise along Dodge Road as a result of further development. The area and surrounding neighborhoods do not need or want a subdivision in addition to the The Essex Homes subdivision going in down the street on Dodge Road. In addition, the schools are already full of students, and building single family homes will only make the class sizes larger than they already are, which is not in the best interest of the children. Lastly, over developing the area is detrimental to the environment and wildlife. Please deny the request to rezone 1789 Dodge Road! It is not desired by surrounding residents, and would negatively impact our neighborhoods and streets!
Sincerely,
Shelley LaMonte
East Amherst resident since 2007

Sent from my iPhone

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: ken montz <kpmontz@gmail.com>
Sent: Wednesday, June 23, 2021 5:40 PM
To: Carrato, Amy
Subject: Rezoning on Dodge Road

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 the rezoning board,

As a concerned neighbor on Dodge, allowing this kind of unplanned and unwanted development just adds more confusion on an already troubled road. Having no consequence for actions leads to after the fact, for example, Transit rd. It does not fit, so instead of forcing it where it doesn't fit, find a place where it will. Also, what they did down the street is absolutely disgusting selling out to developers.

Thank you,
Ken

Sent from my iPad

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Sandy Mack <mack1790@gmail.com>
Sent: Tuesday, June 22, 2021 7:05 PM
To: Carrato, Amy
Subject: Rezoning of 1789 Dodge Road Email 7 of 7 Subdivision

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 sent several pictures of the properties on Dodge Road showing the acreage we all own with only one home on it. I have also attached a picture of a subdivision. The proposal states there will be 2.54 homes per acre. It also state that the proposed subdivision will be harmonious to our neighborhood and will be in character with the surrounding properties. After looking at the picture of the subdivision, tell me how this will fit in our neighborhood! 90% of the residents are opposed to this!

Sandy Mack

Sent from Mail for Windows 10

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Sandy Mack <mack1790@gmail.com>
Sent: Tuesday, June 22, 2021 6:57 PM
To: Carrato, Amy
Subject: Rezoning of 1789 Dodge Road Email 6 of 7 1945 Dodge Road

CAUTION: This email originated from outside of the organization.
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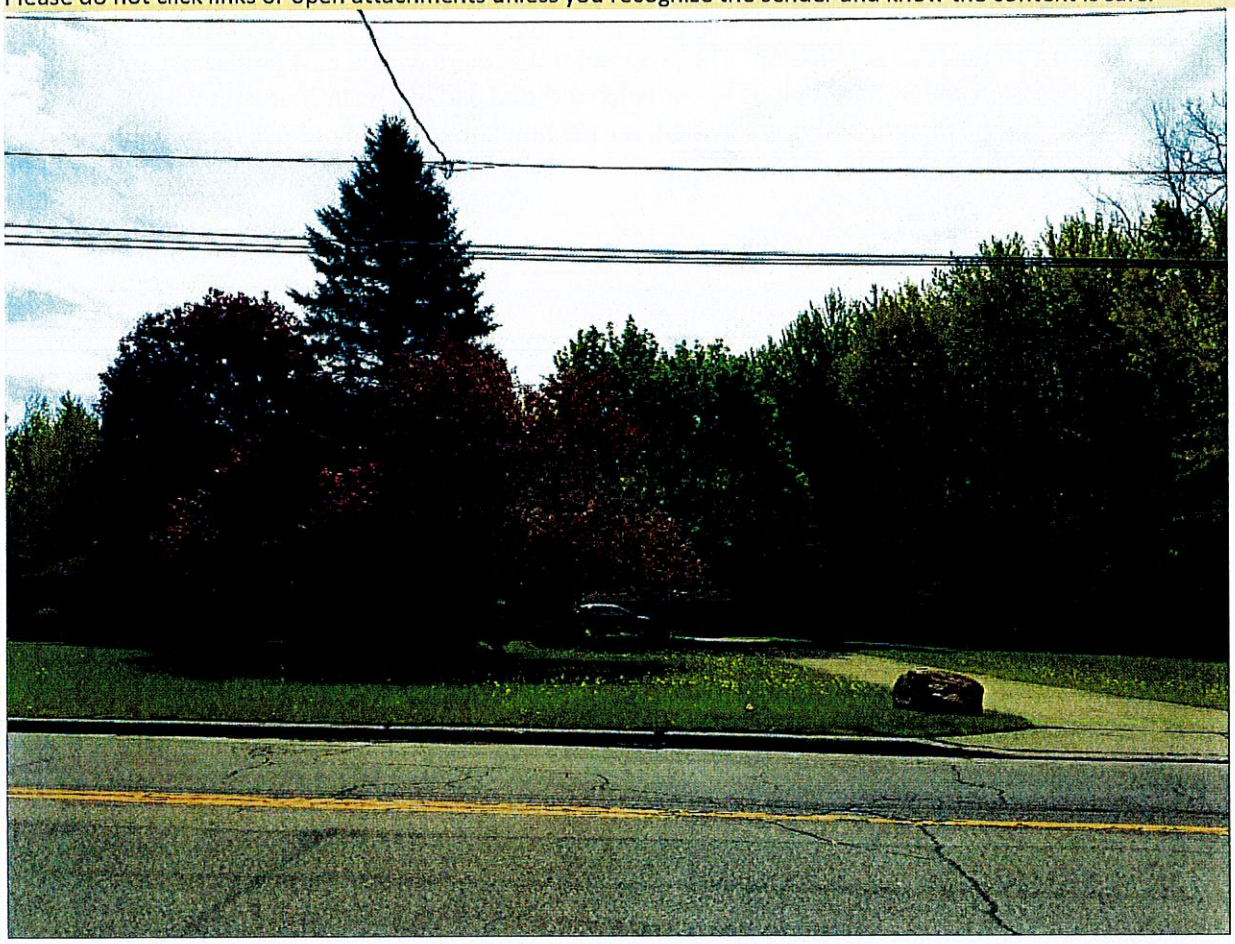

Sent from Mail for Windows 10

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Sandy Mack <mack1790@gmail.com>
Sent: Tuesday, June 22, 2021 6:57 PM
To: Carrato, Amy
Subject: Rezoning of 1789 Dodge Road Email 5 of 7 1860 Dodge Road

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Sent from Mail for Windows 10

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Sandy Mack <mack1790@gmail.com>
Sent: Tuesday, June 22, 2021 6:56 PM
To: Carrato, Amy
Subject: Rezoning of 1789 Dodge Road Email 4 of 7 1820 Dodge Road

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Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Sandy Mack <mack1790@gmail.com>
Sent: Tuesday, June 22, 2021 6:55 PM
To: Carrato, Amy
Subject: Rezoning of 1789 Dodge Road Email 2 of 7 1780 and 1790 Dodge Road

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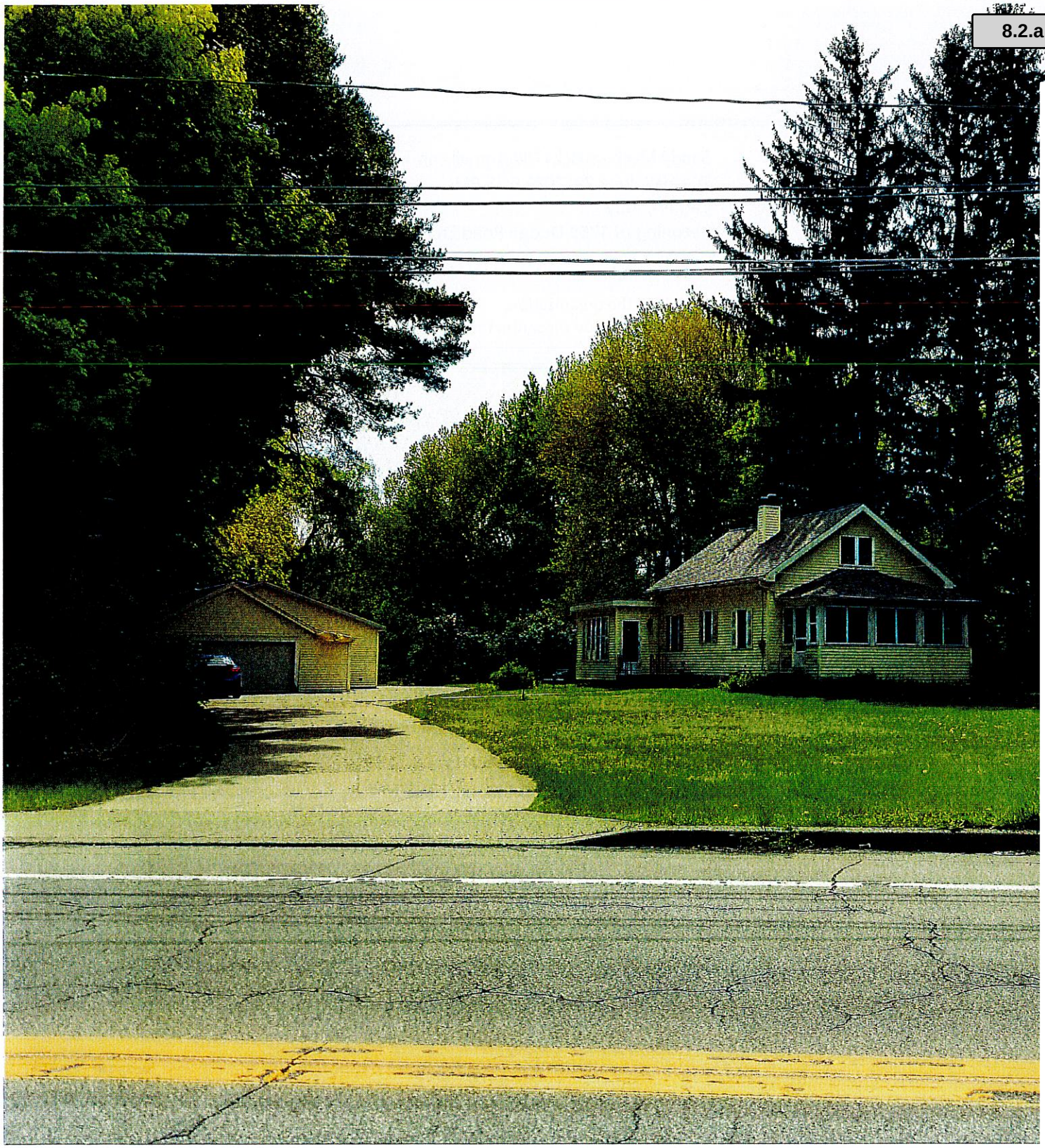
Sent from Mail for Windows 10

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-



Carrato, Amy

From: Sandy Mack <mack1790@gmail.com>
Sent: Tuesday, June 22, 2021 6:40 PM
To: Carrato, Amy
Subject: Rezoning of 1789 Dodge Road Email 1 of 7 1690 Dodge Road

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Sent from Mail for Windows 10

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: lionsdendjo <lionsdendjo@aol.com>
Sent: Friday, June 18, 2021 2:50 PM
To: Carrato, Amy
Subject: June 24, 2021 Planning Board Meeting concerning 1789 Dodge 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.

Dear Board,
We have been residents at 1970 Dodge Road for 44 years. We moved out here from a neighborhood in the Tonawandas because of the rural lifestyle that was available. All the properties around us are at least an acre or more, generally unfenced and (by respecting our own spaces) all good neighbors. All of the homes are much the same from Heim on down. Then you snuck the development in at the Fegal's property. We say "snuck" because we don't often travel south towards Heim and live more than 600 feet from the development, so therefore don't "qualify" for notification of the possible change and redevelopment proposal. This is another bone of contention because your reason for not notifying everyone on the road is that it only affects homes within this 600 foot radius.
We say "Nay, nay!" Changes to Dodge Road zoning affects traffic for all residents living on or near Dodge Road, especially those living near to the traffic lights at North French and Casey and Heim.
We would like to voice our FIRM DISAPPROVAL of the proposed rezoning of the 6,7+ acres of property at 1789 Dodge Rd. from SA to MFR-4A, Z-2020-15.
This change would highly increase the amount of traffic on the already congested Dodge Road.
We are two doors from the corner of North French Road and it's already very dangerous and difficult getting out of our driveway. With the back up at the red light it's close to impossible to pull out left toward North French. And PLEASE do not suggest that we head right toward Casey or Heim which is already backed up, especially during the school year.
We submit our DISAPPROVAL of this rezoning attempt and please notify us of ANY future attempts to change zoning on properties on OUR road and please respect our semi- rural lifestyle.
Sincerely yours,
Daniel and Jennifer Ohar
1970 Dodge Road
East Amherst, NY 14051

Sent from my Galaxy j3 android

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: CJ Buscaglia <cjbuscaglia@hotmail.com>
Sent: Tuesday, March 9, 2021 9:28 AM
To: Carrato, Amy
Subject: Rezoning of 1789 Dodge Road

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.

In light of the delayed town hearing, I would like to add the following comments for review of the Board prior to next Thursday's hearing:

After more thoroughly reviewing the town comprehensive plan, the S-A zoning already meets the town's stated objective of single family residential zoning for the area. S-A zoning allows only for single family residential. There is no need to rezone to meet future town plans. Rezoning only meets the financial desires of the petitioners business interests, not my families quality of life or that of my neighbors.

If the petitioner alleges their proposed plan is in keeping with the current neighborhood character, I contend this is a false statement. The neighborhood of Dodge rd, especially amongst us lots who are zoned S-A, is many families who have been there for generations. All of us, no matter how long we've lived here, value the current rural character and feel of large lots and space amongst properties. No one in the neighborhood wants 17 houses crammed together near them, with the imminent complaints that come from suburban neighborhood life competing with rural and agricultural activities.

If, and only if, the town approves rezoning (which we disagree with first and foremost) we implore the town only approve an R-1 rezoning with the addition of only the appropriate amount of houses added to the street with Dodge rd addresses.

Also, if the petitioner alleges they are a member of the neighborhood, they are outright making false statements. A search of erie county property records reveals no Rubinos anywhere near our neighborhood, nor have any of us in the neighborhood ever encountered him. See attached screenshot documenting this search.

Thanks!

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: CJ Buscaglia <CJBuscaglia@hotmail.com>
Sent: Thursday, February 4, 2021 9:23 PM
To: Carrato, Amy
Cc: Kristine Buscaglia
Subject: Rezoning of 1789 Dodge Road

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.

Regarding the proposed rezoning of 1789 Dodge rd from SA to R-3, I wish to make it known to the planning board and town board that we are against this rezoning. I live at 1875 Dodge rd with my wife and kids; as such, this rezoning directly impacts our lives and future existence in the neighborhood as residents and small farm owners.

We moved to this property in 2017 specifically because it is zoned S-A and we wished to engage in agricultural activities. Since then, we have grown a small, organic practices based farm through regenerative and sustainable practices. Adding another development so close by impacts our agricultural activities thorough increased wildlife pressure from the decreased habitat so close to our property. Deer continue to eat our crops and ruin our orchard, and predator pressure threatens my livestock daily. Removing 7 acres of habitat adjacent to my property will have a very negative affect on my agricultural operations and financial viability in agriculture.

Furthermore, continued development in the area, without swift and preemptive improvements, impede current and future residents ability to enjoy the benefits of suburban life. Necessary improvements include, but are not limited to, sidewalks, school speed zones, crosswalks, traffic signals and controls, etc. Increased population means increased danger to pedestrians and motorists alike. If this development is approved, it is imperative the town takes ownership and leadership in providing improved quality of life enhancements and compels the developer to take responsibility for providing these improvements as well. The improvements along Casey rd are an example of making the increased suburban sprawl more connected and accessible to all residents.

Clearly, developers have no true interest in my neighborhood. Their kids don't have to cross Dodge to go to the playground and bike the road (because we have no sidewalks) to get to nearby parks and playgrounds. Nor do they have to deal with the increased traffic, noise and pollution that comes from construction and then adding hundreds more people to the area. Compel them at least financially to take interest in the area if they are going to permanently change the landscape and character of it.

I can be reached at this email or my cell phone 716-982-2219 for follow up questions, concerns or clarification.

Thank you

CJ Buscaglia

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Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Sandy Mack <mack1790@gmail.com>
Sent: Tuesday, April 13, 2021 7:16 PM
To: Carrato, Amy; William Pitz
Subject: Rezoning of 1789 Dodge Road
Attachments: Petition for 1789 Dodge Rd.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.

Attached are petitions signed by the residents of Dodge road between N. French and Casey opposing the rezoning of 1789 Dodge road to a residential property with the development of a 17 single family home subdivision. There are 40 homes on this stretch of Dodge road and 90% of the residents are opposed to this rezoning as evidenced by the attached signatures. These signatures also represent the residents who were opposed to the rezoning of the 32 lot subdivision down the road but their voices apparently fell on deaf ears. We do not want any more people nor any more traffic in our neighborhood. We like it the way it is! We are not opposed to growth in Amherst – just not in our neighborhood! There is already too much traffic on this part of Dodge because of the 3 schools on both ends of the road all within a mile of each other.

When canvassing our neighborhood with the petition, some of the residents comments were as follows: 1) Many said they can't get out of their driveways even now without any additional roads tapping into this section of Dodge. We already have Casey & Brenridge connecting into our road. One resident said she has gone to the extreme of making her husband stand in the road to stop traffic. Just recently one of our residents was trying to get out of her driveway when a car ran the red light at Casey and totaled her vehicle. Luckily, she was not seriously hurt. 2) I also heard about the backup of traffic down by Dodge Elementary when school is let out, caused by people picking up their kids. Again, this makes it impossible for some of our residents to get in or out of their driveways. 3) Now there is a "church" in our neighborhood which has cars parked along the road on Sundays and Wednesdays which creates another unsafe condition. The people who attend this "church" have even parked illegally on other people's property. 4) We were here first and we like the neighborhood the way it is! If we wanted to live in a city-like environment we would move to Buffalo.

Even though there is a pandemic going on, we still have a large volume of traffic. We do not need 2 more roads with subdivisions tapping into our section of Dodge road. These subdivisions will create almost 100 more vehicles on an already heavily traveled section of road. If this subdivision gets approved, along with the other one down the road, that means that within 1600 feet there will be 4 roads tapping into Dodge along with 17 driveways. All of this within 3/10 of a mile! With more people in this area, there will probably be more kids walking to school. We need to consider all of these concerns and the safety of our residents and the children before someone gets killed!

Our section of Dodge between Casey and N. French has many residents who have lived here for many years. Some of us are multi-generational families who have lived here for decades and have supported the town all these years. Our families chose this town and area because of its country-like setting. It was peaceful and tranquil with plenty of land and not a lot of people. The proposal for the rezoning of 1789 Dodge road states that the subdivision will not result in the overcrowding of land. The density of the project will be 2.53 homes per acre. This is NOT consistent with the current residences! Almost all of us own an acre or more of land with only 1 house on it. It also states it will be aesthetically harmonious with nearby areas and structures. Again, this is a lie! How can you say this is not overcrowding of land and similar to our neighborhood when we only have 1 home on an acre of land? We also have neighbors who recently moved into our neighborhood because they wanted to live in the country. Another neighbor stated they moved out here to get away from the city life and if this subdivision gets approved they may be forced to move. We currently have a small farm on our part of Dodge road with livestock and fresh produce. It is so nice to be able to walk down the road to buy these fruits and vegetables. With so much more additional traffic we will be putting our own lives in jeopardy to do this. The proposal also says the subdivision conforms to the nearby properties and the character of the neighborhood. It

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

states there are numerous residential subdivisions in the vicinity of the project site. This is a lie! We currently have only 1 subdivision, namely Brenridge in the immediate area. With 2 additional subdivisions to be added to this section of Dodge road we will no longer have our peaceful, country-like setting. Many of the people who signed these petitions mentioned they might just have to move out of the area. When asked if they wanted to sign it, many people stated they would but it probably wouldn't do any good since their voices were not heard when the subdivision down the road got approved. One resident was so upset about that rezoning she was actually crying and refused to sign it stating it would not make a difference. Many of the people said they were tired of fighting the town over these. It is sad to think that our town officials who we elected have not taken the current resident's concerns into account when making these decisions. We are the people who have supported this town! Your decisions to side with the developers, even though 90% of the current residents are opposed to this, in an effort to increase your pocketbooks, says a lot about the Town of Amherst and the people who we elected. Maybe it is time we, the residents moved on!

Sincerely,
Sandra A. Mack
1790 Dodge Road
Sent from Mail for Windows 10

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

We, the undersigned, oppose the rezoning of 1789 Dodge Road from agricultural SA to residential [redacted] with the purpose of developing a 17 lot single family home subdivision.

DATE	NAME	ADDRESS	SIGNATURE
2-27-21	SANDRA A. MACK	1790 Dodge Rd.	Sandra A. Mack
2-27-21	MERJA KENOLA	1800 DODGE RD	Merja Kenola
2-27-21	ANNALISA CAPACCIO	1810 Dodge Rd	
2-27-21	MARIAH MERCIER	1780 Dodge RD	
2-27-21	Keith Hewitt	1746 Dodge Rd	
2-27-21	Raymon Owen	1732 Dodge Rd	
2-27-21	Deb Kaufman	1716 Dodge Rd	
2-27-21	H E Clark	1680 Dodge Rd	H.E. Clark
2-27-4	IDALBERTO GONZALEZ	1830 DODGE Rd.	
2-27-4	JAY Pearce	1880 Dodge Rd	
2-27-4	Bernie Pearce	1880 Dodge Rd.	Bernie Pearce
2-27	CHERYL ANASTASIA	1800 DODGE RD	
3/6	SUSAN M WELCH	1604 Dodge Rd	
3/6	TRACY THURSTON	1810 Dodge Rd	
3/6	DAOJUN WANG	1705 DODGE RD	
3/6	Bradley Anderson	1690 Dodge rd	
3-9	Marlene Wagner	1720 DODGE Rd	Marlene Wagner

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

We, the undersigned, oppose the rezoning of 1789 Dodge Road from agricultural SA to residential [redacted] with the purpose of developing a 17 lot single family home subdivision.

DATE	NAME	ADDRESS	SIGNATURE
3-3-21	William G Pitz	1815 Dodge Rd	William G Pitz
3-4-21	Ellie Ferrauia	1820 Dodge Rd	Ellie Ferrauia
3/5/21	Nicholas Rockwell	1765 Dodge rd	
3 5 21	Marie Rusiawski	1825 Dodge rd	
3/6/21	Marjorie Grimmel	1810 Dodge Rd	
3/6/21	Trina Schaehle	1845 Dodge Rd	
3/6/21	CS Buscaglia	1875 Dodge Rd	
3/6/21	Jennifer Chan	1970 Dodge Rd	
3/6/21	Ray Kaiser	1940 Dodge Rd	
3/6/21	Adam Curcio	1745 Dodge Rd	
3/6/21	Dennis Wrazen	1668 DODGE Rd.	
3/6/21	Jennifer Diodato	1675 Dodge Rd	
3/6/21	Craig May	1655 Dodge	
3/6/21	Shauna Macy	1685 Dodge Rd	
3-8-21	Amy LeBeau	1945 Dodge Rd	
3-13-21	David J. Priebe	1835 Dodge Rd	
3-13-21	[illegible]	1745 Dodge Rd	
3-13-21	Mary Jane Sparks	1790 Dodge Rd	

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Cheryl Anastasia <clana1860@gmail.com>
Sent: Friday, April 16, 2021 7:58 AM
To: Carrato, Amy
Subject: Planning Board Meeting last night

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I was on Zoom from 6:00 - 8:35ish. In fact, I was the one who had a question but was nudged gently into the actual meeting at 6:30. Funny, I got through then but could not after hitting *9 on my phone.

I heard Mr. Pitts, Carol Mack and the neighbor who plants vegetables (and the coyotes). I was unable to to express my concerns and then whatever I did, disconnected the meeting. I am really not computer savvy (my grandaughter set it up).

I applaud the fact the Town is honoring the wetlands. (In fact, my property was originally 3+ acres and was going to be developed but could not due to the wetlands).

What I am dismayed at is the fact the town is not honoring its property owners and is willing to change the zoning ordinance to accommodate a developer. Poor Mr. Pitts: he will now have seven neighbors at his side.

Would any of you want to go from a rural setting you chose to having seven neighbors at your side. Berm or no berm...

This is what I would have said. Thank you

Cheryl Anastasia
1860 Dodge Road

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: wp454@bluefrog.com
Sent: Thursday, April 15, 2021 10:39 PM
To: Carrato, Amy
Subject: 1789 Dodge Rd.

CAUTION: This email originated from outside of the organization.
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I would like to know what the next step is. Mr Gilmour and Mr Giuliani wanted to approve this and the other 3 wanted to do the right thing and deny it. So they adjourned it. I would like to know there reasoning behind the wrong vote they made? How do we get them to see our point of view?

Thank you

William Pitz
1815 Dodge Rd
716-998-8864

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Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Cheryl Anastasia <clana1860@gmail.com>
Sent: Wednesday, April 14, 2021 9:23 AM
To: Carrato, Amy
Subject: Request to Rezone (Joe Rubino, Petitioner)

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.

First I would like to start by saying I work for construction companies for most of my life and understand developers. I do believe Mr. Rubino, as a developer, is trying to address concerns of nearby landowners by revising drawings and creating green spaces.

My concern is the traffic that 17 properties (at least 34 cars) will create. Go onto Casey and (the now stoplight) at Youngs: the area is beautiful but the traffic is horrendous.

Sometimes I wait for ten cars before I leave my driveway. It will now be much worse.

I have been here at 1860 Dodge since 2000 and moved here because of the agricultural, country setting. In fact I was advised at closing I could never put another house behind mine (although I have 1.29 acres) due to zoning.

Little did I know I could have the law changed to suit my needs.

I am, therefore, not pleased with this development and am voicing my disapproval. I have Zoom all set on my computer ready for the meeting (and am hopeful it will work)

Thank you for hearing my concerns.

Cheryl Anastasia
1860 Dodge Road
716 471-1155

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: wp454@bluefrog.com
Sent: Thursday, April 1, 2021 5:39 PM
To: josephrubino@howardhanna.com
Cc: Carrato, Amy
Subject: 1789 Dodge 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.

Mr Rubino,

Your letter dated March 11, 2021 you said "I anticipate that I will be in a position to provide another project update letter prior to the end of the month" . Well here we are in April and No update letter?
I now get a letter from the Town Of Amherst regarding your request to go from SA to MFR-4A. I look at the plan on the town web site and I see what looks to be a 20' permanent open space in the drawings. So the open space you have added how will the owners not just take that over thus there is no buffer? Who will take care of this space? What is this Zone you are requesting MFR-4A?

Why cant you divide this property in to 4 100' wide lots and build 4 homes with Dodge rd Addresses? Homes that would be Neighborhood friendly as we have now?
I understand you just want to rape our road, our privacy and move on to the next one. You would still make a profit and leave the integrity of our homes and family's that have been here for generations. My family have lived in our home for 68 years that is 3 generations of Pitz's in one place.

Concerned Home Owner

William G Pitz

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Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: wp454@bluefrog.com
Sent: Thursday, April 1, 2021 6:16 PM
To: Carrato, Amy
Subject: 1789 Dodge Rd Rezone

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.

Hello,
I Do NOT want Multifamily houses built next to me!! Mr Rubino Wants to take our neighborhood and destroy our way of living. This section of Dodge Rd has family's that have been living in this town for 20,30,40,68 plus years. We should have the right to live as we have been. Our voices should carry some weight in how we live. If we wanted to live in a city with houses on top of us we would sell our beautiful homes and move into the village or city!! You the town of Amherst do not need to build every square inch of this town with houses. This property in question should be rezoned from SA to R-1 only. This fits our road and will not add to the already busy road we have now.

William G Pitz
1815 Dodge Rd
3rd Generation family member

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Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Carrato, Amy
Sent: Wednesday, March 10, 2021 10:02 AM
To: Howard, Dan; Kost, Ellen; Marshall, Scott; Rappoccio, Roberta; Ulatowski, Daniel; Voigt, Thomas J.; Quinn, James
Subject: FW: Rezoning of 1789 Dodge Road

Please see email below regarding Z-2020-15, 1789 Dodge Road.

I will forward to the Planning Board.

From: CJ Buscaglia [mailto:cjbuscaglia@hotmail.com]
Sent: Tuesday, March 09, 2021 9:28 AM
To: Carrato, Amy
Subject: Rezoning of 1789 Dodge Road

CAUTION: This email originated from outside of the organization.
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In light of the delayed town hearing, I would like to add the following comments for review of the Board prior to next Thursday's hearing:

After more thoroughly reviewing the town comprehensive plan, the S-A zoning already meets the town's stated objective of single family residential zoning for the area. S-A zoning allows only for single family residential. There is no need to rezone to meet future town plans. Rezoning only meets the financial desires of the petitioners business interests, not my families quality of life or that of my neighbors.

If the petitioner alleges their proposed plan is in keeping with the current neighborhood character, I contend this is a false statement. The neighborhood of Dodge rd, especially amongst us lots who are zoned S-A, is many families who have been there for generations. All of us, no matter how long we've lived here, value the current rural character and feel of large lots and space amongst properties. No one in the neighborhood wants 17 houses crammed together near them, with the imminent complaints that come from suburban neighborhood life competing with rural and agricultural activities.

If, and only if, the town approves rezoning (which we disagree with first and foremost) we implore the town only approve an R-1 rezoning with the addition of only the appropriate amount of houses added to the street with Dodge rd addresses.

Also, if the petitioner alleges they are a member of the neighborhood, they are outright making false statements. A search of erie county property records reveals no Rubinos anywhere near our neighborhood, nor have any of us in the neighborhood ever encountered him. See attached screenshot documenting this search.

Thanks!

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

From: Carrato, Amy <acarrato@amherst.ny.us>
Sent: Friday, February 5, 2021, 14:50
To: 'CJ Buscaglia'
Cc: Kristine Buscaglia
Subject: RE: Rezoning of 1789 Dodge Road

Your comments with be shared with the Planning Board.
Thanks,
Amy Carrato

NOTE: The Town of Amherst Planning Department is currently operating under contingency conditions in accordance with Town guidance. Please visit the Town Website at: http://www.amherst.ny.us/index.php *for updated information.*

Amy Carrato, Senior Clerk Typist
Town of Amherst Planning Department
5583 Main Street
Williamsville, NY 14221
(716) 631-7051

From: CJ Buscaglia [mailto:CJBuscaglia@hotmail.com]
Sent: Thursday, February 04, 2021 9:23 PM
To: Carrato, Amy <acarrato@amherst.ny.us>
Cc: Kristine Buscaglia <kristinesokolowski@hotmail.com>
Subject: Rezoning of 1789 Dodge Road

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.

Regarding the proposed rezoning of 1789 Dodge rd from SA to R-3, I wish to make it known to the planning board and town board that we are against this rezoning. I live at 1875 Dodge rd with my wife and kids; as such, this rezoning directly impacts our lives and future existence in the neighborhood as residents and small farm owners.

We moved to this property in 2017 specifically because it is zoned S-A and we wished to engage in agricultural activities. Since then, we have grown a small, organic practices based farm through regenerative and sustainable practices. Adding another development so close by impacts our agricultural activities thorough increased wildlife pressure from the decreased habitat so close to our property. Deer continue to eat our crops and ruin our orchard, and predator pressure threatens my livestock daily. Removing 7 acres of habitat adjacent to my property will have a very negative affect on my agricultural operations and financial viability in agriculture.

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Furthermore, continued development in the area, without swift and preemptive improvements, impede current and future residents ability to enjoy the benefits of suburban life. Necessary improvements include, but are not limited to, sidewalks, school speed zones, crosswalks, traffic signals and controls, etc. Increased population means increased danger to pedestrians and motorists alike. If this development is approved, it is imperative the town takes ownership and leadership in providing improved quality of life enhancements and compels the developer to take responsibility for providing these improvements as well. The improvements along Casey rd are an example of making the increased suburban sprawl more connected and accessible to all residents.

Clearly, developers have no true interest in my neighborhood. Their kids don't have to cross Dodge to go to the playground and bike the road (because we have no sidewalks) to get to nearby parks and playgrounds. Nor do they have to deal with the increased traffic, noise and pollution that comes from construction and then adding hundreds more people to the area. Compel them at least financially to take interest in the area if they are going to permanently change the landscape and character of it.

I can be reached at this email or my cell phone 716-982-2219 for follow up questions, concerns or clarification.

Thank you

CJ Buscaglia

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Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Annalisa Capaccio <animalisa26@gmail.com>
Sent: Thursday, February 18, 2021 7:58 PM
To: Carrato, Amy
Subject: Regarding rezoning of 1785 dodge road

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in the meeting tonight was supposed to be discussed about the rezoning of 1789 dodge road to build 16 new homes,and it ended before they even got to that point. Is there a reason they didnt feel the need to discuss this issue? Many of us have a lot of issues with this rezoning and want to be heard.

and if this is put to a later date will another letter be sent out with when to the residence around this parcel??

Annalisa Capaccio
1810 dodge road

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Annalisa Capaccio <animalisa26@gmail.com>
Sent: Wednesday, February 17, 2021 7:20 PM
To: Carrato, Amy
Subject: regarding rezoning of dodge road 1789

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 evening,

I am calling in regards to the rezoning of 1789 dodge road. Currently there are 4 new developments in the works (including this pending 16 home build at 1979) within a 1 mile radius of this piece of land. I would like for you to seriously consider not only what this will do to our traffic, the load on our school system, the water run off but also what it will do to our property and taxes. We moved to this area because of the woods and the cozy feel of east amherst. The (builders) are doing nothing more than stuffing as many houses in this area to make a dollar with no consideration about the community that we have established. That lot at 1789 Dodge road has a beautiful home with amazing trees on it and it should stay a ONE RESIDENCE parcel. To stuff 16 homes on that 6 acre lot is nothing more than a money grab by the builders with NO consideration for those of us who already call this street home. You are pushing the rest of this community out because of all these new builds and the raising taxes you are pushing onto us.

Annalisa Capaccio

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Howard, Dan
Sent: Friday, January 28, 2022 9:48 AM
To: Carrato, Amy
Subject: FW: 1789 Dodge Road
Attachments: 1860 Dodge 1-21-2022.pdf

From: Bucki, Debbie
Sent: Thursday, January 27, 2022 10:07 PM
To: Howard, Dan ; Ulatowski, Daniel
Subject: FW: 1789 Dodge Road

Good evening...
I am forwarding on this email for your information and review.
Sincerely,
Deborah Bruch Bucki
Amherst Councilmember

Sent via the Samsung Galaxy S10, an AT&T 5G Evolution capable smartphone

-------- Original message --------
From: Cheryl Anastasia <clana1860@gmail.com>
Date: 1/21/22 1:53 PM (GMT-05:00)
To: "Kulpa, Brian J." <bkulpa@amherst.ny.us>, "Berger, Jacqualine" <jberger@amherst.ny.us>, "Bucki, Debbie" <dbucki@amherst.ny.us>, "Lavin, Shawn A." <slavin@amherst.ny.us>, mzukala@amherst.ny.us, "Spoth, Francina" <fspoth@amherst.ny.us>
Subject: 1789 Dodge Road

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Dear Town Council Members:

I am attaching two e-mails re 1789 Dodge Road. I submitted more to the planning board but these two pretty well summarize my concerns and I do want you to read them.

Thank you for taking the time to read them and I am hopeful you will overturn the petition.

One last thing: on the three major developments near Dodge (1695 Dodge, 284 New Road, 775 Heim), they are advertised as convenient to thruway...Buffalo.... Us concerned residents didn't move here for convenience, we moved here for the country-like setting.

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Again, thank you.

Cheryl Anastasia
1860 Dodge Road
East Amherst NY 14051

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

From: Happy Nancyfam [redacted]
Sent: Friday, February 18, 2022 9:42 AM
To: Bucki, Debbie <dbucki@amherst.ny.us>; bkupla@amherst.ny.us; Berger, Jacqualine <jberger@amherst.ny.us>; Lavin, Shawn A. <slavin@amherst.ny.us>; Szukala, Michael <mszukala@amherst.ny.us>; Spoth, Francina <fspoth@amherst.ny.us>; Cerra, Dawn <dcerra@amherst.ny.us>; [redacted] Carrato, Amy <acarrato@amherst.ny.us>
Subject: Town's Vision

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.

Dear Supervisor Kulpa and Town Board Members:

A few weeks ago I sent you an email regarding the rezoning of 1789 Dodge Rd. In that email I posted a few questions that I was hoping to get answers to. Putting the rezoning aside, I need those answers regarding the vision of Amherst.

You see, right now I live in North Carolina on a little over 5 acres of land with my nearest neighbor 1/4 of a mile away. I enjoy, as do others, the country setting and the privacy I have.

I spent a month and a half up there this past summer scoping out the area, as I plan to retire up there in a few years. This coming summer, my goal is to choose an area where I want to retire.

As I said in my last email, I have read the Bicentennial Comprehensive Plan at least twice, and I believe the town's Vision is to balance homesteads, businesses, and open spaces. Open spaces can include more than parks and trails. Homes with acreage can be considered open spaces.

That's the type of town I wish to retire in. I need to know if the Town plans to continue allowing contractors to buy up every piece of available land and put in subdivisions? Will Amherst earn a nickname as the Town with the most subdivisions? After all, not everyone wants to live in a subdivision! I know I don't! I also don't want to live in an area where I am surrounded by them!

If the BCP is the town's Vision, yet then becomes a misunderstood means for contractors to force subdivisions on everyone, perhaps I should look at Clarence or Akron.

Is the future extension of Young's Rd. a reality to the Town or just a pipe dream of contractors? If so, how can a town, in their right mind, consider destroying wetlands and wildlife habitat all in the name of progress? Some times progress can come in the form of SAVING wildlife habitats and wetlands. How can citizens prevent contractors from buying up all the land to put in subdivisions? Does money talk and bs(common sense) walk?

I guess my questions are, what does the BCP really say about the Town? Is overcrowding (subdivisions) the aim of the Town? Is greed driving the thinking of the leaders in town or just the contractors? Can homeowners in any way refuse to sell to a contractor if they desire to do so?

These are questions I have concerning my retirement plans. When I come up this summer should I be looking in a different town, one that believes some people want to live on land that doesn't include a neighbor that can reach out and shake hands with you through the windows? A town that stands up to contractors saying "enough is enough"!

Sorry for my ranting and the long email, but choosing the right place to retire is important to me. I've planned on moving to Amherst upon my retirement for several years now so I am quite interested in the town's BCP and future development. Amherst use to be a place people wanted to live because of it's country like setting and a place to raise a family with lots of room. I wonder if they still feel that way? I was looking at places to buy in Amherst and found around 25 or so, however , they were all in subdivisions or close proximity to one! Roads so congested you take

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

your own life in your hands trying to get out of your driveway or just walking. I know in a few of the meetings the topic of sidewalks came up. However, citizens don't want to be responsible for the upkeep of them. If someone slips on ice or the sidewalk gets a crack causing the person to fall, who gets sued? The homeowner! Sidewalks are not a solution, less subdivisions are the solution! I understand the Town wants to "keep up with the times" but subdivisions and sidewalks are not doing that! Let's keep Amherst a town people want to live and breath in! Not a town that is overcrowded and so much traffic you can't breath!! I want to retire back near where I grew up but the area is beginning to look like Buffalo or Niagara Falls!
I look forward to hearing from you so I can make my retirement decisions when I come up this summer. Thank you for your service to the Town and all you do or trying to do!

Sincerely,
NancyFender

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Happy Nancyfam <nancyfender2@gmail.com>
Sent: Friday, February 18, 2022 9:42 AM
To: Bucki, Debbie; bkupla@amherst.ny.us; Berger, Jacqualine; Lavin, Shawn A.; Szukala, Michael; Spoth, Francina; Cerra, Dawn; mack1790@gmail.com; Carrato, Amy
Subject: Town's Vision

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Dear Supervisor Kulpa and Town Board Members:

A few weeks ago I sent you an email regarding the rezoning of 1789 Dodge Rd. In that email I posted a few questions that I was hoping to get answers to. Putting the rezoning aside, I need those answers regarding the vision of Amherst.
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I look forward to hearing from you so I can make my retirement decisions when I come up this summer. Thank you for your service to the Town and all you do or trying to do!

Sincerely,
NancyFender

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Howard, Dan
Sent: Friday, January 28, 2022 9:48 AM
To: Carrato, Amy
Subject: FW: Rezoning of 1789 Dodge Rd.

From: Bucki, Debbie
Sent: Thursday, January 27, 2022 10:06 PM
To: Howard, Dan ; Ulatowski, Daniel
Subject: FW: Rezoning of 1789 Dodge Rd.

Good evening...
I am forwarding on this email for your information and review.
Sincerely,
Deborah Bruch Bucki
Amherst Councilmember

Sent via the Samsung Galaxy S10, an AT&T 5G Evolution capable smartphone

-------- Original message --------
From: Happy Nancyfam <nancyfender2@gmail.com>
Date: 1/22/22 8:56 AM (GMT-05:00)
To: bkupla@amherst.ny.us, "Berger, Jacqualine" <jberger@amherst.ny.us>, "Bucki, Debbie" <dbucki@amherst.ny.us>, "Lavin, Shawn A." <slavin@amherst.ny.us>, "Szukala, Michael" <mszukala@amherst.ny.us>, "Spoth, Francina" <fspoth@amherst.ny.us>, "Cerra, Dawn" <dcerra@amherst.ny.us>, mack1790@gmail.com
Subject: Rezoning of 1789 Dodge Rd.

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My name is Nancy Fender(nee Mack). I grew up at 1790 Dodge Rd. and have followed closely all the proceedings on the proposed rezoning. I have a few questions and comments about this project. These are not questions that Mr. Hopkins nor Mr. Rubino can answer, but you can.

Mr. Hopkins/Mr. Rubino has used the fact that this new subdivision will be a stepping stone/benefit in the extension of Young's Rd. in the future and that it fits into the town's Bicentennial Comprehensive Plan. Is this extension something that is really in the works per town plans or just wishful thinking on Mr. Hopkins/Mr. Rubino's part? Also, is the future plans of the Town of Amherst to be nothing but subdivisions? I have read through your BCP several times and see nothing in it to support Mr. Hopkins/Mr. Rubino's proposed plan. However, I did find several spots where it refers to keeping farm

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

land as farmland! 6.7 acres may not be suitable for a large farm, but I do know that under the Farmland Preservation Act, a farm can be as small as a neighbor growing vegetables for their own use to someone who keeps bees or even runs a kennel. I also noted, that as the property sits right this moment it is zoned and could be used as a Bed & Breakfast. My question, does this project represent the future of the Town? Is that what the BCP is designed to mean?

Mr. Hopkins also stated, in every meeting, that the new subdivision going in down the road(he had a hand in that one too!) went in without opposition. Could this be because of the "within 600 feet" rule? When a project as large as a subdivision is being considered, don't you think that it effects more than just those living within 600 feet? Wouldn't it be better if those within 1/2 a mile in either direction be notified? After all, it effects them too! Is the Town of Amherst going to end up being nothing but subdivisions? How many will be enough?

I agree with board member Szukala that people want to live in Amherst, but what makes Mr. Hopkins/Mr. Rubino think that everyone wants to live in a subdivision with a HOA? I believe that Mr. Hopkins/Mr. Rubino have used false representations to gain what they want under the guise of the BCP. The Planning Board said it doesn't fit the BCP so what makes Mr. Hopkins/Mr. Rubino think it does? As I said, I've read it at least twice, and don't see where it fits. This property never went up on the market, so how does someone know that someone else would not have bought it for the purpose of a farm? Mr. Hopkins/Mr. Rubino stated that the property is not suitable for farming! I remember many a great crop coming from this land when I was young. Has something changed with the land? Maybe some of those people who want to move to Amherst want to move there so they can own some land and have more privacy than the city provides. Does the Town think about that before okaying subdivisions? Has Mr. Hopkins/Mr. Rubino thought about that? I think the only thing on their minds I money! I also think Mr. Hopkins is using subdivisions as a back door to gain part ownership in the Town of Amherst!! (Just my opinion based on his track record).

Mr. Hopkins/Mr. Rubino stated that he made attempts to talk with neighbors on several occasions. Well, I spent almost two months up at my sister's, last summer and he never once tried to speak with her when he was over at the project site. Twice we were sitting outside in her driveway and he never so much as waved let alone walk over to chat! He hid under the "due to COVID restrictions" making it difficult. Well I know many a conversation that took place with masks and social distancing.

I guess what I am getting at is that I hope this project doesn't get approved based on lies, excuses, and/or money! Four houses with 100 foot road frontage will fit in quite well with the neighborhood. Mr. Hopkins/Mr. Rubino would still be more than doubling his money. More houses just means more profit and I believe that is the only thing that Mr. Hopkins/Mr. Rubino are thinking of! How much money can he make without regards to the rest of the neighborhood? I understand this means no HOA, but who cares? Only Mr. Hopkins!!

You see, I am contemplating moving back to his area after retirement, but do not want to live in a subdivision nor a neighborhood with too many subdivisions in close proximity. Thank you for taking time to read this email(I know it's a bit long) and I look forward to hearing your responses to my inquiries.

Respectfully yours,
Nancy Fender

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

-------- Original message --------
From: Sandy Mack [redacted]
Date: 2/15/22 5:44 PM (GMT-05:00)
To: "Kulpa, Brian J." <bkulpa@amherst.ny.us>, "Berger, Jacqualine" <jberger@amherst.ny.us>, "Bucki, Debbie" <dbucki@amherst.ny.us>, "Lavin, Shawn A." <slavin@amherst.ny.us>, "Szukala, Michael" <mszukala@amherst.ny.us>, "Cerra, Dawn" <dcerra@amherst.ny.us>, "Spoth, Francina" <fspoth@amherst.ny.us>
Subject: Rezoning of 1789 Dodge Road

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Please do not click links or open attachments unless you recognize the sender and know the content is safe.

To our elected officials:

For those of you who are not familiar with our section of Dodge Road, between Hopkins and North French, it used to be just a rural route 60 years ago with practically no traffic. Most of the traffic was attributed to Dodge Elementary school at Dodge and North French Roads. Fifty years ago they built the high school at Dodge and Hopkins and not long after that they built the middle school on Casey Road not far from Dodge Road. So now our section of Dodge Road connects 3 schools all within a mile. This has created a large volume of traffic – not only vehicular including school busses, but pedestrian traffic as well because now there are kids walking to school on the road due to no sidewalks. You should try to come down this part of Dodge Road when the elementary school is dismissed. Cars are lined up on the road in both directions from parents picking up their children. This creates a very hazardous condition, especially for us residents. The traffic is so bad at times it is difficult for us to get out of our driveways. Within the past year alone, we have had 2 neighbors whose cars were totaled when trying to exit their driveway. Luckily, no one was hurt!

There was recently 3 new subdivisions approved in the area – one further down on Dodge Road, one on New Road and one on Heim Road. Because of their close proximity to us, these subdivisions will create approximately 275 more vehicles on the road. Now you've also added more than 130 families in this area and I'm sure this will include many kids who will attend at least one of the 3 schools our section of Dodge Road connects. Just think about the additional volume of traffic! Our road is already heavily traveled because of the 3 schools. What will additional traffic do to the kids who have to use this part of Dodge Road to walk to school? Does someone need to get hit and killed before you realize what a very dangerous situation you are creating? Luckily my children are grown but I do have neighbors whose kids walk to school.

As stated previously, we currently have a small farm in our neighborhood with livestock and a produce stand. It is so nice to be able to walk down the road to purchase fresh fruits and vegetables (this is what rural living is like)! With so much more additional traffic we will be putting our own lives in jeopardy to do this!

If the subdivision at 1789 Dodge Road gets approved, then along with the one down the road that means within 1600 feet, from Casey Road to 1789 Dodge Road, there will be 4 roads tapping into this section of Dodge Road along with 17 driveways. All of this within 3/10 of a mile!

I ask for your support in denying this proposal. 90% of the residents are opposed to this. Please consider the safety of us residents, especially the children who have to walk to school. As our elected officials, I am confident you will support us, the people who have been supporting the town for decades!

P.S. Our section of Dodge Road has always been one of the routes for the Ride for Roswell. How safe will this be in the future with so much more traffic?

Thank you!
Sandy Mack

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Howard, Dan
Sent: Friday, January 28, 2022 9:48 AM
To: Carrato, Amy
Subject: FW: Rezoning of 1789 Dodge Road

From: Bucki, Debbie
Sent: Thursday, January 27, 2022 10:04 PM
To: Howard, Dan ; Ulatowski, Daniel
Subject: FW: Rezoning of 1789 Dodge Road

Good evening...
I am forwarding this email on for your information and review.
Sincerely,
Deborah Bruch Bucki
Amherst Councilmember

Sent via the Samsung Galaxy S10, an AT&T 5G Evolution capable smartphone

-------- Original message --------
From: Sandy Mack <mack1790@gmail.com>
Date: 1/26/22 6:44 PM (GMT-05:00)
To: "Kulpa, Brian J." <bkulpa@amherst.ny.us>, "Berger, Jacqualine" <jberger@amherst.ny.us>, "Bucki, Debbie" <dbucki@amherst.ny.us>, "Lavin, Shawn A." <slavin@amherst.ny.us>, "Szukala, Michael" <mszukala@amherst.ny.us>, "Cerra, Dawn" <dcerra@amherst.ny.us>, "Spoth, Francina" <fspoth@amherst.ny.us>
Subject: Rezoning of 1789 Dodge Road

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First of all, I would like to address the topic of Mr. Rubino's letters to us residents asking us if we had any questions and about his informational meeting on 11/20/21 We have SEEN his proposal, READ his proposal and HEARD about it several times over the past year when the planning board hearings occurred. We received his invitation for the 11/20/21 meeting one week prior to the meeting and it was to happen 2 days before the Town Board meeting on 11/22/21 This proposal began last February 2021. All summer long he was at 1789 Dodge Road cutting his grass, and he never once tried to approach any of us neighbors. When the planning board asked him several times if he had reached out to us, he gave the excuse of COVID. We know what his proposal is – a 15 house subdivision – and we the residents do NOT want it as verified by the protest petition. His latest letter told us to contact him if we had any questions but there was no contact information on it. I personally have no questions for him. The only question I might have for him is why does he want to destroy our rural, country-like setting neighborhood? But I already know the answer – money, profit, greed!
There was recently a subdivision approved down the road. Because of the 600 foot rule when notifying residents many of us were not aware of it. Let's face it – 1789 Dodge Road has 400+ feet of frontage alone. That means

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

there would have been only 3 residents notified to the north of this project on the same side of the road, Mr. Rubino being one of them! A lot of the residents who signed the protest petition were also opposed to this one but since we were not notified, we couldn't fight it. This subdivision down the road will create an additional 60+ vehicles on an already heavily traveled road. Mr. Hopkins stated Mr. Rubino's proposal will create only 15 more cars. Anybody knows, this is false! There will be at least 2 cars per house, if not more, for a total of 30. If this proposal gets approved, that means there will be an additional 100+ vehicles. Plus, if school buses are not allowed into these subdivisions, there will be much more congestion on Dodge Road as the buses will have to stop on the road. Please do not compound the current traffic situation by approving this proposal. Not only are we talking about a lot more vehicles on the road but these subdivisions will bring in families whose kids will be walking to school without sidewalks and way too much traffic!

The Bicentennial Comprehensive Plan was adopted by the Town Board to guide future growth and redevelopment in the town. In one section it states there is a gradual erosion of the town's rural character because suburban agricultural districts are being rezoned for suburban development. In Mr. Hopkin's presentation there were several pictures of 1789 Dodge Road showing how peaceful and park-like the countryside is in our neighborhood. Even the aerial view showed how rural this section of Dodge Road is. Mr. Hopkins also showed a map of the area showing several different zoning classifications. Unfortunately, most of the map depicted the area south and west of Mr. Rubino's proposal. If you look to the north and east of Mr. Rubino's proposal, you will see the majority of the properties are zoned suburban agricultural. In fact, the Bicentennial Comprehensive Plan talks in depth about the area north of North French Road, which this project is just on the other side of North French Road to the south. It states that this area has large, deep frontage lots that reflect a rural development pattern. While this area is zoned for single-family development at higher densities, the pattern of land parcels does not lend itself to land assembly and efficient subdivision development. Therefore, in spite of the suburban zoning and the availability of utilities and public facilities, the area designated for single-family use should strive to retain much of its low-density rural pattern and character, avoiding long uninterrupted strips of housing. This is no different than our neighborhood!

Mr. Hopkins keeps referencing this area as a good place for infill development. The Bicentennial Comprehensive Plan per section 3.3.1 states "that such development should be consistent with the scale and character of the existing surrounding residential area. New infill development should also be designed to be consistent with the established character of the surrounding neighborhood". Not only is Mr. Rubino's proposal NOT on the same scale and character of our neighborhood, it will NOT be aesthetically harmonious with it! For all of these reasons, the Planning Board has denied Mr. Rubino's proposal. It does not fit our neighborhood nor does it fit the Bicentennial Comprehensive Plan. As our elected town officials, we urge you to deny this proposal, also!

If you lived in a rural neighborhood such as ours – with lots of land – would you want this subdivision to be built in it? We're not opposed to growth, but just not in our rural area. There is plenty of vacant land in the town to build on. We've given Mr. Rubino an alternative of building 4 houses all on Dodge Road with no public roadway. This would fit our rural character!

Thank you!

Sandy Mack

1790 Dodge Road

Sent from Mail for Windows

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Howard, Dan
Sent: Friday, January 28, 2022 9:47 AM
To: Carrato, Amy
Subject: FW: Town Board Meeting on 1/18/2022

FYSA

From: Bucki, Debbie
Sent: Thursday, January 27, 2022 10:13 PM
To: Howard, Dan ; Ulatowski, Daniel
Subject: FW: Town Board Meeting on 1/18/2022

Good evening...
I am forwarding on this email for your information and review.
Sincerely,
Deborah Bruch Bucki
Amherst Councilmember

Sent via the Samsung Galaxy S10, an AT&T 5G Evolution capable smartphone

-------- Original message --------
From: lionsdendjo <lionsdendjo@aol.com>
Date: 1/17/22 7:18 PM (GMT-05:00)
To: "Bucki, Debbie" <dbucki@amherst.ny.us>
Subject: Town Board Meeting on 1/18/2022

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'd like to make a correction to the E-mail that I sent today. I stated that my concern was about the property development at the Feagel's property on Dodge Rd. However it is concerning the property development at 1789 Dodge Road being proposed by Joe Robino.
Thank you,
Dan Ohar

Sent from my Galaxy

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Howard, Dan
Sent: Friday, January 28, 2022 9:47 AM
To: Carrato, Amy
Subject: FW: Town Board Meeting 1/18/2022

From: Bucki, Debbie
Sent: Thursday, January 27, 2022 10:12 PM
To: Howard, Dan ; Ulatowski, Daniel
Subject: FW: Town Board Meeting 1/18/2022

Good evening...
I am forwarding on this email for your information and review.
A second message from the same sender will follow.
Sincerely,
Deborah Bruch Bucki
Amherst Councilmember

Sent via the Samsung Galaxy S10, an AT&T 5G Evolution capable smartphone

-------- Original message --------
From: lionsdendjo <lionsdendjo@aol.com>
Date: 1/17/22 3:10 PM (GMT-05:00)
To: "Bucki, Debbie" <dbucki@amherst.ny.us>
Subject: Town Board Meeting 1/18/2022

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.

Dear Town Board Representative,
I live at 1970 Dodge Road and am against the Feagel property being turned into a multi unit development.
We already have too much traffic coming and going down Dodge Road. It's only going to get worse with another 30 or more automobiles filing down the road and clogging up the I intersection at Dodge and North French Roads. I live just two doors from the corner and have difficulty getting out of my driveway as they file past wanting to make the light.
I've lived on this road since 1977 after taking one and a half years to rebuild an abandoned house and turning it into our home. Our place fits this community. This development won't. This road has always had "country style living" with one acre plus per unit. That is

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

what should be built there.
I ask that you do the right thing and vote NO to this development going in.
Sincerely yours,
Daniel Ohar

Sent from my Galaxy

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Howard, Dan
Sent: Monday, January 31, 2022 4:15 PM
To: Carrato, Amy; Fadel, Bryan
Subject: FW: 1789 Dodge Rd.

FYSA - file

From: Bucki, Debbie
Sent: Monday, January 31, 2022 3:18 PM
To: Howard, Dan ; Ulatowski, Daniel
Subject: FW: 1789 Dodge Rd.

Hi...
I am forwarding on this email for your information and review.
Sincerely,
Deborah Bruch Bucki
Amherst Councilmember

Sent via the Samsung Galaxy S10, an AT&T 5G Evolution capable smartphone

-------- Original message --------
From: wp454@bluefrog.com
Date: 1/29/22 8:16 PM (GMT-05:00)
To: "Kulpa, Brian J." <bkulpa@amherst.ny.us>
Cc: "Bucki, Debbie" <dbucki@amherst.ny.us>, "Spoth, Francina" <fspoth@amherst.ny.us>, "Berger, Jacqualine" <jberger@amherst.ny.us>, "Rogers, Deborah" <drogers@village.williamsville.ny.us>, "Szukala, Michael" <mszukala@amherst.ny.us>, "Lavin, Shawn A." <slavin@amherst.ny.us>
Subject: 1789 Dodge 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.

Mr. Kulpa and the town board,

I hear about a demand for housing in our town and the concern about the future of it. If you keep allowing projects like Mr Rurbino's tearing down beautiful old homes. Filling in every inch of our town with cookie cutter subdivisions what are you leaving? Where is the charm of our town gone! People choose to move here to have convince and the rural setting we offer. At the Town Planning board meeting Mr Hopkins was very proud of the fact the houses were going to be north of 450k and didn't consider them starter houses. Now at the Town Board meeting he is saying around 400k and they are starter houses. In his presentation there is a slide of 2 houses they are not the 400k houses he wants to build.

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

The talk about what is zoned in our area has come up. He shows us a map that has miles and miles of the town of Amherst. The town uses 600' as the rule to send out letters to let people know what is going on. Think about the rezoning of 1695,1701 and 1721 Dodge was done with many of us never getting a letter or any info on it. I am 3 houses away for that project lot size puts me out of the 600' letter. It was approved under the site line of many of us. If you are in the village of Williamsville 600' would be like 9 houses on each side of the project and 18 to 19 houses on the other side of the street. That's 37 houses on Dodge here with our large lots that would equal like 9 houses total. That is something that should be addressed. So if we are using 600' as the rule then the only zoning that should count is within 600' of the project. That being said we are all large lots with single family houses.

My next three points come from the letter sent you the Town Board by your Town Planning Board. This is what they seen and have raised the concern to Deny this project.

Intent and Objective of the Comprehensive Plan

Figure 6 of the Bicentennial Comprehensive Plan is the Conceptual land use plan. The land use plan recommends the parcel at 1789 Dodge rd. as "single family residential" The corresponding text (section 3.3.1) indicates that opportunities exist for infill residential development at a scale and in character with existing surrounding residential areas. The proposed concept plan includes housing that is **DISSIMILAR to surrounding large lot homes.**

Intent and objectives of the zoning ordinance

The proposal is inconsistent with section 1-2-2K of the zoning ordinance which seeks to guide the future development of the town so as to bring about gradual conformity of land and building uses in accordance with the objectives of the comprehensive plan

Consistency/Compatibility with surrounding development/zoning

The project site is surrounded by residential zoning districts and development of varying intensities. Adjacent to the North, South and East are single family residential uses on larger lots, zoned suburban agriculture and across dodge to the west are also single family residential uses zoned residential district three. The scale and density of the proposed concept plan **is not in Character with the surrounding existing larger lot single family residential development.**

In our neighborhood we are very close to all three schools Dodge Elementary, Casey Middle, Williamsville North High school. As when I was going to the schools we had to walk to school or have to be dropped off and picked up. So there will be no bus service offered. Now things do change but I see kids walking to school now so don't believe that has changed.

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

All summer long Mr Rubino have been on site cutting the grass. We have heard because of the pandemic he couldn't have info meetings with us. What would have stopped him from coming and talking with us one on one? I had to approach him twice to talk. Again we get a letter a few days before a meeting and just wants to tell us what he is doing. No input from us! Mr Hopkins added in the last meeting a letter to us Dated Jan 3rd 2022 telling us "I am available to meet in person with taking COVID precautions, social distancing and wearing a mask, or by cell, email or texting." Please note do you see anywhere on the letter that has a cell #, Email address because I don't. He can say what he wants to make himself look like he cares about us and wants our input. Talk is cheep this is what they do come into neighborhoods buy land on speculation build and move on to the next. Don't care about other land owners or what happens to the area.

I ask you find with us and agree with the Town Planning Boards recommendation to DENY this project. It is what is right and what 90% of the home owners on Dodge want.

Thank you for your time.

William Pitz

1815 Dodge Rd.

716-998-8864

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

-------- Original message --------
From: [redacted]
Date: 2/13/22 11:29 AM (GMT-05:00)
To: "Bucki, Debbie" <dbucki@amherst.ny.us>
Subject: 1789 Dodge 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.

Dear Debbie Bucki

I wanted to send you a message personally about the vote on 1789 Dodge Rd proposal. Our neighborhood is unique all have large properties of over 1 acre. Many of us have lived here for generations in our family Homes. I myself am t 3rd generation that have owned this 4.5 acre homestead. My grandfather bought our farm in March of 1952 70 years s family where do you find that in our town. It's funny here on Dodge that is normal so many of us have grown up togeth we played as kids and so did our kids. Our life style is very different from people that live in subdivisions. We like our space, our property, our privacy. We are a friendly neighborhood without being in each others business. Many developments people put up fences to create privacy from each other, here we don't have fences I have included som photos of my back yard now and what Rubino wants me to have to live with. Please note in my photos you can't see r neighbors home just beautiful space.

I would like you to think about our wildlife. With all the building cutting into all the woods to jam houses into every inch Amherst. The wildlife keep being pushed out and away from their homes, food and natural habitat. Where is the responsibility to them. Instead we push them into the streets, garbage cans. My wife grew up in Lancaster NY, she fel love with watching the deer, wild turkeys, fox's. Two years ago she watched a momma deer raise 2 of her baby's in ou yard and the neighbors yard. This was amazing to watch how excited she got. Telling me everyday about them and w she seen that day. To me that is normal summer that is what I have seen my whole life. If you stand in her parents ba yard everyone has a 4' tall chain link fence you can see what people 4 to 5 houses in each direction the others right behind you, No wildlife other than a squirrel or a chipmunk. Again a totally different way to live.

We have supplied the board with a protest petition with 90 percent of the home owners from Casey rd to North Frenc that oppose this. To even further our point we have 100 Percent of the land owners within 100 feet of this proposed development sign and don't want this. Again 100 Percent! We have offered from day one of all the meetings for Rubin divide the property into 4 lots wide(no road added)and build 4 homes that would fit our neighborhood. To date this isn' good enough for him.

The Town Planning Board voted 3 times on this Proposal. 3 times they have voted to DENY! The votes were 3 out of then 5 out of 6, and finial 5 out of 7. I am sure you are aware of the letter they sent to the Town Board offering their findings and reasons to concur with their findings that the subject request be Denied. We the people of Amherst elect town officials to do the work of the people. I think you will find the people of Dodge Rd. want our area left alone no mo subdivisions. With our protest petition requires a supermajority vote by the Town Board to act on the petition. I am ask you along with our neighborhood to vote against this atrocity, save our neighborhoods rural charm, our way of life, our wildlife. If you have any questions for me please call, e-mail, or text.

Thank you

William G Pitz
[redacted]

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Howard, Dan
Sent: Friday, January 28, 2022 9:48 AM
To: Carrato, Amy
Subject: FW: 1789 Dodge Rd.

From: Bucki, Debbie
Sent: Thursday, January 27, 2022 10:03 PM
To: Howard, Dan ; Ulatowski, Daniel
Subject: FW: 1789 Dodge Rd.

Good evening...
I am forwarding this email on for your information and review.
Sincerely,
Deborah Bruch Bucki
Amherst Councilmember

Sent via the Samsung Galaxy S10, an AT&T 5G Evolution capable smartphone

-------- Original message --------
From: wp454@bluefrog.com
Date: 1/27/22 6:21 PM (GMT-05:00)
To: "Kulpa, Brian J." <bkulpa@amherst.ny.us>
Cc: "Bucki, Debbie" <dbucki@amherst.ny.us>, "Spoth, Francina" <fspoth@amherst.ny.us>, "Berger, Jacqualine" <jberger@amherst.ny.us>, "Szukala, Michael" <mszukala@amherst.ny.us>, "Lavin, Shawn A." <slavin@amherst.ny.us>, "Rogers, Deborah" <drogers@village.williamsville.ny.us>
Subject: 1789 Dodge 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.

Mr. Kulpa and the town board,

If you look at Mr Hopkins aerial photo it shows how rural our unique Dodge Rd is. You will note the large lots and the amount of woodlands that we enjoy for now. Dodge is being turned into a service road. With all the little dead end roads off of it. Just to jam houses on larger lots. Look at what has been allowed to happen to Casey Rd. From Casey middle school to Transit Rd there is a couple houses and then a road going into a subdivision then a few more houses and another road and so on and so on. The Board should be disgraced in what they have done. Sometimes you just have to tell builders NO! Why isn't this infill development put on a road like Millersport hwy where there is 100's of acres of land for sale with little to know building on it. Why is it necessary to pluck out a 100 year old home and put a dead end road to disrupt the neighborhood and land owners that have been here for

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

generations. Mr. Szukala stated he gets phone calls from younger people living in smaller residents or apartments who are looking for homes. They are the fabric of the town. When my son was looking for a home he called a realtor told them what he would like, area, school district, price range (150,000.) for his starter home. Never thought about calling the town board. What about us residents that live here now. What are we? Some of us are volunteer firemen, some have worked in the towns highway dept, Amherst court, some of us have ties to Amherst voluntary police. New people are the fabric then I would say we are the yarn that the fabric is made of. You know the people that have supported the town and our community for decades. We have elected our town officials to do the work of the people. Again 35 home owners 90% of the homes from Casey Rd and North French Rd Don't want this 15 house subdivision.

As Mr. Reburno expects us to put up with change with no regards to us or how we want to continue to live our life's. We the residents have offered a change from his 15 house atrocity to divide the property into 4 to 6 larger lots. This would allow the building of 4 to 6 homes that is in character with our unique rural setting with no road added. This will match us and also would not get any opposition from us the currant residents.

We ask you our elected town officials to side with us and your own planning board that has voted 3 times to Deny this proposal.

Thank you

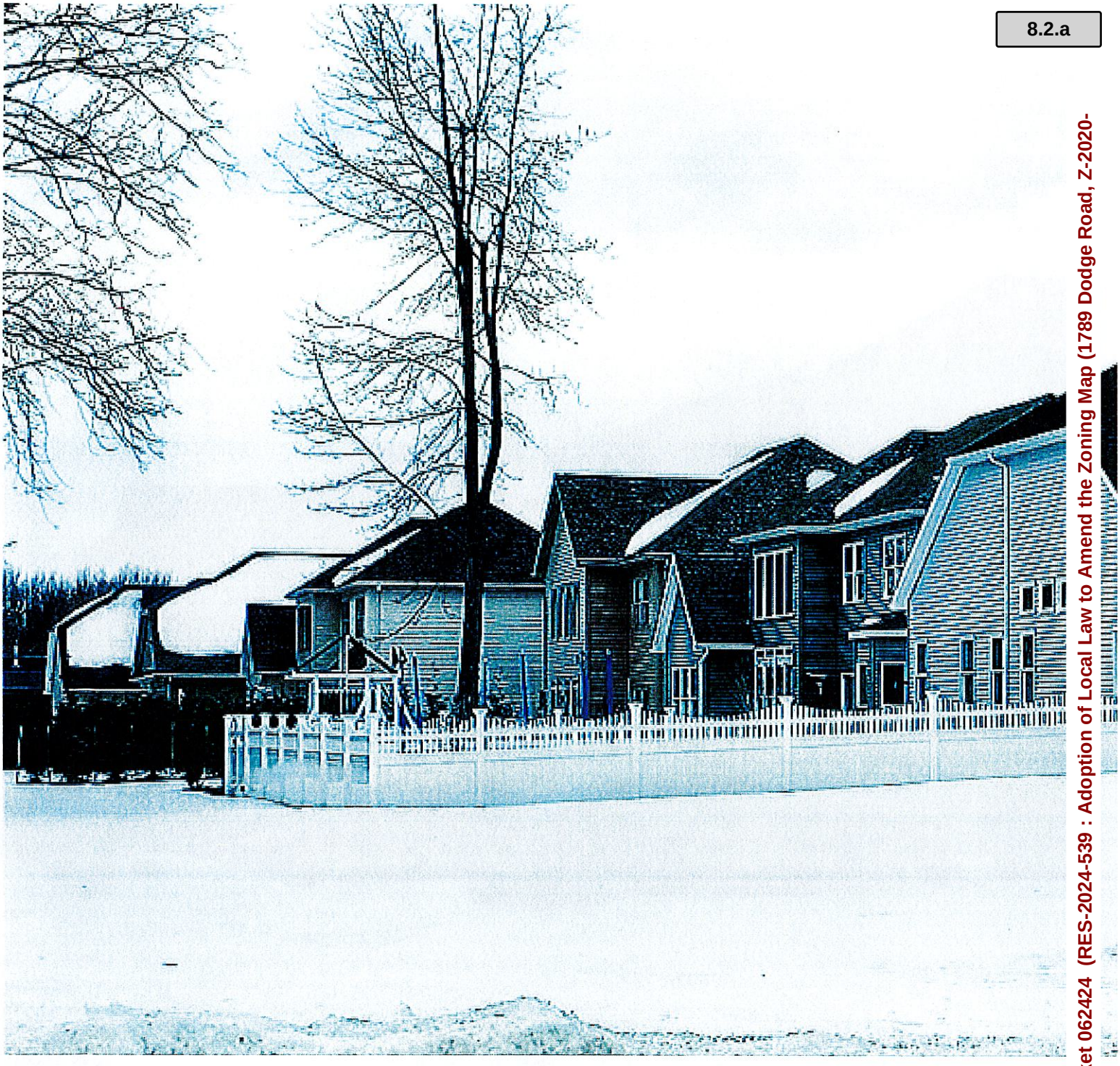
William Pitz

716-998-8864

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-



Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Carrato, Amy

From: Howard, Dan
Sent: Friday, January 28, 2022 9:47 AM
To: Carrato, Amy
Subject: FW: Rezoning of 1789 Dodge Road

From: Bucki, Debbie
Sent: Thursday, January 27, 2022 10:10 PM
To: Howard, Dan ; Ulatowski, Daniel
Subject: FW: Rezoning of 1789 Dodge Road

Good evening...
I am forwarding on this email for your information and review.
Sincerely,
Deborah Bruch Bucki
Amherst Councilmember

Sent via the Samsung Galaxy S10, an AT&T 5G Evolution capable smartphone

-------- Original message --------
From: Nick Rockwell <nrockwell.81@icloud.com>
Date: 1/14/22 5:11 AM (GMT-05:00)
To: berger@amherst.ny.us, "Bucki, Debbie" <dbucki@amherst.ny.us>, "Kulpa, Brian J." <bkulpa@amherst.ny.us>, "Lavin, Shawn A." <slavin@amherst.ny.us>, "Szukala, Michael" <mszukala@amherst.ny.us>
Cc: "Spoth, Francina" <fspoth@amherst.ny.us>, "Cerra, Dawn" <dcerra@amherst.ny.us>
Subject: Rezoning of 1789 Dodge Road

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.

Dear Amherst Town Board:
We believe you are meeting on January 18th, 2022 to vote on the request to rezone the property at 1789 Dodge Road from SA to M3. My wife, Lisa, and I live next to this property with our two children. Changes to this property will have a significant impact on our family's quality of life. We ask that you please consider our words before deciding on your vote at the upcoming Amherst Planning Meeting on September 23rd. It is our intent that the planning board joins us in opposing the rezoning to R-3 because it is inconsistent with the Dodge Road community. If the instead board approved, zoning that required 100 feet of frontage (R1, I think), any residences developed there would be able to remain consistent with the neighborhood we have grown to love.
We moved to the Dodge Road community 6 years ago from Buffalo. In Buffalo we enjoyed living in close proximity to many of our neighbors, though we grew to feel confined by the close proximity of so many neighbors. We started to dream of a day when we could purchase a home that would allow us the space to live our best lives. After years of hard work and frugal living we could afford the home we dreamed of, and we found it here in the Dodge Road Community

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

in East Amherst. The space we have at 1765 Dodge Road, directly next to the property in question, fit our needs perfectly- we didn't even look at houses in developments because they did not have the space and privacy we were looking for.

Here we have enjoyed living the quiet mix of suburban and rural lifestyles that exists here. We have enjoyed interacting with our neighbors, who all live far enough from us that our lifestyle needn't impede on them and their lifestyle needn't impede on us. We have the space and privacy to create a garden that suits our tastes, and we don't have to worry about interfering with our neighbors' enjoyment of their lives as we enjoy our lives on our private property. And because our neighbors live on more than an acre of property their enjoyment of their best lives doesn't impact us. Buying a house in a suburban-agricultural zone was a major selling point for our home, which we have considered to be our forever home. As our forever home we have invested significantly in our property, which would be a huge barrier to us being able to move to another area that would allow us to regain our version of the American Dream. For us, the prospect of relocating would be devastating, and not only for financial reasons. Yes, we have invested a significant amount of money, but we have also poured our time, sweat and love into developing our property. We have planted trees, shrubs and perennial plants here, some of which were given to us as gifts. To us our garden isn't just decoration, it is our oasis.

If the R-4 permit is approved and Mr Rubino is able to build 15 homes 20 feet from us we will lose almost all of the charms that brought us to this community. This project will result in 8 new properties, with 8 new families living along our nearly 900 foot long property. Because these small lots, which average 9,208 square feet, are incompatible with our property, which is 1.67 acres, it would convert our property into something completely different than what we purchased 6 years ago. However, if zoning for 100+ feet of frontage was approved, instead it would result in one new residence being build next to us and one new family living along our property. Approving the R1 zone would result in a major invasion of our way of life. We know that you don't have any more control over what Mr. Rubino applies for than we do, but approving a permit that only allowed for a single property along our property line would help us maintain our quality of life while also maintaining the integrity of our neighborhood as the suburban-agricultural community that we value.

We are also concerned for yet another construction project that will impact yet more summers of our children's lives. We are concerned for the pesticides that these 15 new residents will likely use in their gardens, and the impact it will have on the local flora and fauna. We are concerned about the impact to traffic on a road that pedestrians from our community use to commute to school and for recreation. We are concerned about the destruction of further wildlife habitats, driving out native residents. And we feel like families like ours are being driven out of East Amherst.

I thank you for reading our words. I would like to share a special thank you for the members of the Amherst Planning Board, who agreed that this project is inconsistent with our neighborhood on 3 occasions over the past year. They really listened to our community's needs and stood with your constituents. We value their commitment to our community. Thank you to the members of this board for listening to our pleas with open hearts and minds a the November Town Board Meeting. Thank you for bearing with our long letter with compassion. Thank you for the opportunity to exercise our voices, and allowing us to share our strong reservations on the effects of the proposal on our lives.

Warm wishes,

Nick & Lisa Rockwell
1765 Dodge Road
East Amherst, NY 14051

Attachment: Z-2020-15 TB letter packet 062424 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-

Attachment: Kulpa-Ltr-1789 Dodge-07-17-24 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-15))

July 17, 2024

Brian J. Kulpa, Town Supervisor
Town of Amherst Town Hall
5583 Main Street
Williamsville, NY 14221

Re: Request to Amend Zoning Classification of 1789 Dodge Road [Z-2020-15]
Proposed Residential Subdivision

Dear Supervisor Kulpa and Councilmembers:

This letter is being submitted on behalf of the Project Sponsor to request that the Town Board adopt a resolution during its meeting to be held on Monday, July 21st at 7:00 p.m. for the purpose of issuing a Negative Declaration pursuant to the State Environmental Quality Review Act ("SEQRA") and approving the rezoning of 1789 Dodge Road from SA to R-3 subject to the following proposed zoning conditions:

1. That future development of the site shall be limited to single family detached residential uses with a maximum yield of fifteen (15) homes.

2. That any future development of a principal or accessory structure or uses in the 2.7 acres of Permanent Open Space shall be prohibited. The only proposed development of the portion of the Permanent Open Space is limited to required stormwater management system improvements and utility infrastructure.

3. That a protective covenant/conservation easement shall be placed on all proposed open space and confirm total acreage to be under the control of a homeowners association.

4. That the final plat design shall include a right-of-way access to a potential future Youngs Road extension.

5. That the landscaping and screening to be provided in the Permanent Open Space along the Dodge Road frontage of the project site shall require the approval of the Planning Board at the Preliminary Plat Application stage of the subdivision review process.

The Town Board held a public hearing in connection with the pending requested rezoning during its meeting on June 24th. A copy of the PowerPoint presentation given to the Town Board during the public hearing held on June 24th is attached as Exhibit "1".

The PowerPoint presentation included information regarding the reasons the requested rezoning of the Project Site from SA to R-3 is consistent with the adopted Comprehensive Plan and the SA Zoning Analysis completed in accordance with the resolution adopted by the Town Board including the following:

HOPKINS SORGI & MCCARTHY PLLC
Attorneys at Law
5500 Main Street, Suite 343 • Williamsville, New York 14221
Direct: 716-510-4338 • E-mail: shopkins@hsr-legal.com • www.hsmlegal.com

- Slide 21: Copy of Figure 6 of the adopted Bicentennial Comprehensive Plan ("Conceptual Land Use Plan") indicating the Project Site has been designated is appropriate for "Single Family Residential" use.[1]

- Slide 22: Copy of Map 3 from the SA Zoning Analysis Recommendation prepared by Colliers Engineering and Design depicting Project Site as being appropriate for R-3 zoning classification [Parcel 208].

If you have any questions regarding this letter, please feel free to contact me at 716.510-4338 or via e-mail at shopkins@hsmlegal.com.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

Enc.
cc: Jacqualine Berger, Councilmember
Shawn Lavin, Councilmember
Michael Szukala, Councilmember
Angela Marinucci, Councilmember
Francina J. Spoth, Town Clerk
Timothy J. Koller, Deputy Town Clerk
Martin Pollowy, Esq., Town Attorney
Daniel Howard, AICP, Planning Director
Martin Pollowy, Esq., Town Attorney
Joe Rubino
Chistopher Wood, P.E.

[1] Single-Family Residential is described at Page 3-21 of the Comprehensive Plan as most recently amended in December of 2020. The recommended density is 2 to 4 units per acre. The proposed density of the subdivision is only 2.24 units per acre and was previously reduced from 2.54 units to 2.24 units per acre as a result of providing Permanent Open Space along Dodge Road frontage [2.8 acres of Permanent Open Space – 41.8% of the Project Site].

Attachment: Kulpa-Ltr-1789 Dodge-07-17-24 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-15))

Exhibit 1

Attachment: Kulpa-Ltr-1789 Dodge-07-17-24 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-15))

Town of Amherst Town Board

Public Hearing - Request to Rezone 6.7± acres of land from SA to R-3 – June 24, 2024

Address: 1789 Dodge Road

Petitioner: Joe Rubino

Z-2020-15

8.2.b

ıment: Kulpa-Ltr-1789 Dodge-07-17-24 (RES-2024-539 : Adoption of Local Law to Amend the Zoning Map (1789 Dodge Road, Z-2020-15))

Location:

East side of Dodge Road, approximately 1,250 feet northeast of the intersection of Dodge Road and Casey Road opposite, and 120 feet northeast of the intersection of Brenridge Drive and Dodge Road

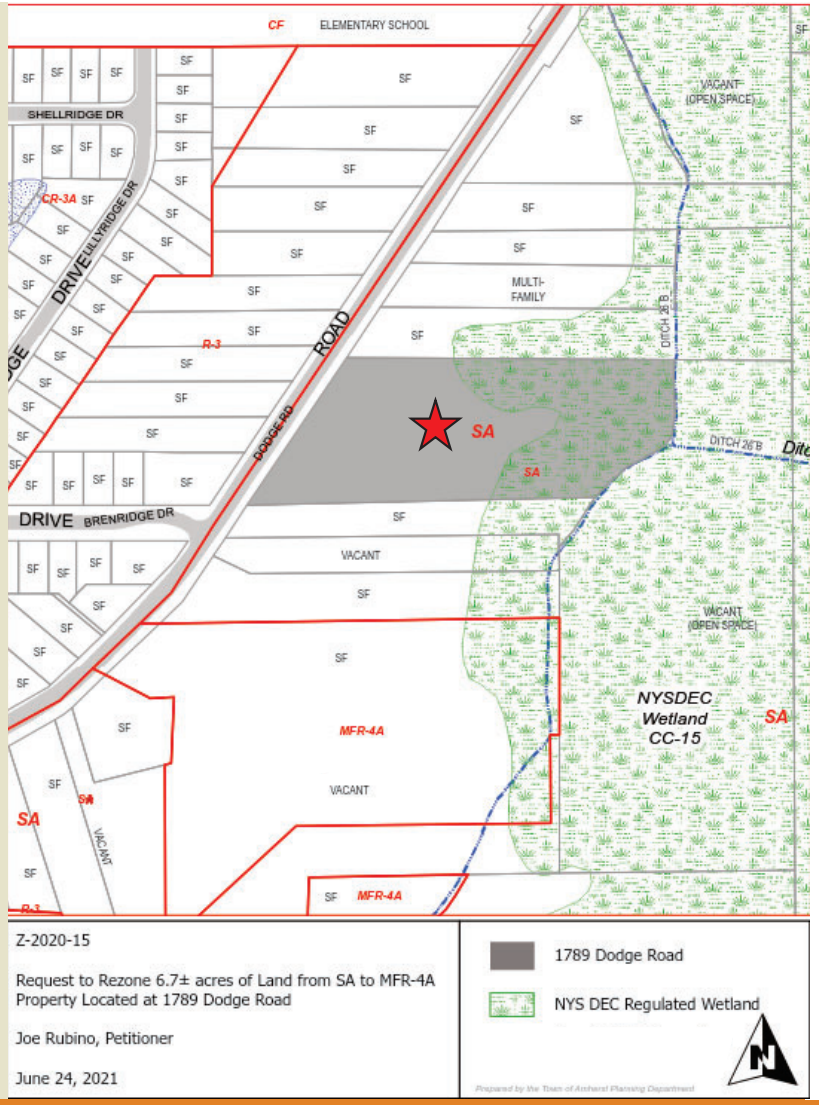
Current Zoning:

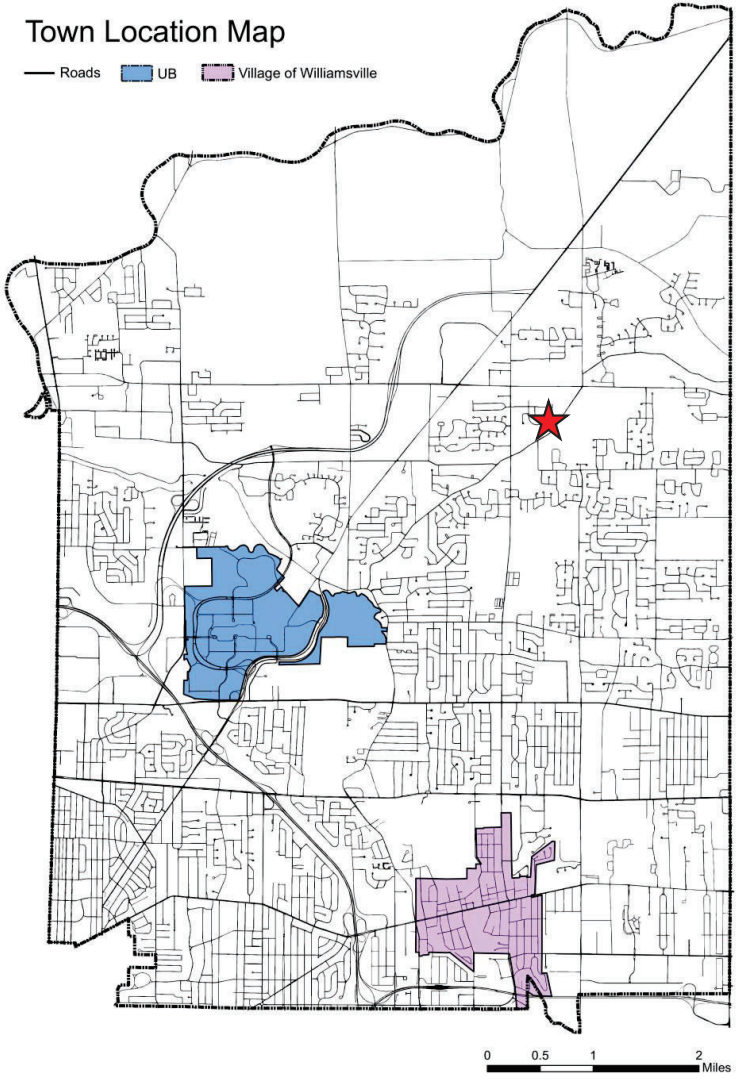
Suburban Agriculture District ("SA")

Land Uses:

SF – Single-family

V – Vacant





- **Existing Development:** Contains a single-family home along the Dodge Road frontage
- **Size of Project Site:** 6.7± acres

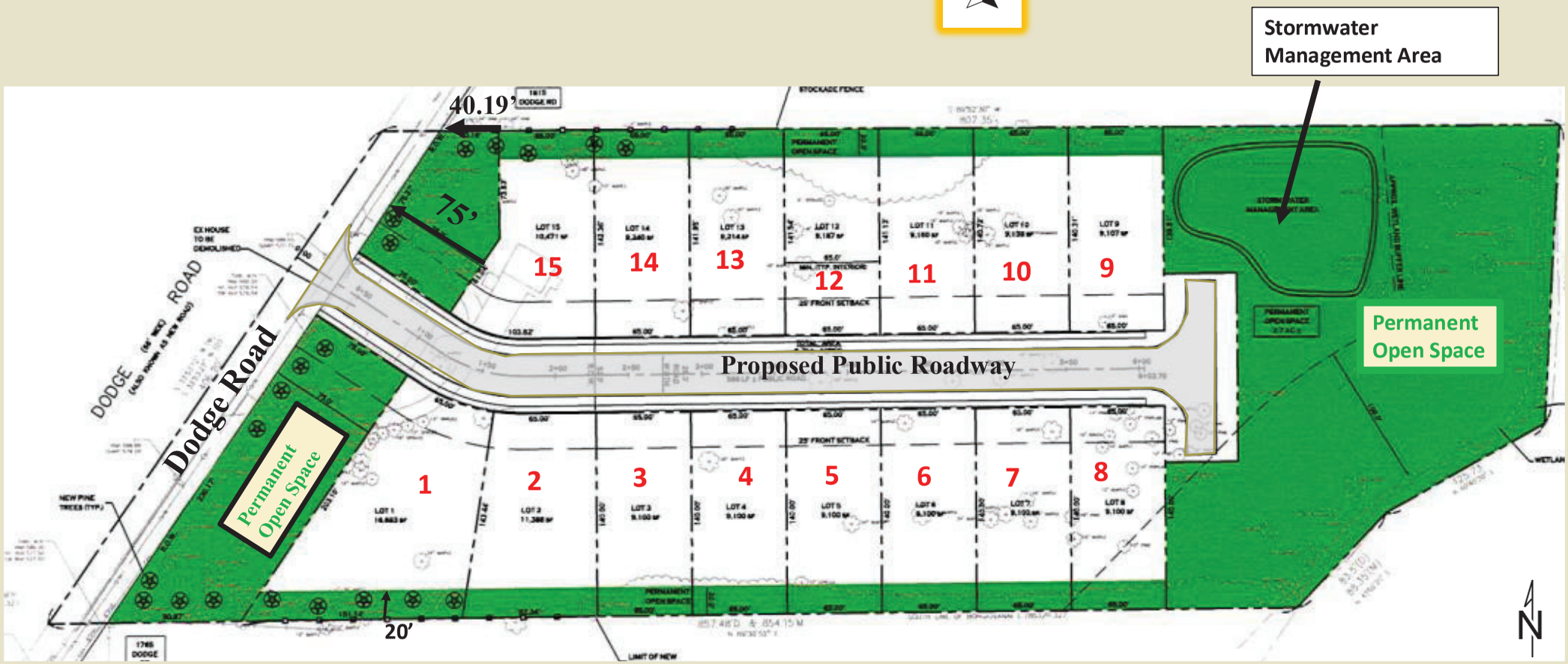
Project History & Project Description:

- Request to amend the zoning classification of 6.7± acres of land at 1789 Dodge Road from SA to R-3 to allow a 16-lot residential subdivision (15 lots for homes and 2.8 acres of Permanent Open Space).
- Public hearings held by the Town Board on November 22, 2021 and January 18, 2022.
- On February 28, 2022, the Town Board tabled its issuance of a decision in order for an evaluation of SA zoned parcels to occur.
- Presentation given to the Town Board by Colliers Engineering & Design on June 10th regarding SA District Alternatives

Project Description:

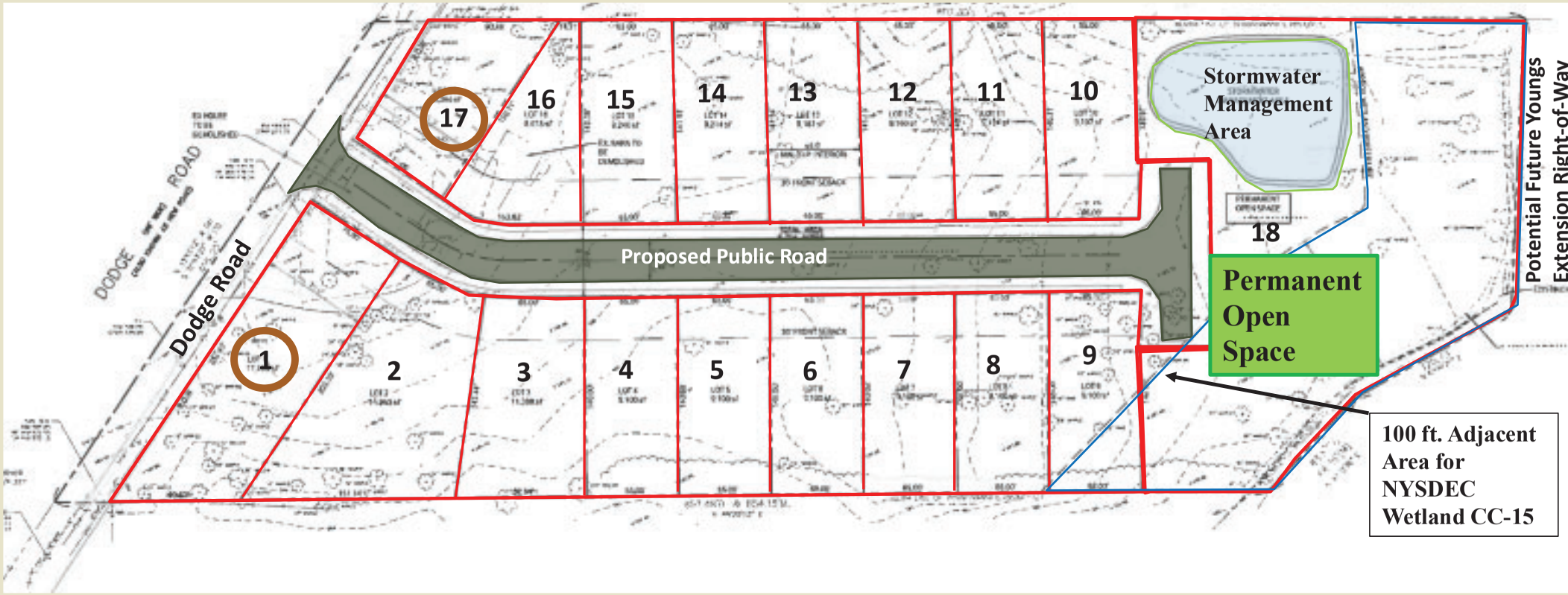
- Current Concept Plan shows Permanent Open Space along Dodge Road frontage along with 20 ft. of Permanent Open Space on the north and south property lines.
- 1.5 acres of land is to remain Permanent Open Space consisting of eastern portion of the Project Site to accommodate a potential future Right-of-Way for a potential future northerly extension of Youngs Road.
- 2.8 Acres of Permanent Open Space [41.8% of the Project Site]
- Public road is proposed with a single curb cut off Dodge Road - Roadway will end with a hammerhead configuration for fire safety ingress and egress per the standards in Appendix D of the NYS Fire Code.
- Wetland Delineation Report prepared by Earth Dimensions Inc. identified NYSDEC - Wetland is only 0.054 acres - No impacts are proposed to the on-site wetland area.

CONCEPT PLAN – 15 LOTS FOR SINGLE-FAMILY HOMES:



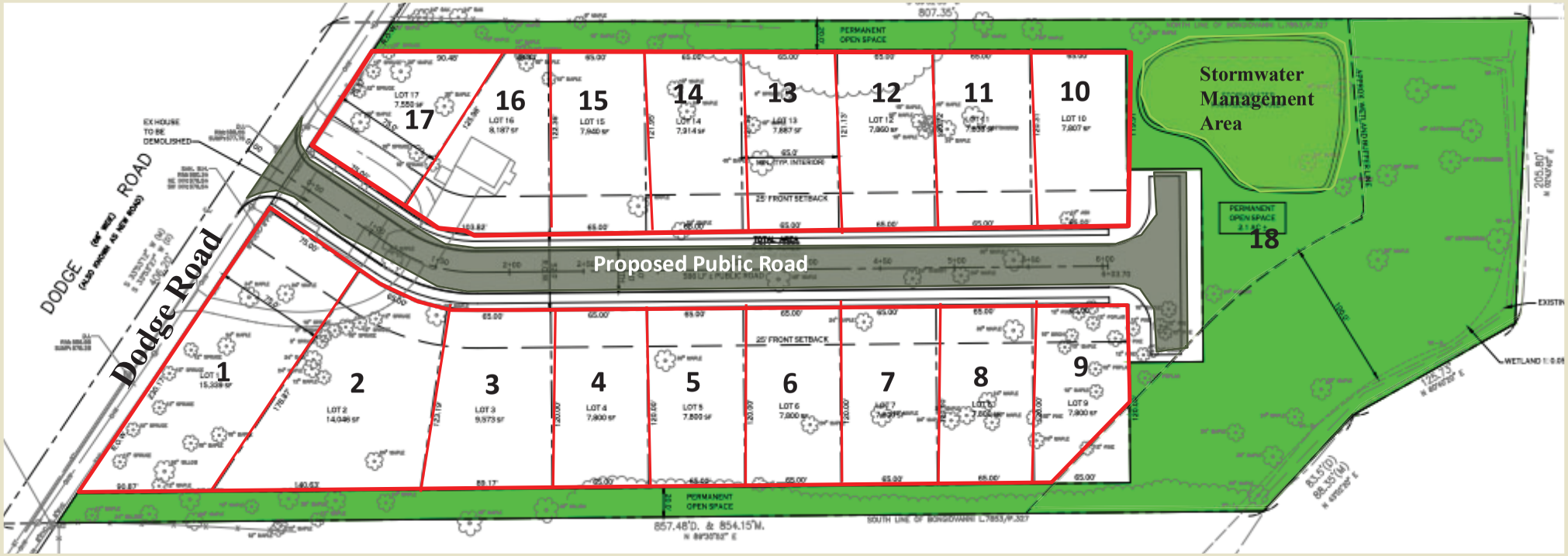
ORIGINAL CONCEPT PLAN PRESENTED ON FEBRUARY 18, 2021 [17 LOTS FOR HOMES]:

1.5 Acres of Permanent Open Space



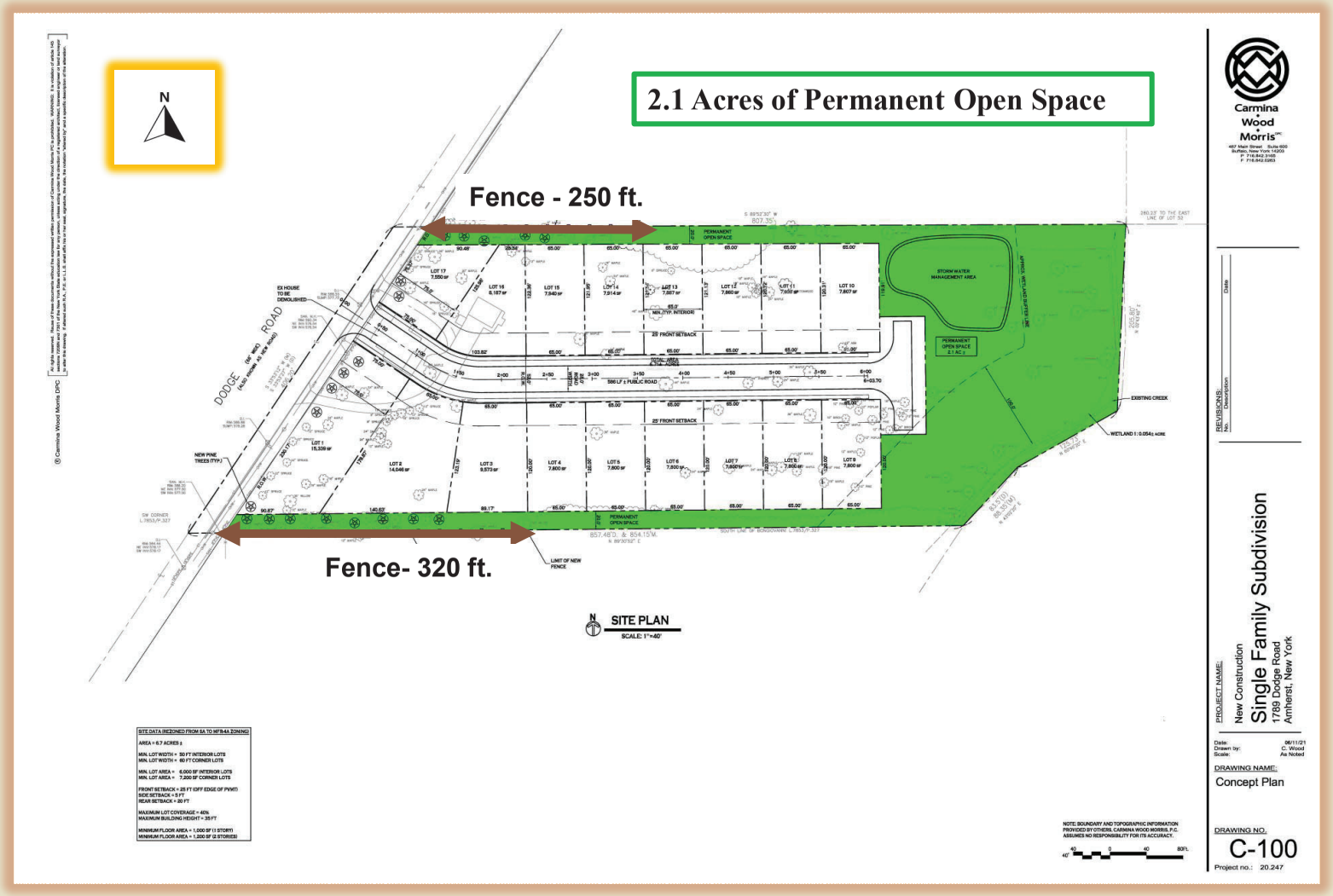
CONCEPT PLAN PRESENTED ON APRIL 15, 2021 [17 LOTS FOR HOMES]:

2.1 Acres of Permanent Open Space including Rear 20 ft. of Lots 1 to 17



CONCEPT PLAN PRESENTED ON JUNE 24, 2021:

- MFR-4A zoning requested – Concerns raised regarding other uses permitted in the MFR-4A zoning district
- 17 lots for single-family homes
- Installation of a 6 ft. privacy fence on northern edge of the 20 ft. of Permanent Open Space with a length of nearly 250 ft. as measured from the Dodge Road Right-of-Way and also along the southern edge of the 20 ft. of Permanent Open Space with a length of approximately 320 ft. as measured from the Dodge Road Right-of-Way.
- Planting of evergreen trees within the portions of the Permanent Open Space closest to the existing homes on the contiguous parcels to the north at 1815 Dodge Road and south at 1765 Dodge Road and along the Dodge Road frontage of the Project Site.



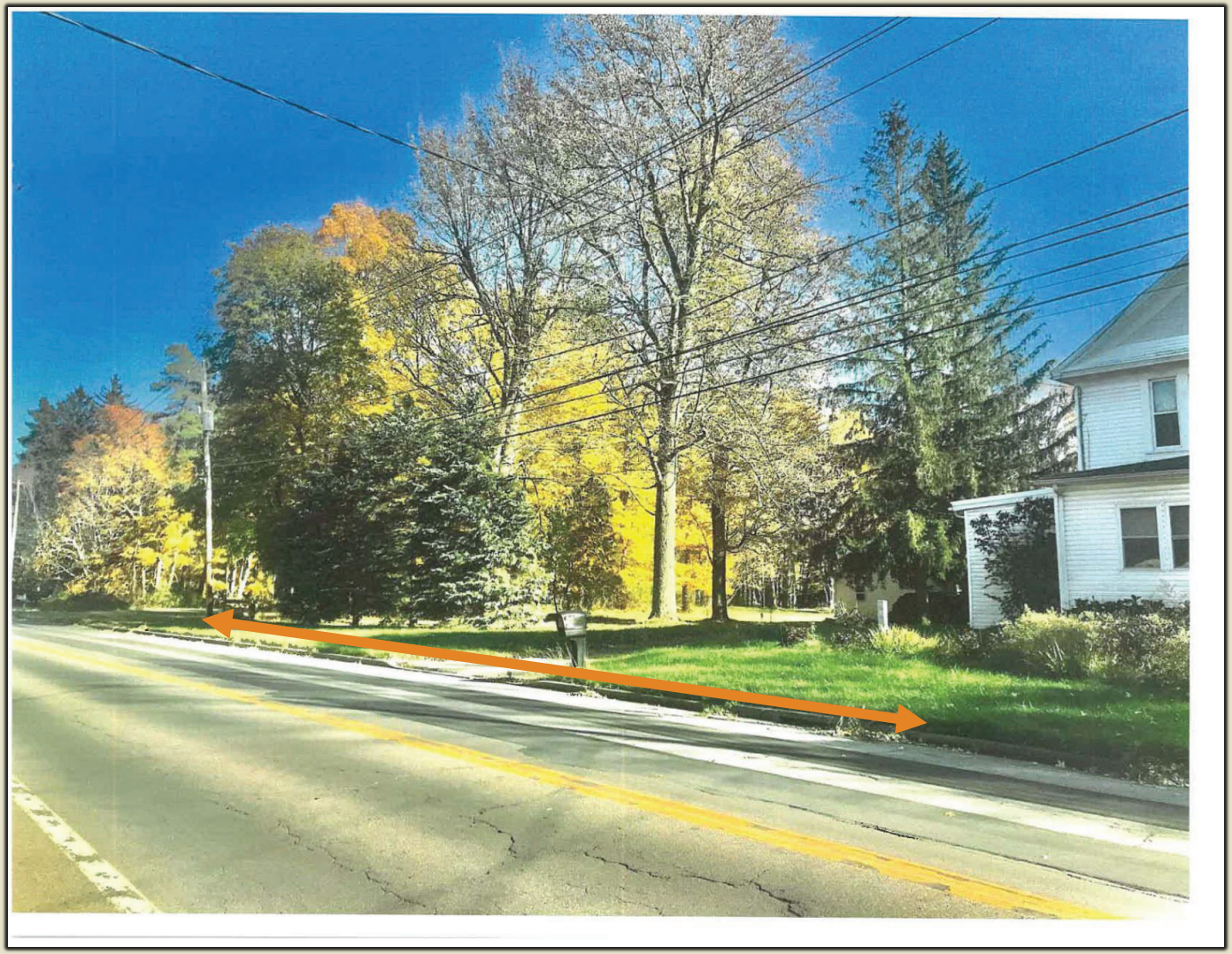
CONCEPT PLAN – DODGE ROAD FRONTAGE WITH SCREENING AS PREPARED BY ROBERT WALTER, RLA

- Planning Board discussed the rural character of the relevant segment of Dodge Road
- Proposed Wood 2-Rail Split Rail Fence along Dodge Road frontage [Project Site has 406 ft. of frontage on Dodge Road]
- 6 ft. board on board fence along portions of the northern and southern boundaries of the Project Site
- Preservation of Existing Evergreen and Deciduous Trees
- Extensive New Plantings:
  - 25 Trees [3 types]
  - 74 Shrubs [6 types]

Dodge Road Frontage [South]:

Dodge Road Frontage [South]:

Dodge Road Frontage[North]:



Northerly View on Project Site:

Aerial View:

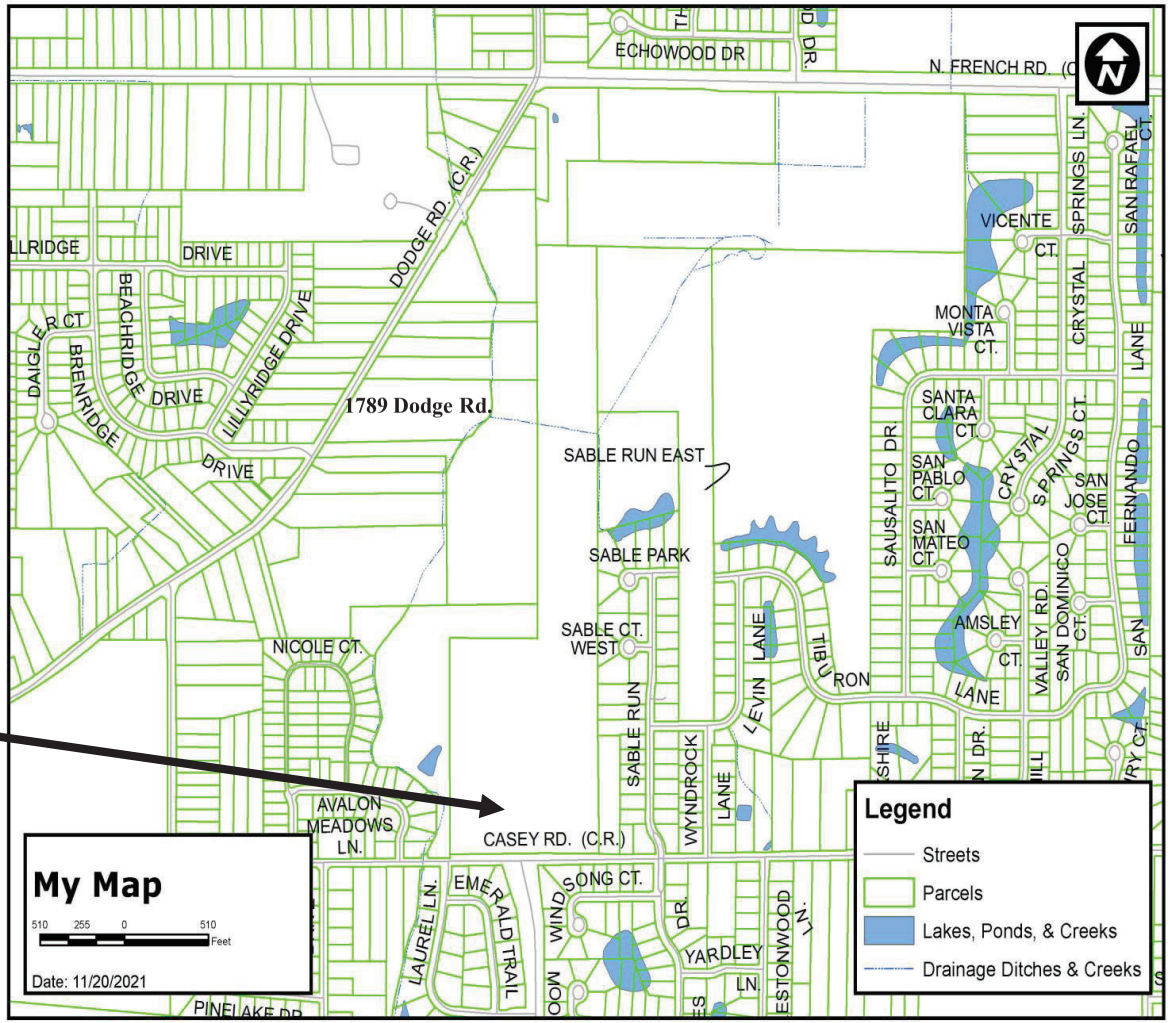
COLOR CONCEPT PLAN:

COLOR RENDERING OF DODGE ROAD FRONTAGE:

CURRENT CONCEPT PLAN:

- Straight roadway replaced with a slightly curved roadway
- Modified shape of the Stormwater Management Area on the rear of the Project Site

Subdivision on Casey Road at end of Youngs Road



Sample Home Elevations:

Requested Rezoning from SA to R-3 is Consistent with the Adopted Comprehensive Plan:

- Figure 6 of the adopted Bicentennial Comprehensive Plan ("Conceptual Land Use Plan") indicates the Project Site is appropriate for "Single Family Residential" use
- Benefits of Infill Development [Public infrastructure available]
- Proposed change does tend to improve the balance of uses and meets a specific demand in the Town
- Rezoning of 1695, 1701 and 1721 Dodge Road from SA to MFR-4A as approved on February 24, 2020

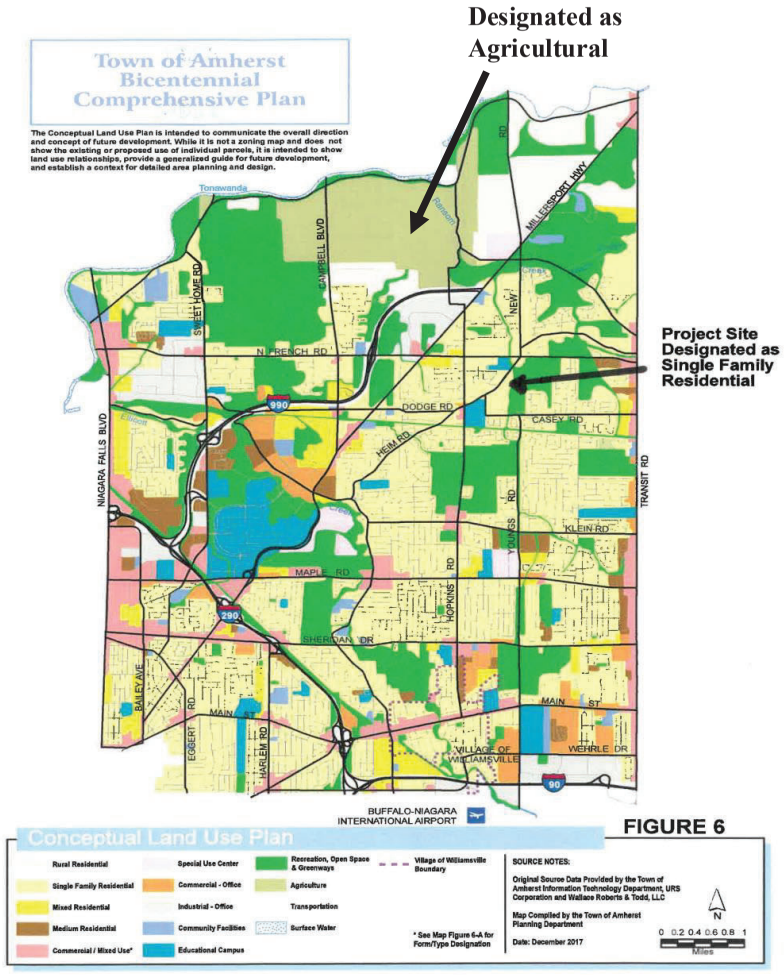
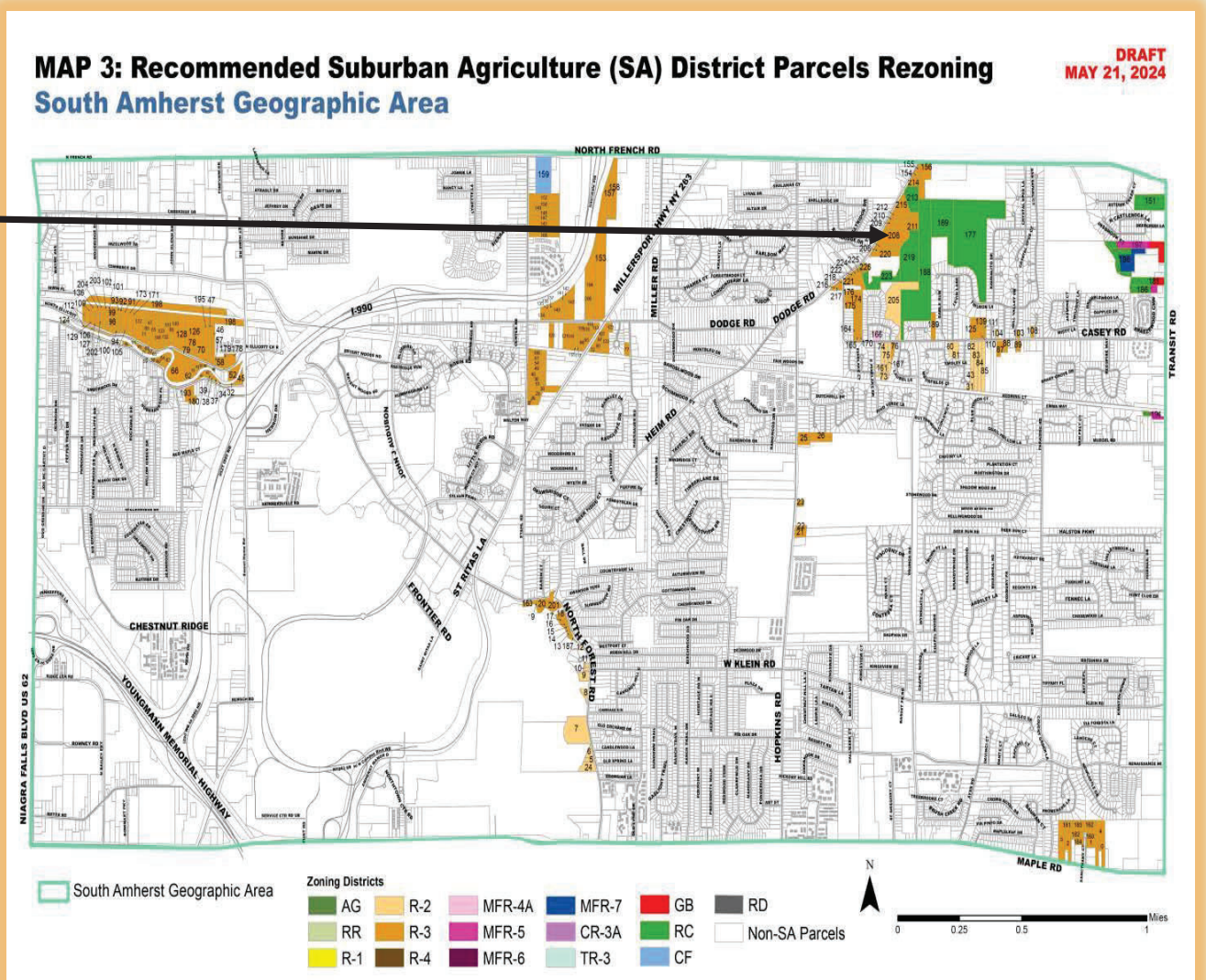


FIGURE 6

SA Zoning Analysis Recommendation:

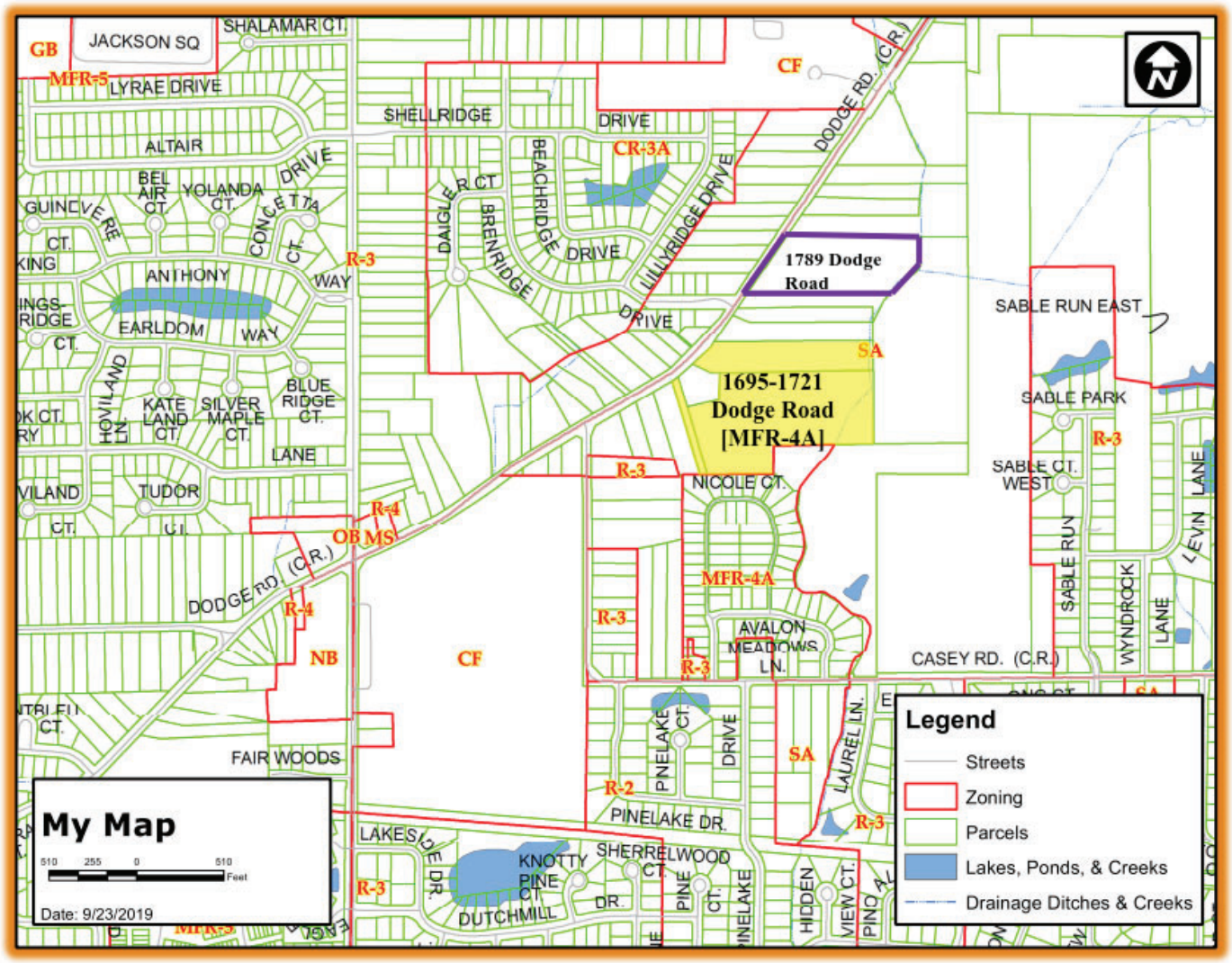
- Map 3 depicts the Project Site as being appropriate for R-3 zoning classification [Parcel 208]



Requested Rezoning from SA to R-3 is Consistent with the Adopted Comprehensive Plan:

- Single-Family Residential (2 to 4 units/acre) – Page 3-21 of the Comprehensive Plan as most recently amended in December of 2020
  - "Consistent with Amherst's history as a suburban bedroom community, nearly one-half of the Town's land area will remain in relatively low-density, primarily single-family detached residential use. Policies for Amherst's single-family neighborhoods are to preserve the neighborhood fabric and quality of life by limiting undesired influences such as commercial intrusions."
  - Proposed Density – Reduced from 2.54 units to 2.24 units per acre as a result of providing Permanent Openn Space along Dodge Road frontage [2.8 acres of Permanent Open Space – 41.8% of the Project Site]
- Agriculture – The Comprehensive Plan and the Farmland Protection Plan designates areas for agriculture and associated activities including:
  - Agricultural Lands, included in Erie County Agricultural District #17
  - Lands acquired or designated for acquisition through the Town's purchase of development rights program, the Farmland Protection Program
  - Lands adjacent to such areas where the long-term viability of agriculture may be threatened by inconsistent uses or infrastructure development that represents urban/suburban encroachment.

Suburban scale single-family homes.


1789 Dodge Road
1695-1721 Dodge Road [MFR-4A]
SA
CF
CR-3A
R-3
R-4
R-2
MFR-4A
NB
OB
MS
GB
MFR-5
DODGE RD. (C.R.)
CASEY RD. (C.R.)
SHELLRIDGE DRIVE
BEACHRIDGE DRIVE
LILLYRIDGE DRIVE
BRENRIDGE
DAIGLE R CT
NICOLE CT.
AVALON MEADOWS LN.
SABLE RUN EAST
SABLE PARK
SABLE CT. WEST
SABLE RUN
VYNDROCK LANE
LEVIN LANE
PINELAKE CT.
PINELAKE DR.
LAUREL LN.
SHERRELWOOD CT.
KNOTTY PINE CT.
DUTCHMILL DR.
HIDDEN VIEW CT.
PINE CT.
FAIR WOODS
JACKSON SQ
SHALAMAR CT.
LYRAE DRIVE
ALTAIR
BEL AIR CT.
YOLANDA CT.
CONCETTA DRIVE
GUINEVERE CT.
ANTHONY WAY
EARLDOM WAY
KATE LAND CT.
SILVER MAPLE CT.
BLUE RIDGE CT.
LANE
TUDOR CT.
My Map
Date: 9/23/2019
Legend
Streets
Zoning
Parcels
Lakes, Ponds, & Creeks
Drainage Ditches & Creeks

8.2.b

PROPOSED ZONING CONDITIONS:

1. That future development of the site shall be limited to single family detached residential uses with a maximum yield of fifteen (15) homes.
2. That any future development of a principal or accessory structure or uses in the 2.7 acres of Permanent Open Space shall be prohibited. The only proposed development of the portion of the Permanent Open Space is limited to required stormwater management system improvements and utility improvements and potential future roadway connection to Youngs Road.
3. That a Declaration of Restrictions shall be recorded at the Erie County Clerk's Office to protect the Permanent Open Space.
4. That the final plat design shall include a right-of-way access to a potential future Youngs Road extension.
5. That the landscaping and screening to be provided in the Permanent Open Space along the Dodge Road frontage of the project site shall require the approval of the Planning Board at the Preliminary Plat Application stage of the subdivision review process.

SEQRA and Project Review Process:

- No impacts to small portion of NYSDEC Freshwater Wetland CC-15 on rear of Project Site
- Low density subdivision – Reduced from 2.54 units to 2.24 units per acre
- Updated subdivision layout preserves the rural character of the Dodge Road frontage per the input received from the Planning Board during its meeting held on June 24, 2021 - 2.8 Acres of Permanent Open Space [41.2% of the Project Site]
- Stormwater management system will comply with the stringent stormwater quality and quantity standards of the NYSDEC including handling a 100-yr. storm event
- DSCA prepared by Carmina Wood Morris DPC demonstrated there is adequate downstream sanitary sewer capacity during wet weather conditions per the standards of the NYSDEC
- If the requested rezoning is approved, the residential subdivision will require Sketch Plan, Preliminary Plat and Final Plat Approval from the Planning Board [Minimum of 3 additional public hearings]

Conclusion:

- Requesting issuance of a Negative Declaration and the amendment of the zoning classification of 1789 Dodge Road from SA to R-3 subject to the five proposed zoning conditions.

- Questions…

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 29160 **RESOLUTION 2024-538** **ROLL CALL VOTE (ADOPTED)**

Denial to Amend the Bicentennial Comprehensive Plan 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard (Portion) (BCPA-2024-01)

RESOLVED, that pursuant to 6NYCRR Part 617.5 (c) (46) (SEQR) and Chapter 104 of Amherst Town Code, 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 May 16, 2024 that the proposed change in land use designation for properties located at 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard (portion) from "Recreation, Open Space & Greenways" and "Industrial Office" to "Commercial/Mixed Use" on Figure 6 and to "Suburban Center" at the same location on Figure 6A is inconsistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that in accordance with NYS Town Law Sec. 272-a, the Town Board denies the request to amend the Bicentennial Comprehensive Plan for 62± acres of land from "Recreation, Open Space & Greenways" and "Industrial Office" to "Commercial/Mixed Use" and Figure 6A to "Suburban Center at 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard (portion) based on the findings as stated below.

A. The proposed request is generally inconsistent with the Zoning Ordinance and is inconsistent with the following goals, objectives, recommendations and sections of the Comprehensive Plan:

- The Comprehensive Plan encourages redevelopment and infill development within existing residential neighborhoods and commercial areas as opposed to extending suburban development on to open lands in northern Amherst.

- Chapter 3, Land Use and Development, designates the subject area as a location for additional industrial/office land uses. As stated in Section 3.3.4 of the Plan, the desirable site characteristics for the location of industrial-office uses are: 1) access to major transportation routes; 2) away from residential neighborhoods; and 3) on large tracts of land that can be buffered from surrounding areas.

- The Conceptual Land Use Plan (Figure 6), acknowledges the presence of wetlands on these parcels, while also acknowledging their location adjacent to land designated for Industrial-Office uses and zoned for Research-Development (RD). Lands designated for these uses on Figure 6 are limited and located to those that meet the desired site characteristics noted in the Plan.

- The I-990 is an interstate expressway and North French Road is a minor arterial

roadway serving this location. The subject site is ideally located with efficient access to roads such as the Intersate-990, North French Road and Millersport Highway that provide for higher volume, higher speed travel to enable efficient intercommunity and interregional trade vital to supporting light industrial, logistics and research-development activities.

B. The Town's Strategic Economic Development Plan prepared by RKG consultants indicates continued regional demand for warehousing space due to high volume ecommerce spending and identifies this area as an ideal location for warehouse/distribution facilities.

6/24/2024

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The public hearing was opened at 7:01 PM.

Sean Hopkins, Esq. presented.

The following speakers addressed the Board:
Kathleen & Joe Towart, 1840 N French Rd
Mark Weisbeck, 1873 N French Rd
Tom Weisbeck, 48 Drawbridge Ct
Don Smith, 201 N Long St
Elliot Lasky, Owner of Regency Builders

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the July 22nd Town Board meeting, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The public hearing was closed at 7:26 PM.

7/22/2024

A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and approved via Roll Call vote 3-2 (nay, Kulpa & Berger).

RESULT:	**ROLL CALL VOTE (ADOPTED) [3 TO 2]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Lavin, Szukala, Marinucci
NAYS:	Kulpa, Berger

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulp
Supervisor

Daniel C. Howard,
Planning Direc

Daniel J. Ulatowski,
Assistant Planning D

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

Town Board Agenda of June 24, 2024

June 18, 2024

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

Subject: Request to Amend the Bicentennial Comprehensive Plan for 62± acres of land from "Recreation, Open Space & Greenways" and "Industrial Office" to "Commercial/Mixed Use," and Figure 6A to "Suburban Center"; property located at 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard (portion) **(BCPA-2024-01)**

Honorable Members:

This request is to amend the Bicentennial Comprehensive Plan to change the land use designation on Figure 6 from "Recreation, Open Space & Greenways" and "Industrial Office" to "Commercial/Mixed Use" and Figure 6A to create a "Suburban Center" to allow for the potential future rezoning and construction of two mixed-use buildings each consisting of 4,000 sq. ft. of first floor commercial space (8,000 sq. ft. total) and 15 - 1st floor apartments and 20 - 2nd floor apartments, 86 townhome style units with attached garages, 55 lots for detached single-family homes, 64 multifamily units (140 residential units total) and all related site improvements including roadways, stormwater management, landscaping, lighting, utility improvements and connections.

The subject property is a 62± acre "very irregularly" shaped property consisting of four separate parcels located on the north side of North French Road adjacent easterly to the Lockport Expressway (I-990) and 521± feet east of Crosspoint Parkway. The sites have recently been cleared to allow for farming operations under tree removal permit TR-2022-0003 that was issued on April 8, 2022.

Other Factors affecting the sites:

- There are NYSDEC wetlands on the parcels.
- There are federal jurisdictional wetlands on the parcels.
- The majority of the subject area is within the 100 yr. floodplain.
- Town Ditch #25 runs north – south through the proposed development area.
- Proposed area is bisected by a National Grid power right-of-way/corridor that runs north – south.
- The Lockport Expressway (I-990) is a NYSDOT highway designated as an expressway in the Town of Amherst Bicentennial Comprehensive Plan, and is contiguous to the sites with a full interchange that serves the area.

- North French Road, CR-299 is an Erie County highway designated as a minor arterial in the Town of Amherst Bicentennial Comprehensive Plan.

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

History of previous rezoning requests:

The subject parcels were zoned Suburban Agricultural District (SA) with the adoption of the Town wide Zoning Map and Ordinance on January 19, 1976.

The Planning Board offers the following findings in accordance with New York State Town Law §272-a.

INTENT AND OBJECTIVES OF THE COMPREHENSIVE PLAN

Based upon the Planning Department Staff memorandum dated April 17, 2024 (attached) and public input from the hearing held on May 16, 2024 by the Planning Board, the Planning Board finds that the intent of the Land use Plan for this area is to provide opportunities to expand the light-industrial or distributive uses near the I-990 expressway on lands that are not designated wetlands or environmentally important. The location is ideally situated for this use as it is bordered by major highways and has direct access to the interstate highway system.

The properties to be developed are bounded on the north and west by the I-990 expressway, and on the south by North French Road. The Conceptual Land Use Plan (Figure 6) in the Town's Comprehensive Plan identities much of this area as Recreation, open Space & Greenways (Green). In Figure 6, the parcels to be developed are proposed for recreation, open space & greenways with a portion as industrial office. Property to the east is proposed as Industrial-Office (Gray), and contains the Cross Point Business Park, a designated Suburban Corridor commercial center as shown in Figure 6A: Commercial and Mixed-Use Designations.

INTENT AND OBJECTIVES OF THE ZONING ORDINANCE

The proposed mixed use development consisting of 8,000 sq. ft. of commercial space and 140 residential units as illustrated on the concept plan is inconsistent with the intent and objectives of the Zoning Ordinance, Part 1-2-2 A which seeks 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 and Part 1-2-2 K which seeks to guide the future development of the town so as to bring about the gradual conformity of land, structures and uses generally consistent with the policies of the Comprehensive Plan.

The request is also inconsistent the current allowable uses in the SA zoning district. Any future development on the parcel will need to comply with the applicable regulations in the Zoning Ordinance.

CONSISTENCY/COMPATIBILITY WITH SURROUNDING DEVELOPMENT/ZONING

Residential uses at the subject location would be inconsistent with the scale, character and potential allowable uses in the Crosspoint Industrial Park adjacent to the east, the traffic volume

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

and noise generated from the Lockport Expressway, which is elevated along the subject area to the west and potential nuisances from insects (mosquitos and other biting species) from wetland areas within and around the proposed development. The subject parcels, with direct access to an interstate highway system are ideally suited for industrial, warehousing or similar land uses that rely on efficient truck access and are not negatively impacting residential areas.

ADEQUATE SERVICES AND UTILITIES

Services and utilities necessary for the proposed change in land use policy must be evaluated. The Engineering Department has indicated that a downstream sewer capacity analysis will be required.

RECOMMENDATION

The Planning Board at their meeting of May 16, 2024 held a public hearing on the subject Plan amendment and recommended that in accordance with New York State Town Law §272-a Subsection 4, the request to amend the Bicentennial Comprehensive Plan be denied.

The subject lands are well situated and suited for the uses proposed in the Plan. The Town has limited lands designated for industrial/office development and should not encourage their use for residential or commercial mixed uses. The Plan recommends that new residential mixed use development be used to encourage redevelopment and revitalization of areas where services and infrastructure/transportation already exists. This location in North Amherst should remain designated for recreation/open space or industrial office to assure its valued environmental features, and its close proximity to existing compatible industrial land uses and highly accessible transportation cooridors.

1. The amendment is not consistent with the goals, objectives, recommendations and sections of the Town of Amherst Bicentennial Comprehensive Plan in the following ways:
    - The Comprehensive Plan encourages redevelopment and infill development within existing residential neighborhoods and commercial areas as opposed to extending suburban development on to open lands in northern Amherst.
    - Chapter 3, Land Use and Development; identifies much of this area as Recreation, Open Space & Greenways and areas to the east as Industrial-Office.
    - The Conceptual Land Use Plan (Figure 6), illustrates the future direction and land use as Industrial-Office for a portion of the area. As stated in Section 3.3.4 of the Plan, the desirable site characteristics for the location of industrial-office uses are: 1) access to major transportation routes; 2) away from residential neighborhoods; and 3) on large tracts of land that can be buffered from surrounding areas. While the proposed project offers a range of housing choices in a suburban/rural setting, the subject land location expands a limited land resource for a future use that can be developed elsewhere.
    - The I-990 is an interstate expressway and North French Road is a minor arterial roadway at this location. The proposed site is ideally located for

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

warehousing distribution and/or research and development uses with excellent accessibility to these roads and North French Road with direct connections, Millersport Highway (a major arterial) and Campbell Boulevard. This location is ideal for higher volume, higher speed trips that serve intercommunity and interregional trade daily.

- The proposed project increases potential for impacts of development on sensitive lands
- This proposed development at this location does not fulfill the objectives or goals of the Housing and Neighborhoods section of the Plan or promote housing affordability as stated in Section 8.3 of the Plan.

2. The proposed change does not improve the balance of land uses, and does not meet a specific demand in the Town.

3. The Town's Strategic Economic Development Plan prepared by RKG consultants indicates a regional demand for warehousing space due to high volume e-commerce spending and identified this area as an ideal location due to the site's access to I-990 and it offers a viable development opportunity for warehouse/distribution facilities.

4. The land surrounding the subject request is comprised of transportation facilities, industrial uses and natural beneficial features which are less compatible with the largely residential development.

The Planning Department requests that if the Town Board desires to act on the Plan amendment, 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 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\Bicentennail Comp Plan Amends\2024\BCPA-2024-01_(1790_1860_&_1920_North_French_Rd)_2024\BCPA-2024-01_TB_Letter_06242024.docx
cc: Martin Polowy, Town Attorney

Planning Board Denial May 16, 2024
Ayes 5; Noes 0; Absent 2 (Davis, Giuliani)

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

TOWN OF AMHERST
PLANNING BOARD
COMPREHENSIVE PLAN AMENDMENT
BCPA-2024-01

PETITIONER

SBLC Development Corporation
c/o Sean Hopkins
5500 Main Street, Suite 343
Williamsville, NY 14221

PROPERTY LOCATION

1790, 1860 & 1920 North French Rd.
& 999 Campbell Blvd. (portion)

MAY 23 2024 AM 3

WHEREAS the Town of Amherst Planning Board on Thursday, May 16, 2024 held a public hearing on the proposed amendment to the Bicentennial Comprehensive Plan, and

WHEREAS the Planning Board has reviewed the Town of Amherst Bicentennial Comprehensive Plan, and

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

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

WHEREAS the Planning Board finds that:

A. The proposed request is generally inconsistent with the Zoning Ordinance and is inconsistent with the following goals, objectives, recommendations and sections of the Comprehensive Plan:

- The Comprehensive Plan encourages redevelopment and infill development within existing residential neighborhoods and commercial areas as opposed to extending suburban development on to open lands in northern Amherst.
- Chapter 3, Land Use and Development; identifies much of this area as Recreation, Open Space & Greenways and areas to the east as Industrial-Office.
- The Conceptual Land Use Plan (Figure 6), illustrates the future direction and land use as Industrial-Office for a portion of the area. As stated in Section 3.3.4 of the Plan, the desirable site characteristics for the location of industrial-office uses are: 1) access to major transportation routes; 2) away from residential neighborhoods; and 3) on large tracts of land that can be buffered from surrounding areas. While the proposed project offers a range of housing choices in a suburban/rural setting, the subject land location extends a limited land resource for a future use that is currently in high demand.
- The I-990 is an interstate expressway and North French Road is a minor arterial roadway at this location. The proposed site is ideally located for warehousing distribution and/or research and development uses with excellent accessibility to these roads and North French Road with direct connections, Millersport Highway (a major arterial) and Campbell Boulevard. This location is ideal for higher volume, higher speed trips that serve intercommunity and interregional trade daily.

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

TOWN OF AMHERST
PLANNING BOARD
COMPREHENSIVE PLAN AMENDMENT
BCPA-2024-01

PETITIONER

SBLC Development Corporation

PROPERTY LOCATION

1790, 1860 & 1920 North French Rd.
& 999 Campbell Blvd. (portion)

MAY 23 2024 AM9:5

- The proposed project increases potential for impacts of development on sensitive lands
- This proposed development at this location does not fulfill the objectives or goals of the Housing and Neighborhoods section of the Plan or promote housing affordability as stated in Section 8.3 of the Plan.

B. The subject property is suitable for uses permitted by the current versus the proposed land use designation.

C. The proposed change does not improve the balance of land uses, and does not meet a specific demand in the Town.

D. The Towns Strategic Economic Development Plan prepared by RKG consultants indicates a regional demand for warehousing space due to high volume ecommerce spending and identified this area as an ideal location for sidewalks due to the site's access to I-990 and it offers a viable development opportunity for warehouse/distribution facilities.

E. The land surrounding the subject request is comprised of transportation facilities, industrial uses and natural beneficial features which are less compatible with the largely residential development.

NOW THEREFORE BE IT RESOLVED that the Planning Board recommends to the Town Board in accordance with New York State Town Law §272-a Subsection 4, that the request to amend the Bicentennial Comprehensive Plan be denied for the above state reasons.

The foregoing resolution was adopted by the Town of Amherst Planning Board, May 16, 2024; moved by Penberthy; seconded by Gill; ayes 5; noes 0; Absent 2 (Davis, Giuliani).

Michael J. Chmiel, Planning Board Chair

5/23/24
Date

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

TOWN OF AMHERST
PLANNING BOARD
COMPREHENSIVE PLAN AMENDMENT
BCPA-2024-01

PETITIONER	PROPERTY LOCATION
SBLC Development Corporation	1790, 1860 & 1920 North French Rd.

MAY 23 2024 AM9:

SM/ac
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\2024\BCPA-2024-01_(1790_1860_&_1920_North_French_Rd)_2024\BCPA-2024-01_resolution_051624.doc-

cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Traffic/Safety Coordinator
ECDEP
ECDPW
NYSDOT
NYSDEC
ACAC
Anthony Pandolfe, Carmina Wood Design, 487 Main Street #500, Buffalo, NY 14203
Christopher Wood, Carmina Wood Design, 487 Main Street #500, Buffalo, NY 14203
Fred Cimato, Cimato & Sons, 9920 Transit Rd., E. Amherst, NY 14051
Elliot Lasky, PO Box 1454, Williamsville, NY 14221

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

Amended BCPA Application
Date: April 4, 2024

RECEIVED
MAR 25 2024
TOWN OF AMHERST
PLANNING DEPT.

TOWN OF AMHERST PLANNING DEPARTMENT

Request for Bicentennial Comprehensive Plan Amendment

For Official Use

File #: BCPA-2024-01 **Acreage** 62.03 **Fee $** 15

Address Verified by Assessor's Office _____ VERIFIED BY DATE

Application Received by Planning Department 3/25/24 ACCEPTED BY DATE

Materials & Fee Paid to Town Clerk _____ ACCEPTED BY DATE

		Fill In Applicable Fees
COMPREHENSIVE PLAN AMMENDMENT	**$0***	✓
AFFIDAVIT FEE FOR PUBLIC HEARING	**$15**	$15.00

Fee schedule subject to change by future Town Board action

TOTAL FEE: $15.00

TO BE COMPLETED BY APPLICANT

Petitioner:

Name: SBLC Development Corporation c/o Sean Hopkins, Esq.

Address: 5500 Main Street, Suite 343

Williamsville, NY 14221

City State Zip Code\

Phone: 716.510-4338 Fax _____

Email: shopkins@hsmlegal.com

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

Owner of Land (if different than above):

Name: 1. Anthony Cimato - 1790 North French Road [SBL No. 27.04-1-12]; 2. North Forest Development Corp. - 1920 North French Road [SBL No. 27.04-1-20]; 3. SBLC Development Corp. - Portion of 999 Campbell Boulevard [SBL No. 27.00-2-29; and 4. ~~1860 North French Road Road [SBL No. 27.04-1-16.1] - SBLC Development Corp.~~]

Address: _____

City State Zip Code

Phone: 716.510-4338 Fax _____

E Mail: shopkins@hsmlegal.com

Representative (Architect, Engineer, Landscape Architect, Surveyor or Attorney):

Name: _____

Address: _____

_____

City State Zip Code

Phone: _____ Fax _____

E Mail: _____

Petitioner's interest in property

- ☐ Option to purchase
- ☒ Owner
- ☒ Other (explain) The parcels at 1790 and 1920 North French Road are owned by related entities. The parcels will be merged into a single parcel owned by SBLC Development Corp.

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

Street address(es) of land subject to Bicentennial Comprehensive Plan Amendment:

1790 North French Road, 1920 North French Road and Portion of 999 Campbell Boulevard & Portion of 1860 North French Road [SBL: 27.04-1-16.1]

SBL #(s): SBL No. 27.04-1-12, 2. SBL No. 27.04-1-20; and SBL No. 27.00-2-29

INFORMATION ON REQUEST

1. **The undersigned hereby requests the Honorable Town Board to amend the following text sections of the Bicentennial Comprehensive Plan:**

   Section(s) #/page(s): Not applicable.

Note: If the requested amendment does not involve a map change, skip #2 and #3.

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

2. The undersigned hereby requests the Honorable Town Board to amend the Conceptual Land Use Map (Figure 6) and/or Commercial and Mixed-Use Designations (Figure 6A) as follows:

FROM:

- ☐ 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

*Additional Designations in Figure 6-A:

- ☐ Suburban Center
- ☐ Suburban Corridor
- ☐ Traditional Areas

TO:

- ☐ 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

*Additional Designations in Figure 6A:

- ☐ Suburban Center
- ☒ Suburban Corridor
- ☐ Traditional Areas

3. Other Bicentennial Comprehensive Plan Map Amendments (if applicable):

Figure # or Name: Figure 6 and 6-A

4. Information on prospective action (*to be provided in separate attachment*):

A. Description of any prospective action:

B. Rationale for request of amendment:

1. How will the requested amendment to the Bicentennial Comprehensive Plan consistent with *Section 2.2 (Vison Statement)*?
2. How will the requested amendment to the Bicentennial Comprehensive Plan consistent with *Section 2.3 (Key Initiatives)*?

C. How is the requested amendment align with the defined policies in Sections;

1. *3.0 Land Use and Development?*
2. *4.0 Natural and Cultural Resources?*
3. *5.0 Economic Development?*
4. *6.0 Transportation?*
5. *7.0 Infrastructure?*
6. *8.0 Housing & Neighborhoods?*
7. *9.0 Community Facilities & Services?*

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

SECTION 809 CERTIFICATION

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 25th *day of* March, 20 24

Notary Public, Erie County, New York

NOREEN A. ZIMMERMAN
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires Aug. 31, 20 26

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.

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.

Town of Amherst Planning Department 5583 Main Street Williamsville New York 14221
(716) 631-7051; Fax: (716) 631-7153; Web: www.amherst.ny.us

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

Amended Part 1 of the Full Environmental Assessment Form - Date: April 4, 2024

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: SBLC Mixed-Use Project		
Project Location (describe, and attach a general location map): 1790, 1860 and 1920 North French Road and portion of 999 Campbell Boulevard - Town of Amherst - Erie County		
Brief Description of Proposed Action (include purpose or need): The proposed redevelopment project ("action") consists of a mixed-use project to be located at 1790, 1860 and 1920 North French Road and the eastern portion 999 Campbell Boulevard (collectively the "Project Site") consisting of the following: 1. Two mixed-use buildings each consisting of 4,000 sq. ft. of first floor commercial space and 15 1st floor apartments and 20 2nd floor apartments; 2. 86 townhome style units with attached garages; 3. 55 lots for detached single-family homes and 4. 64 multifamily units; 5. All related site improvements including roadways, stormwater management, landscaping, lighting, utility improvements and connections. The proposed action has been defined broadly to include all required discretionary approvals and permits needed from governmental agencies. The proposed project is a Type I action pursuant to SEQRA.		
Name of Applicant/Sponsor: SBLC Development Corp. 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): See Attachment "A"	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial 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 Board - Comp. Plan Amendment and Rezoning	March 2024 [Comp. Plan Amendment Application]
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Town of Amherst Planning Board - Site Plan and Subdivision Approval	To be Determined
c. City, Town or Village Zoning Board of Appeals ☑Yes ☐No	Town of Amherst ZBA - Area Variances	To be Determined
d. Other local agencies ☑Yes ☐No	Town of Amherst Engineering (DSCA); Amherst IDA (PILOT) and Building Dept (Floodplain Permit)	To be Determined
e. County agencies ☑Yes ☐No	ECWA (back flow), ECDOH (water and sewer)	To be Determined
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	NYSDEC - Wetland Permit and DSCA	To be Determined
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: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

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?
Suburban Agriculture District ("SA")

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? SC-3, R-3 and MFR-5

C.4. Existing community services.

a. In what school district is the project site located? Williamsville 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?
Volunteer Fire Department

d. What parks serve the project site?
Various Town Parks

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)? Mixed-use (residential and commercial)

b. a. Total acreage of the site of the proposed action? 62.03 acres
b. Total acreage to be physically disturbed? 47.50 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 62.03 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)
Residential
ii. Is a cluster/conservation layout proposed? ☐ Yes ☑ No
iii. Number of lots proposed? 55
iv. Minimum and maximum proposed lot sizes? Minimum 8,470 Maximum 13,953

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 4
- Anticipated commencement date of phase 1 (including demolition) 3 month 25 year
- Anticipated completion date of final phase 12 month 28 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: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

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				
At completion of all phases	141	2		132

g. Does the proposed action include new non-residential construction (including expansions)? ☑ Yes ☐ No
If Yes,
i. Total number of structures 2
ii. Dimensions (in feet) of largest proposed structure: 30 height; 140 width; and 235 length
iii. Approximate extent of building space to be heated or cooled: 20,300 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: Stormwater retention
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☑ Other specify: Stormwater runoff
iii. If other than water, identify the type of impounded/contained liquids and their source.
Not applicable
iv. Approximate size of the proposed impoundment. Volume: TBD million gallons; surface area: 5.4 acres
v. Dimensions of the proposed dam or impounding structure: TBD height; TBD length
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
Earth fill

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): Impacts to the 100-ft Adjacent Area of NYSDEC Freshwater Wetland TE-18 as delineated on Concept Plan C-100.

[A copy of the Wetland Delineation Verification Letter issued by Charles P. Rosenburg of the NYS Dept. of Environmental Conservation on January 22, 2022 is provided at Attachment "B". A copy of the Jurisdictional Determination issued by the U.S. Army Corps of Engineers for 1920 North French Road dated March 14, 2023 is provided at Attachment "C".]

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

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:

Encroachment in to the 100-ft. Adjacent Area of NYSDEC Freshwater Wetland TE-18 includes excavation of retention ponds and the construction of the 10-unit multifamily buildings as depicted on Concept Plan C-100.

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: 72,450 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 Water Authority
- 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: 72,450 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 WWTP
- 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: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

- Do existing sewer lines serve the project? ☑ 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 21.2 acres (impervious surface)

_____ Square feet or 62.03 acres (parcel size)

ii. Describe types of new point sources. New point sources include storm sewers, swales and curbing.

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 to on-site retention ponds.

- 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: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

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 [A Traffic Impact Study prepared by Passero Associates dated April 4, 2024 has been submitted with this Amended Part 1 of the Full EAF.]

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: _____

Typical of commercial retail demand

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

Local utility company

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 a.m. - 5 p.m.
- Saturday: 7 a.m. - 5 p.m. [as needed]
- Sunday: N/A
- Holidays: N/A

ii. During Operations:

- Monday - Friday: 8:00 to 10:00 [retail space]
- Saturday: 8:00 to 10:00 [retail space]
- Sunday: 8:00 to 8:00 [retail space]
- Holidays: 8:00 to 8:00 [retail space]

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

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:

Operation of constitution equipment may produce noise exceeding ambient levels. This is a temporary and unavoidable 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:

Dark sky compliant light poles, mounted at 15-ft will be spaced throughout the sight to provide even light distribution.

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: 4-8 tons per week (unit of time)
- Operation : 1.5 tons per week (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: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

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): _____

ii. If mix of uses, generally describe:

The existing site consists of wooded areas and is surrounded by residential and commercial uses.

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	0.0	21.2	+21.2
• Forested	8.9	0.1	-8.8
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	45.6	27.8	-28.8
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.0	5.4	+5.4
• Wetlands (freshwater or tidal)	7.5	7.5	0.0
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: Greenspace and Landscaping		??	??

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

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:

_____
_____

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: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

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? >6 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:

Getzville Silt loam	20 %
Swormville clay loam	52 %
Wayland soils complex	28 %

d. What is the average depth to the water table on the project site? Average: >6 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 837-44 Classification C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, NYS Wetland, Federal Waters, Fe... Approximate Size NYS Wetland (in a...
- Wetland No. (if regulated by DEC) TE-18, TE-19

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: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

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: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

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: _____

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 SBLC Development Corp. Date April 4, 2024

Signature Sean Hopkins Title Counsel for Project Sponsor

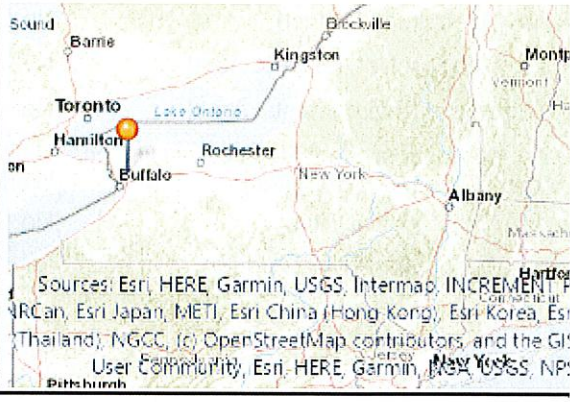
PRINT FORM

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

EAF Mapper Summary Report

Tuesday, March 12, 2024 3:51 PM

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental 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. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order 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]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	837-44
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):103.0, NYS Wetland (in acres):38.7
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	TE-18, TE-19

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
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
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]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

TOWN OF AMHERST
State Environmental Quality Review
ENVIRONMENTAL ASSESSMENT FORM
-- ADDENDUM --

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
Getzville silt loam	X	X	X	X	X
Swormville clay loam	X	X	X	X	X
Wayland soils complex	X	X	X	X	X

2. 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.

3. Are there alternative locations on the site for this project? □ Yes X No

4. Location and size of real property owned by petitioner within one (1) mile of subject proposal:
1790 & 1920 North French Road and a portion of 999 Campbell Boulevard - 62.0 +/- acres total

5. 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 X No

Describe

(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.)

6. Maximum number of vehicular trips to be generated per peak hour upon completion of project 152
Source: Traffic Impact Study performed by Passero Associates

7. Will blasting occur during construction? □ Yes X No

8. Does the project propose to connect and be tributary to the public sanitary sewer system? X Yes □ No

9. Proposed net additional gallons per day (gpd) of sanitary sewer discharge upon completion of project:
72,450 average flow 281,533 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.)

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

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

Attachment A of Part 1 of Full EAF - List of Parcels Comprising the Project Site

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

ATTACHMENT "A" OF PART 1 OF FULL ENVIRONMENTAL ASSESSMENT FORM – LIST OF PARCELS COMPRISING THE PROJECT SITE AND OWNERSHIP INFORMATION

1. 1790 North French Road [SBL No. 27.04-1-12] – Owner: Anthony Cimato
2. 1920 North French Road [SBL No. 27.04-1-20] – Owner: North Forest Development Corp.
3. Portion of 999 Campbell Boulevard [SBL No. 27.00-2-29] – Owner: SBLC Development Corp.

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

Attachment B of Part 1 of Full EAF - Wetland Delineation Verification Letter issued by Charles P. Rosenburg of the NYS Dept. of Environmental Conservation on January 22, 2022

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, Region 9
700 Delaware Avenue, Buffalo, NY 14209
P: (716) 851-7010 I F: (716) 851-7005
www.dec.ny.gov

January 22, 2024

Fred Cimato
Cimato Enterprises
9220 Transit Road
East Amherst, New York 14051

Dear Fred Cimato:

Wetland TE-18 Delineation Verification
SBLC Property
Town of Amherst, Erie County

This letter serves as notification that I verified the wetland delineation performed by Earth Dimensions, Inc. (EDI) of Freshwater Wetland TE-18 within the SBLC property (1790 & 1860 North French Road, 999 Campbell Blvd; Parcels 27.00-2-29; 27.04-1-16.1; & 27.04-1-12) in the Town of Amherst, Erie County. I field inspected EDI's delineated wetland boundaries on July 26, 2023. I verified a portion of EDI-delineated wetland W2, from delineation flags W2-1 to W2-40 and W2-99 to W2-143, is part of State-jurisdictional Freshwater Wetland TE-18 and that the location of this wetland is accurately depicted in EDI's delineation map (Figure 6, enclosed here) of their April 20, 2023 wetland delineation report. A 100-foot wide regulated adjacent area surrounds Wetland TE-18.

My field inspection also determined the following areas are <u>not</u> part of Wetland TE-18 since they are located greater than 50 meters from the field-delineated boundary of wetland W2/Wetland TE-18: the remaining portion of EDI-delineated wetland W2 (north of delineation flags W2-40 and W2-99), EDI-delineated wetlands W1 and W3, and wetlands observed within the adjoining 1920 North French Road parcel.

Please note that Wetland TE-19 is no longer a State-regulated freshwater wetland following a November 2016 field inspection that determined the total area of its associated wetlands is less than the 12.4-acre size threshold for state wetlands jurisdiction and the wetlands do not qualify for state wetlands jurisdiction under the NYSDEC's "unusual local importance" designation.

Please be aware that wetland boundaries may change over time and this letter does not fix wetland boundaries indefinitely. If you would like to document the precise boundaries of the wetlands that comprise Wetland TE-18 relative to the property boundaries, it is your responsibility to have the wetland boundaries surveyed. If you choose to complete a survey, the wetland boundary survey map should be submitted to me for verification. A copy of this Department's *Requirements for Wetland Survey and Mapping* is enclosed. Please note that a surveyed wetland boundary that has been verified by this Department will be considered valid for five years.

NEW YORK STATE | Department of Environmental Conservation

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

In 1975, the New York State Legislature passed the Freshwater Wetlands Act to preserve and protect wetlands and their functions, such as flood protection and fish and wildlife habitat. The New York State Department of Environmental Conservation is required to map all wetlands protected by this law, and to make those maps available for inspection in all local government clerks' offices. Certain activities within the wetland or its regulated 100-foot adjacent area require a permit from this Department, including but not limited to filling, clearing vegetation, draining, and construction. Contact our Division of Environmental Permits Office for information about permit requirements at:

New York State Department of Environmental Conservation
Division of Environmental Permits
700 Delaware Avenue
Buffalo, New York 14209
Telephone: (716) 851-7165

Finally, please be advised that the U.S. Army Corps of Engineers may also have wetland and stream jurisdiction irrespective of the Department of Environmental Conservation. For more information, you may contact the Corps at:

United States Army Corps of Engineers Regulatory Branch
478 Main Street
Buffalo, New York 14202
Telephone: (716) 879-4330

If you have any questions about this wetland delineation verification, feel free to contact me in the Buffalo office at (716) 851-7024 or Charles.Rosenburg@dec.ny.gov.

Sincerely,

Charles P. Rosenburg

Charles P. Rosenburg
Region 9 BEH Habitat Protection Manager

CPR:ck

Encl: Earth Dimensions Wetland Delineation Map (Figure 6)
Requirements for Wetland Survey and Mapping

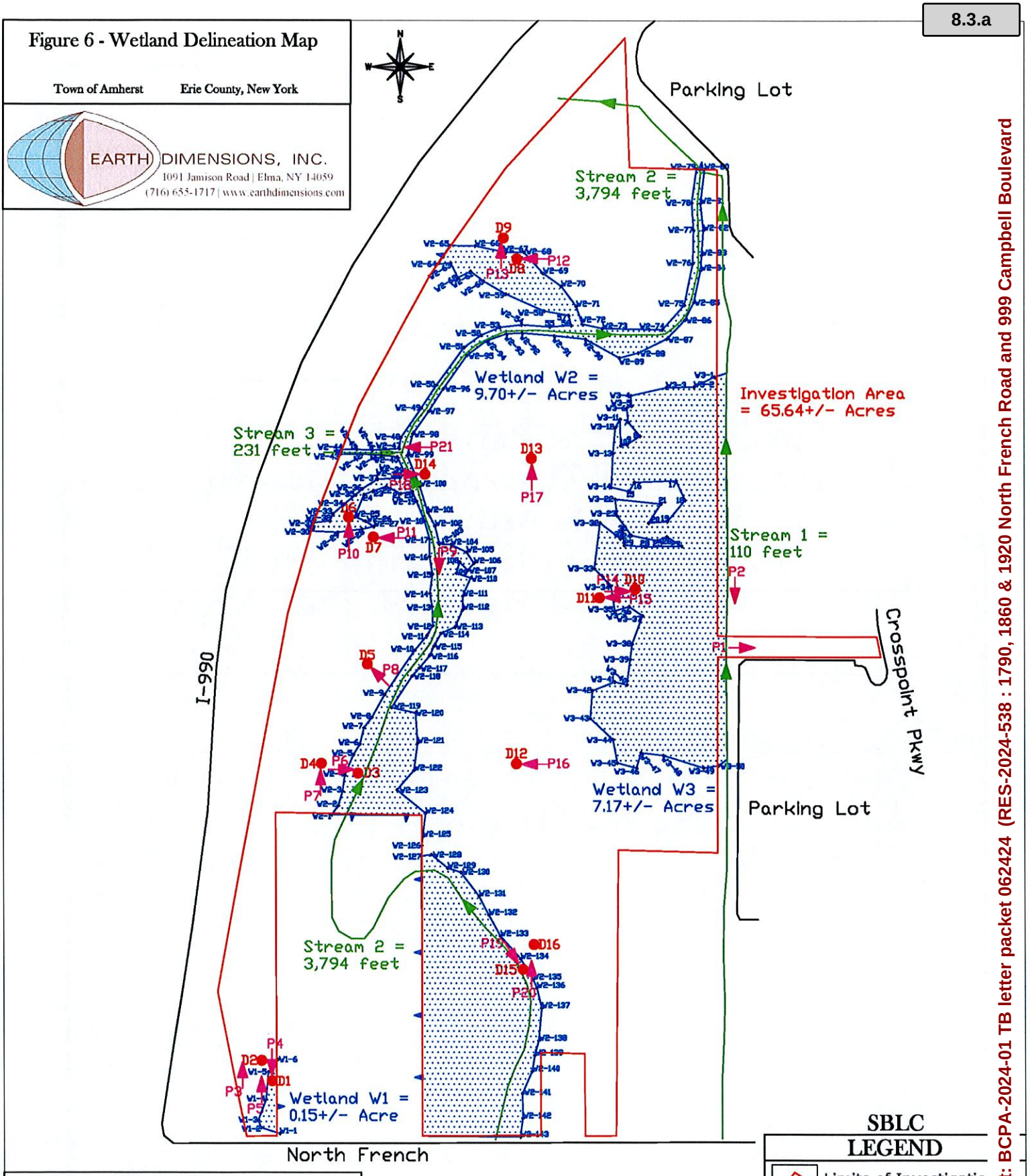
cc: Tom Somerville, Earth Dimensions, Inc.
Wetland TE-18 file

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

Figure 6 - Wetland Delineation Map

Town of Amherst Erie County, New York

EARTH DIMENSIONS, INC.
1091 Jamison Road | Elma, NY 14059
(716) 655-1717 | www.earthdimensions.com



Scale: 0 200' 400'	
Map Date: April 13, 2023/ TJS for EDI Revised:	
Base Map Provided By: Trimble Geo 7X	
File Name: Delineation Map.dwg	
EDI Project Code: W23E07a	

SBLC LEGEND

- Limits of Investigatio
- Streams
- W1-1 Wetland Boundary Fl
- Wetland Area
- P1 Photo Location
- D1 Data Point Location

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

Attachment C of Part 1 of Full EAF - Jurisdictional Determination issued by the U.S. Army Corps of Engineers for 1920 North French Road dated March 14, 2023

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS, BUFFALO DISTRICT
478 MAIN STREET
BUFFALO, NY 14202-3278

March 14, 2024

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination for Department of the Army Processing No. LRB-2023-00911

Elliot Lasky
PO Box 1454
Williamsville, New York 14231
Email: elasky@forbesdevcorp.com

Dear Mr. Lasky:

I have reviewed the approved jurisdictional determination (JD) request submitted by Earth Dimensions, Inc. for an for the approximate 5.71-acre review area located north and adjacent to North French Road, in the Town of Amherst, Erie County, New York (latitude 43.0351 N, and longitude -78.7532 W), as shown on sheets 1-2 of 2.

I have determined that the review area as depicted on attached Sheets 1-2 of 2 is comprised entirely of dry land and contains no potential aquatic resources regulated under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899. Therefore, a Department of Army permit is not required for any activities occurring within the review area.

Enclosed is an approved JD. This approved JD will remain valid for a period of five (5) years from the date of this correspondence unless new information warrants revision of the approved JD before the expiration date. At the end of this period, a new aquatic resource delineation will be required to support any request for a new JD.

Further, the delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular review area identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination for Department of the Army Processing No. LRB-2023-00911

Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above JD, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Katherine McCafferty
Regulatory Appeals Officer
US Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10780
Cincinnati, Ohio 45202-3222
Phone: 513-684-2699 Fax: 513-684-2460
e-mail: katherine.a.mccafferty@usace.army.mil

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete; that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **May 12, 2024**.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

A copy of this letter has been sent to Earth Dimensions, Inc.

Questions pertaining to this matter should be directed to me at (716) 879-4240, by writing to the following address: U.S. Army Corps of Engineers, 478 Main Street, Buffalo, New York 14202, or by e-mail at: Shaina.R.Souder@usace.army.mil

Sincerely,

Shaina R Souder

Shaina Souder
Biologist

Enclosures

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, BUFFALO DISTRICT
478 MAIN STREET
BUFFALO, NEW YORK 14202-3278

CELRB-TD-R

14 March 2024

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Approved Jurisdictional Determination in accordance with the "Revised Definition of 'Waters of the United States'"; (88 FR 3004 (January 18, 2023) as amended by the "Revised Definition of 'Waters of the United States'; Conforming" (8 September 2023) ,[1] *LRB-2023-00911 [MFR 1 of 1]*[2]

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.[3] AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.[4]

On January 18, 2023, the Environmental Protection Agency (EPA) and the Department of the Army ("the agencies") published the "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule"). On September 8, 2023, the agencies published the "Revised Definition of 'Waters of the United States'; Conforming", which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023) ("*Sackett*").

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA),[5] the 2023 Rule as amended,

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[1] While the Revised Definition of "Waters of the United States"; Conforming had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.
[2] When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, the territorial seas, or interstate water that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).
[3] 33 CFR 331.2.
[4] Regulatory Guidance Letter 05-02.
[5] USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

1. SUMMARY OF CONCLUSIONS.

   a. The review area is comprised entirely of dry land (i.e., there are no waters such as streams, rivers, wetlands, lakes, ponds, tidal waters, ditches, and the like in the entire review area and there are no areas that have previously been determined to be jurisdictional under the Rivers and Harbors Act of 1899 in the review area).

   A review of the submitted delineation report, which included wetland data points, showed no evidence of wetland criteria (hydrology, hydrophytic vegetation, and hydric soils) being present, and no evidence of aquatic resources/waters within the 5.71-acre review area, as described in item 3 below and as shown on attached map sheets 1 and 2 of 2.

   During a September 18, 2023 site visit, the forested area was walked through from the north. Specifically, I checked the location of Data point 2, due to the mixed vegetation (hydrophytic and upland vegetation) recorded on the data form. The forested area consisted of Facultative and Facultative Wet vegetation with some upland species intermixed; the area seemed remnant or transitional of wetland but lacked hydrology throughout the site. The adjacent property to the west was walked the same day and similar forested and non-forested areas had evidence of hydrology (standing water, saturation, drainage patterns) and none of these things were observed on this site. The observations made during the site visit were consistent with the dry land reported in the submitted delineation report.

   An in-office resource review supports that there are no aquatic resources within the review area. The U.S. Geographical Survey topographic map does not show waters within the review area but does show wetland symbols north of the review area and a dotted, blue-line stream feature to the east of the review area starting at the northeast corner (outside the review area). The U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) web soil survey listed the following soils within the review area: Ge – Getzville silt loam with a hydric rating of 85 within the forested portion of the review area and Sw – Swormville clay loam with a hydric rating of 10 located in the maintained residential portion of the review area. The soils information supports that there is possibility of wetland conditions forming in these soils. The U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) maps do shows wetland in the forested area of the review area, labeled as PFO1Bd – [P] Palustrine [FO] Forested [1] Broad-leafed deciduous [B] Seasonally Saturated [d] partially drained/ditched and another water adjacent to the review area to the east consisting of a blue-line labeled R4SBC – [R] Riverine [SB] Streambed, [C]

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

seasonally flooded. A review of aerial imagery suggests some saturation some areas in the forested areas in the April 25,2020 oblique imagery. However, more recent aerial imagery (Google Earth dated November 2021, May 2022, and May 2023 do not show any saturation or evidence of hydrology.

The Antecedent Precipitation Tool (APT) was conducted for the aerial dates, USACE site visit date, and delineation date.

Latitude	*Longitude*	*Date*	*Date explanation*	*PDSI Value*	*PDSI Class*	*Season*	*Antecedent Precip Score*	*Antecedent Precip Condition*
43.0351	-78.7532	9/18/2023	Date of USACE site visit	1.47	Mild wetness	Wet Season	15	Wetter than Normal
43.0351	-78.7532	9/1/2020	Date of delineation	-1.32	Mild drought	Wet Season	9	Drier than Normal
43.0351	-78.7532	4/25/2020	Oblique Aerial (Connect Explorer)	-0.17	Normal	Wet Season	13	Normal Conditions
43.0351	-78.7532	5/8/2022	Google Earth aerial	2.04	Moderate wetness	Wet Season	11	Normal Conditions
43.0351	-78.7532	5/17/2023	Google Earth aerial	1.22	Mild wetness	Wet Season	15	Wetter than Normal
43.0351	-78.7532	11/23/2021	Google Earth aerial	3.6	Severe wetness	Wet Season	14	Normal Conditions

The APT indicates a period of minor drought on the date of the delineation, September 1, 2020. No wetland criteria were reported at any of the data points, not just hydrology. The APT report of drought conditions at the date of the site visit, which recorded no wetland conditions, indicates that the area is not wetland during normal conditions. The date of the USACE site visit was reported as wetter than normal conditions and hydrology indicators were not observed, supporting that hydrology is not typical within the review area even with wetter than normal conditions. The aerial/oblique imagery all reported normal conditions except for May 2023. No evidence of hydrology was observed in aerial/oblique

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

imagery except for the April 25, 2020 oblique, which was reported as normal conditions during the wet season.

Based on a detailed review of the submitted delineation report, a detailed in-office resource analysis, and the observations made during the September 18, 2023 USACE site visit as described above, it has been determined that the 5.71-acre review area is completely comprised of dry land and does not contain any aquatic resources or waters of the United States.

2. REFERENCES.

   a. "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule")

   b. "Revised Definition of 'Waters of the United States'; Conforming" 88 FR 61964 (September 8, 2023))

   c. *Sackett v. EPA*, 598 U.S. _, 143 S. Ct. 1322 (2023)

3. REVIEW AREA. *An approximately 5.71-acre review area with relatively flat topography, located north and adjacent to North French Road, in the town of Amherst, Erie County, New York. The northern portion of the review area is forested. The southern portion of the review area is a single-family residential home with maintained (mowed) lawn. (Latitude: 43.0351, Longitude: -78.7532) See map sheets 1 and 2 of 2.*

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED. *N/A.*

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER. *N/A.*

6. SECTION 10 JURISDICTIONAL WATERS[6]: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic

[6] 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.[7] *N/A.*

7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court's decision in *Sackett.* List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

   a. Traditional Navigable Waters (TNWs) (a)(1)(i): *N/A.*

   b. The Territorial Seas (a)(1)(ii): *N/A.*

   c. Interstate Waters (a)(1)(iii): *N/A.*

   d. Impoundments (a)(2): *N/A.*

   e. Tributaries (a)(3): *N/A.*

   f. Adjacent Wetlands (a)(4): *N/A.*

   g. Additional Waters (a)(5): *N/A.*

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

   a. Describe aquatic resources and other features within the review area identified in the 2023 Rule as amended as not "waters of the United States" even where they otherwise meet the terms of paragraphs (a)(2) through (5). Include the type of excluded aquatic resource or feature, the size of the aquatic resource or feature

[7] This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).[8] *N/A.*

b. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).
N/A.

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

a. *Corps of Engineers' site visit: September 18, 2023. In-Office resource evaluation: September 15, 2023, October 2, 2023, and February 27, 2024.*

b. *Submitted Aquatic Resource Delineation Report: "Wetland Delineation Report, 1920 North French Road, Town of Amherst, NY," dated November 2, 2020 and includes data forms dated September 1, 2020; prepared for Elliot Lasky; Prepared by Davey Resource Group. Submitted to the USACE by Earth Dimensions, Inc on September 15, 2023.*

c. *U.S. Geological Survey Hydrologic Atlas: HA-730.*
_X_ USGS NHD data.
_X_ USGS 8 and 12 digit HUC maps.

d. *U.S. Geological Survey map(s). Cite scale & quad name: https://ngmdb.usgs.gov/topoview/viewer/ - USGS; Tonawanda East - NY; 2019 – and as provided in the submitted delineation report.*

e. *Natural Resources Conservation Service Soil Survey. Citation: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx - Erie County, New York; accessed September 15, 2023 and as provided in the submitted delineation report.*

f. *National wetlands inventory map(s). Cite name: https://www.fws.gov/program/national-wetlandsinventory/wetlands-mapper, accessed on February 27, 2024 and as provided in the delineation report.*

[8] 88 FR 3004 (January 18, 2023)

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

g. *State/local wetland inventory map(s): New York State Department of Environmental Resource Mapper - https://gisservices.dec.ny.gov/gis/erm/.*

h. *Photographs:*
   - *Aerial (Name & Date): Google Earth aerial imagery November 2021, May 2022, May 2023. Connect Explorer Oblique imagery dated April 25, 2020 - https://explorer.eagleview.com/.*
   - *Other (Name & Date): Photographs included in the delineation report, dated September 1, 2020.*

i. *Antecedent Precipitation Tool conducted for dates: September 18, 2023 – date of USACE site visit, 9/1/2020 – date of delineation, April 25, 2020 date of oblique imagery, and dates of Google Earth aerials – November 23, 2021, May 8, 2022, May 17, 2023.*

10. OTHER SUPPORTING INFORMATION. *N/A.*

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

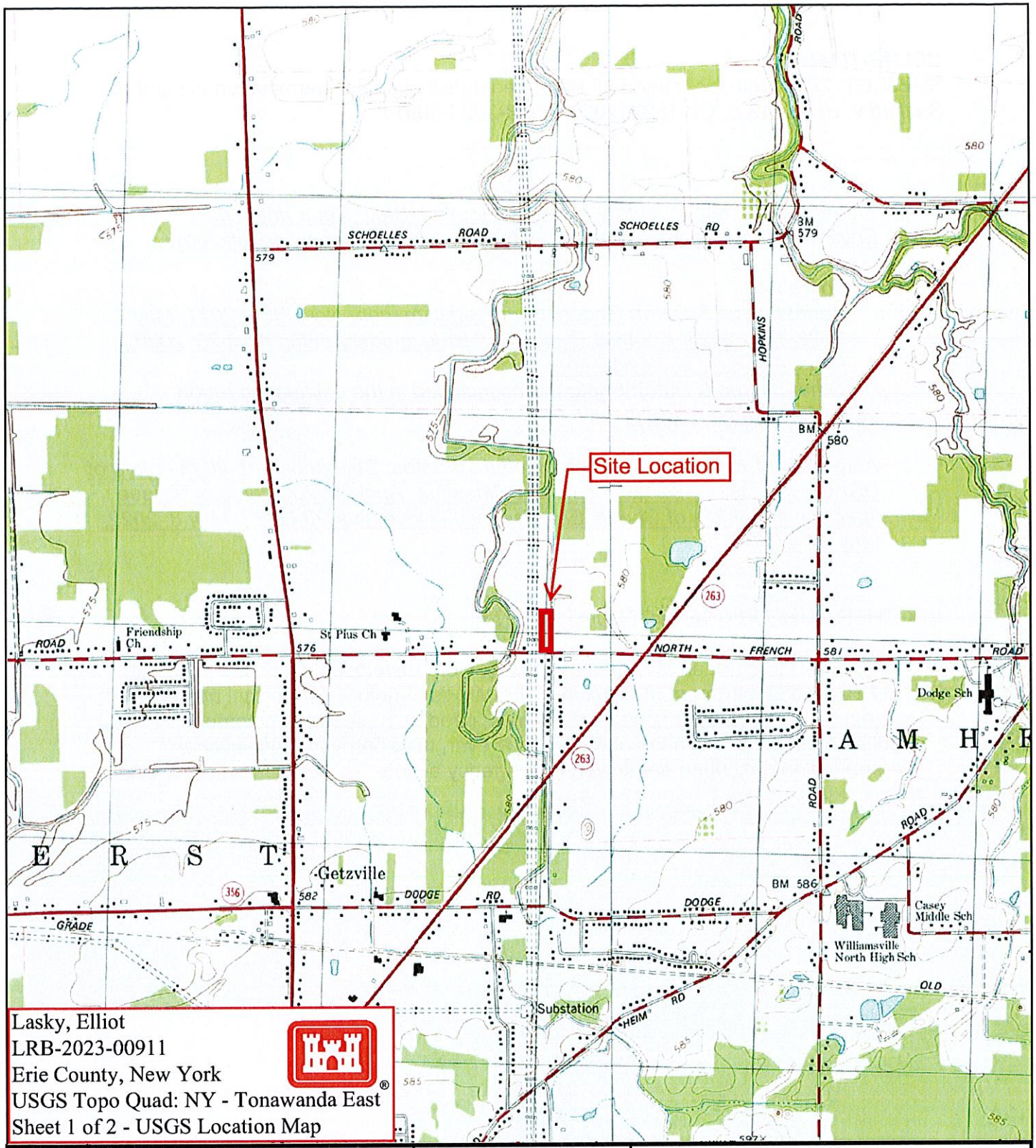


Figure 1: USGS Quadrangle Map

Tonawanda East Quadrangle

Scale 1: 24,000

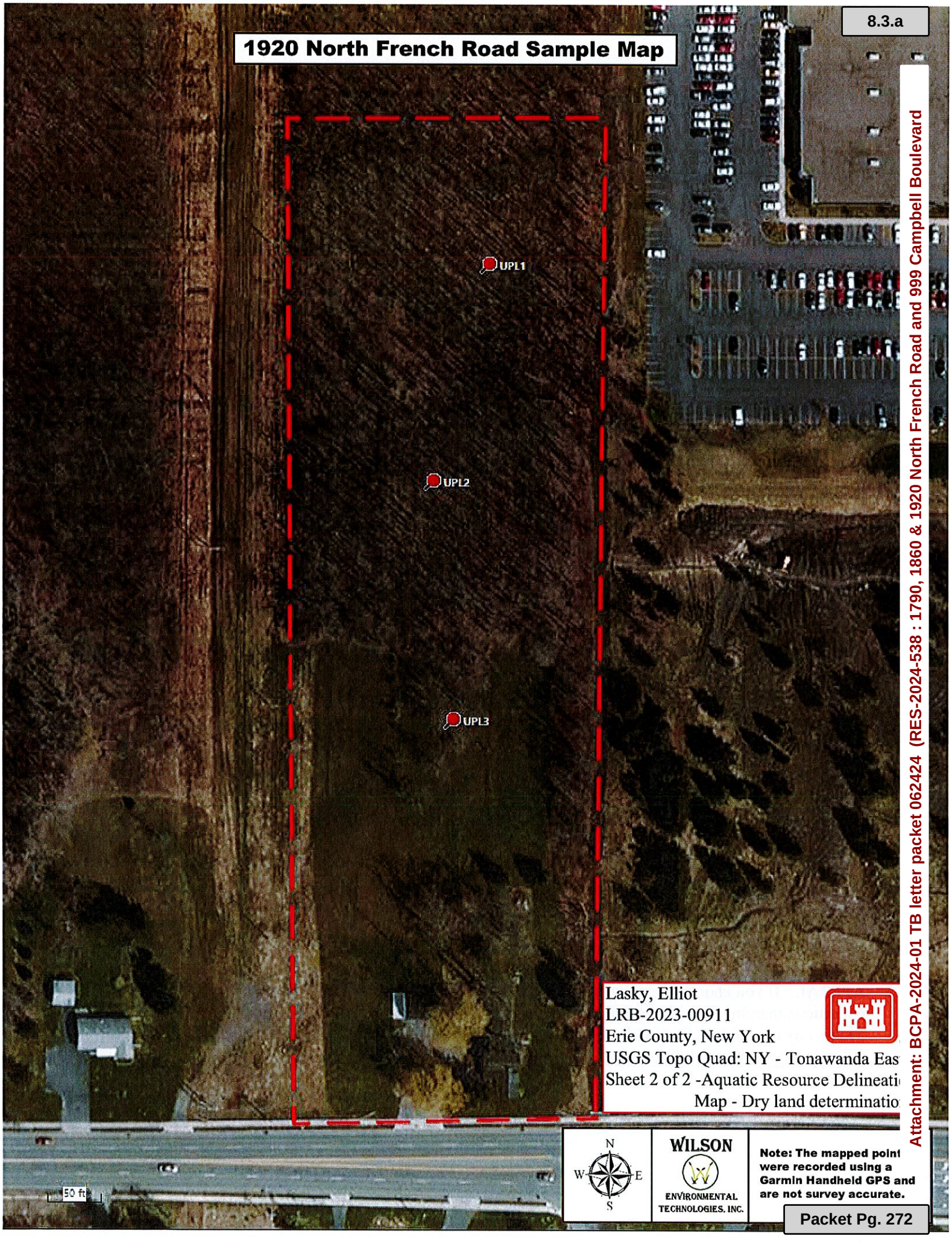
N
W E
S

Town of Amherst
Erie County, New York

Prepared for:
Mr. Elliot Lasky

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

1920 North French Road Sample Map



Lasky, Elliot
LRB-2023-00911
Erie County, New York
USGS Topo Quad: NY - Tonawanda Eas
Sheet 2 of 2 -Aquatic Resource Delineati
Map - Dry land determinatio

N
W E
S

WILSON
ENVIRONMENTAL TECHNOLOGIES, INC.

Note: The mapped point were recorded using a Garmin Handheld GPS and are not survey accurate.

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Lasky, Elliot		File Number: LRB-2023-00911	Date: March 14, 2024
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL WITHOUT PREJUDICE		C
	PERMIT DENIAL WITH PREJUDICE		D
X	APPROVED JURISDICTIONAL DETERMINATION		E
	PRELIMINARY JURISDICTIONAL DETERMINATION		F

SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/ or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable
You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial
You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.

- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

- RECONSIDERATION: You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable
You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision you may contact:

Shaina Souder
U.S. Army Corps of Engineers
478 Main St,
Buffalo, New York 14202
Phone: (716)879-4240
Email: Shaina.R.Souder@usace.army.mil

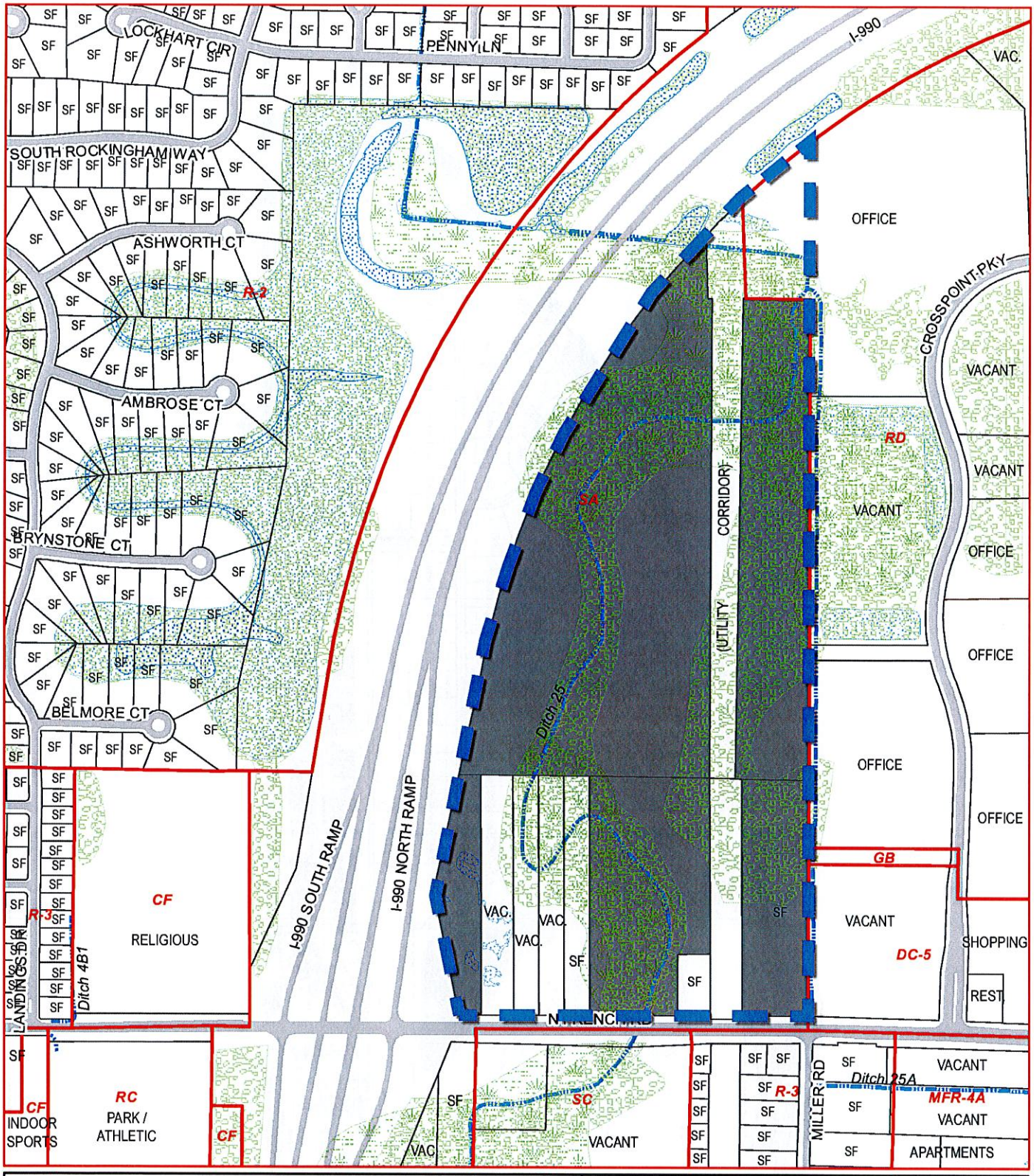
If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:

Katherine McCafferty
Regulatory Appeals Officer
US Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10780
Cincinnati, Ohio 45202-3222
Phone: 513-684-2699 Fax: 513-684-2460
e-mail: katherine.a.mccafferty@usace.army.mil

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT	
REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)	
ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.	
RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.	
_____ Signature of appellant or agent.	Date:
Email address of appellant and/or agent:	Telephone number:

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard



BCPA-2024-01

Request to Amend the Bicentennial Comprehensive Plan from Commercial Office to Industrial Office
Property Located at 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard (portion)
SBLC Development Corporation, Petitioner
May 16, 2024

1790, 1860 & 1920 North French Road and 999 Campbell Boulevard (portion)

NYSDEC Regulated Wetland

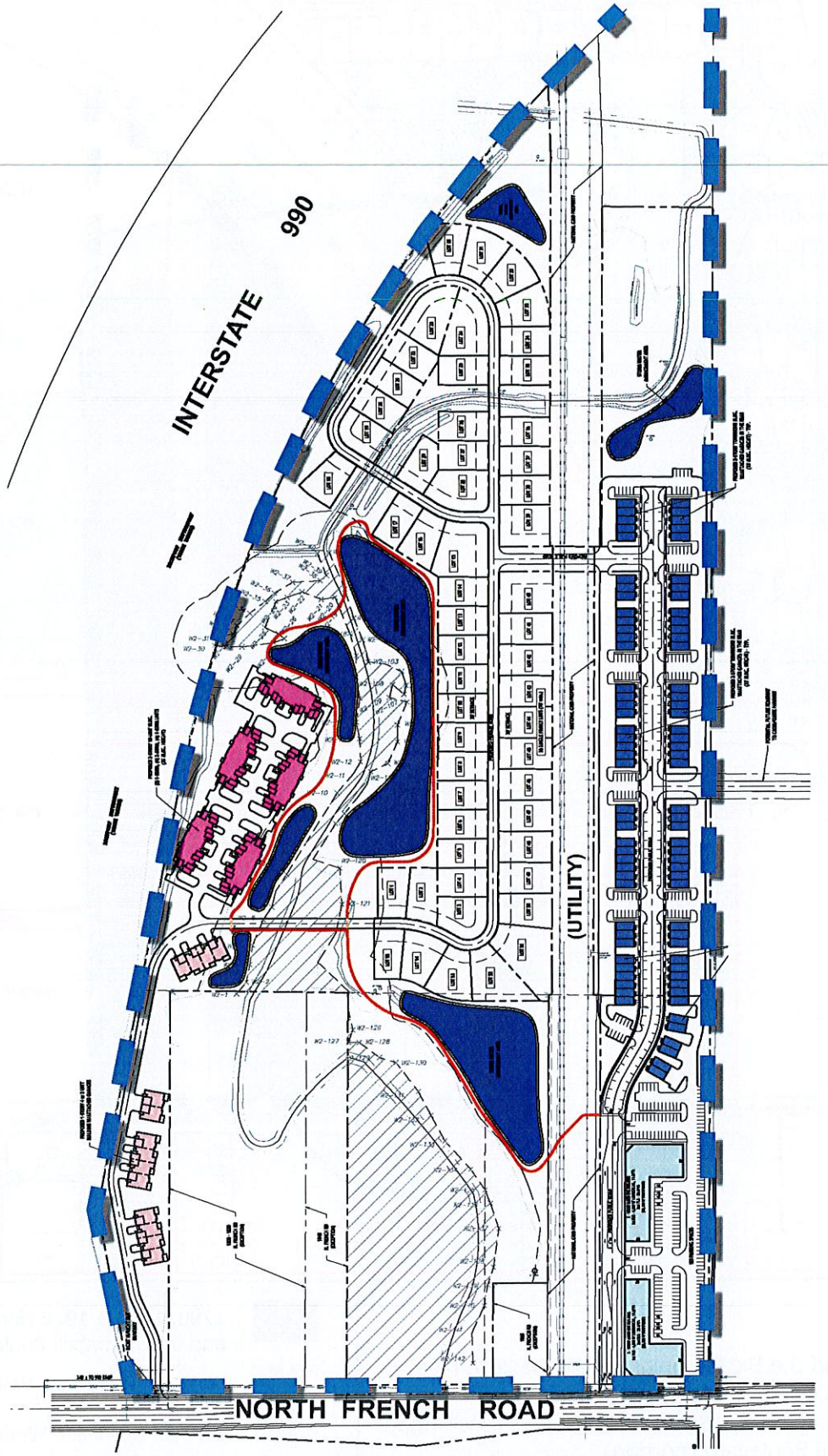
US Fish & Wildlife Wetland

Area of Interest

N

Prepared by the Town of Amherst Planning Department

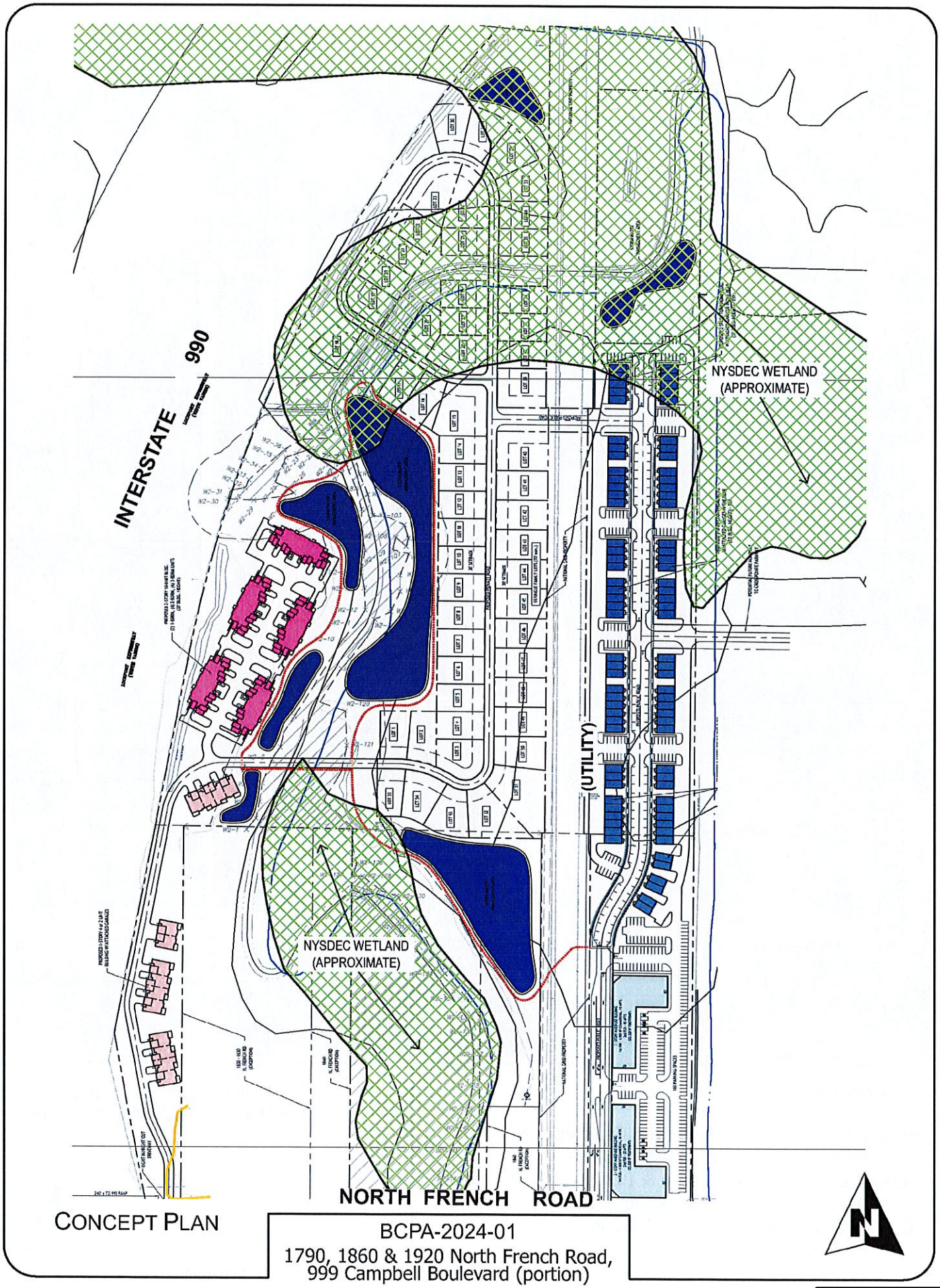
Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard



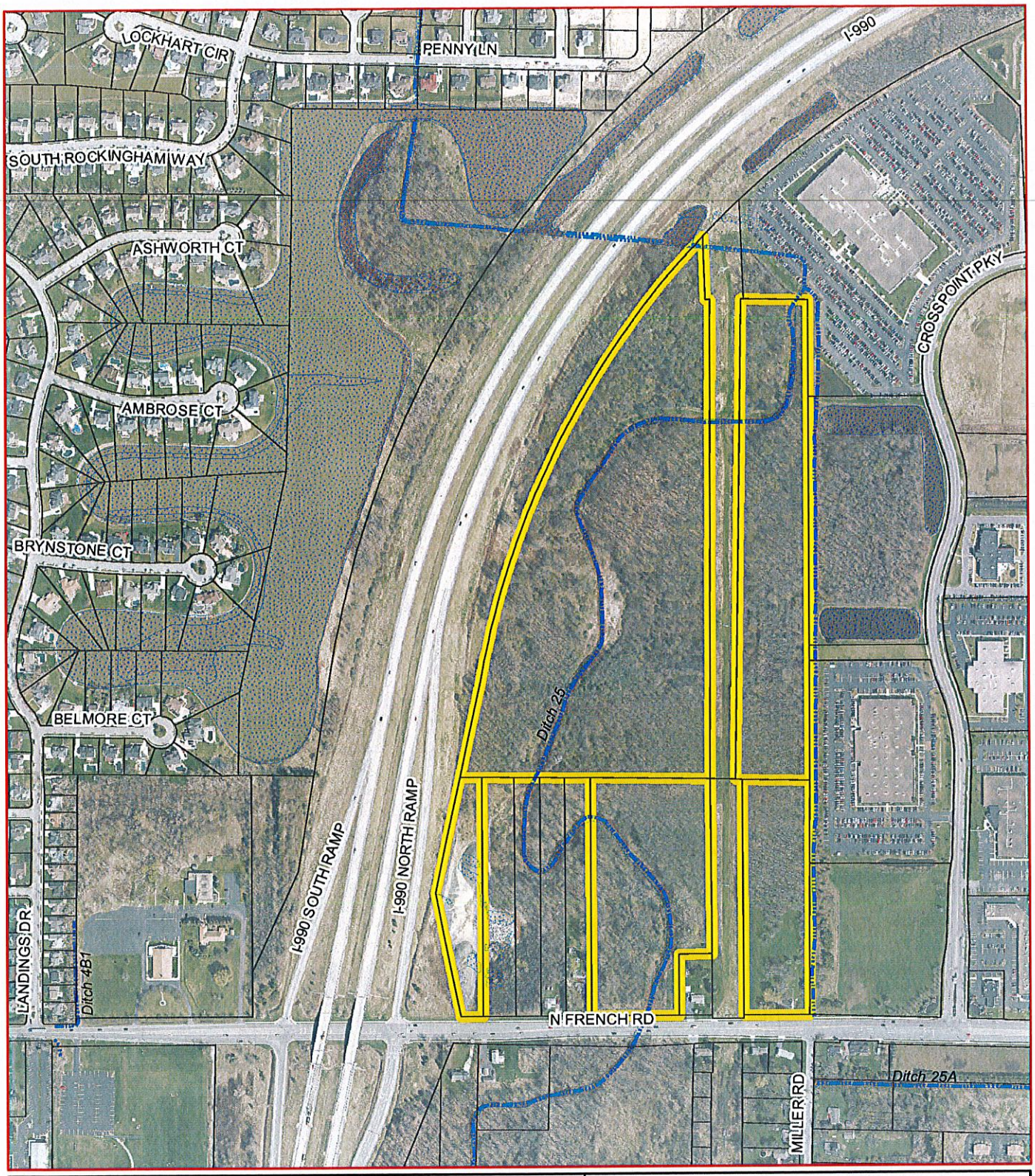
CONCEPT PLAN

BCPA-2024-01
1790, 1860 & 1920 North French Road and
999 Campbell Boulevard (portion)

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard



Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard



BCPA-2024-01

Request to Amend the Bicentennial Comprehensive Plan from Commercial Office to Industrial Office
Property Located at 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard (portion)
SBLC Development Corporation, Petitioner
May 16, 2024

1790, 1860 & 1920 North French Road and 999 Campbell Boulevard (portion)

Prepared by the Town of Amherst Planning Department

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

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

TO: Scott Marshall, Principal Planner
FROM: Roberta Rappoccio, Associate Planner
DATE: April 17, 2024
SUBJECT: BCPA-2024-01 Bicentennial Comprehensive Plan Amendment Review
Proposed: Amend Comprehensive Plan to change land from Recreation, Open Space & Greenways to Commercial - Mixed Use
Property located at: 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard (portion)
Plans received: March 25, 2024

The subject request has been reviewed by staff and resulted in the following findings:

1. Amherst has little open, undeveloped land available south of North French Road – the historic dividing line of suburban and rural character. The Comprehensive Plan encourages redevelopment and infill development within existing residential neighborhoods and commercial areas as opposed to extending suburban development on to open lands in northern Amherst.

2. The proposed development site is an undeveloped, 62.03 acre parcel that contains natural resource constraints impeding its desirability until now. A recent wetland delineation indicated one significant wetland area (Wetland TE-18) approximately 7.5 acres in the center of the property that is under the jurisdiction of the NYSDEC. The proposed concept design shows some impacts will occur within the regulated 100 foot buffer area of Wetland TE-18.

3. The Conceptual Land Use Plan (Figure 6), purposes Industrial-Office uses for a portion of the area. As stated in Section 3.3.4 of the Plan, the desirable site characteristics for the location of industrial-office uses are: 1) access to major transportation routes; 2) away from residential neighborhoods; and 3) on large tracts of land that can be buffered from surrounding areas. While the proposed project offers a range of housing choices in a suburban/rural setting, the location in this case does not predispose a mixed residential use as its highest value.

   The key characteristic of this project site is its proximity to large capacity transportation infrastructure and complementary land use. The project site is adjacent to a state expressway (I-990) and a minor arterial (North French Road) and is one of only two large, undeveloped areas remaining that are best suited for research and development/warehousing and industrial uses.

4. The Town, along with its consultant, RKG, completed a Strategic Economic Development Plan in 2023. The Plan presents a focused effort to meet the defined and evolving economic development goals consistent with the community's comprehensive plan and other town plans/goals. This Plan designated the Cross Point area as one of nine "Opportunity Sites" within

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

the town to be prepared to "adapt to shifts in the marketplace." The Plan notes typical suburban office parks have "fallen out of favor" and the Cross Point Business Park location and inaccessibility to amenities will reduce its demand in the long term. Regional demand for warehousing space due to high volume ecommerce spending however, is the ideal strategy for this area. "The site's frontage to I-990 offers a viable development and market opportunity for warehouse/distribution facilities." (p. 28).

5. North French Road is a minor arterial roadway at this location, characterized as Suburban in Section 6-1 of the Comprehensive Plan. The proposed site is ideally located for warehousing distribution and/or research and development uses with excellent accessibility to North French Road with direct connections to the I-990 expressway, Millersport Highway (a major arterial) and Campbell Boulevard. This location is ideal for higher volume, higher speed trips that serve daily distribution and commuter traffic within and between metropolitan areas.

6. The proposed development is a traditional suburban development that maximizes building density on vacant, undeveloped land. The proposed development does not advance redevelopment actions or revitalization of existing neighborhoods. The proposed project does not decrease the potential impacts of development on sensitive lands or promote housing affordability as stated in Section 8.3 of the Plan. This proposed development at this location does not fulfill the objectives or goals of the Housing and Neighborhoods section of the Plan.

3.0 Land Use and Development

The properties to be developed are bounded on the north and west by the I-990 expressway, and on the south by North French Road. The Conceptual Land Use Plan (Figure 6) in the Town's Comprehensive Plan identifies much of this area as Recreation, Open Space & Greenways (Green). In Figure 6, the parcels to be developed are proposed for recreation, open space & greenways with a portion as industrial office. Property to the east is proposed as Industrial-Office (Gray), and contains the Cross Point Business Park, a designated Suburban Corridor commercial center as shown in Figure 6A: Commercial and Mixed-Use Designations. The intent of the Land Use Plan for this area is to provide opportunities to expand the light-industrial or distributive uses near the I-990 expressway on lands that are not designated wetlands or environmentally important. The location is ideally situated for this use as it is bordered by major highways and has direct access to the interstate highway system.

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

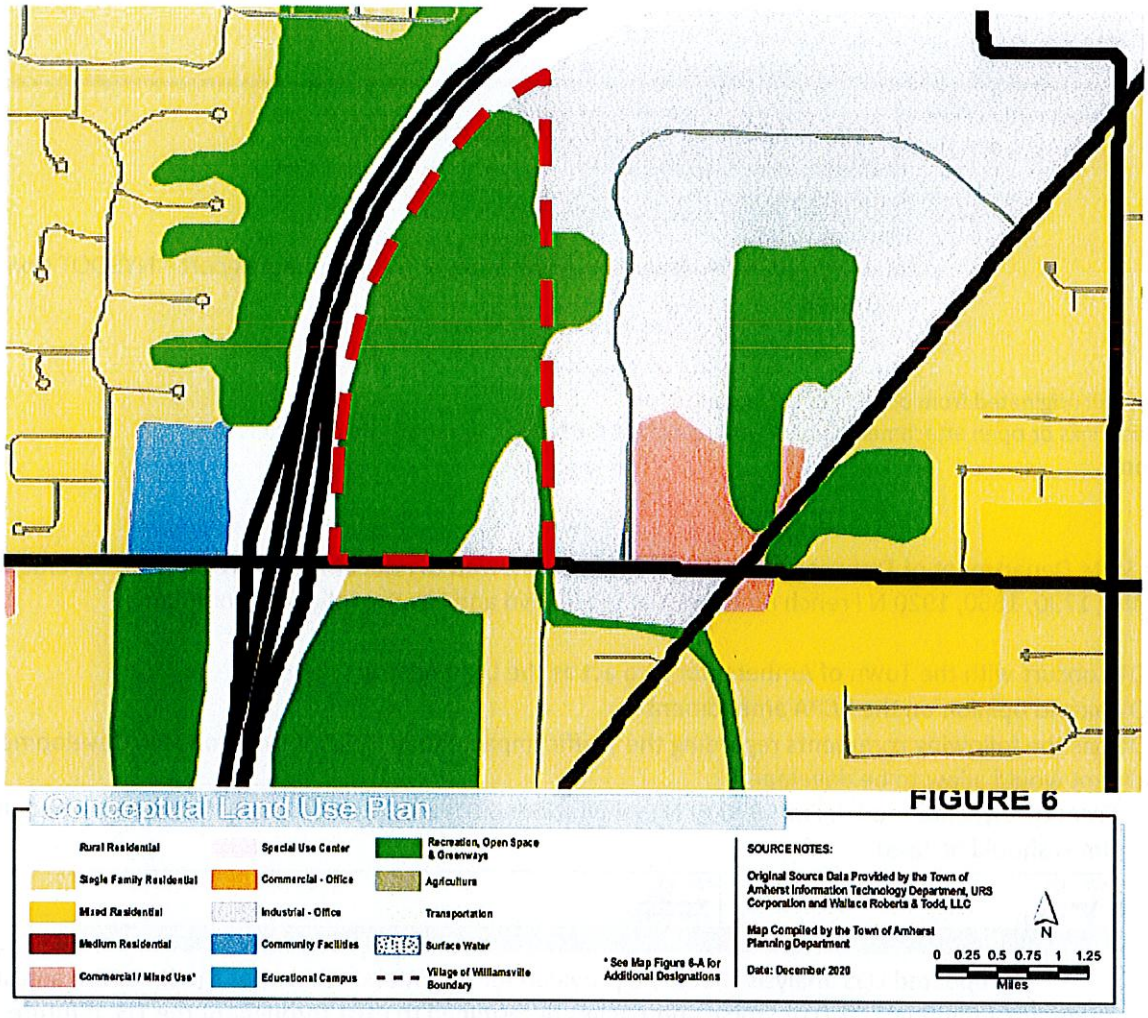


FIGURE 6

Recommendation

This request to amend the Comprehensive Plan from recreation - open space to commercial - mixed use land uses should be denied. The subject land are well situated and suited for the uses proposed in the Plan. The Town has limited lands designated for industrial/office development and should not encourage their use for residential or commercial mixed uses. The Plan recommended that new residential mixed use development be used to encourage redevelopment and revitalization in areas where services and infrastructure/transportation already exists. This location in North Amherst should remain designated for recreation/open space or industrial office to assure its valued environmental features, and its close proximity to existing compatible land uses and highly accessible transportation corridors.

Should you have questions regarding this review, please contact Roberta Rappoccio, Associate Planner at rrappoccio@amherst.ny.us or Kim Amplement, Senior Planner at kamplement@amherst.ny.us

This is a review only and does not constitute approval of the Request for Amendment to the Bicentennial Comprehensive Plan. Final approval will occur after Town Board approval and addressing any conditions imposed by that board as part of their approval and issuance of an approved Comprehensive Plan Amendment by this department.

DH/RR/KA
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\2024\BCPA-2024-01_(1790_1860_&_1920_North_French_Rd)_2024\BCPA_2024-01_Long Range Review_040824.doc
cc: Sean W. Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

Fadel, Bryan

From: dot.sm.r05.SEQR <dot.sm.r05.SEQR@dot.ny.gov>
Sent: Thursday, May 9, 2024 1:32 PM
To: Fadel, Bryan
Cc: Marshall, Scott
Subject: RE: BCPA-2024-01, Amended Application & Traffic Impact Report - NYSDOT Comments - 2024-49

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 afternoon,

The New York State Department of Transportation (NYSDOT) has reviewed the documentation provided for amending the BCP regarding 1790, 1860, 1920 N French Rd & 999 Campbell Blvd and has the following comments:

- NYSDOT concurs with the Town of Amherst for it to act as the Lead Agency
- NYSDOT has no opinion on the BCPA amendment
- NYSDOT has the following comments regarding the Traffic Impact Study (TIS) for the proposed development the amendment would allow to be developed:
  - From the Synchro model: For I-990 @ N French (Node 26 is the SB and Node 35 is the NB). The following times should be used
  -

    - An updated LOS analysis should be provided for this intersection after the times are adjusted
  - There are additional LOS D or worse approaches determined to exist throughout the TIS. If future mitigations measures are proposed for this site beyond what is present in the TIS, NYSDOT requests to be involved in the review to evaluate any possible impacts on adjacent NYSDOT signals

Respectfully,
Casey Gordon
Transportation Analyst
Planning and Program Management

New York State Department of Transportation, Region 5
100 Seneca Street, Buffalo, NY 14203
(716) 847-3580
Casey.Gordon@dot.ny.gov
www.dot.ny.gov

From: Fadel, Bryan <bfadel@amherst.ny.us>
Sent: Tuesday, April 9, 2024 1:21 PM
To: Hall, David (ERIE) <david.hall@erie.gov>; dot.sm.r05.SEQR <dot.sm.r05.SEQR@dot.ny.gov>; dec.sm.DEP.R9 <DEP.R9@dec.ny.gov>; Hacker, Garrett (ERIE) <garrett.hacker@erie.gov>

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

Cc: 'Sean Hopkins' <shopkins@hsmlegal.com>; 'cwood@carminawooddesign.com' <cwood@carminawooddesign.com>
Subject: BCPA-2024-01, Amended Application & Traffic Impact Report

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Please review the subject attached project and advise the Planning Department of any recommendations and/or requirements. Digital versions of the materials may be viewed and/or downloaded from: https://www.amherst.ny.us/content/development_projects_pending.php.

--

Bryan Fadel
Senior Clerk | Town of Amherst Planning Department

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

Amherst

1999.069

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

March 27, 2024

TO: Timothy Koller, Deputy Town Clerk
Roberta Rappoccio, Associate Planner
Emily Murphy, Town Assessor
Douglas Gesel, Supervising CEO, Bldg. Dept.
Vaishali Reberholt, Assistant Town Engineer
Steven Floss, Highway Superintendent/ Eric Blocher, General Crew Chief
Chris Schregel, Traffic/Safety Coordinator
Brian Barnes, Senior GIS Analyst (letter only)
Bryan Parnell, Fire Chiefs' Association
Martin Polowy, Town Attorney (Local Law Only)
Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Joseph Buffamonte, SEQR Coordinator, NYSDOT
David Denk, NYSDEC Region 9 Permits Office
Williamsville School District
ECDPW

FROM: Scott Marshall, Principal Planner

SUBJECT: REQUEST TO AMEND THE BICENTENNIAL COMPREHENSIVE PLAN FROM "RECREATION, OPEN SPACE & GREENWAYS" TO "COMMERCIAL/MIXED USE" & FIGURE 6A TO "SUBURBAN CENTER" FOR 62 ACRES OF LAND, **BCPA-2024-01**; PROPERTY LOCATED AT **1790, 1860 & 1920 NORTH FRENCH ROAD & 999 CAMPBELL BOULEVARD (PORTION)**. SBLC DEVELOPMENT CORPORATION, PETITIONER.

REVIEW:

☑ No concerns with request

☐ The following additional information is required to complete review: _____

☐ Request is not reviewable because: _____

☐ General comments relative to your agency's interests: DSCA will be required.

Please provide comments by **April 3, 2024**

Please call the Planning Department contact above if additional information is required (631-7051).

Reviewed By: _____ **Date:** 5/1/24

SM/bf
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\Forms\BCPA_Transmittal_Updated_032322.doc

cc: Scott Marshall, Principal Planner
Jeffrey Burroughs, Town Engineer
Patrick Sheedy, Jr., 487 Main Street #500, Buffalo, NY 14203
Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

Fadel, Bryan

From: Dave Copeland [redacted]
Sent: Thursday, April 18, 2024 4:55 PM
To: Fadel, Bryan
Cc: Alan Blackburn; Rappoccio, Roberta; Berger, Jacqualine; Graczyk, Elizabeth
Subject: Re: Request to Amend BCPA (BCPA-2024-01)
Attachments: BCPA-2024-01_Transmittal_032724.pdf; BCPA-2024-01_SEQR_032724.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.

The Amherst Conservation Advisory Council reviewed this project during our April meeting and has the following comments associated with this project.

A) We could locate the federal wetland delineation information for the 5.71 acre parcel at 1920 North French but we could not find anything in regards to federal wetland designations for the rest of the proposed development. We are interested in seeing that information

B) Clearing of this site has already occurred over the last few years. There could be a perception that this clearing activity constitutes the Start of the Proposed Project prior to complying with the NYS SEQRA review process. In light of this very serious perception, the Town of Amherst should confer with the NYS DEC with this potential concern. It maybe in the best interest of the Town to request the NYSDEC to take Lead Agency status over the SEQRA review process.

Regards
Dave Copeland
Chair of Amherst Conservation Advisory Council

Sent from my iPad

> On Mar 28, 2024, at 10:26 AM, Fadel, Bryan <bfadel@amherst.ny.us> wrote:
>
> Please provide any comments and/or concerns your agency may have by April 27. A link to view the subject project applications/plans can be found in the attached SEQR document.
>
> Have a good day!
>
> --
> Bryan Fadel
> Senior Clerk | Town of Amherst Planning Department

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

TOWN OF AMHERST

ASSESSOR'S OFFICE

5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
PHONE: 716-631-7038

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: April 5, 2024

SUBJECT: Request to amend the Bicentennial Comprehensive Plan from "Recreation, open space & greenways" to "Commercial/Mixed Use" & Figure 6A to "Suburban Center" for 62 acres of land **BCPA-2024-01**
Property Location: 1790,1860, & 1920 N French Rd & 999 Campbell Blvd (portion)
Petitioner: SBLC Development Corporation

No concerns with request

cc: Sean Hopkins, 5500 Main St.,#500, Buffalo, NY 14221
Patrick Sheedy, Jr, 487 Main St, Buffalo,NY 14203

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, AIC
Planning Director
Daniel J. Ulatowski, AIC
Assistant Planning Direc

March 27, 2024

RECEIVED
APR 10 2024
TOWN OF AMHERST
PLANNING DEPT.

RECEIVED
MAR 28 2024
TOWN ATTORNEY

TO: Timothy Koller, Deputy Town Clerk
Roberta Rappoccio, Associate Planner
Emily Murphy, Town Assessor
Douglas Gesel, Supervising CEO, Bldg. Dept.
Vaishali Reberholt, Assistant Town Engineer
Steven Floss, Highway Superintendent/ Eric Blocher, General Crew Chief
Chris Schregel, Traffic/Safety Coordinator
Brian Barnes, Senior GIS Analyst (letter only)
Bryan Parnell, Fire Chiefs' Association
Martin Polowy, Town Attorney (Local Law Only)
Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Joseph Buffamonte, SEQR Coordinator, NYSDOT
David Denk, NYSDEC Region 9 Permits Office
Williamsville School District
ECDPW

FROM: Scott Marshall, Principal Planner

SUBJECT: REQUEST TO AMEND THE BICENTENNIAL COMPREHENSIVE PLAN FROM "RECREATION, OPEN SPACE & GREENWAYS" TO "COMMERCIAL/MIXED USE" & FIGURE 6A TO "SUBURBAN CENTER" FOR 62 ACRES OF LAND, **BCPA-2024-01**; PROPERTY LOCATED AT **1790, 1860 & 1920 NORTH FRENCH ROAD & 999 CAMPBELL BOULEVARD (PORTION)**. SBLC DEVELOPMENT CORPORATION, PETITIONER.

REVIEW:

☑ No concerns with request
☐ The following additional information is required to complete review: _____

☐ Request is not reviewable because: _____

☐ General comments relative to your agency's interests: _____

Please provide comments by **April 3, 2024**

Please call the Planning Department contact above if additional information is required (631-7051).

Reviewed By: NBRobshaw **Date:** 4/3/24

SM/bf
X:\Current_Planning\Files\Bicentennial Comp Plan Amends\Forms\BCPA_Transmittal_Updated_032322.doc

cc: Scott Marshall, Principal Planner
Jeffrey Burroughs, Town Engineer
Patrick Sheedy, Jr., 487 Main Street #500, Buffalo, NY 14203
Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

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

March 27, 2024

TO: Timothy Koller, Deputy Town Clerk
Roberta Rappoccio, Associate Planner
Emily Murphy, Town Assessor
Douglas Gesel, Supervising CEO, Bldg. Dept.
Vaishali Reberholt, Assistant Town Engineer
Steven Floss, Highway Superintendent/ Eric Blocher, General Crew Chief
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Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Joseph Buffamonte, SEQR Coordinator, NYSDOT
David Denk, NYSDEC Region 9 Permits Office
Williamsville School District
ECDPW

RECEIVED
APR 04 2024
TOWN OF AMHERST
PLANNING DEPT.

FROM: Scott Marshall, Principal Planner

SUBJECT: REQUEST TO AMEND THE BICENTENNIAL COMPREHENSIVE PLAN FROM "RECREATION, OPEN SPACE & GREENWAYS" TO "COMMERCIAL/MIXED USE" & FIGURE 6A TO "SUBURBAN CENTER" FOR 62 ACRES OF LAND, **BCPA-2024-01; PROPERTY LOCATED AT 1790, 1860 & 1920 NORTH FRENCH ROAD & 999 CAMPBELL BOULEVARD (PORTION).** SBLC DEVELOPMENT CORPORATION, PETITIONER.

REVIEW:

☐ No concerns with request

☒ The following additional information is required to complete review: Traffic Impact Study is Required

☐ Request is not reviewable because: _____

☐ General comments relative to your agency's interests: _____

Please provide comments by **April 3, 2024**

Please call the Planning Department contact above if additional information is required (631-7051).

Reviewed By: C. Schregel **Date:** 4/4/24

SM/bf
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\Forms\BCPA_Transmittal_Updated_052322.doc

cc: Scott Marshall, Principal Planner
Jeffrey Burroughs, Town Engineer
Patrick Sheedy, Jr., 487 Main Street #500, Buffalo, NY 14203
Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

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

RECEIVED
APR 02 2024
TOWN OF AMHERST
BUILDING DEPT

March 27, 2024

TO: Timothy Koller, Deputy Town Clerk
Roberta Rappoccio, Associate Planner
Emily Murphy, Town Assessor
Douglas Gesel, Supervising CEO, Bldg. Dept.
Vaishali Reberholt, Assistant Town Engineer
Steven Floss, Highway Superintendent/ Eric Blocher, General Crew Chief
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David Denk, NYSDEC Region 9 Permits Office
Williamsville School District
ECDPW

FROM: Scott Marshall, Principal Planner

SUBJECT: REQUEST TO AMEND THE BICENTENNIAL COMPREHENSIVE PLAN FROM "RECREATION, OPEN SPACE & GREENWAYS" TO "COMMERCIAL/MIXED USE" & FIGURE 6A TO "SUBURBAN CENTER" FOR 62 ACRES OF LAND, **BCPA-2024-01**; PROPERTY LOCATED AT **1790, 1860 & 1920 NORTH FRENCH ROAD & 999 CAMPBELL BOULEVARD (PORTION)**. SBLC DEVELOPMENT CORPORATION, PETITIONER.

REVIEW:

☒ No concerns with request
☐ The following additional information is required to complete review: _____
☐ Request is not reviewable because: _____
☒ General comments relative to your agency's interests: Wetlands and SFHA on parcels

Please provide comments by **April 3, 2024**

Please call the Planning Department contact above if additional information is required (631-7051).

Reviewed By: Doug Gesel **Date:** 4/3/24

SM/bf
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\Forms\BCPA_Transmittal_Updated_032322.doc
cc: Scott Marshall, Principal Planner
Jeffrey Burroughs, Town Engineer
Patrick Sheedy, Jr., 487 Main Street #500, Buffalo, NY 14203
Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

Attachment: BCPA-2024-01 TB letter packet 062424 (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard

HSM

July 16, 2024

Brian J. Kulpa, Town Supervisor
Town of Amherst Town Hall
5583 Main Street
Williamsville, NY 14221

Re: Application for Bicentennial Comprehensive Plan Amendment
Proposed Mixed-Use and Residential Project – 1790, 1860 and 1920
North French Road & Portion of 999 Campbell Boulevard
Applicant/Project Sponsor: SBLC Development Corp.
File No. 10066.7

Dear Supervisor Kulpa and Councilmembers:

This letter is being submitted on behalf of SBLC Development Corp. ("Project Sponsor") in connection with its pending request to amend the Bicentennial Comprehensive Plan. The Town Board held a public hearing during its meeting on June 24th.

In connection with an effort to reduce impacts to the jurisdictional federal wetlands located on the Project Site, the Project Sponsor has reduced the number of attached townhome units with attached garages to be located on the parcel at 1920 North French Road from 86 units to 52 units.

Attached as Exhibits "1" and "2" are copies of the updated Concept Site Plan [Drawing C-100 – Date: 07/16/24] and the Wetlands Impact Plan [Drawing WL-100] depicting the reduction of the number of attached townhome units from 86 units to 52 units and the proposed impacts to jurisdictional federal wetlands located on the Project Site. Full-size copies of the two plans referenced above are also enclosed.

If you have any questions regarding this letter or the updated plans, please feel free to contact me at 716.510-4338 or via e-mail at shopkins@hsmlegal.com.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

Enc.
cc: Jacqualine Berger, Councilmember
Shawn Lavin, Deputy Supervisor
Michael Szukala, Councilmember
Angela Marinucci, Councilmember

HOPKINS SORGI & MCCARTHY PLLC
Attorneys at Law
5500 Main Street, Suite 343 • Williamsville, New York 14221
Direct: 716-510-4338 • E-mail: shopkins@hsmlegal.com • www.hsmlegal.com

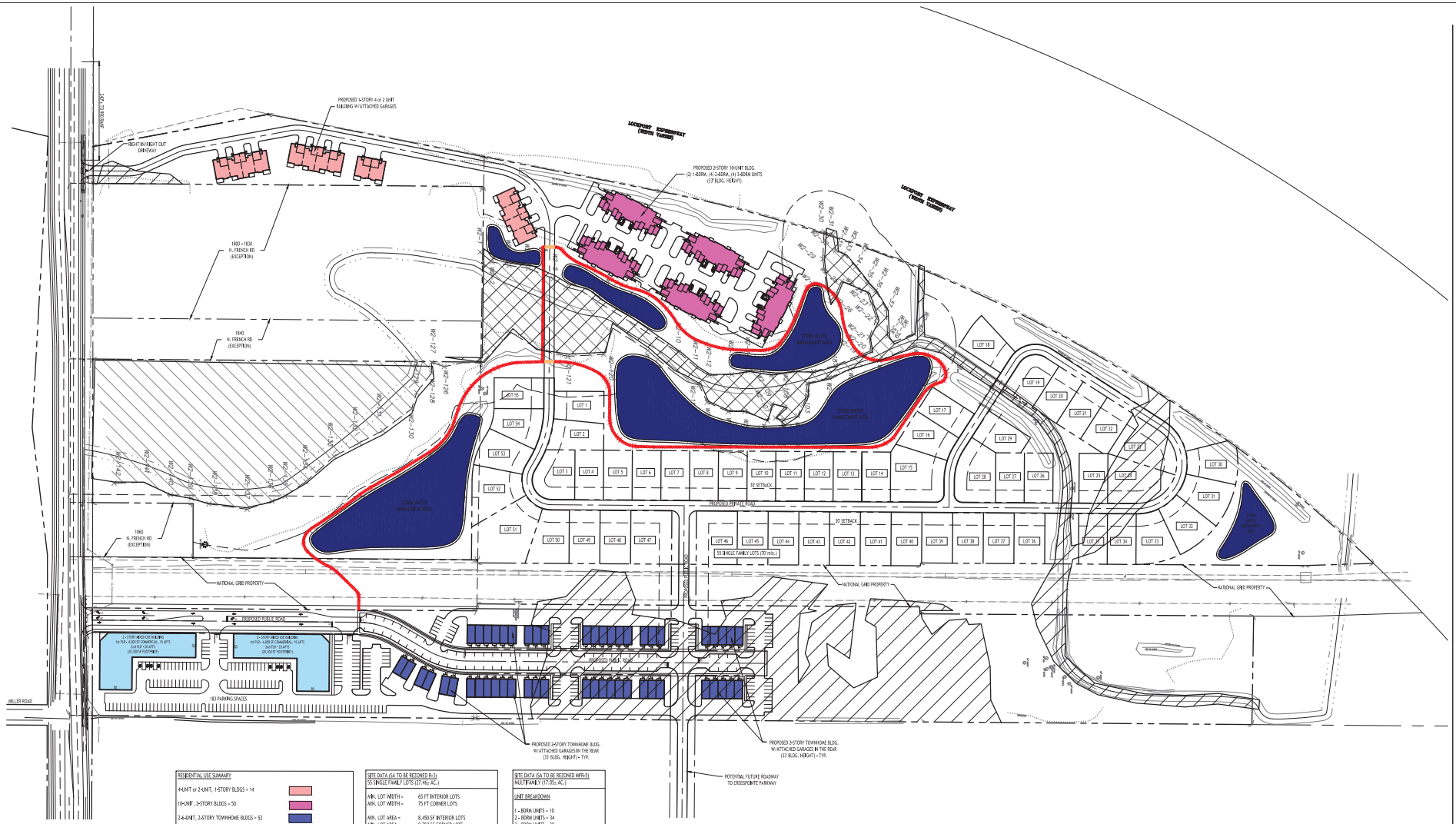
Attachment: Kulpa-Ltr-07-16-24 N French Rd (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard (Portion)

Francina J. Spoth, Town Clerk
Timothy J. Koller, Deputy Town Clerk
Martin Pollowy, Esq., Town Attorney
Daniel Howard, AICP, Planning Director
Scott Marshall, Senior Planner
Fred Cimato, SBLC Development Corp.
Elliot Lasky, SBLC Development Corp.
Christopher Wood, P.E., Carmina Wood Design
Anthony Pandolfe, P.E., Carmina Wood Design
Scott Livingstone, Earth Dimensions, Inc.

Attachment: Kulpa-Ltr-07-16-24 N French Rd (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard (Portion)

Exhibit 1

Attachment: Kulpa-Ltr-07-16-24 N French Rd (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard (Portion)



RESIDENTIAL USE SUMMARY	
4-UNIT or 2-UNIT, 1-STORY BLDGS = 14	
10-UNIT, 3-STORY BLDGS = 50	
2-4-UNIT, 2-STORY TOWNHOME BLDGS = 52	
2-STORY MIXED USE BUILDINGS = 70	
TOTAL RESIDENTIAL UNITS = 186	

PROPOSED WALKING/JOGGING TRAILS

SITE DATA (SA TO BE REZONED R-3) 55 SINGLE FAMILY LOTS (27.46± AC.)	
MIN. LOT WIDTH =	65 FT INTERIOR LOTS
MIN. LOT WIDTH =	75 FT CORNER LOTS
MIN. LOT AREA =	8,450 SF INTERIOR LOTS
MIN. LOT AREA =	9,750 SF CORNER LOTS
FRONT SETBACK = 30 FT	
SIDE SETBACK = 5 FT	
REAR SETBACK = 30 FT	
MAXIMUM LOT COVERAGE = 35%	
MAXIMUM BUILDING HEIGHT = 35 FT	
MINIMUM FLOOR AREA = 1,000 SF (1 STORY)	
MINIMUM FLOOR AREA = 1,200 SF (2 STORIES)	

SITE DATA (SA TO BE REZONED SC-3) SHALLOW CORRIDOR 3 (11.24± AC.)	
RESIDENTIAL UNITS = 70	
COMMERCIAL SPACE = 8,000 GSF	

SITE DATA (SA TO BE REZONED MFR-3) MULTIFAMILY (17.05± AC.)
UNIT BREAKDOWN
1 - BDRM UNITS = 10
2 - BDRM UNITS = 34
3 - BDRM UNITS = 20
TOTAL = 64 UNITS
DENSITY CALCULATION
REQD LAND AREA
1 - BDRM: 10 x 3630 SF = 36,300 SF
2 - BDRM: 34 x 4356 SF = 148,104 SF
3 - BDRM: 20 x 5445 SF = 108,900 SF
TOTAL = 293,304 SF = 6.73 ACRES REQD
PARKING CALCULATION
REQD = 2 SPACES PER UNIT
REQD = 64 UNITS x 2 = 128 SPACES REQD
PROVIDED = 128 SPACES W/ GARAGES

N CONCEPT SITE PLAN
SCALE: 1"=110'

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

110 0 110 220Ft.

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CARMINAWOOD DESIGN
Buffalo | Utica | Greensboro

Mixed Use Development

1790, 1860 & 1920 North French Road & Portion of 999 Campbell Blvd.
Amherst, New York
SBL No. 27.04-1-12, 16.1 & 20, 27.00-2-29

REVISIONS:

No.	Description	Date
1	Revised title block address	4/3/24
2	Added Federal wetlands	6/3/24
3	Updated Federal wetlands	6/7/24
4	Updated per Owner Comments	6/13/24

PRELIMINARY
NOT FOR CONSTRUCTION

DRAWING NAME:
Concept Site Plan

Date: 7/16/24
Drawn By: C. Wood
Scale: As Noted

DRAWING NO.
C-100

Project No: 23-4131

Exhibit 2

Attachment: Kulpa-Ltr-07-16-24 N French Rd (RES-2024-538 : 1790, 1860 & 1920 North French Road and 999 Campbell Boulevard (Portion)

Mixed Use Development

1790, 1860 & 1920 North French Road & Portion of 999 Campbell Blvd.
Amherst, New York
SBL No. 27.04-1-12, 16.1 & 20, 27.00-2-29

CARMINAWOOD DESIGN
Buffalo | Utica | Greensboro

REVISIONS:		
No.	Description	Date
4	Revised title block address	4/3/24
3	Added Federal wetlands	6/3/24
2	Updated Federal wetlands	6/7/24
1	Updated per Owner Comments	6/13/24

PRELIMINARY
NOT FOR CONSTRUCTION

DRAWING NAME: Wetland Impacts Plan

Date: 7/16/24
Drawn By: C. Wood
Scale: As Noted

DRAWING NO. WL-100

Project No: 23-4131

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

110' 0 110' 220'+

N CONCEPT SITE PLAN
SCALE: 1"=110'

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 28701 **RESOLUTION 2024-210** **ADJOURNED**

46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive Plan Amendment

Request to amend the Bicentennial Comprehensive Plan for 46, 54, 60, 68, 74 & 84 South Linden Street from Single Family Residential to Mixed Residential.

3/11/2024
Supervisor Kulpa made a motion to adjourn to the March 25th meeting per the petitioner's request, seconded by Councilmember Berger and unanimously approved 5-0.

3/25/2024
Supervisor Kulpa made a motion to adjourn to the June 10th meeting per the petitioner's request, seconded by Councilmember Berger and unanimously approved 5-0.

6/10/2024
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The public hearing was opened at 7:02 PM.

Jeff Palumbo, Esq. presented.

The following residents spoke:
Stephen Martin, 74 S Harvest St
Michael Marshall, 90 Altair Dr
Sharon Caleca, 88 Tristan Ln
Ray Herman, 114 Oakgrove Dr
Tim Boyle, 91 Pasadena Pl
Francine Fabozzi, 42 Post Rd
Tom Weisbeck, 48 Drawbridge Ct

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the June 24th Town Board meeting, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The public hearing was closed at 7:34 PM.

6/24/2024
Supervisor Kulpa made a motion to adjourn to the July 22nd meeting per the petitioner's request, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

7/22/2024
Supervisor Kulpa made a motion to adjourn to the August 19th meeting per the petitioner's request, seconded by Deputy Supervisor Lavin and unanimously approved 5-0.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 8/19/2024 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Shawn Lavin, Deputy Supervisor	
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci	

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulp
Supervisor

Daniel C. Howard,
Planning Direc

Daniel J. Ulatowski,
Assistant Planning D

Town Board Agenda of March 11, 2024

March 5, 2024

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

Subject: Request to Amend the Bicentennial Comprehensive Plan for 2.4± acres of land from Single Family Residential to Mixed Residential; property located at 46, 54, 60, 68, 74 & 84 South Linden Street. (**BCPA-2023-02**)

Honorable Members:

This request is to amend the Bicentennial Comprehensive Plan to change the land use designation on Figure 6 from "Single-Family Residential" to "Mixed Residential" to allow for the potential rezoning from R-3 to MFR-5 in order to develop two, 2-story multi-family structures containing 28 units.

The subject property is a 2.4± acre "pan handle" shaped property consisting of six separate parcels and the former South Linden Street right-of-way located on the north side of Wehrle Drive approximately 375 feet east of South Harvest Street. Wehrle Drive is an Erie County highway, designated as a minor arterial on Figure 9 of the Bicentennial Comprehensive Plan. The subject property for this BCPA request is located immediately west of the George F Lamm (American Legion) Post 622 at 980 Wehrle Drive, and only has access to Wehrle Drive via an abandoned paper street (South Linden St.) recently acquired by the Petitioner from the Town.

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

History of previous rezoning requests:

The subject parcel was zoned Residential District Three (R-3) with the adoption of the Town wide Zoning Map and Ordinance on January 19, 1976.

The Planning Board offers the following findings in accordance with New York State Town Law §272-a.

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

Honorable Town Board

Request to Amend the Bicentennial Comprehensive Plan;
Property located at 46, 54, 60, 68, 74 & 84 South Linden St.
Agenda of March 11, 2024

INTENT AND OBJECTIVES OF THE COMPREHENSIVE PLAN

Based upon the Planning Department Staff memorandum dated June 29, 2023 (attached) and public input from the hearing held on October 19, 2023 and January 18, 2024 by the Planning Board, the Planning Board finds that:

A. The proposed request is generally inconsistent with the Zoning Ordinance and with the following sections of the Comprehensive Plan:
   - Chapter 2, Plan Concept: Section 2.2 "Vision Statement";
   - Chapter 3, Land Use and Development: Section 3.2 "Goal, Objectives and Policies" and Section 3.3.1 "Residential Uses";
   - Chapter 8 Housing and Neighborhoods: Section 8.2 "Goals, Objectives and Policies"

B. The subject property is suitable for uses permitted by the current land use designation versus the proposed land use designation.

C. The proposed change does not improve the balance of land uses, and does not meet a specific demand in the Town.

D. The area surrounding the subject request is predominantly comprised of single-family housing, developed according to the requirements of the R-3 district.

INTENT AND OBJECTIVES OF THE ZONING ORDINANCE

Development of multifamily apartment buildings as illustrated on the concept plan is inconsistent with the allowable uses in the R-3 Zoning district. Any future use of the property will need to comply with the applicable regulations in the Zoning Ordinance.

CONSISTENCY/COMPATIBILITY WITH SURROUNDING DEVELOPMENT/ZONING

The subject property is located between an existing predominantly single-family residential neighborhood to the west and the George F Lamm Post 622 (American Legion Post) immediately to the east. Further east and along both the north and south sides of Wehrle Drive there are additional single-family residences. Multi-family and commercial uses are located at the intersection of Wehrle Drive and South Union Road, approximately 1,300 feet to the west and at the intersection of Wehrle Drive at Cayuga Road to the east. With the exception of these limited commercial and multi-family areas the predominate land use in the subject area is single family (R-3 and R-4) and the subject request is inconsistent with the surrounding development and zoning.

ADEQUATE SERVICES AND UTILITIES

Services and utilities necessary for the proposed change in land use policy must be evaluated. The Engineering Department has indicated that a downstream sewer capacity analysis will be required.

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

Honorable Town Board

Request to Amend the Bicentennial Comprehensive Plan;
Property located at 46, 54, 60, 68, 74 & 84 South Linden St.
Agenda of March 11, 2024

RECOMMENDATION

The Planning Board at their meeting of January 18, 2024 held a public hearing on the subject Plan amendment and recommended that in accordance with New York State Town Law §272-a Subsection 4, the request to amend the Bicentennial Comprehensive Plan be denied for the following reasons:

- The amendment is not consistent with the Town of Amherst Bicentennial Comprehensive Plan in the following ways:
    - The amendment promotes rezoning and subsequent multi-family attached development at a density, scale, and of a character that are inconsistent with the small lot, single-family detached housing in the neighborhoods that surround the site;
    - The amendment does not enable a public street network from McIntire Road to the east for future development of single-family homes,

The Planning Department requests that if the Town Board desires to act on the Plan amendment, 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 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\Bicentennail Comp Plan Amends\2023\BCPA-2023-02_(46-74_South_Linden_St)\BCPA-2023-02_TB_Letter_03112024.docx
cc: Martin Polowy, Town Attorney

Planning Board Approval January 18, 2024
Ayes 4; Noes 1 (Chmiel); Absent 2 (Giuliani, Kahn)

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

TOWN OF AMHERST
PLANNING BOARD
COMPREHENSIVE PLAN AMENDMENT
BCPA-2023-02

JAN 24 2024 PM2

PETITIONER

South Linden LLC
493 Kennedy Road
Cheektowaga, NY 14227

PROPERTY LOCATION

46, 54, 60, 68, 74 & 84 South Linden Street

WHEREAS the Town of Amherst Planning Board on Thursday, October 19, 2023 and January 18, 2024 held a public hearing on the proposed amendment to the Bicentennial Comprehensive Plan, and

WHEREAS the Planning Board has reviewed the Town of Amherst Bicentennial Comprehensive Plan, and

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

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

WHEREAS the Planning Board finds that:

A. The proposed request is generally inconsistent with the Zoning Ordinance and with the following sections of the Comprehensive Plan:
- Chapter 2, Plan Concept: Section 2.2 "Vision Statement";
- Chapter 3, Land Use and Development: Section 3.2 "Goal, Objectives and Policies" and Section 3.3.1 "Residential Uses";
- Chapter 8 Housing and Neighborhoods: Section 8.2 "Goals, Objectives and Policies"

B. The subject property is suitable for uses permitted by the current versus the proposed land use designation.

C. The proposed change does not improve the balance of land uses, and does not meet a specific demand in the Town.

D. The area surrounding the subject request is predominantly comprised of single-family housing, developed according to the requirements of the R-3 districts.

NOW THEREFORE BE IT RESOLVED that the Planning Board recommends to the Town Board in accordance with New York State Town Law §272-a Subsection 4, that the request to amend the Bicentennial Comprehensive Plan be denied for the following reasons:

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

TOWN OF AMHERST
PLANNING BOARD
COMPREHENSIVE PLAN AMENDMENT
BCPA-2023-02

JAN 24 2024 PM2

PETITIONER	PROPERTY LOCATION
South Linden LLC	46, 54, 60, 68, 74 & 84 South Linden Street

- The amendment is not consistent with the Town of Amherst Bicentennial Comprehensive Plan in the following ways:
    - The amendment promotes rezoning and subsequent multi-family attached development at a density, scale, and of a character that are inconsistent with the small lot, single-family detached house neighborhoods that surrounds the site;
    - The amendment does not enable a public street network from McIntire Road to the east for future development of single-family homes,

The foregoing resolution was adopted by the Town of Amherst Planning Board, January 18, 2024; moved by Penberthy; seconded by Raffaele; ayes 4, noes 1 (Chmiel), absent 2 (Giuliani, Kahn).

Michael J. Chmiel, Planning Board Chair

1/24/24
Date

GP/ac
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\2023\BCPA-2023-02_(46-74_South_Linden_St)\BCPA-2023-02_resolution_011824.doc-

cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Traffic/Safety Coordinator
Jeff Palumbo, Block, Longo, LaMarca & Brzezinski, 9276 Main Street, Clarence, NY 14031
South Linden LLC, 493 Kennedy Road, Cheektowaga, NY 14227

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

TOWN OF AMHERST PLANNING DEPARTMENT

Request for Bicentennial Comprehensive Plan Amendment

For Official Use

File #: BCPA-2023-02 **Acreage** 2.4± **Fee $** 15

Address Verified by Assessor's Office _____ VERIFIED BY DATE

Application Received by Planning Department _____ ACCEPTED BY DATE

Materials & Fee Paid to Town Clerk _____ ACCEPTED BY DATE

		Fill In Applicable Fees
COMPREHENSIVE PLAN AMMENDMENT	**$0***	
AFFIDAVIT FEE FOR PUBLIC HEARING	**$15**	✓

Fee schedule subject to change by future Town Board action

TOTAL FEE: $ 15

TO BE COMPLETED BY APPLICANT

Petitioner:

Name: South Linden LLC

Address: 493 Kennedy Road

Cheektowaga (City) NY (State) 14227 (Zip Code\)

Phone: (716) 432-6947 Fax _____

Email: john@kimilco.com

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

Owner of Land (if different than above):

Name: _____

Address: _____

_____

City State Zip Code

Phone: _____ Fax _____

E Mail: _____

Representative (Architect, Engineer, Landscape Architect, Surveyor or Attorney):

Name: Jeffery D. Palumbo, Esq. / Block, Longo, LaMarca & Brzezinski, P.C.

Address: 9276 Main Street, Suite 3

Clarence NY 14031

City State Zip Code

Phone: (716) 317-0664 Fax (716) 854-0057

E Mail: jpalumbo@blockandlongo.com

Petitioner's interest in property

- ☐ Option to purchase
- ☒ Owner
- ☐ Other (explain) _____

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)

N/A

Street address(es) of land subject to Bicentennial Comprehensive Plan Amendment:

South Linden Street, a paper street

SBL #(s): TBD

INFORMATION ON REQUEST

1. **The undersigned hereby requests the Honorable Town Board to amend the following text sections of the Bicentennial Comprehensive Plan:**

   Section(s) #/page(s): N/A

Note: If the requested amendment does not involve a map change, skip #2 and #3.

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

2. **The undersigned hereby requests the Honorable Town Board to amend the Conceptual Land Use Map (Figure 6) and/or Commercial and Mixed-Use Designations (Figure 6A) as follows:**

FROM:

- ☐ 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

*Additional Designations in Figure 6-A:

- ☐ Suburban Center
- ☐ Suburban Corridor
- ☐ Traditional Areas

TO:

- ☐ 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

*Additional Designations in Figure 6A:

- ☐ Suburban Center
- ☐ Suburban Corridor
- ☐ Traditional Areas

3. **Other Bicentennial Comprehensive Plan Map Amendments (if applicable):**

Figure # or Name: Figure 6 Conceptual Land Use Plan

4. **Information on prospective action (*to be provided in separate attachment*):**

A. Description of any prospective action:

B. Rationale for request of amendment:

1. How will the requested amendment to the Bicentennial Comprehensive Plan consistent with *Section 2.2 (Vison Statement)*?
2. How will the requested amendment to the Bicentennial Comprehensive Plan consistent with *Section 2.3 (Key Initiatives)*?

C. How is the requested amendment align with the defined policies in Sections;

1. *3.0 Land Use and Development?*
2. *4.0 Natural and Cultural Resources?*
3. *5.0 Economic Development?*
4. *6.0 Transportation?*
5. *7.0 Infrastructure?*
6. *8.0 Housing & Neighborhoods?*
7. *9.0 Community Facilities & Services?*

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

SECTION 809 CERTIFICATION

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 21 *day of* August, 2023

Notary Public, Erie County, New York

TRACY A. MURRAY
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01MU5077295
Qualified in Genesee County
Commission Expires May 5, 20 27

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.

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.

Town of Amherst Planning Department 5583 Main Street Williamsville New York 14221
(716) 631-7051; Fax: (716) 631-7153; Web: www.amherst.ny.us

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

Comprehensive Plan Amendment Analysis S. Lynden Street

As set forth in the Town of Amherst Bicentennial Comprehensive Plan ("Plan") amendment application form, Petitioner must provide information on the prospective action in relation to the plan. The application form questions are outlined below in bold with Petitioner's response noted.

A. Description of Prospective Actions:

Petitioner's Response: Petitioner is proposing to build four (4) buildings, each containing seven (7) two (2) story townhomes, for a total of 28 townhome units.

B. Rationale for Request of Amendment:

1. How will the requested amendment be consistent with Section 22 (Vision Statement)

Petitioner's Response: The requested amendment will enhance the livability of the area in offering a lifestyle option not readily available in the immediate area. In addition, it will serve to enhance community character by investing in and revitalizing older neighborhoods. Further, the requested amendment and subsequent development will present a very high standard for quality development while respecting appropriate buffers in existing neighborhoods. Finally, this is consistent with the Shared Direction as set forth in the plan as it enhances the diverse economy of the Town, strengthening the tax base and attraction to the community by carefully using vacant land with an infill development.

2. How will the requested amendment be consistent with Section 2.3 (Key Initiatives)

Petitioner's Response: Regarding "Aesthetic/Community Character" as set forth in the plan, the amendment will only add to the renowned beauty, character and environmental quality of the Town. A first-class townhome community seeks to "raise the bar" by adding a new lifestyle choice in an underserved area.

Regarding the "Revitalization" initiative in the plan, again, this proposal injects new life and new investment into an older area of the Town, by providing a diverse choice of living for empty nesters, young professionals, or others seeking limited maintenance obligations.

Finally, the amendment is consistent with the "Governance" initiative as the proposed townhomes do not introduce inconsistency or unfairness in zoning and land use.

C. How is the requested amendment aligned with the defined policies in sections:

1. 3.0. Land Use and Development?

Petitioner's Response: The requested amendment adds new diverse housing and an investment to the established community and does so with a context-sensitive architectural and site design. Ultimately, the Properties call for residential dwellings and the requested

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

amendment and development result in residential dwellings. Specifically, the requested amendment seeks to have the Properties classified as "Mixed Residential." Mixed Residential is appropriate for residences along roads like Wehrle Drive and as a buffer to more traditional single-family neighborhoods. The Properties and Development perfectly capture Mixed Residential as set forth in the Comprehensive Plan.

2. ***4.0 Natural and Cultural Resources:***

Petitioner's Response: As set forth in the Plan, "best management practices" will be employed to retain stormwater on site, thus reducing downstream flooding and allowing pollutants to filter out over time. Additionally, silt fences and various other techniques will be employed to prevent sediment from leaving this site during construction.

3. ***5.0 Economic Development:***

Petitioner's Response: As stated in the Plan, "A healthy tax and employment base are essential not only to Amherst's economy, but also the Town's quality of life." Further, the amendment, by introducing new housing, meets the town's objective of maintaining Amherst's strong tax base. Additionally, the proposed townhomes will respect the character and quality of life in the area.

4. ***6.0 Transportation:***

Petitioner's Response: The plan defines the area as "Traditional Character" which describes a corridor located within higher intensity centers and other neighborhoods. Traffic from the proposed townhome will not significantly alter any traffic patterns in the area.

5. ***7.0 Infrastructure:***

Petitioner's Response: The proposed amendment will not stress existing storm or waste water service. Other utilities such as water, electric and gas are available on site.

6. ***8.0 Housing and Neighborhoods:***

Petitioner's Response: The proposed amendment furthers the Comprehensive Plan objective to achieve a diversity of housing options. The Petitioner will ensure that the diverse housing option will be well managed and contribute to the surrounding neighborhood's health and stability. While the proposed amendment changes the Comprehensive Plan conceptual land use plan, Figure 6, by making the Properties mixed residential, the change allows Amherst residents to remain in Amherst by downsizing into a maintenance free environment.

7. ***9.0 Community Facilities & Services:***

Petitioner's Response: The proposed townhomes are not far from the Main Street corridors. This will allow the residents to visit nearby businesses, restaurants, movie theaters, etc.

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

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:
South Linden Townhomes

Project Location (describe, and attach a location map):
South Linden Street, a paper street

Brief Description of Proposed Action:
Four (4) buildings each containing seven (7) townhomes.

Name of Applicant or Sponsor:	Telephone: (716) 317-0667
South Linden LLC, Jeffery D. Palumbo, agent	E-Mail: jpalumbo@blockandlongo.com

Address:
c/o Block, Longo, LaMarca & Brzezinski, P.C. - 9276 Main Street, Suite 3

City/PO:	State:	Zip Code:
Clarence	NY	14031

	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 government Agency? If Yes, list agency(s) name and permit or approval: Town Board rezoning approval and Planning Board sit plan approval.	☐	☑

3. a. Total acreage of the site of the proposed action? 2.4 acres
   b. Total acreage to be physically disturbed? 2.0 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2.4 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☑ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☑	☐	☐
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?	NO	YES	
If Yes, identify: _____	☑	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☑	☐	
b. Are public transportation services available at or near the site of the proposed action?	☑	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☑	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
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?	NO	YES	
If No, describe method for providing potable water: _____	☐	☑	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☐	☑	
12. a. 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?	NO	YES	
	☑	☐	
b. 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?	☐	☑	
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: _____			

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

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 plan?	☑	☐
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?	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☑
If Yes, briefly describe: Storm water management system will discharge to the Town of Amherst system on McIntire Road		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	☐	☑
If Yes, explain the purpose and size of the impoundment: Storm water management, size TBD		
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 CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

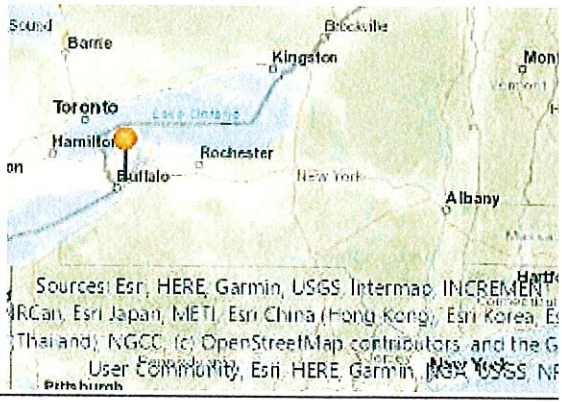
Applicant/sponsor/name: JEFFERY D. PALUMBO - AS ATTORNEY Date: 8-21-23

Signature: [signature] Title: ATTORNEY

PRINT FORM

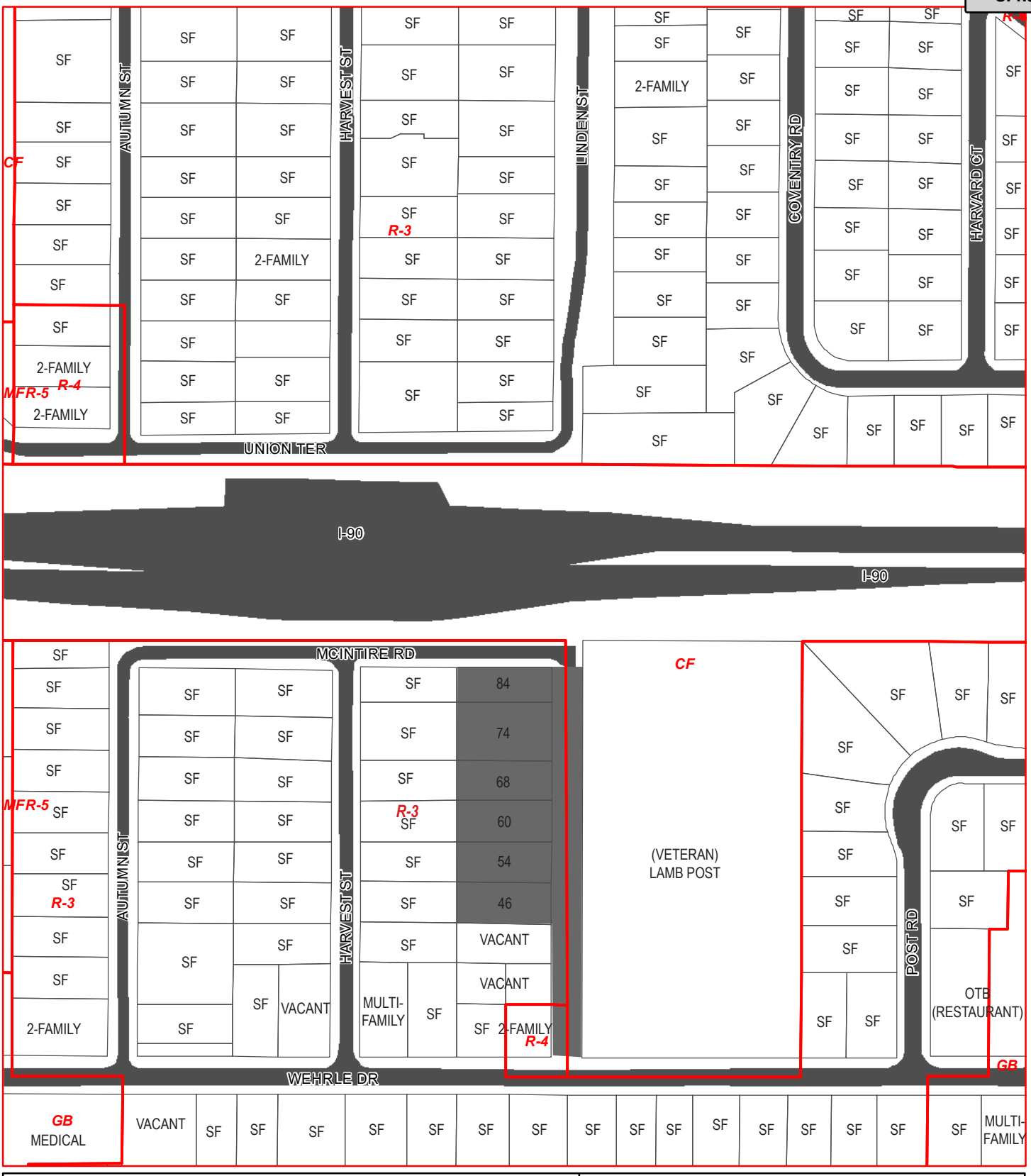
Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

Disclaimer: The EAF Mapper is a screening tool intended to assi project sponsors and reviewing agencies in preparing an environment 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. Althoug the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in orde to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
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: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive



BCPA-2023-02

Request to Amend the Comprehensive Plan "Figure 6" from Single-Family Residential to Mixed Residential
Property Located at 46, 54, 60, 68, 74 & 84 South Linden St.
South Linden LLC, Petitioner

January 18, 2024

46, 54, 60, 68, 74 & 84 South Linden Street

Prepared by the Town of Amherst Planning Department

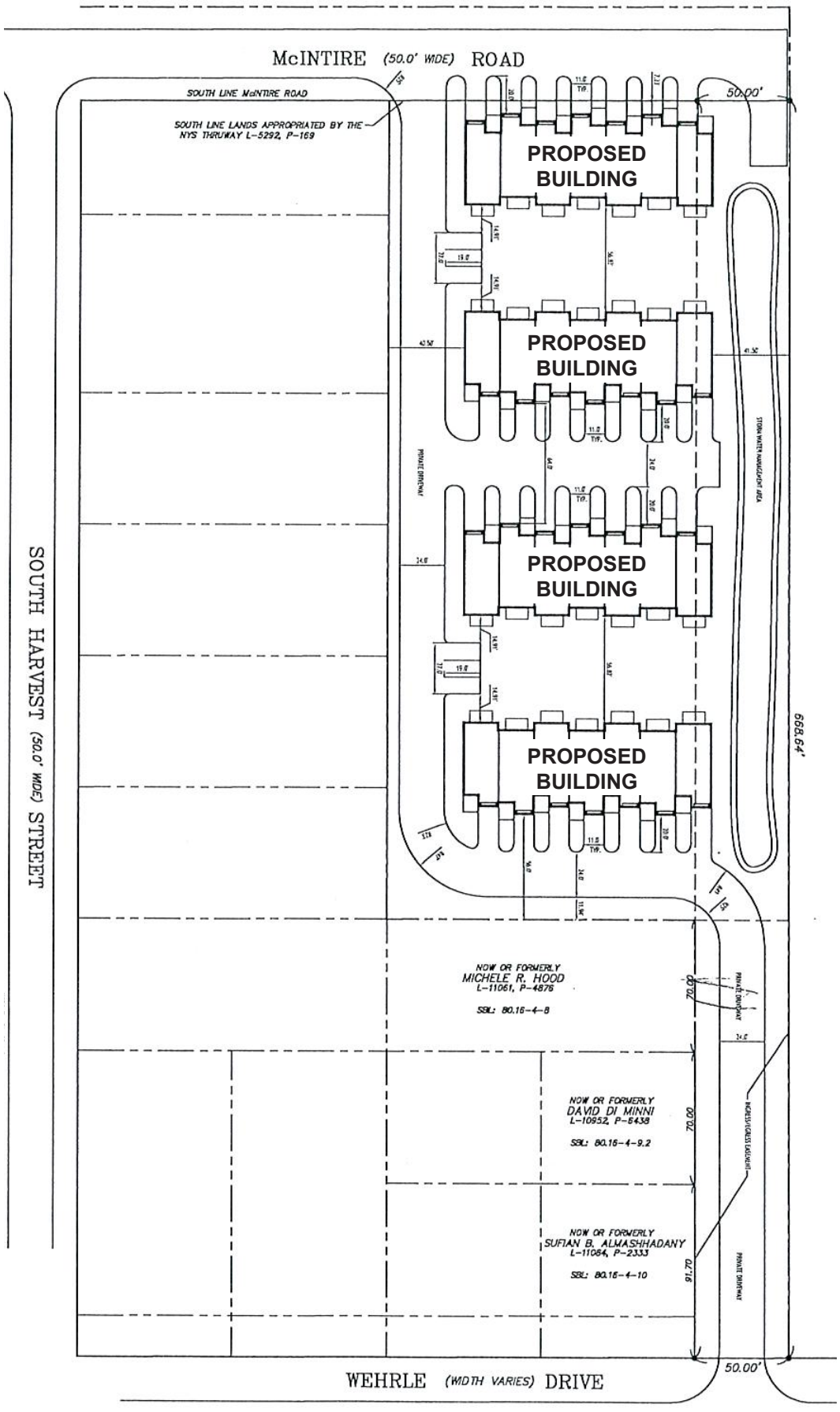
Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

CONCEPTUAL ILLUSTRATIONS

BCPA-2023-02

46, 54, 60, 68, 74 & 84 South Linden Street

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

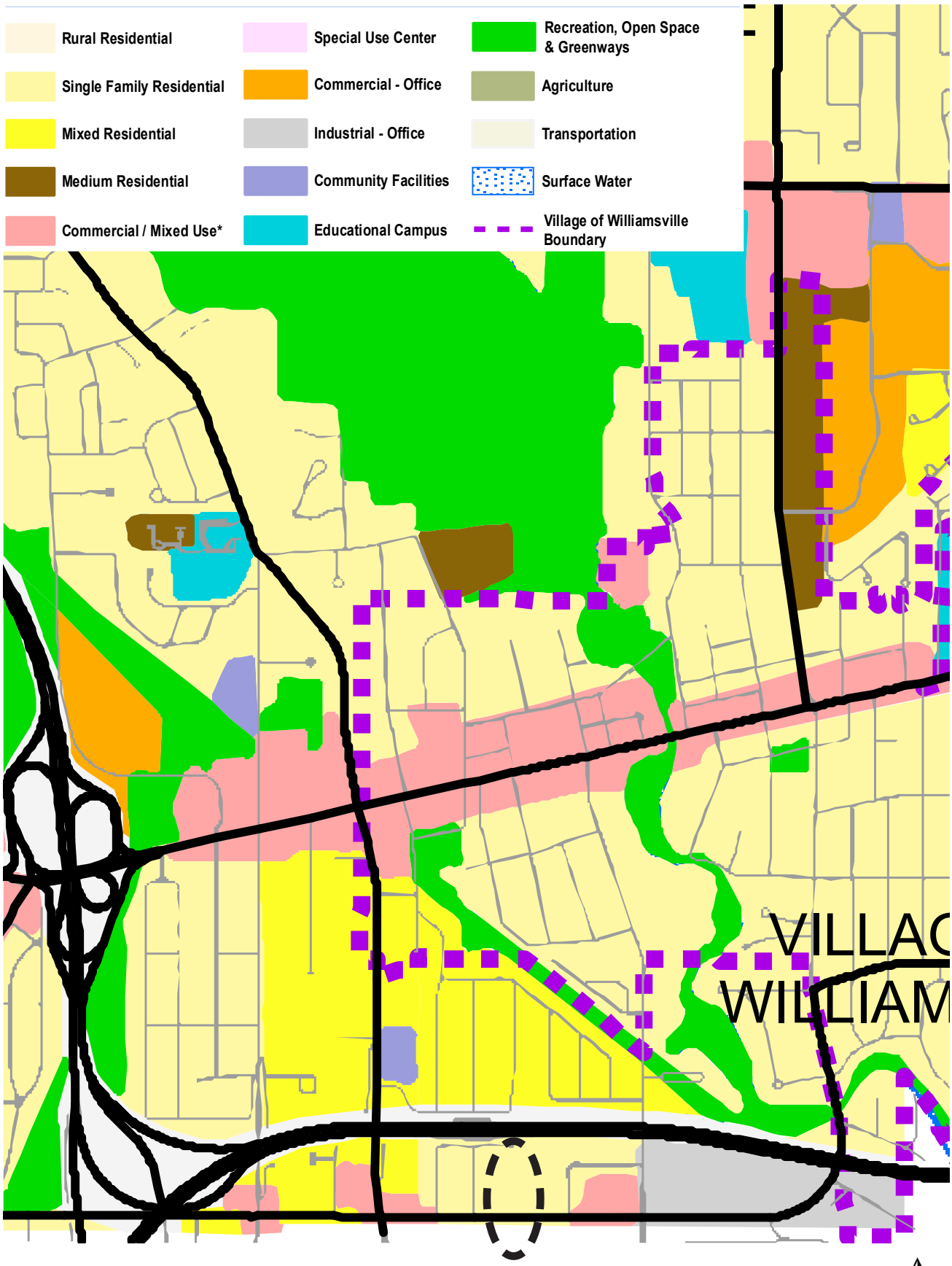


CONCEPT PLAN

BCPA-2023-02

46, 54, 60, 68, 74 & 84 South Linden Street

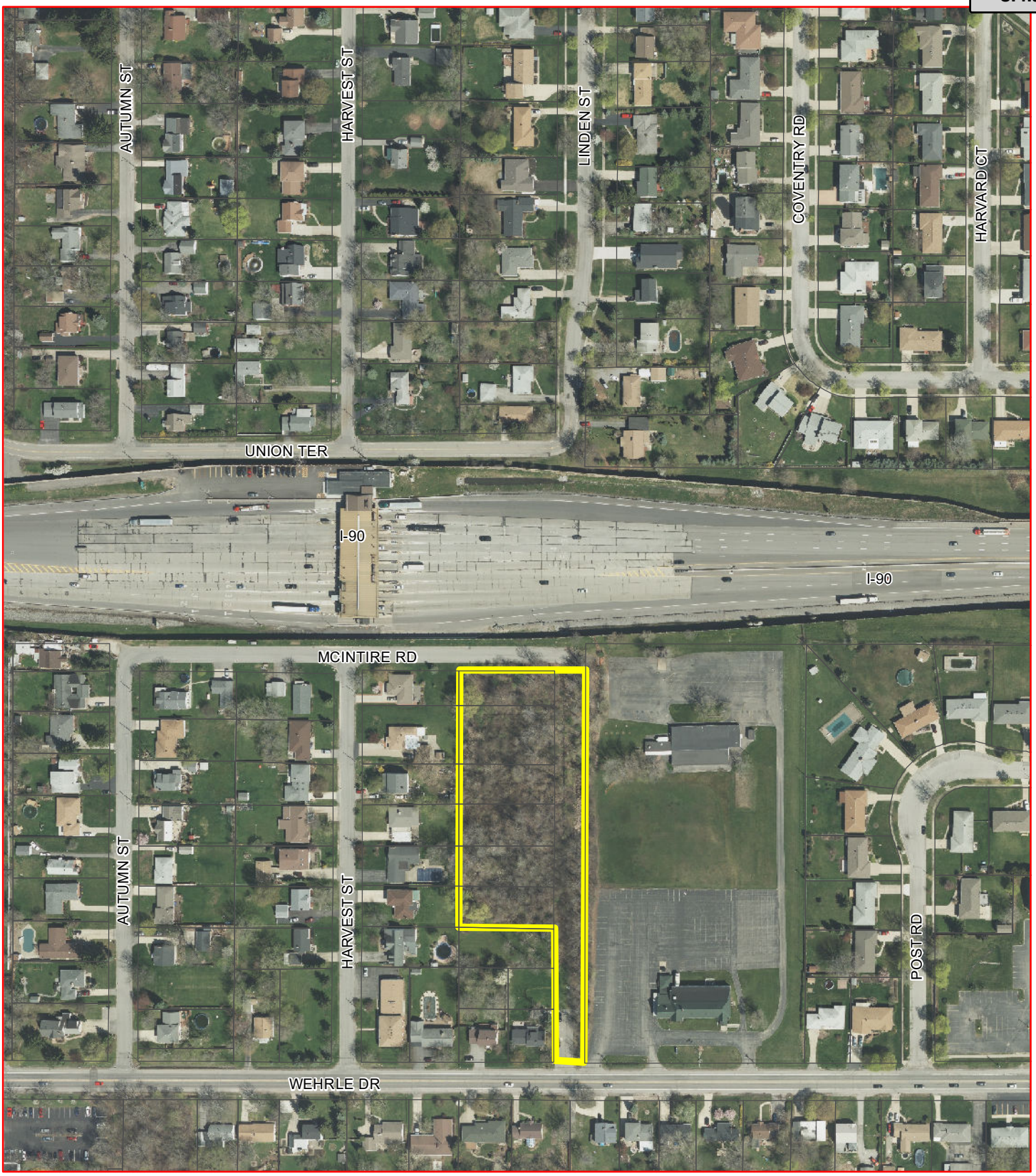
Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive



COMPREHENSIVE PLAN
FIGURE 6

BCPA-2023-02
46, 54, 60, 68, 74 & 84 South Linden Street

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive



BCPA-2023-02

Request to Amend the Comprehensive Plan "Figure 6" from Single-Family Residential to Mixed Residential
Property Located at 46, 54, 60, 68, 74 & 84 South Linden St.
South Linden LLC, Petitioner

January 18, 2024

46, 54, 60, 68, 74 & 84 South Linden Street

Prepared by the Town of Amherst Planning Department

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

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

TO: Scott Marshall, Principal Planner
FROM: Roberta Rappoccio, Associate Planner
DATE: September 15, 2023
RE: BCPA-2023-02 Bicentennial Comprehensive Plan Amendment Review
Proposed: Amend Comprehensive Plan to change land from Single Family Residential to Mixed Residential
Property located at: 46, 54, 60, 68, 74 &84 South Linden Street
Plans received: August 25, 2023

The subject request should be denied.

2.0 Plan Concept

The Conceptual land use plan (Figure 6) in the Town's Comprehensive Plan identifies this area as Single Family Residential (light yellow). In Figure 6 (below), the neighborhood between the I-90 to the north and Wehrle Drive to the south and from the east side of the proposed site to the west side of S. Autumn Street is predominantly existing single family residential.

Proposed mixed residential designation that would introduce potentially higher housing density than is currently presented in this area. With a potential of up to 12 units per acre to be developed, this density would not be in character with the existing small lot, single-family community that surrounds the site.

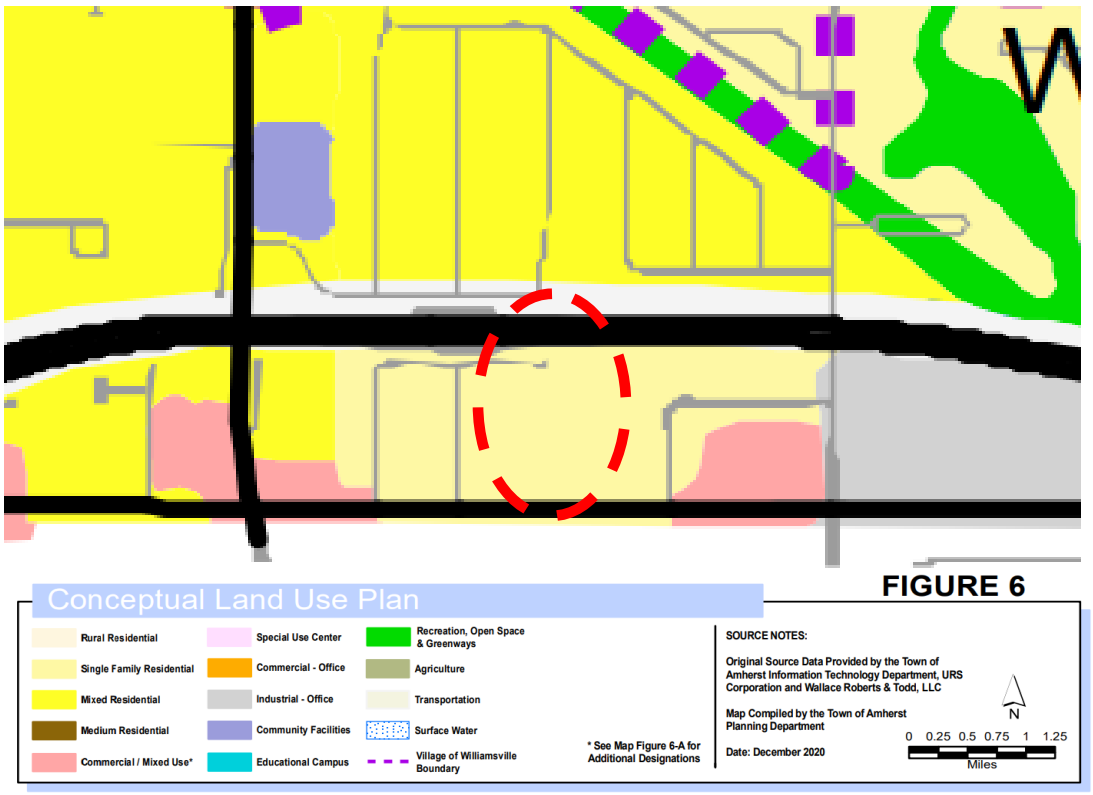
3.0 Land Use and Development

3.3.1 Residential Uses – Single Family Residential (2- 4 residential units per acre)
The proposed site is an opportunity for new and infill development. Such development should be consistent with the scale and character of the existing single-family homes that surround the site.

The densities of a Mixed Residential development are not suited for this neighborhood. The neighborhood is not an area of transition between commercial uses and lower density single-family neighborhoods, and would not to be considered an underutilized area near commercial or mixed use centers. Single-family density residential development is the appropriate scale at this site.

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

FIGURE 6



With this petition, consideration should also be given to the potential transition of the adjacent site to the east (the George F. Lamm American Legion Post 622) into future single-family residential potential use also. Maintaining the single-family residential use as portrayed in Figure 6 (above) assures consistent future low density residential land use options for the larger area.

4.0 Natural and Cultural Resources

The site is potentially within an area designated as sensitive for archaeological sites. Verification from the NY State Historic Preservation Office that the development will not impact these resources is required.

In addition, the proposed site contains mature trees. Trees that are 6" diameter or larger should remain if possible and be integrated into the design of the site. Where possible, green infrastructure should be incorporated into the design of the site.

5.0 Economic Development

Infill housing will help maintain a strong tax base, however the proposed density recommended in mixed residential would not be in character with the neighborhood. The site could accommodate single-family homes or possible duplex style homes on these lots.

6.0 Transportation

Staff concurs with the petitioner's response.

The Comprehensive Plan recommends the future redevelopment of the property to the east, currently an American Legion Post, as single family residential, access to this area should be enabled with a public street network from McIntire Road to the east end.

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

7.0 Infrastructure
Staff concurs with the petitioner's response.

8.0 Housing and Neighborhoods
Housing in this area consists mainly of single-family homes on individual lots. The existing established neighborhood is comprised of modest sized homes on individual lots.

Allowing a much higher density attached housing development to this neighborhood would be inconsistent with the character of the established community.

9.0 Community Facilities and Services
Staff concurs with the petitioner's response

Note: The concept plan provided with the application is being used for informational purposes only. This department review is not to be construed as endorsement or approval of the concept plan or that it complies with the requirements of Section 203 or Section 204 of Town Code.

Should you have questions regarding this correspondence, please contact Roberta Rappoccio, Associate Planner at rrappoccio@amherst.ny.us or Kim Amplement, Senior Planner at kamplement@amherst.ny.us

DH/RR/KA
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\2023\BCPA-2023-02_(46-74_South_Linden_St)\DRAFT_BCPA-2023-02_LongRange_082923.doc
cc: Jeff Palumbo, Block, Longo, LaMarca & Brzezinski, 9276 Main Street, Clarence, NY 14031

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

Palumbo, Gary

From: Polowy, Martin
Sent: Friday, December 1, 2023 1:08 PM
To: Marshall, Scott; Palumbo, Gary; Robshaw, Nora B.
Cc: Burroughs, Nicole
Subject: RE: Request To Amend Bicentennial Comprehensive Plan - South Linden, LLC - gmp_11292023
Attachments: 20231201124628008.pdf

TB conditions satisfied.

Martin A. Polowy
Town Attorney
Town of Amherst - Town Attorney's Office

Mailing Address
5583 Main Street
Williamsville, New York 14221
(716) 631-7030 (p)
(716) 631-7101 (f)
E-Mail : mpolowy@amherst.ny.us

Office Address
30 South Cayuga, Suite 101
Williamsville, New York 14221

Confidentiality Notice: This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender which is protected by the attorney-client privilege. No confidentiality or privilege is waived or lost by any error in transmission. If you are not the intended recipient, you are strictly prohibited from disclosing, copying, distributing or using any of this information and are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message. Thank you for your cooperation.

From: Marshall, Scott <SMarshall@amherst.ny.us>
Sent: Thursday, November 30, 2023 2:49 PM
To: Polowy, Martin <mpolowy@amherst.ny.us>; Palumbo, Gary <gpalumbo@amherst.ny.us>; Burroughs, Nicole <NBurroughs@amherst.ny.us>
Subject: RE: Request To Amend Bicentennial Comprehensive Plan - South Linden, LLC - gmp_11292023

January 3rd

Scott A. Marshall, Principal Planner

Town of Amherst
Planning Department
5583 Main Street
Williamsville, New York 14221
Phone: (716) 631-7051 Fax: (716) 631-7153

From: Polowy, Martin <mpolowy@amherst.ny.us>
Sent: Thursday, November 30, 2023 1:51 PM
To: Palumbo, Gary <gpalumbo@amherst.ny.us>; Burroughs, Nicole <NBurroughs@amherst.ny.us>
Cc: Marshall, Scott <SMarshall@amherst.ny.us>
Subject: RE: Request To Amend Bicentennial Comprehensive Plan - South Linden, LLC - gmp_11292023

Whats your deadline to take it off?

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

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

August 23, 2023

TO: Timothy Koller, Deputy Town Clerk
Roberta Rappoccio, Associate Planner
Emily Murphy, Town Assessor
Douglas Gesel, Supervising CEO, Bldg. Dept.
Vaishali Reberholt, Assistant Town Engineer
Patrick Lucey, Supt. of Hwys/ Eric Blocher, General Crew Chief
Chris Schregel, Traffic/Safety Coordinator
Brian Barnes, Senior GIS Analyst (letter only)
Bryan Parnell, Fire Chiefs' Association
Martin Polowy, Town Attorney (Local Law Only)
Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Williamsville School District
NYSHPO

RECEIVED
OCT 18 2023
TOWN OF AMHERST
PLANNING DEPT.

FROM: Scott Marshall, Principal Planner

SUBJECT: REQUEST TO AMEND THE BICENTENNIAL COMPREHENSIVE PLAN – FOR 2.4± ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL TO MIXED RESIDENTIAL; **BCPA-2023-02**; PROPERTY LOCATED AT **46-74 SOUTH LINDEN STREET.** SOUTH LINDEN LLC, PETITIONER.

REVIEW:

☑ No concerns with request

☐ The following additional information is required to complete review: _____

☐ Request is not reviewable because: _____

☐ General comments relative to your agency's interests: DSCA will be required.

Please provide comments by **August 30, 2022**

Please call the Planning Department contact above if additional information is required (631-7051).

Reviewed By: _____ **Date:** 9/29/23

DU/TV/bf
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\2023\BCPA-2023-02_(46-74_South_Linden_St)\BCPA-2023-02_Transmittal_082322.doc

cc: Scott Marshall, Principal Planner
Jeffrey Burroughs, Town Engineer
Jeff Palumbo, Block, Longo, LaMarca & Brzezinski, 9276 Main Street, Clarence, NY 14031

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

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-23-478
Postmark/Delivery Date: 8/25/23

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 10/19/23 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: Comprehesive Plan Amendment

5. Location of Property: ☐ Entire Municipality ☑ Address: 46-74 South Linden Street

5a. S.B.L. of Property: 86-16-4-7

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 Figure 6 of the Comprehecsive Plane from "Single Family Residential" to "Mixed Residential"

8. Other remarks: BCPA-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 8/25/23. 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: Dan M. Hall **Date:** 9/28/23

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

COUNTY OF ERIE

DEPARTMENT OF ENVIRONMENT AND PLANNING
DIVISION OF PLANNING AND COMMUNITY DEVELOPMENT

DANIEL R. CASTLE, AICP, COMMISSIONER — THOMAS E. BAINES, ESQ., DEPUTY COMMISSIONER

September 28, 2023

Mr. Thomas Voigt
Assistant Planner
Town of Amherst Planning Dept.
5583 Main Street
Williamsville, NY 14221

Re: Request to Amend the Bicentennial Comprehensive Plan – for 2.4 Acres of Land from Single Family Residential to Mixed Residential
Location: 46-74 South Linden Street
Review No.: SP-23-478

Pursuant to New York General Municipal Law (GML) Section 239(m), the Erie County Department of Environment and Planning (DEP) has reviewed the above-referenced project (the "Project") referred by the Town of Amherst on August 25, 2023 and determined it to be of local concern. Erie County DEP would also like to note the following:

- The subject parcel is within 500 feet of the Town of Cheektowaga's municipal boundary. The Town of Amherst should provide written notice to the neighboring municipality in accordance with General Municipal Law 239-nn.
- As the applicant moves forward with finalizing its site plans, it should consider retaining as many mature trees on site as possible, as these likely act as a buffer for noise from the adjacent I-90.

This review pertains to the above-referenced Action submitted to Erie County DEP. This letter should not be considered sufficient for any County approvals. The applicant and/or its contractors must still obtain any other permits and regulatory approvals applicable to this project.

Sincerely,

David Hall
Senior Planner

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

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: August 30, 2023

SUBJECT: Request to Amend the Bicentennial Comprehensive Plan – For 2.4±Acres of Land from Single Family Residential to Mixed Residential; **BCPA-2023-02**
Property Location: **46-74 South Linden Street**
Petitioner: **South Linden LLC**

No concerns with request

cc: Jeff Palumbo, Block. Longo, LaMarca & Brzezinski, 9276 Main St., Clarence, NY 14031

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

Amherst

Town of Amherst Planning Department *Erie County, New York*

RECEIVED
SEP 01 2023
TOWN OF AMHERST
PLANNING DEPT.

Brian J. Kulpa
Supervisor
Daniel C. Howard, AI
Planning Director
Daniel J. Ulatowski, AI
Assistant Planning Dire

August 25, 2023

TO: Timothy Koller, Deputy Town Clerk
Roberta Rappoccio, Associate Planner
Emily Murphy, Town Assessor
Douglas Gesel, Supervising CEO, Bldg. Dept.
Vaishali Reberholt, Assistant Town Engineer
Patrick Lucey, Supt. of Hwys/ Eric Blocher, General Crew Chief
Chris Schregel, Traffic/Safety Coordinator
Brian Barnes, Senior GIS Analyst (letter only)
Bryan Parnell, Fire Chiefs' Association
Martin Polowy, Town Attorney (Local Law Only)
Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Williamsville School District
NYSHPO

RECEIVED
Williamsville Central School Dis
AUG 28 2023
Asst Superintendent for
Finance & Management Servic

FROM: Scott Marshall, Principal Planner

SUBJECT: REQUEST TO AMEND THE BICENTENNIAL COMPREHENSIVE PLAN – FOR 2.4± ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL TO MIXED RESIDENTIAL; **BCPA-2023-02**; PROPERTY LOCATED AT **46, 54, 60, 68, 74 & 84 SOUTH LINDEN STREET.** SOUTH LINDEN LLC, PETITIONER.

REVISED TRANSMITTAL (Address Change)

REVIEW:

☑ No concerns with request

☐ The following additional information is required to complete review: _____

☐ Request is not reviewable because: _____

☐ General comments relative to your agency's interests: _____

Bus transportation will not enter the development.

Please provide comments by **August 30, 2022**

Please call the Planning Department contact above if additional information is required (631-7051).

Reviewed By: _____ **Date:** 8/29/23

DU/TV/bf
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\2023\BCPA-2023-02_(46-74_South_Linden_St)\BCPA-2023-02_Rev_Transmittal_082523.doc

cc: Scott Marshall, Principal Planner
Jeffrey Burroughs, Town Engineer
Jeff Palumbo, Block, Longo, LaMarca & Brzezinski, 9276 Main Street, Clarence, NY 14031

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
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Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Director

August 23, 2023

RECEIVED
AUG 29 2023
TOWN OF AMHERST
PLANNING DEPT.

TO: Timothy Koller, Deputy Town Clerk
Roberta Rappoccio, Associate Planner
Emily Murphy, Town Assessor
Douglas Gesel, Supervising CEO, Bldg. Dept.
Vaishali Reberholt, Assistant Town Engineer
Patrick Lucey, Supt. of Hwys/ Eric Blocher, General Crew Chief
Chris Schregel, Traffic/Safety Coordinator
Brian Barnes, Senior GIS Analyst (letter only)
Bryan Parnell, Fire Chiefs' Association
Martin Polowy, Town Attorney (Local Law Only)
Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Williamsville School District
NYSHPO

FROM: Scott Marshall, Principal Planner

SUBJECT: REQUEST TO AMEND THE BICENTENNIAL COMPREHENSIVE PLAN – FOR 2.4± ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL TO MIXED RESIDENTIAL; **BCPA-2023-02**; PROPERTY LOCATED AT **46-74 SOUTH LINDEN STREET.** SOUTH LINDEN LLC, PETITIONER.

REVIEW:

☒ No concerns with request

☐ The following additional information is required to complete review: _____

_____

☐ Request is not reviewable because: _____

_____

☐ General comments relative to your agency's interests: _____

_____.

Please provide comments by **August 30, 2022**

Please call the Planning Department contact above if additional information is required (631-7051).

Reviewed By: C. Schregel **Date:** 8/29/23

DU/TV/bf
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\2023\BCPA-2023-02_(46-74_South_Linden_St)\BCPA-2023-02_Transmittal_082322.doc

cc: Scott Marshall, Principal Planner
Jeffrey Burroughs, Town Engineer
Jeff Palumbo, Block, Longo, LaMarca & Brzezinski, 9276 Main Street, Clarence, NY 14031

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

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

August 23, 2023

TO: Timothy Koller, Deputy Town Clerk
Roberta Rappoccio, Associate Planner
Emily Murphy, Town Assessor
Douglas Gesel, Supervising CEO, Bldg. Dept.
Vaishali Reberholt, Assistant Town Engineer
Patrick Lucey, Supt. of Hwys/ Eric Blocher, General Crew Chief
Chris Schregel, Traffic/Safety Coordinator
Brian Barnes, Senior GIS Analyst (letter only)
Bryan Parnell, Fire Chiefs' Association
Martin Polowy, Town Attorney (Local Law Only)
Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Williamsville School District
NYSHPO

RECEIVED
AUG 25 2023
TOWN OF AMHERST
BUILDING DEPT

FROM: Scott Marshall, Principal Planner

SUBJECT: REQUEST TO AMEND THE BICENTENNIAL COMPREHENSIVE PLAN – FOR 2.4± ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL TO MIXED RESIDENTIAL; **BCPA-2023-02**; PROPERTY LOCATED AT **46-74 SOUTH LINDEN STREET.** SOUTH LINDEN LLC, PETITIONER.

REVIEW:

☒ No concerns with request

☐ The following additional information is required to complete review: _____

_____

☐ Request is not reviewable because: _____

_____

☐ General comments relative to your agency's interests: _____

_____.

Please provide comments by **August 30, 2022**

Please call the Planning Department contact above if additional information is required (631-7051).

Reviewed By: Doug Gesel **Date:** Aug 29, 23

DU/TV/bf
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\2023\BCPA-2023-02_(46-74_South_Linden_St)\BCPA-2023-02_Transmittal_082322.doc

cc: Scott Marshall, Principal Planner
Jeffrey Burroughs, Town Engineer
Jeff Palumbo, Block, Longo, LaMarca & Brzezinski, 9276 Main Street, Clarence, NY 14031

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

Planning Board Item: 27918 - S. Linden St. Rezoning
In response to documents:
Directed to: Town of Amherst Planning Board, Council Members, & Representators of S. Linden LLC

To: Members of the Town of Amherst, Planning Board & Council and Mr. Militello & representors of S. Linden LLC,

My name is Steve Martin and I am a resident and property owner of 74 S. Harvest St. I am writing a letter in hopes to address concerns pertaining to the size and scope of the proposed development project by Mr. Militello and S. Linden LLC should this rezoning be approved. I believe, as a tax payer and neighboring resident, that my concerns should be addressed and considered prior to making final verdict of both the matters of rezoning and then the proposed plans for the project. I have read the supporting documents (BCPA-2023-02 & ZTA-2023-03) submitted by S. Linden LLC and express concern with "*Petitioner's responses"* on several categories. My hope is that the Town Board will examine these concerns prior approving the re-zoning or allowing this project to proceed; and if it does, make certain that each point is addressed and NOT overlooked. Further, some questions are pointed to the Town so that I and neighbors may be in the know.

To preface, I have resided at 74 S Harvest since 2010. I am a married father of 2 young children of 8 and 9 years old. S. Harvest St. is very quiet and safe and welcoming. It is composed of approximately 15 homes and a few others found on McIntire. Most residents have made these homes their primary residents much longer than I. Many of our neighbors are in consensus regarding how the approval of the rezone and proposed project could negatively affect many aspects of this street. My concerns are addressed in the order of the "Comprehensive Plan's" layout, not in order of priority. Please seriously consider my words and worries.

B. Rationale for Request of Amendment:

1: How will the requested amendment be consistent with Section 22

- Petitioner states "…while respecting appropriate buffers in existing neighbors"
    - Please elaborate the meaning and context of this phrase? Currently, our neighborhood has a natural barrier consisting of a large wooded area. How will a "buffer" be created? How will the new building compliment the character of the existing neighborhood composed of mainly single-family residences of 1950-1960 era brick or raised ranch homes?
- Petitioner states "…enhance diversity of economy of the Town, strengthen the tax base and attraction to the community by carefully using vacant land…"
    - How will the proposed project affect my neighborhoods property and assessed values?
    - My property taxes collected have increased from $3,000 in 2013 – over $4,800 in 2022. Will this project lead to an increase of collected taxes from property owners?

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

Planning Board Item: 27918 - S. Linden St. Rezoning
In response to documents:
Directed to: Town of Amherst Planning Board, Council Members, & Representators of S. Linden LLC

C. How is the requested Amendment aligned with the defined policies in sections:

1. 3.0 Land Use and Development

-Petitioner states "…does so with context-sensitive architectural site and design…Is appropriate for residences along roads like Wehrle Drive and as a buffer to more traditional single-family neighborhoods."

- How will the proposed project's context-sensitive architecture fit into the style of the neighborhood?
- Again, our horizon is a large wooded area. How will a buffer be created? 28 possible homes on a 7 home residential parcels will not enhance the appeal of the neighborhood. It will instead remove our wooded back-drop, and place a large 2-story complex in view of our yards which are already surrounded by the I-90 privacy wall. Lastly, will large lights be installed in the parking lot addition to existing ambient light and if so, what it the alternative?

2. 4.0 Natural and Cultural Resources:

-Petitioner states"…Plan of best management practices…retain stormwater…silt fences etc."

- How can the developer be held responsible or guarantee that "best management practices be used." Our street already borders the I-90. We have air quality issues in the form of exhaust, brake, road and tire dust. Added construction dust should be minimalized.
- I am also worried about any additional water runoff created by construction and the final project. S. Harvest already experiences sanitary sewage back-ups when storm sewars overflow. This has not been addressed by the Town of Amherst
- I don't believe construction vehicles should have access to S. Harvest for this size project which could lead to debris left in the street if proper track-out pads are not used etc. Additionally, we have many pedestrians, dog walkers, and children who play without sidewalks. This debris and added traffic of large vehicles will become a safety hazard.
- Further, added sound pollution is unwelcomed. The thruway wall prevents most of the noise, however, added noise was experienced during the airport construction project. The commercial jets flew over beginning at 5:30am and often not ending until 12-2am in the morning leaving almost no reprieve. I hope that construction will not be tandem with the next airport upgrade yielding 24 hours of noise! Lastly, the Lamm Post bordering S. Linden holds summer concerts. The wooded area acts as a noise barrier. This too should be addressed to keep the atmosphere of our quiet neighborhood
- Will large lights be used in the new parking lot? I prefer not add additional ambient lighting to our properties

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

Planning Board Item: 27918 - S. Linden St. Rezoning
In response to documents:
Directed to: Town of Amherst Planning Board, Council Members, & Representators of S. Linden LLC

3. 5.0 Economic Development:

- Duplicate question as previously, how will this affect the values and taxes paid by neighboring property owners?

4. 6.0 Transportation:

-Petitioner states: "…Traffic from the proposed townhome will not significantly alter any traffic patterns in the area.

- Simply not true should McIntire be permitted and connected to S. Linden as a second entry / exit to the development. Our street is comprised of under 20 homes. Many of our owners have 2 vehicles or less! We have no sidewalks for our children to play or for neighbors to walk. Proposing 28 homes will likely infuse a potential of 50+ vehicles down our street, many of which will, will utilize McIntire as a back entrance. Use of McIntire could double or triple the current traffic pattern. Additionally, S. Harvest, S. Autumn, and McIntire will potentially be infused with additional pedestrians, pet walkers, and children which must share roads with drivers
- What research has been or will be done? The proposed scope of this project will absolutely change the traffic pattern of S. harvest and should be reviewed!
- How will overflow parking to McIntire and S. Harvest be prevented should the proposed numbers of parking spaces not be sufficient, especially during holidays etc.

5. 7.0 Infrastructure

-Petitioner states: "The proposed amendment will not stress existing storm or waste water service.

- I have complained to the Town of Amherst multiple times over my 10 years of residence regarding the stormwater during harsh weather. I am concerned that the proposed project will create a large influx of runoff and sewage if not properly assessed. Many of our neighbors, including myself, experience (or have in the past) water in our basements when storm sewars overflow. I do not want this to become a more frequent occurrence. What protection do I have as a taxpayer should this project and the environmental change impact my property?

In conclusion, I am wary that a "mixed residential" rezone be proper for this location. As a communal neighborhood, we prefer that no development be allowed, although this may be unrealistic. Our neighbors know one another by name and enjoy the quiet and reserved atmosphere provided by the hidden street within the town. Allowing multiple homes will change the atmosphere and pose a safety risk for pedestrians and children due to increased traffic and the lack of sidewalks.

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

Planning Board Item: 27918 - S. Linden St. Rezoning
In response to documents:
Directed to: Town of Amherst Planning Board, Council Members, & Representators of S. Linden LLC

Further, I believe a development of this size and scope opposes the Town's vision as listed within the Bicentennial Plan and will pose a safety risk. The Bicentennial Plan calls for a reduction of automobiles and encourages bicyclists and pedestrians. It recognizes the need of smaller parking lots and more convenient connections for non-auto commuting. This location will not allow for easy or convenient access to the village or surrounding commerce without an automobile. It is not safe to walk or ride from Wehrle and into the village. S. Linden, McIntire, and S. Harvest are not considered neighborhood connection streets and it is impossible to think that residents will not drive vehicles or park on these streets. The S. Autumn, S. Harvest, and McIntire were not designed for a large concentration of population or traffic

Lastly, I do not feel that a multiple 2-story buildings make for a proper backdrop for an Amherst backyard nor do multiple rental townhomes fit within the style or aesthetic of the existing properties. The proposed town homes will not improve the visual character nor directly revitalize the "existing older neighborhood" nor by the looks of the proposed layout, follow guidelines of an open space integration as cited 3-3 Land Use and Development

Please reflect on the concerns listed above and do not make swift decisions without examining the existing neighborhood and the proposed project or future developments. I am proud to reside in Amherst and believe in future growth potential. These parcels should be developed with great consideration but without hastiness

Thank you for your attention

Steve Martin

74 S. Harvest St.

Amherst NY 14221

716-440-3907

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

Carrato, Amy

From: Cerra, Dawn
Sent: Friday, October 20, 2023 11:07 AM
To: Carrato, Amy; Fadel, Bryan
Subject: **FW: Feedback via the Town Boards and Committees [#282]

Would you please forward this to the appropriate people?
Thank you.
I am vetting TOA emails while Lisa is out of the office.
Thank you kindly,

Dawn

Clerk's Office
Municipal Building
5583 Main Street
Williamsville, NY 14221
Website: www.amherst.ny.us
Office: 716-631-7047

Amherst: Ambitious Citizens,
Amazing Community,
Ample Opportunities
Coming together is a beginning;
keeping together is progress;
working together is success.
~Henry Ford

From: burst@emailmeform.com
Sent: Thursday, October 19, 2023 4:48 PM
To: Cerra, Dawn
Subject: Feedback via the Town Boards and Committees [#282]

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

Name*:	Kerry Lauffer
Address:	59 S Harvest St Williamsville, NY 14221
Phone*:	716-698-7128
Email:	KLauffer3@gmail.com
Please select the Board or Committee you wish to contact*:	Planning Board

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

Comment/Question/Etc.:

I received a letter today from Jeffery Palumbo, Esq. who represents John Militello of South Linden L.L.C regarding their request to rezone my neighborhood so that they can develop 28 townhouses on the land behind my house. This land is currently an undeveloped wooded area that provides privacy and decreases the noise from the George F. Lamm American Legion events. I feel that this development will take away the privacy we have in our own backyard. One of the reasons that we purchased our home on S Harvest is because we have no rear neighbors. I also feel that the increased traffic from this development will cause a safety risk for the my children and the other children on our street. They currently play on McIntire Rd. since it is a dead end and there is no thru traffic. We do not have sidewalks or streetlights on out street and I feel that increased traffic increases the risk of an accident. This is the first we are hearing of this development, and I am not sure what the process is, but I wanted to let my feelings known to the board. I hope that you consider the negative impact that this development will have on our neighborhood and deny the rezoning request. Thank you.

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

Carrato, Amy

From: Ulatowski, Daniel
Sent: Thursday, October 19, 2023 5:06 PM
To: Carrato, Amy
Subject: FW: **FW: Feedback via the Town Boards and Committees [#279]

Amy see below for Linden BCPA Amendment

From: Uthman, Vianne
Sent: Thursday, October 19, 2023 5:02 PM
To: Ulatowski, Daniel
Subject: FW: **FW: Feedback via the Town Boards and Committees [#279]

Thank you Dan!
Vi

From: burst@emailmeform.com <burst@emailmeform.com>
Sent: Thursday, October 19, 2023 3:39 PM
To: Cerra, Dawn <dcerra@amherst.ny.us>
Subject: Feedback via the Town Boards and Committees [#279]

View Entry

Name*:	Kerry Lauffer
Address:	59 S Harvest St Williamsville, NY 14221
Phone*:	716-698-7128
Email:	KLauffer3@gmail.com
Please select the Board or Committee you wish to contact*:	Zoning Board of Appeals
Comment/Question/Etc.:	I received a letter today from Jeffery Palumbo, Esq. who represents John Militello of South Linden L.L.C regarding their request to rezone my neighborhood so that they can develop 28 townhouses on the land behind my house. This land is currently an undeveloped wooded area that provides privacy and decreases the noise from the George F. Lamm American Legion events. I feel that this development will take away the privacy we have in our own backyard. I also feel that the increased traffic from this development will cause a safety risk for the my children and the

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

other children on our street. They currently play on McIntire Rd. since it is a dead end and there is no thru traffic. We do not have sidewalks or streetlights on out street and I feel that increased traffic increases the risk of an accident. This is the first we are hearing of this development, and I am not sure what the process is, but I wanted to let my feelings known to the board. I hope that you consider the negative impact that this development will have on our neighborhood and deny the rezoning request. Thank you.

Attachment: BCPA-2023-02 TB letter packet 031124 (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive

George F. Lamm Post No. 622

THE AMERICAN LEGION

962 WEHRLE DRIVE
NEAR CAYUGA ROAD

WILLIAMSVILLE, N.Y. 14221
PHONE: 716-204-2405

THE FRIENDLY POST

June 14, 2024
Re: BCPA 2023-02

Town of Amherst Supervisor
Brian J. Kulpa
5583 Main St.
Williamsville, NY 14221

Mr. Kulpa:

This letter is in response to housing to be developed on the former South Linden St., as outlined in BCPA 2023-02.

The George F. Lamm Post, 962 Wehrle Drive (AKA Lamm Post), property adjacent to the planned development and as future neighbors to the planned development, have a few requests as planning continues.

1) At least a 4-foot fence from Wehrle Drive to the thruway wall on the property line. This is requested to ensure both properties cannot be accessed by residents or Lamm Post visitors.
2) Shrubbery on the property behind the fence. This will enhance privacy for both residents and the Lamm Post.

As your new neighbors, we look forward to continued planning with the Town of Amherst and South Linden LLC. If you have any questions, please reach us at 716-906-9257.

Kind regards,

George F. Lamm Post 622
Board of Directors

JUN 24 2024 PM1:5(

CC: Town Clerk
Board Members
Planning Department
Jeffery Palumbo Esq.

Attachment: lamm post letter (RES-2024-210 : 46, 54, 60, 68, 74 & 84 South Linden Street - Bicentennial Comprehensive Plan Amendment)

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Councilmembers
Initiated by: **Angela Marinucci**
Co-Sponsored by:

DOC ID: 29209 **RESOLUTION 2024-614** **ADOPTED**

Glen Park Joint Board Re-Appointment

WHEREAS, the Glen Park Joint Board (GPJB) oversees the maintenance and improvement of Glen Park, dedicated to fostering a clean, safe, and enjoyable environment through water quality, landscaping and nature education initiatives that enhance and improve the quality of life in both the Village of Williamsville, and the Town of Amherst, while protecting the historic character of the park, its natural beauty and its sense of community; and

WHEREAS, the GPJB generally meets first Tuesday of the month; and

WHEREAS, the GPJB shall consist of nine (9) members, five (5) appointed by the Williamsville Village Board and four (4) by the Amherst Town Board, each member serving three (3) year terms to conclude on June 30 of the designated year; and

WHEREAS, members may be re-appointed, but in the event of a vacancy, the appointing board shall fill the remaining duration of the term; and

WHEREAS, Paul Krieter's term has concluded and would like to continue to serve on the GPJB.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board re-appoints Paul Krieter to serve for a term to expire June 30, 2027.

7/22/2024
Consent

FINANCIAL IMPACT:

None.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Angela Marinucci, Councilmember
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Councilmembers
Initiated by: **Angela Marinucci**
Co-Sponsored by:

DOC ID: 29215 **RESOLUTION 2024-615** **ADOPTED**

Youth Board Appointment

WHEREAS, the Amherst Youth Board is an organization offering varied services in support of children, youth and families living in the Town of Amherst. Chartered by the Amherst Town Board and New York State Executive Law, the agency is governed by a policy-making board of 23 citizen volunteers, comprising both adults and youth; and

WHEREAS, members are appointed by the Amherst Town Board for three-year terms and participate in decisions affecting programming, policies, funding and public relations for youth programs and services.

WHEREAS, the Youth Board also relies on the efforts and contributions of citizen volunteers in its programs. Many different volunteer opportunities are available, and may be tailored to individual needs; and

WHEREAS, the Youth Board currently has a Board of 9 members, who shall continue to serve a three (3) year term; and

WHEREAS, Salil Karkhanis has expressed an interest in serving on the Amherst Youth Board.

BE IT RESOLVED that, as recommended by the Director of Youth & Recreation, Salil Karkhanis be appointed as a youth member of the Youth Board by the Amherst Town Board for a term to end December 31, 2026.

7/22/2024
Consent

FINANCIAL IMPACT:

N/A

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Angela Marinucci, Councilmember
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 29228 **RESOLUTION 2024-616** **ADOPTED**

2024 Waterline Replacements Project (OCPH - $700,000)

AGENDA ITEM : JULY 22nd, 2024

TO: **Town Board**

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

DATE: **July 17, 2024**

RE: **2024 Waterline Replacements Project**
2024-2029 C.I.P. - Project No. E-1
Order Calling Public Hearing - $700,000

Kindly adopt the attached Order Calling Public Hearing regarding the above matter by scheduling a Public Hearing for the project on August 19, 2024 at 7:00 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 - July 22, 2024**)
Daryl C. Bramer, Comptroller *(w/attachment)*
Lynda Juul, Director of Finance *(w/attachment)*
Dan Howard, Director of Planning *(w/attachment)*
Brian J. Armstrong, Director of Engineering Services *(w/attachment)*
Michael J. Hitzel, AIA, LEED AP, Architect *(w/attachment)*

7/22/2024
Consent

FINANCIAL IMPACT:

None for the purposes of this resolution. Eventual bond resolution - $700,000.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

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 22nd day of July, 2024.

PRESENT:

Hon. Brian J. Kulpa, Supervisor
Shawn Lavin, Deputy Supervisor/Councilman
Jacqualine Berger, Councilwoman
Angela Marinucci, Councilwoman
Michael R. Szukala, Councilman

In the Matter

of the

Increase and Improvement of Facilities of the Water District No. 15, 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
AUGUST 19, 2024

WHEREAS, the Town Board of the Town of Amherst (herein called the "Town"), in the County of Erie, New York, on behalf of the Water District No. 15 , 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, 2024, for the increase and improvement of facilities of the District, consisting of watermain replacements along Bauman Road, Sweet Home Road and Maple Road, at the estimated maximum cost of $700,000 (2024-2029 CIP Project No. E-1); and

Attachment: OCPH (RES-2024-616 : 2024 Waterline Replacements Project (OCPH - $700,000))

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 $700,000; 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 22nd day of July, 2024 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: OCPH (RES-2024-616 : 2024 Waterline Replacements Project (OCPH - $700,000))

DATED: July 22, 2024

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_____
Deputy Supervisor/Councilman Shawn Lavin	voting_____
Councilwoman Jacqualine Berger	voting_____
Councilwoman Angela Marinucci	voting _____
Councilman Michael R. Szukala	voting _____

The Order was declared adopted.

* * * * *

Attachment: OCPH (RES-2024-616 : 2024 Waterline Replacements Project (OCPH - $700,000))

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 22nd day of July, 2024, 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 22nd day of July, 2024.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: OCPH (RES-2024-616 : 2024 Waterline Replacements Project (OCPH - $700,000))

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 August 19, 2024, 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 Water District No. 15 (the "District"), consisting of watermain replacements along Bauman Road, Sweet Home Road and Maple Road, at the estimated maximum cost of $700,000 (2024-2029 CIP Project No. E-1), as described in the map, plan and report, dated June, 2024, prepared by the Town Engineering Department. The current approved total estimated maximum cost of the projects is $700,000, 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: July 22, 2024
Williamsville, New York

Francina J. Spoth.
Town Clerk

Attachment: OCPH (RES-2024-616 : 2024 Waterline Replacements Project (OCPH - $700,000))

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 22nd day of July, 2024, 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 22nd day of July, 2024.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: OCPH (RES-2024-616 : 2024 Waterline Replacements Project (OCPH - $700,000))

STATE OF NEW YORK)
: ss.
COUNTY OF ERIE)

AFFIDAVIT OF POSTING

FRANCINA J. SPOTH, being duly sworn upon her oath deposes and says:

That she is and at all the times hereinafter mentioned she was the duly elected, qualified and acting Town Clerk of the Town of Amherst, in the County of Erie, State of New York, and that on the ____ day of August, 2024, she caused to be conspicuously posted and fastened up a certified copy of the Notice of Public Hearing, a true copy of which is annexed hereto and made a part hereof, on the sign board of said Town maintained pursuant to Section 30, subdivision 6, of the Town Law.

_____
Town Clerk

Subscribed and sworn to before me
this ____ day of August, 2024.

_____
Notary Public, State of New York

Attachment: OCPH (RES-2024-616 : 2024 Waterline Replacements Project (OCPH - $700,000))

Town of Amherst
Engineering Services Department

2024
Waterline Replacements
2024 – 2029 C.I.P.
Project No. E-1

Map, Plan & Report
June 2024

Contents:

- Existing Conditions
- Proposed Scope of Improvements
- Financial / Taxation Summary
- Town of Amherst Planning Department SEQR Determination
- Exhibit Map 1-2

Town of Amherst Engineering Services Department
1100 North Forest Rd., Williamsville, NY 14221
(716) 631-7154 / (716) 631-7222

Attachment: MPR 2024 E-1 Waterline Replacement (RES-2024-616 : 2024 Waterline Replacements Project (OCPH - $700,000))

Town of Amherst
Engineering Services Department
2024 Waterline Replacements

Attachment: MPR 2024 E-1 Waterline Replacement (RES-2024-616 : 2024 Waterline Replacements Project (OCPH - $700,000))

EXISTING CONDITIONS:

The Town of Amherst owns an intricate water distribution system consisting of watermains, valves, hydrants and individual services. This system is currently maintained by the Erie County Water Authority through a lease managed agreement. The Erie County Water Authority provides a priority list of watermains in need of replacement based on the frequency and extent of service calls received for each main.

The Town of Amherst has numerous watermains in need of replacement for deficiencies such as vertical and longitudinal cracks, holes, failing joints, valves and hydrants. The watermain deficiencies are due to a number of reasons such as age, corrosive soils and increased demand. The deficient physical conditions of the existing cast iron watermains causes decreased flow capacity and minimum efficiency within the system. It is evident that rectification of the system is necessary to protect the health and well being of the residents within these areas, while providing a higher level of service.

Based on service call and maintenance history, the proposed watermain improvements are anticipated. Should priorities change or funding remain available, funds will be used in other areas within the water district.

PROPOSED ANTICIPATED SCOPE OF IMPROVEMENTS:

BAUMAN ROAD

Bauman Road is a Town of Amherst roadway without curbing and has a 60 foot wide right of way. The proposed anticipated improvement area is along Bauman Road between Maple Road and Hollybrook Drive. The referenced watermain currently services single family homes.

Topography within the improvement area is generally flat. The area is considered moderately developed. The existing 6-inch diameter cast iron watermain exhibits numerous deficiencies and is located within the right-of-way. Electric and telephone utilities are overhead while natural gas, storm sewer and sanitary sewer lines are located underground and in close proximity to the watermain.

The referenced project will be constructed along the northbound lane of Bauman Road. The existing 6-inch cast iron watermain will be abandoned in place. The new watermain will include approximately 1,800 linear feet of 8-inch ductile iron pipe, four new fire hydrants, eight new 8-inch gate valves, one new 6-inch gate valve, and new service connections (replacements and reconnections). Watermain improvements will be within the right of way and utility easements in order to reduce construction costs and minimize disturbance.

The above referenced replacement-in-kind project will be designed, let and constructed during 2024 and 2025.

All construction methods and materials will be in accordance to Erie County Water Authority, Erie County Department of Public Works and Town of Amherst specifications.

The location of the proposed watermain replacement conforms to New York State Department of Health regulations with regards to proximity to existing sanitary sewer mains. A minimum of 10 feet of separation is established throughout the length of the new watermains. All design specifications are in conformance with Erie County Water Authority standards including the location of hydrants and valves. All building services will be reconnected or replaced as necessary, with all existing hydrants removed and replaced with new hydrants.

The installation of the new watermain will increase available flows in addition to eliminating the current need for frequent repair of the system's components. These improvements will therefore provide safer, more cost effective and better quality service throughout the affected areas.

SWEET HOME RD. / MAPLE RD. INTERSECTION BETTERMENT

The existing 6-inch watermain crossing within this intersection has failed and has been valved-off in order to bypass from that location and avoid leakage. As the entire intersection is concrete pavement, it will be necessary to bore a new carrier pipe under the intersection to allow for a new watermain to be installed through the carrier pipe and make connections at both ends to avoid cutting and trenching the existing concrete pavement within the intersection. Once the new main is connected, the existing failed main will be abandoned-in-place. This construction method will allow for less impact to vehicular traffic via fewer lane closures. This improvement is anticipated to either be designed and bid as a traditional Town project or it may be constructed as a betterment by agreement with Erie County Water Authority.

The above referenced replacement-in-kind project will be designed in 2024 and constructed in 2025.

All construction methods and materials will be in accordance to Erie County Water Authority, Erie County Department of Public Works and Town of Amherst specifications.

The location of the proposed watermain replacement conforms to New York State Department of Health regulations with regards to proximity to existing sanitary sewer mains. A minimum of 10 feet of separation is established throughout the length of the new watermains. All design specifications shall be in conformance with Erie County Water Authority standards.

The installation of the new watermain will increase water system flows, pressures and redundancies, providing for safer, more cost effective and better-quality service throughout the affected areas.

In addition to the referenced waterline improvements, the Town of Amherst may also perform emergency waterline capital improvements anywhere within water district 15C as required to ensure public health and safety.

Attachment: MPR 2024 E-1 Waterline Replacement (RES-2024-616 : 2024 Waterline Replacements Project (OCPH - $700,000))

Town of Amherst
Engineering Services Department
2024 Waterline Replacements

Attachment: MPR 2024 E-1 Waterline Replacement (RES-2024-616 : 2024 Waterline Replacements Project (OCPH - $700,000))

FINANCIAL SUMMARY:

The proposed replacement-in-kind project described herein will be designed, let and constructed during 2024 and 2025. The total cost of these improvements will be bonded against town water district No. 15 at a total cost of $700,000.00, financed entirely with serial bonds. The proposed improvements are anticipated to have a minimum life expectancy of 20 years.

PROJECT COST SUMMARY

Estimated Construction Costs	696,500.00
Legal/Administrative	3,500.00
Project Bond Total	**700,000.00**

Taxation Summary:

- Total Bond Request: $700,000.00 (Water District 15)
- Bond Term: 20 years
- Annual Tax Impacts: $0.0031 per $1,000 AV at 100% equalization
- Typical Property Impact: $0.9406 per $300,000 property at 100% equalization

SEQR Determination:

See attached memo from the Town of Amherst Planning Department.

EXHIBIT 1: BAUMAN ROAD

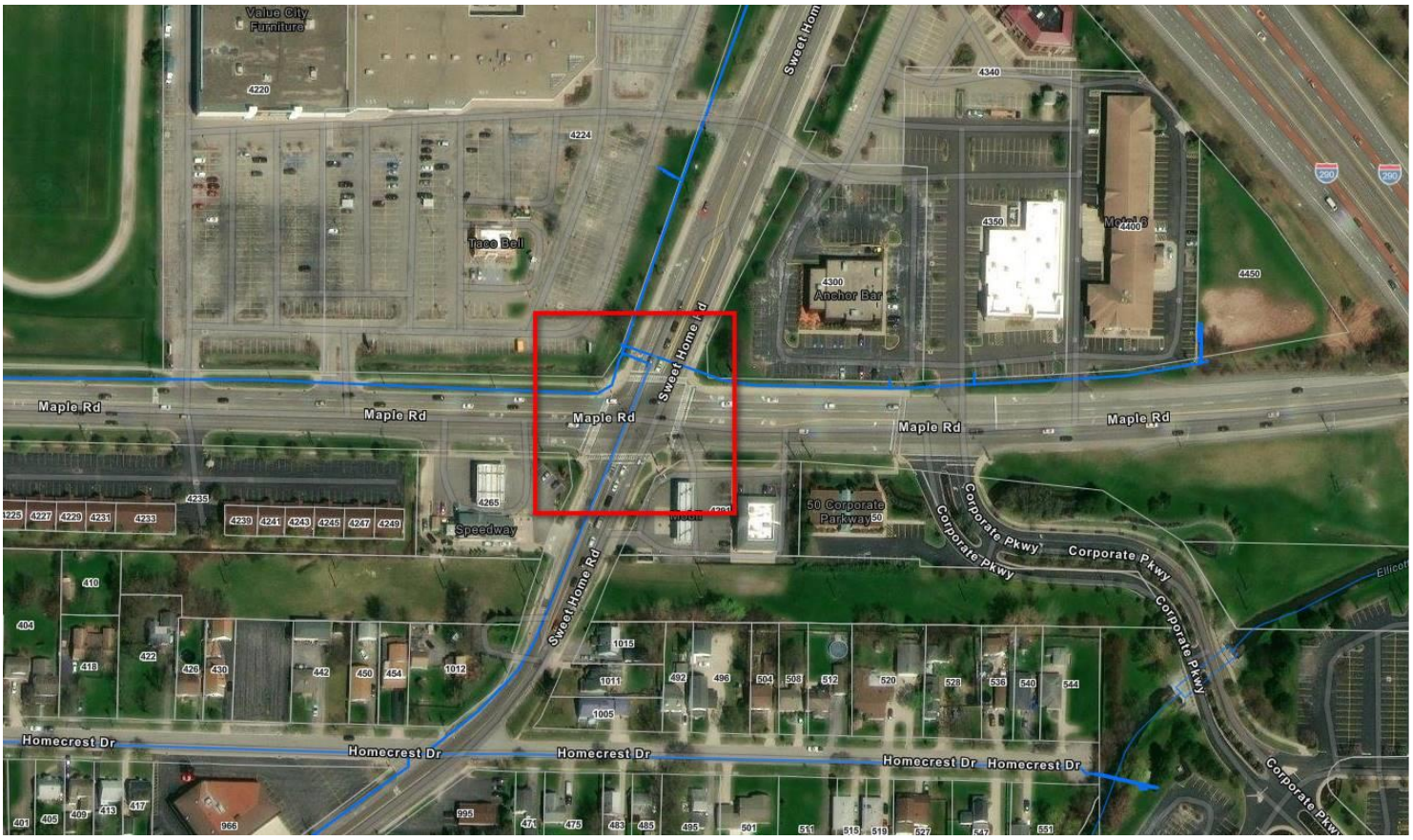

EXHIBIT 2: SWEET HOME RD. / MAPLE RD. INTERSECTION

Attachment: MPR 2024 E-1 Waterline Replacement (RES-2024-616 : 2024 Waterline Replacements Project (OCPH - $700,000))

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

MEMORANDUM July 2, 2024

TO: Brian Armstrong, Director
Engineering Services Department

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

RE: SEQR Classification – Waterline Replacements
2024-2029 C.I.P. Project E-1

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(b). Therefore, no further environmental review is required.

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\07_02_2024_E-1_Waterline Replacements.docx

cc: Marty Polowy, Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: MPR 2024 E-1 Waterline Replacement (RES-2024-616 : 2024 Waterline Replacements Project (OCPH - $700,000))

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A Alba**
Co-Sponsored by:

DOC ID: 29229 **RESOLUTION 2024-617** **ADOPTED**

Settlement and Release - Town of Amherst/GEICO ($65,000)

AGENDA ITEM : JULY 22nd, 2024

TO: **Town Board**

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

DATE: **July 17, 2024**

RE: **Settlement of Bodily Injury Claim With GEICO - $65,000.00**
Date of Loss : 1.2.19
Claimant : Town of Amherst

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

WHEREAS, the above matter arises from a motor vehicle accident that occurred on January 2, 2019; and

WHEREAS, the Town of Amherst ("Town") held a claim for bodily injury to a Town police officer pursuant to CPLR §207-c; and

WHEREAS; endorsement and cashing the draft issued by GEICO constitutes a full and final settlement and release for any and all claims the Town has against GEICO and the GEICO insured and/or Defendant Client(s) and

WHEREAS, all other liens have been satisfied;

NOW, THEREFORE BE IT RESOLVED that the Town Board authorizes the Town Supervisor to execute the attached Release and any associated settlement paperwork to effectuate settlement of the above matter and to dismiss all claims against GEICO and the GEICO insured and/or Defendant Client(s).

SAA:MAP:NMB:hs
Attachment
c: Tim Koller, Deputy Town Clerk (*w/attachment*, **Agenda Item - July 22, 2024**)

7/22/2024
Consent

FINANCIAL IMPACT:

Revenue - $65,000 - Account TBD

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

RELEASE IN FULL OF ALL CLAIMS

Dated: 07/03/2024
CLAIM: 061757478 0101 028

I/we, Town of Amherst, Releasor(s), 5583 Main Street, Williamsville, New York 14221 being a municipal corporation , for and in consideration of a check for the sum of sixty five thousand dollars and zero cents dollars ($65,000.00), lawful money of the United States of America to the Town in hand paid, the receipt of which is hereby acknowledged, do for the municipal corporation, its heir, successors and assigns, hereby remise, release, and forever discharge Janelle Brink, Paul Brink, Stephen J Gebura .

Releasee(s), successors and assigns, and/or his, her or their associates, heirs, executors and administrators, and all other persons, firms or corporations of and from any and every claim, demand, right or cause of action, of whatever kind or nature, on account of or in any way growing out of any and all personal injuries and consequences thereof, including, but not limited to, all causes of action preserved by the wrongful death statute applicable, any loss of services and consortium, any injuries which may exist but which at this time are unknown and unanticipated and which may develop at some time in the future, all unforeseen developments arising from known injuries, and any and all property damage resulting or to result from an accident that occurred on or about the 2nd day of January, 2019, at or near 1980 Maple Rd., Erie County, New York and especially all liability arising out of said accident including, but not limited to, all liability for contribution and/or indemnity. AS A FURTHER CONSIDERATION FOR THE MAKING OF SAID SETTLEMENT AND PAYMENT, IT IS EXPRESSLY WARRANTED AND AGREED:

(1) That the Town of Amherst understands fully that this is a final settlement and disposition of the disputes both as to the legal liability for said accident, casualty, or event and as to the nature and extent of the claimed damages pursuant to CPLR § 207-c the Town of Amherst has sustained and it understands that liability is denied by Janelle Brink, Paul Brink, Stephen J Gebura Releasee(s), and it is covenanted and agreed between the Releasor(s) and Releasee(s) herein that this release and settlement is not to be construed as consent or an admission of liability on the part of said Releasee(s); that this release and settlement agreement shall not be used by said Releasor(s) or anyone on his behalf as a defense or estoppel in any action which is now pending or may be brought hereafter by said Releasee(s) against said Releasor(s) or his agents and servants, and any claim of whatever kind or nature the Releasee(s) might have or hereafter have arising from said accident is expressly reserved to them.

(2) That no promise, agreement, statement or representation not herein expressed has been made to or relied upon by me/us and this release contains the entire agreement between the parties.
IN WITNESS WHEREOF, I/we have hereunto set my/our hand and seal this _____day of _____, 20___ .

_____
Releasor(s) Signature

On this _____day of _____20_, before me personally appeared _____to me known to be the person(s) named in and who executed the above release and acknowledged that ____ executed the same as _____own free act and deed.

_____
(OFFICIAL TITLE)

MEMBER INSURANCE CRIME PREVENTION INSTITUTE

Attachment: RELEASE FINAL (RES-2024-617 : Settlement and Release - Town of Amherst/GEICO ($65,000))

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A Alba**
Co-Sponsored by:

DOC ID: 29213 **RESOLUTION 2024-618** **ADOPTED**

Settlement of Article 7 Matter - Brompton Heights, Inc. V. Town of Amherst

AGENDA ITEM : JULY 22nd, 2024

TO: **Town Board**

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

DATE: **July 16, 2024**

RE: **Settlement of Article 7 Matter**
Brompton Heights, Inc. v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached 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 : July 22, 2024**)
Emily Murphy, Town Assessor

7/22/2024
Consent

FINANCIAL IMPACT:

Assessment

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 2024.

PRESENT: HON. RAYMOND W. WALTER, J.S.C
STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

BROMPTON HEIGHTS INC,

Petitioner,

v.

CONSENT ORDER

Index No.: 808846/2023
808009/2022

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
275 Brompton Road	69.16-2-12.21

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, Attorney for the Williamsville CSD, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

Attachment: AMH 22014 Consent Order Brompton Heights -r1 (RES-2024-618 : Settlement of Article 7 Matter - Brompton Heights, Inc. V. Town

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2022-2023 and 2023-2024 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax year 2024-2025 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
275 Brompton Road	69.16-2-12.21	$6,161,300,

and it is further

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026 and 2026-2027 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
275 Brompton Road	69.16-2-12.21	$9,000,000,

and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law shall apply to the aforementioned tax years without regard to revaluation or update in the interval, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event that the assessment is increased for any stated year at a level higher than provided herein when there has been no assessable addition or improvement to the property, Petitioner retains the right to reinstate and reinstitute its Article 7 proceedings herein settled with respect to that parcel only, and it is further

Attachment: AMH 22014 Consent Order Brompton Heights -r1 (RES-2024-618 : Settlement of Article 7 Matter - Brompton Heights, Inc. V. Town

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Wolfgang & Weinmann, as attorneys and agents for Petitioner, accompanied by a calculation sheet, such attorneys to hold the proceeds as trust funds for appropriate distribution, and are to remain subject to the further jurisdiction of this Court relative to their attorney's lien pursuant to Judiciary Law Section 475, or in the event that any such tax payment has not been paid, issue corrected tax bills which reflect the proper reduced assessment for the property, with a copy of corrected tax bills sent to the attorneys for Petitioner, said corrected tax bills to be paid without interest or penalty if paid within 90 days of receipt of said corrected bills, and it is further

ORDERED, STIPULATED, AND ADJUDGED that this Court shall retain jurisdiction over this proceeding pending the expiration of the periods herein recited, and that all applications to enforce any or all of the terms of this Consent Order shall be brought by motion before this Court, and it is further

ORDERED, STIPULATED, AND ADJUDGED that Petitioner shall have the right to seek specific enforcement of this Order, Stipulation and Judgment by all means provided by law, and it is further

ORDERED, STIPULATED, AND ADJUDGED that this Order, Stipulation and Judgment hereby constitutes and represents the entire understanding and agreement amongst the

Attachment: AMH 22014 Consent Order Brompton Heights -r1 (RES-2024-618 : Settlement of Article 7 Matter - Brompton Heights, Inc. V. Town

parties, and the full settlement of the tax certiorari herein; there are no costs or disbursements awarded to, by or against any party, and upon compliance with the terms of this Order, Stipulation and Judgment, the proceedings herein shall be, and the same hereby are, settled and discontinued with prejudice.

_____
Hon. Raymond W. Walter, J.S.C.

DATED:

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER
Brompton Heights, Inc.

By: _____
Trevor P. Duffy, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By: _____
Samuel A. Alba, Esq.
Attorney for Respondent

Date: _____

FOR PETITIONER
Brompton Heights, Inc.

By: _____
Jeffrey Withee
As Agent

Date: 7-9-2024

FOR INTERVENOR
Williamsville CSD

By: _____
Michael B. Risman, Esq.
Attorney for Intervenor

Date: _____

Attachment: AMH 22014 Consent Order Brompton Heights -r1 (RES-2024-618 : Settlement of Article 7 Matter - Brompton Heights, Inc. V. Town

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A Alba**
Co-Sponsored by:

DOC ID: 29243 **RESOLUTION 2024-619** **ADOPTED**

Settlement of Article 7 Matter - West Herr Acquisitions, LLC V. Town of Amherst

AGENDA ITEM : JULY 22nd, 2024

TO: **Town Board**

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

DATE: **July 17, 2024**

RE: **Settlement of Article 7 Matter**
West Herr Acquisitions, 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 Order; and

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Stipulation of Settlement and 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 : July 22, 2024**)
Emily Murphy, Town Assessor

7/22/2024
Consent

FINANCIAL IMPACT:

Assessment

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

WEST HERR ACQUISITIONS LLC,
MAIN WILL LLC, and WH ROAD LLC,

Petitioners,

vs.

THE ASSESSOR FOR THE TOWN OF AMHERST,
THE BOARD OF ASSESSMENT REVIEW FOR THE
TOWN OF AMHERST, and THE TOWN OF
AMHERST, NEW YORK,

Respondents.

STIPULATION OF SETTLEMENT AND ORDER

Index No.: 809350/2023

Assigned Justice:
Hon. Deborah A. Chimes, J.S.C.

WHEREAS, Petitioners West Herr Acquisitions LLC, Main Will LLC, and 3925 WH Road LLC (hereinafter, the "Petitioners"), having commenced the above-captioned proceeding pursuant to Real Property Tax Law Article 7 to review the assessments on certain property located at 2570 Millersport Hwy (SBL # 41.15-1-6.11), 2600 Millersport Hwy (SBL # 41.15-1-4.11), 2619-2635 Millersport Hwy (SBL # 41.15-1-16.11), 7428 Transit Road (SBL # 70.17-3-3), 7460 Transit Road (SBL # 70.17-3-36), and 8040 Transit Road (SBL # 70.05-1-1.1) for the tax year 2023/24 (the "Subject Properties"), in the Town of Amherst, County of Erie, and State of New York, and Petitioners having appeared by Goldberg Segalla LLP (Marc W. Brown, Esq., of counsel); Respondents The Assessor for the Town of Amherst, The Board of Assessment Review for the Town of Amherst, and The Town of Amherst, New York (collectively, the "Respondents") having appeared by the Town of Amherst Attorney's Office (Samuel A. Alba, Esq., of counsel); Intervenors-Respondents Williamsville Central School District and Clarence Central School District, having appeared by Hodgson Russ LLP (Michael B. Risman, Esq., of counsel); and

Attachment: West Herr v. Amherst Stipulation of Settlement and Order (RES-2024-619 : Settlement of Article 7 Matter - West Herr Acquisitions,

Attachment: West Herr v. Amherst Stipulation of Settlement and Order (RES-2024-619 : Settlement of Article 7 Matter - West Herr Acquisitions,

Intervenor-Respondent County of Erie, having appeared by Lippes Mathias LLP (Margaret A. Hurley, Esq., of counsel); and

WHEREAS, Petitioners, Respondents, and Intervenors-Respondents are collectively referred to herein as the "Parties"; and

WHEREAS, the Parties have entered into extensive settlement negotiations and have agreed that settlement is in their best interests in order to avoid the cost of further litigation, among other things; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, that the Parties propose to settle and resolve their differences upon the terms and conditions set forth in this Stipulation of Settlement and Order:

1. The Subject Properties are located in the Town of Amherst, Williamsville Central School District and Clarence Central School District, and the County of Erie taxing and assessing jurisdictions and, if applicable, their special and other districts (e.g., sewer, fire, and library districts, for instance). There is no applicable village taxing unit.

2. The general ratio of assessed values of real property to full values of real property in the Town of Amherst for the tax year 2023/24 was 62%.

3. The 2023 Tentative Full Value Assessment and 2023 Settlement Full Value Assessment on the Subject Properties are as follows:

Parcel Number and Address	**2023 Tentative Full Value Assessment**	**2023 Settlement Full Value Assessment**
2570 Millersport Hwy (41.15-1-6.11)	$70,000	$55,000
2600 Millersport Hwy (41.15-1-4.11)	$3,048,387	$2,445,000
2619-2635 Millersport Hwy (41.15-1-16.11)	$1,129,032	$750,000

7428 Transit Road (70.17-3-3)	$1,370,968	$1,050,000
7460 Transit Road (70.17-3-36)	$3,193,548	$2,450,000
8040 Transit Road (70.05-1-1.1)	$6,193,548	$5,800,000

4. Petitioners are waiving refunds for 2023 in return for the full value assessments on the Subject Properties in the 2024 assessment year to be as follows: $40,000 (SBL # 41.15-1-6.11), $1,841,613 (SBL # 41.15-1-4.11), $370,968 (SBL # 41.15-1-16.11), $819,032 (70.17-3-3), $1,916,452 (70.17-3-36), and $5,406,452 (70.05-1-1.1).

5. With regard to assessment year 2025, Petitioners shall notify the Assessor and all other relevant officers and authorities of the relevant taxing jurisdictions by email and Federal Express or personal delivery on or before April 1, 2025, if the refund credit from assessment year 2023-2024 applied in assessment year 2024-25 did not accurately reflect the refund that Petitioners should have received in assessment year 2023-2023. In the event of an undercalculation, the relevant taxing jurisdictions will "true up" the full value assessments on the Subject Properties by subtracting an additional refund credit from the full value assessment on the Subject Properties for the assessment year 2025, which are $55,000 (SBL # 41.15-1-6.11), $2,445,000 (SBL # 41.15-1-4.11), $750,000 (SBL # 41.15-1-16.11), $1,140,000 (70.17-3-3), $2,660,000 (70.17-3-36), and $5,800,000 (70.05-1-1.1), and the roll shall be corrected within 45 days of Petitioners' notification and, if not corrected, refund the overpayment by official checks payable to "West Herr Acquisitions LLC, Main Will LLC, and WH Road LLC", and mailed to Goldberg Segalla LLP, Marc W. Brown, Esq., 665 Main Street, Buffalo, New York 14203-1425, and paid without interest or penalty if paid within 60 days of receipt of Petitioners' notification.

6. With regard to assessment year 2026, the full value assessments on the Subject Properties will be $55,000 (SBL # 41.15-1-6.11), $2,445,000 (SBL # 41.15-1-4.11), $750,000

Attachment: West Herr v. Amherst Stipulation of Settlement and Order (RES-2024-619 : Settlement of Article 7 Matter - West Herr Acquisitions,

(SBL # 41.15-1-16.11), $1,140,000 (70.17-3-3), $2,660,000 (70.17-3-36), and $5,800,000 (70.05-1-1.1).

7. The Parties acknowledge and agree that the aforementioned reduced assessments are fair, equitable, proper, and just.

8. Real Property Tax Law Section 727 shall apply to this settlement to the Subject Properties' assessments at the levels stated above in paragraphs 4, 5, and 6.

9. This action shall be discontinued, with prejudice, upon entry of this Stipulation of Settlement and Order. Petitioners shall have the right to seek specific enforcement of the terms of this Stipulation of Settlement and Order and to otherwise enforce this Stipulation of Settlement and Order by whatever means provided by law.

10. This Stipulation of Settlement and Order shall not be construed as a waiver of Petitioners' right to raise any constitutional claims associated with this action or the parcels at issue.

11. This Stipulation of Settlement and Order shall be considered the Parties' entire understanding and agreement between and among them, and a full settlement of the tax certiorari without costs or disbursements awarded to or against any of the Parties upon their compliance with the terms of the Stipulation of Settlement and Order.

12. There shall be no modification of this Stipulation of Settlement and Order except by a subsequent writing signed by the authorized representatives of the Parties herein, and "So Ordered" by the Court.

13. The Parties authorize their attorneys to execute this Stipulation of Settlement and Order and to seek the Court's approval and entry of the same, and each signatory below affirms that they have the proper authority to so execute this Stipulation.

Attachment: West Herr v. Amherst Stipulation of Settlement and Order (RES-2024-619 : Settlement of Article 7 Matter - West Herr Acquisitions,

Attachment: West Herr v. Amherst Stipulation of Settlement and Order (RES-2024-619 : Settlement of Article 7 Matter - West Herr Acquisitions,

14. If any provision of this Stipulation of Settlement and Order shall be determined to be invalid, illegal, null, or void, or unenforceable to any extent, the remainder of this Stipulation shall remain in effect to the fullest extent of the law.

15. This Court shall retain jurisdiction over this matter for the purpose of enforcing the terms of this Stipulation of Settlement and Order.

16. Electronic signatures and electronically transmitted images of original signatures shall be deemed original signatures for the purposes of expediting the filing of this Stipulation of Settlement and Order.

17. This Stipulation of Settlement and Order may be executed in multiple counterparts including by means of facsimile, PDF/ADOBE e-mail, etc., each of which shall be deemed an original, but all of which together shall be considered and constitute one and the same instrument.

18. An executed copy of the Stipulation of Settlement and Order, shall be entered and docketed in the appropriate County Clerk's Office by Petitioners, then filed with the Town Assessor's permanent records. E-mail transmission of the Notice of Entry of this Stipulation of Settlement and Order to counsel shall be sufficient.

Dated: Buffalo, New York
July ___, 2024

GOLDBERG SEGALLA LLP

By:_____
Marc W. Brown
Attorneys for Petitioners
665 Main Street
Buffalo, New York 14203
Telephone No.: (716) 566-5400
E-mail: mwbrown@goldbergsegalla.com

Dated: Williamsville, New York
July ___, 2024

AMHERST TOWN ATTORNEY'S OFFICE

By:_____
Samuel A. Alba
Attorneys for Respondents
5583 Main Street
Williamsville, New York 14221
Telephone No.: (716) 631-7030
E-mail: salba.amherst.ny.us

Dated: Buffalo, New York
July ___, 2024

HODGSON RUSS LLP

By:_____
Michael B. Risman
Attorneys for Intervenors-Respondents
Williamsville Central School District and
Clarence Central School District
140 Pearl Street, Suite 100
Buffalo, New York 14202
Telephone No.: (716) 848-1291
E-mail: mrisman@hodgsonruss.com

Dated: Buffalo, New York
July ___, 2024

LIPPES MATHIAS LLP

By:_____
Margaret A. Hurley
Attorneys for Intervenor-Respondent
County of Erie
50 Fountain Plaza, Suite 1700
Buffalo, New York 14202
Telephone No.: (716) 853-5100
E-mail: mhurley@lippes.com

SO ORDERED AND ENTERED THIS _____ DAY OF JULY, 2024

By: _____
HON. DEBORAH A. CHIMES, J.S.C.

Attachment: West Herr v. Amherst Stipulation of Settlement and Order (RES-2024-619 : Settlement of Article 7 Matter - West Herr Acquisitions,

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Town Clerk
Initiated by: **Joanne A. Schultz**
Co-Sponsored by:

DOC ID: 29253 **RESOLUTION 2024-620** **ADOPTED**

GRANICUS, LLC Meeting Management Software for MinuteTraq CRS #4969

Please authorize the Supervisor to sign the Annual Service Agreement Renewal with Granicus, LLC for the Meeting Management Software for MinuteTraq.

The agreement is valid from 4/17/2024 to 4/16/2025. CRS #4969. The funds will be paid from Trust Account 4011 4002.

Approval is pending successful completion of the Contract Routing System.

7/22/2024
Consent

FINANCIAL IMPACT:

4011.4002 $10,207.89

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Building/Building Maintenance
Initiated by: **Daniel Rizzo**
Co-Sponsored by:

DOC ID: 29220 **RESOLUTION 2024-621** **ADOPTED**

61" Turf Tiger Mower CRS #4962

Upon successful completion of CRS routing, please authorize the Supervisor to approve the purchase of the Turf Tiger Mower.

7/22/2024
Consent

FINANCIAL IMPACT:

KP2410-2250 $13,095.00

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

TOWN OF AMHERST
Erie County, New York

SUPERVISOR
Brian J. Kulpa
716-631-7032

DEPUTY SUPERVISOR/COUNCILMEMBER
Shawn Lavin

COUNCILMEMBERS
Jacqualine Berger
Angela Marinucci
Michael Szukala

AGREEMENT

Let this document stand as an Agreement between Wegman Motor Works Inc. and the Town of Amherst permitting the Town of Amherst to purchase a 61" Turf Tiger Mower with mulch kit thru the Scag Power Equipment Sourcewell contract #031121-SCG.

Agreed to and Accepted by:

Wegman Motor Works Inc.

By: _____
Signature

Kyle Wegman
Printed name

Sales (Secretary)
Title

Date: 7/10/2024

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Addendum to Contract Minor Exposure

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 Contractors 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, Contractor 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 Contractor its officers, agents, subcontractors, and/or employees as well as the negligence, active or passive, of the Contractor, its officers, agents, subcontractors, and/or employees.

4. Contractor 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: Contractor 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: Contractor 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

(c) Contractor shall furnish the above insurances, including subcontractors' 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) Contractor shall ensure all its subcontractors, if any, have obtained all the above insurances and shall also assure that any policy procured by any subcontractor or sub-subcontractor shall name the Town as an additional insured on a primary and non-contributory basis.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

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 Contractor 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 Contractor 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 Contractor, in accordance with its status as an independent Contractor, 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.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

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.

Agreed to and Accepted by:

Wegman Motor Works Inc.
Print Name of Company

By: _____
Signature

Kyle Wegman
Printed name

Date: 7/10/2024

Agreed to and Accepted by:

Town of Amherst

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Wegman Motor Works Inc.
1500 Kenmore Ave.
Buffalo, NY 14216-1135
Phone: (716) 875-2321 Fax: (716) 332-4659

Work Order. 3

Check out WEGMAN MOTOR WORKS on FACEBOOK for Prize Giveaways, New Products and Specials!

Bill To	Ship To
Town of Amherst	

Customer	Contact	Customer Tax Number	Phone	Cell Phone	Transaction	PO Number
1957			(716) 631-7132		Cash Sale	

Counter Person	Sales Person	Date Printed	Reference	Email Address	Department
Parts	Parts	07/03/24	305241		Counter Sales

	Line	Description	Ordered	B/O'd	Shipped	Net Each	Amount
	SCAP	61V MULCH KIT	1	1		$350.00	$350.00

Labor	Line	Mechanic	Description	Rate	Time	Amount
LBR			Install Mulch Kit	$110.00	1:00	$110.00

Model	Line	Description	Ordered	B/O'd	Shipped	List	Net	Amount
STTII61-31BV	SCAW	61" Turf Tiger II 31HP Vanguard	1		1		$12,635.00	$12,635.00

SN S9100133

Note
PRICED at SOURCEWELL CONTRACT #031121-SCG

Invoice Total	$13,095.00
Sales Tax	$0.00
Grand Total	$13,095.00

There is a 20% restocking fee on all non-electrical part returns in original packaging. NO returns on serialized wholegoods, electrical parts, or special ordered items.

Notes:

Customer acknowledges receipt thereof:

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

STATE OF NEW YORK
WORKERS' COMPENSATION BOARD

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name & Address of Insured (Use street address only) **Wegman Motor Works, Inc** **1500 Kenmore Ave** **Buffalo, NY 14216** **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) 875-2321 **1c. NYS Unemployment Insurance Employer Registration Number of Insured** **1d. Federal Employer Identification Number of Insured or Social Security Number** 16-1541738
2. Name and Address of the 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** **Utica Mutual Insurance Company** **3b. Policy Number of entity listed in box "1a"** **5321933** **3c. Policy effective period** **2/16/2024 to 2/16/2025** **3d. The Proprietor, Partners or Executive Officers are** **x 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 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: Ian Whitehouse
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by: Ian K. Whitehouse 7/9/2024
(Signature) (Date)

Title: President

Telephone Number of authorized representative or licensed agent of insurance carrier: (716) 549-2000

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: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Workers' Compensation Law

Section 57. Restriction on issue of permits and the entering into contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 07/09/2024

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	CONTACT NAME: Dawn Parlier
Arthur J Gallagher Risk Management Services 285 Delaware Ave, Suite 4000 Buffalo NY 14202	PHONE (A/C, No, Ext): (716) 549-3500 FAX (A/C, No): (716) 926-8690 E-MAIL ADDRESS: Dawn_Parlier@ajg.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Utica National Assurance Co	10687
INSURER B : Utica Mutual Insurance Company	25976
INSURER C : Utica National Ins Co of Texas	43478
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Wegman Motor Works Inc & 1502 Kenmore Avenue LLC
1500 Kenmore Ave
Buffalo NY 14216

COVERAGES **CERTIFICATE NUMBER:** 24-25 Master **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 GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC [ ] OTHER:	Y	Y	CPP5056399	05/14/2024	05/14/2025	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG Hired Non Owned Auto	$ 1,000,000 $ 100,000 $ 10,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $ 25,000
B	AUTOMOBILE LIABILITY [X] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY			5041132	05/14/2024	05/14/2025	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) Uninsured motorist	$ 1,000,000 $ $ $ $ 1,000,000
C	[X] UMBRELLA LIAB [X] OCCUR EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [X] RETENTION $ 10,000	Y	Y	CULP5056400	05/14/2024	05/14/2025	EACH OCCURRENCE AGGREGATE	$ 1,000,000 $ 1,000,000 $
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N [ ] (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		5321933	02/16/2024	02/16/2025	[X] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 500,000 $ 500,000 $ 500,000
A	Leased/Rented Equipment			CPP5056399	05/14/2024	05/14/2025	Limit	20,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The certificate holder is included as additional insured on a primary non contributory basis and a waiver of subrogation applies in their favor as required in written and executed contract.

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

Ian K Whitlow

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Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF INSURANCE COVERAGE
NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by NYS disability and Paid Family Leave benefits carrier or licensed insurance agent of that carrier

1a. Legal Name & Address of Insured (use street address only)
WEGMAN MOTOR WORK INC

1500 KENMORE AVE
BUFFALO, NY 14216

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

1c. Federal Employer Identification Number of Insured or Social Security Number
161541738

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
ShelterPoint Life Insurance Company

3b. Policy Number of Entity Listed in Box "1a"
DBL585481

3c. Policy effective period
01/01/2024 to 12/31/2025

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 7/10/2024 By _____
(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number 516-829-8100 Name and Title Leston Welsh, Chief Executive Officer

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 emailed to PAU@wcb.ny.gov or it can 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 4B, 4C or 5B have 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(Article 9 of the Workers' Compensation Law) with respect to all of their 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 (12-21)

DB-120.1 (12-21)

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Additional Instructions for Form DB-120.1

By signing this form, the insurance carrier identified in Box 3 on this form is certifying that it is insuring the business referenced in Box 1a for disability and/or Paid Family Leave benefits under the NYS Disability and Paid Family Leave Benefits Law. The insurance carrier or its licensed agent will send this Certificate of Insurance Coverage (Certificate) to the entity listed 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 cancelled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from 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 NYS disability and/or Paid Family Leave benefits contract of insurance only while the underlying policy is in effect.

Please Note: Upon the cancellation of the disability and/or Paid Family Leave benefits 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 Insurance Coverage for NYS disability and/or Paid Family Leave Benefits or other authorized proof that the business is complying with the mandatory coverage requirements of the NYS Disability and Paid Family Leave Benefits Law.

NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

§220. Subd. 8

(a) The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and not withstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand and twenty-one, the payment of family leave benefits for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand eighteen, the payment of family leave benefits for all employees has been secured as provided by this article.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Sourcewell

SCAG #031121-SCG

Pricing for contract #031121-SCG offers Sourcewell members the following discount on new SCAG qualifying whole-good and accompanying accessory purchases.

- 22% Discount taken off published U.S. MSRP
- Additional 1% on single P.O. orders over $100,000
- Free delivery within 25 miles of your local authorized SCAG dealer

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

RFP #031121
REQUEST FOR PROPOSALS
for
Grounds Maintenance Equipment, Attachments, and Accessories with Related Services

Proposal Due Date: March 11, 2021, 4:30 p.m., Central Time

Sourcewell, a State of Minnesota local government agency and service cooperative, is requesting proposals for Grounds Maintenance Equipment, Attachments, and Accessories with Related Services to result in a contracting solution for use by its Participating Entities. Sourcewell Participating Entities include thousands of governmental, higher education, K-12 education, nonprofit, tribal government, and other public agencies located in the United States and Canada. A full copy of the Request for Proposals can be found on the Sourcewell Procurement Portal [https://proportal.sourcewell-mn.gov]. Only proposals submitted through the Sourcewell Procurement Portal will be considered. Proposals are due no later than March 11, 2021, at 4:30 p.m. Central Time, and late proposals will not be considered.

Solicitation Schedule

Public Notice of RFP Published:	January 19, 2021
Pre-proposal Conference:	February 11, 2021, 10:00 a.m., Central Time
Question Submission Deadline:	March 4, 2021, 4:30 p.m., Central Time
Proposal Due Date:	**March 11, 2021**, 4:30 p.m., Central Time Late responses will not be considered.
Opening:	March 11, 2021, 6:30 p.m., Central Time **

** SEE RFP SUB-SECTION V. G. "OPENING"

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

I. ABOUT SOURCEWELL PARTICIPATING ENTITIES

A. SOURCEWELL

Sourcewell is a State of Minnesota local government agency and service cooperative created under the laws of the State of Minnesota (Minnesota Statutes Section 123A.21) that facilitates a competitive public solicitation and contract award process for the benefit of its 50,000+ participating entities across the United States and Canada. Sourcewell's solicitation process complies with State of Minnesota law and policies, conforms to Canadian trade agreements, and results in cooperative contracting solutions from which Sourcewell's Participating Entities procure equipment, products, and services.

Cooperative contracting provides participating entities and vendors increased administrative efficiencies and the power of combined purchasing volume that result in overall cost savings. At times, Sourcewell also partners with other purchasing cooperatives to combine the purchasing volume of their membership into a single solicitation and contract expanding the reach of contracted vendors' potential pool of end users.

Sourcewell uses a website-based platform, the Sourcewell Procurement Portal, through which all proposals to this RFP must be submitted.

B. USE OF RESULTING CONTRACTS

In the United States, Sourcewell's contracts are available for use by:

- Federal and state government entities;
- Cities, towns, and counties/parishes;
- Education service cooperatives;
- K-12 and higher education entities;
- Tribal government entities;
- Some nonprofit entities; and
- Other public entities.

In Canada, Sourcewell's contracts are available for use by:

- Provincial and territorial government departments, ministries, agencies, boards, councils, committees, commissions, and similar agencies;
- Regional, local, district, and other forms of municipal government, municipal organizations, school boards, and publicly-funded academic, health, and social service entities referred to as MASH sector (this should be construed to include but not be limited to the Cities of Calgary, Edmonton, Toronto, Calgary, Ottawa, and Winnipeg), as well as any corporation or entity owned or controlled by one or more of the preceding entities;

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

- Crown corporations, government enterprises, and other entities that are owned or controlled by these entities through ownership interest;
- Members of the Rural Municipalities of Alberta (RMA) and their represented Associations, Saskatchewan Association of Rural Municipalities (SARM), Saskatchewan Urban Municipalities Association (SUMA), Association of Manitoba Municipalities (AMM), Local Authority Services (LAS), Municipalities Newfoundland and Labrador (MNL), Nova Scotia Federation of Municipalities (NSFM), and Federation of Prince Edward Island Municipalities (FPEIM).

For a listing of current United States and Canadian Participating Entities visit Sourcewell's website (note: there is a tab for each country's listing): https://www.sourcewell-mn.gov/sourcewell-for-vendors/agency-locator.

Access to contracted equipment, products, or services by Participating Entities is typically through a purchase order issued directly to the applicable vendor. A Participating Entity may request additional terms or conditions related to a purchase. Use of Sourcewell contracts is voluntary and Participating Entities retain the right to obtain similar equipment, products, or services from other sources.

To meet Participating Entities' needs, public notice of this RFP has been broadly published, including notification in the United States to each state-level procurement department for possible re-posting.

Proof of publication will be available at the conclusion of the solicitation process.

II. EQUIPMENT, PRODUCTS, AND SERVICES

A. SOLUTIONS-BASED SOLICITATION

This RFP and contract award process is a solutions-based solicitation; meaning that Sourcewell is seeking equipment, products, or services that meet the general requirements of the scope of this RFP and that are commonly desired or are required by law or industry standards.

B. REQUESTED EQUIPMENT, PRODUCTS, OR SERVICES

It is expected that Proposers will offer a wide array of equipment, products, or services at lower prices and with better value than what they would ordinarily offer to a single government entity, a school district, or a regional cooperative.

1. Sourcewell is seeking proposals for Grounds Maintenance Equipment, Attachments, and Accessories with Related Services, to include:

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

a. Lawn and garden equipment, tools, attachments, and accessories for all types of lawn, field and turf care, golf course maintenance, landscape maintenance, sidewalk and walking path maintenance, parking lot maintenance, and snow removal;

b. Irrigation systems, equipment, parts, and related installation and maintenance services;

c. Beach and waterfront maintenance equipment and accessories; and

d. Accessories, parts, and services related to the solutions described in subsection 1.a. - c. above, including maintenance or repair, and warranty programs. However, this solicitation should NOT be construed to include "service-only" solutions. Proposers may include related services to the extent that these solutions are complementary to the offering of the equipment and products being proposed.

2. The primary focus of this solicitation is on Grounds Maintenance Equipment, Attachments, and Accessories. This solicitation should NOT be construed to include equipment principally intended or designed for highway, road, right-of-way or sewer maintenance.

3. This solicitation does not include those equipment, products, or services covered under categories included in contracts currently maintained by Sourcewell:

a. Roadway Maintenance Equipment with Related Accessories, Attachments, Materials, and Supplies (RFP #052417)
b. Snow and Ice Handling Equipment, Supplies, and Accessories (RFP #080818)
c. Portable Construction Equipment with Related Accessories and Attachments (RFP#041719)
d. Ag Tractors with Related Attachments, Accessories, and Supplies (RFP #110719)

Proposers may include related equipment, accessories, and services to the extent that these solutions are complementary to the equipment, products, or service(s) being proposed.

Generally, the solutions for Participating Entities are turn-key solutions, providing a combination of equipment, products and services, delivery, and installation to a properly operating status. However, equipment or products only solutions may be appropriate for situations where Participating Entities possess the ability, either in-house or through local third-party contractors, to properly install and bring to operation the equipment or products being proposed.

Sourcewell prefers vendors that provide a sole source of responsibility for the products and services provided under a resulting contract. If Proposer requires the use of dealers, resellers, or subcontractors to provide the products or services, the Proposal should address how the products or services will be provided to Participating Entities and describe the network of dealers, resellers, and/or subcontractors that will be available to serve Participating Entities under a resulting contract.

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Sourcewell desires the broadest possible selection of equipment, products, and services being proposed over the largest possible geographic area and to the largest possible cross-section of Sourcewell current and future Participating Entities.

C. REQUIREMENTS

It is expected that Proposers have knowledge of all applicable industry standards, laws, and regulations and possess an ability to market and distribute the equipment, products, or services to Participating Entities.

1. Safety Requirements. All items proposed must comply with current applicable safety or regulatory standards or codes.
2. Deviation from Industry Standard. Deviations from industry standards must be identified with an explanation of how the equipment, products, and services will provide equivalent function, coverage, performance, and/or related services.
3. New Equipment and Products. Proposed equipment and products must be for new, current model; however, Proposer may offer certain close-out equipment or products if it is specifically noted in the Pricing proposal.
4. Delivered and operational. Unless clearly noted in the Proposal, equipment and products must be delivered to the Participating Entity as operational.
5. Warranty. All equipment, products, supplies, and services must be covered by a warranty that is the industry standard or better.

D. ANTICIPATED CONTRACT TERM

Sourcewell anticipates that the term of any resulting contract(s) will be four (4) years. Up to two one-year extensions may be offered based on the best interests of Sourcewell and its Participating Entities.

E. ESTIMATED CONTRACT VALUE AND USAGE

Based on past volume of similar contracts, the estimated annual value of all transactions from contracts resulting from this RFP are anticipated to be USD $85 Million; therefore, proposers are expected to propose volume pricing. Sourcewell anticipates considerable activity under the contract(s) awarded from this RFP; however, sales and sales volume from any resulting contract are not guaranteed.

F. MARKETING PLAN

Proposer's sales force will be the primary source of communication with Participating Entities. The Proposer's Marketing Plan should demonstrate Proposer's ability to deploy a sales force or dealer network to Participating Entities, as well as Proposer's sales and service capabilities. It is expected that Proposer will promote and market any contract award.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

G. ADDITIONAL CONSIDERATIONS

1. Contracts will be awarded to Proposers able to best meet the need of Participating Entities. Proposers should submit their complete line of equipment, products, or services that are applicable to the scope of this RFP.
2. Proposers should include all relevant information in its proposal, since Sourcewell cannot consider information that is not included in the Proposal. Sourcewell reserves the right to verify Proposer's information and may request clarification from a Proposer, including samples of the proposed equipment or products.
3. Depending upon the responses received in a given category, Sourcewell may need to organize responses into subcategories in order to provide the broadest coverage of the requested equipment, products, or services to Participating Entities. Awards may be based on a subcategory.
4. A Proposer's documented negative past performance with Sourcewell or its Participating Entities occurring under a previously awarded Sourcewell contract may be considered in the evaluation of a proposal.

E. PRICING

A. REQUIREMENTS

All proposed pricing must be:

1. Either Line-Item Pricing or Percentage Discount from Catalog Pricing, or a combination of these:
   a. **Line-item Pricing** is pricing based on each individual product or services. Each line must indicate the Vendor's published "List Price," as well as the "Contract Price."
   b. **Percentage Discount from Catalog or Category** is based on a percentage discount from a catalog or list price, defined as a published Manufacturer's Suggested Retail Price (MSRP) for the products or services. Individualized percentage discounts can be applied to any number of defined product groupings. Proposers will be responsible for providing and maintaining current published MSRP with Sourcewell, and this pricing must be included in its proposal and provided throughout the term of any Contract resulting from this RFP.
2. The Proposer's ceiling price (Ceiling price means that the proposed pricing will be considered as the highest price for which equipment, products, or services may be billed to a Participating Entity). However, it is permissible for vendors to sell at a price that is lower than the contracted price;
3. Stated in U.S. and Canadian dollars (as applicable); and
4. Clearly understood, complete, and fully describe the total cost of acquisition (e.g., the cost of the proposed equipment, products, and services delivered and operational for its intended purpose in the Participating Entity's location).

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Proposers should clearly identify any costs that are NOT included in the proposed product or service pricing. This may include items such as installation, set up, mandatory training, or initial inspection. Include identification of any parties that impose such costs and their relationship to the Proposer. Additionally, Proposers should clearly describe any unique distribution and/or delivery methods or options offered in the Proposal.

B. ADMINISTRATIVE FEES

Proposers are expected to pay to Sourcewell an administrative fee in exchange for Sourcewell facilitating the resulting contracts. The administrative fee is normally calculated as a percentage of the total sales to Participating Entities for all contracted equipment, products, or services made during a calendar quarter, and is typically one percent (1%) to two percent (2%). In some categories, a flat fee may be an acceptable alternative.

F. CONTRACT

Proposers awarded a contract will be required to execute a contract with Sourcewell (see attached template). Only those modifications the Proposer indicates in its proposal will be available for discussion. Much of the language in the Contract reflects Minnesota legal requirements and cannot be altered. Numerous and/or onerous exceptions that contradict Minnesota law may result in the Proposal being disqualified from further review and evaluation.

To request a modification to the Contract terms, conditions, or specifications, a Proposer must complete and submit the Exceptions to Terms, Conditions, or Specifications table, with all requested modifications, through the Sourcewell Procurement Portal at the time of submitting the Proposer's Proposal. Exceptions must:

1. Clearly identify the affected article and section, and
2. Clearly note what language is requested to be modified.

Unclear requests will be automatically denied.

Only those exceptions that have been accepted by Sourcewell will be included in the contract document provided to the awarded vendor for signature.

If a Proposer receives a contract award resulting from this solicitation it will have up to 30 days to sign and return the contract. After that time, at Sourcewell's sole discretion, the contract award may be revoked.

G. RFP PROCESS

A. PRE-PROPOSAL CONFERENCE

Sourcewell will hold an optional, non-mandatory pre-proposal conference via webcast on the date and time noted on page one of this RFP and on the Sourcewell Procurement Portal. The

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

purpose of this conference is to allow potential Proposers to ask questions regarding this RFP and Sourcewell's competitive contracting process. Information about the webcast will be sent to all entities that have registered for this solicitation opportunity through their Sourcewell Procurement Portal Vendor Account. Pre-proposal conference attendance is optional.

B. QUESTIONS REGARDING THIS RFP AND ORAL COMMUNICATION

Questions regarding this RFP must be submitted through the Sourcewell Procurement Portal. The deadline for submission of questions is found in the Solicitation Schedule and on the Sourcewell Procurement Portal. Answers to questions will be issued through an addendum to this RFP. Repetitive questions will be summarized into a single answer and identifying information will be removed from the submitted questions.

All questions, whether specific to a Proposer or generally related to the RFP, must be submitted using this process. Do not contact individual Sourcewell staff to ask questions or request information as this may disqualify the Proposer from responding to this RFP. Sourcewell will not respond to questions submitted after the deadline.

C. ADDENDA

Sourcewell may modify this RFP at any time prior to the proposal due date by issuing an addendum. Addenda issued by Sourcewell become a part of the RFP and will be delivered to potential Proposers through the Sourcewell Procurement Portal. Sourcewell accepts no liability in connection with the delivery of any addenda.

Before a proposal will be accepted through the Sourcewell Procurement Portal, all addenda, if any, must be acknowledged by the Proposer by checking the box for each addendum. It is the responsibility of the Proposer to check for any addenda that may have been issued up to the solicitation due date and time.

If an addendum is issued after a Proposer submitted its proposal, the Sourcewell Procurement Portal will WITHDRAW the submission and change the Proposer's proposal status to INCOMPLETE. The Proposer can view this status change in the "MY BIDS" section of the Sourcewell Procurement Portal Vendor Account. The Proposer is solely responsible to check the "MY BIDS" section of the Sourcewell Procurement Portal Vendor Account periodically after submitting its Proposal (and up to the Proposal due date). If the Proposer's Proposal status has changed to INCOMPLETE, the Proposer is solely responsible to:

i) make any required adjustments to its proposal;
ii) acknowledge the addenda; and
iii) ensure the re-submitted proposal is received through the Sourcewell Procurement Portal no later than the Proposal Due Date and time shown in the Solicitation Schedule above.

D. PROPOSAL SUBMISSION

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Proposer's complete proposal must be submitted through the Sourcewell Procurement Portal no later than the date and time specified in the Solicitation Schedule. Any other form of proposal submission, whether electronic, paper, or otherwise, will not be considered by Sourcewell. **Late proposals will not be considered.** It is the Proposer's sole responsibility to ensure that the proposal is received on time.

It is recommended that Proposers allow sufficient time to upload the proposal and to resolve any issues that may arise. The time and date that a Proposal is received by Sourcewell is solely determined by the Sourcewell Procurement Portal web clock.

In the event of problems with the Sourcewell Procurement Portal, follow the instructions for technical support posted in the portal. It may take up to twenty-four (24) hours to respond to certain issues.

Upon successful submission of a proposal, the Portal will automatically generate a confirmation email to the Proposer. If the Proposer does not receive a confirmation email, contact Sourcewell's support provider at support@bidsandtenders.ca.

To ensure receipt of the latest information and updates via email regarding this solicitation, or if the Proposer has obtained this solicitation document from a third party, the onus is on the Proposer to create a Sourcewell Procurement Portal Vendor Account and register for this solicitation opportunity.

Within the Procurement Portal, all proposals must be digitally acknowledged by an authorized representative of the Proposer attesting that the information contained in in the proposal is true and accurate. By submitting a proposal, Proposer warrants that the information provided is true, correct, and reliable for purposes of evaluation for potential contract award. The submission of inaccurate, misleading, or false information is grounds for disqualification from a contract award and may subject the Proposer to remedies available by law.

E. GENERAL PROPOSAL REQUIREMENTS

Proposals must be:

- In substantial compliance with the requirements of this RFP or it will be considered nonresponsive and be rejected.
- Complete. A proposal will be rejected if it is conditional or incomplete.
- Submitted in English.
- Valid and irrevocable for 90 days following the Proposal Due Date.

Any and all costs incurred in responding to this RFP will be borne by the Proposer.

F. PROPOSAL WITHDRAWAL

Prior to the proposal deadline, a Proposer may withdraw its proposal.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

G. OPENING

The Opening of Proposals will be conducted electronically through the Sourcewell Procurement Portal. A list of all Proposers will be made publicly available in the Sourcewell Procurement Portal after the Proposal Due Date, but no later than the Opening time listed in the Solicitation Schedule.

To view the list of Proposers, verify that the Sourcewell Procurement Portal opportunities list search is set to "All" or "Closed." The solicitation status will automatically change to "Closed" after the Proposal Due Date and Time.

H. EVALUATION AND AWARD

A. EVALUATION

It is the intent of Sourcewell to award one or more contracts to responsive and responsible Proposer(s) offering the best overall quality, selection of equipment, products, and services, and price that meet the commonly requested specifications of Sourcewell and its Participating Entities. The award(s) will be limited to the number of Proposers that Sourcewell determines is necessary to meet the needs of Participating Entities. Factors to be considered in determining the number of contracts to be awarded in any category may include the following:

- The number of and geographic location of:
  - Proposers necessary to offer a comprehensive selection of equipment, products, or services for Participating Entities' use.
  - A Proposer's sales and service network to assure availability of product supply and coverage to meet Participating Entities' anticipated needs.
- Total evaluation scores.
- The attributes of Proposers, and their equipment, products, or services, to assist Participating Entities achieve environmental and social requirements, preferences, and goals. Information submitted as part of a proposal should be as specific as possible when responding to the RFP. Do not assume Sourcewell's knowledge about a specific vendor or product.

B. AWARD(S)

Award(s) will be made to the Proposer(s) whose proposal conforms to all conditions and requirements of the RFP, and consistent with the award criteria defined in this RFP.

Sourcewell may request written clarification of a proposal at any time during the evaluation process.

Proposal evaluation will be based on the following scoring criteria and the Sourcewell Evaluator Scoring Guide (available in the Sourcewell Procurement Portal):

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Conformance to RFP Requirements	50
Financial Viability and Marketplace Success	75
Ability to Sell and Deliver Service	100
Marketing Plan	50
Value Added Attributes	75
Warranty	50
Depth and Breadth of Offered Equipment, Products, or Services	200
Pricing	400
TOTAL POINTS	**1000**

C. PROTESTS OF AWARDS

Any protest made under this RFP by a Proposer must be in writing, addressed to Sourcewell's Executive Director, and delivered to the Sourcewell office located at 202 12th Street NE, P.O. Box 219, Staples, MN 56479. The protest must be received no later than 10 calendar days' following Sourcewell's notice of contract award(s) or non-award and must be time stamped by Sourcewell no later than 4:30 p.m., Central Time.

A protest must include the following items:

- The name, address, and telephone number of the protester;
- The original signature of the protester or its representative;
- Identification of the solicitation by RFP number;
- A precise statement of the relevant facts;
- Identification of the issues to be resolved;
- Identification of the legal or factual basis;
- Any additional supporting documentation; and
- Protest bond in the amount of $20,000, except where prohibited by law or treaty.

Protests that do not address these elements will not be reviewed.

D. RIGHTS RESERVED

This RFP does not commit Sourcewell to award any contract and a proposal may be rejected if it is nonresponsive, conditional, incomplete, conflicting, or misleading. Proposals that contain false statements or do not support an attribute or condition stated by the Proposer may be rejected.

Sourcewell reserves the right to:

- Modify or cancel this RFP at any time;
- Reject any and all proposals received;
- Reject proposals that do not comply with the provisions of this RFP;
- Select, for contracts or for discussion, a proposal other than that with the lowest cost;

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

- Independently verify any information provided in a Proposal;
- Disqualify any Proposer that does not meet the requirements of this RFP, is debarred or suspended by the United States or Canada, State of Minnesota, Participating Entity's state or province; has an officer, or other key personnel, who have been charged with a serious crime; or is bankrupt, insolvent, or where bankruptcy or insolvency are a reasonable prospect;
- Waive or modify any informalities, irregularities, or inconsistencies in the proposals received;
- Clarify any part of a proposal and discuss any aspect of the proposal with any Proposer; and negotiate with more than one Proposer;
- Award a contract if only one responsive proposal is received if it is in the best interest of Participating Entities; and
- Award a contract to one or more Proposers if it is in the best interest of Participating Entities.

E. DISPOSITION OF PROPOSALS

All materials submitted in response to this RFP will become property of Sourcewell and will become public record in accordance with Minnesota Statutes Section 13.591, after negotiations are complete. Sourcewell considers that negotiations are complete upon execution of a resulting contract. It is the Proposer's responsibility to clearly identify any data submitted that it considers to be protected. Proposer must also include a justification for the classification citing the applicable Minnesota law.

Sourcewell will not consider the prices submitted by the Proposer to be confidential, proprietary, or trade secret materials. Financial information, including financial statements, provided by a Proposer is not considered trade secret under the statutory definition.

The Proposer understands that Sourcewell will reject proposals that are marked confidential or nonpublic, either substantially or in their entirety.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Sourcewell

1/19/2021

Addendum No. 1
Solicitation Number: RFP 031121
Solicitation Name: Grounds Maintenance Equipment, Attachments, and Accessories with Related Services

Consider the following Questions and Answers to be part of the above-titled solicitation documents. The remainder of the documents remain unchanged.

Question 1:

Is there a line item copy of this bid?

Answer 1:

Sourcewell utilizes a competitive, solutions-based solicitation approach that is not based on detailed specifications or finite quantities. A proposer can propose its entire line of equipment, products, and services falling within the requested equipment, products, and services as described in the RFP.

Question 2:

Is this the successor to Sourcewell Contract #062117?

Answer 2:

Each opportunity posted to the Sourcewell Procurement Portal represents a separate and distinct competitive solicitation.

End of Addendum

Acknowledgement of this Addendum to RFP 031121 posted to the Sourcewell Procurement Portal on 1/19/2021, is required at the time of proposal submittal.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Sourcewell

1/20/2021

Addendum No. 2
Solicitation Number: RFP 031121
Solicitation Name: Grounds Maintenance Equipment, Attachments, and Accessories with Related Services

Consider the following Question and Answer to be part of the above-titled solicitation documents. The remainder of the documents remain unchanged.

Question 1:

Is there a way to publish the list of questions outlined in Tables 1-15 so bidders can review and access them off-line?

Answer 1:

After selecting "Start Submission", a proposer may navigate to Step 4 – "Preview Bid" and select "Preview My Bid in PDF" if a downloadable PDF of the questionnaire tables is desired.

End of Addendum

Acknowledgement of this Addendum to RFP 031121 posted to the Sourcewell Procurement Portal on 1/20/2021, is required at the time of proposal submittal.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Sourcewell

1/21/2021

Addendum No. 3
Solicitation Number: RFP 031121
Solicitation Name: Grounds Maintenance Equipment, Attachments, and Accessories with Related Services

Consider the following Questions and Answers to be part of the above-titled solicitation documents. The remainder of the documents remain unchanged.

Question 1:

We are a factory authorized dealer/distributor for products used in construction, agricultural, golf, municipal and mining industries. Would Sourcewell add these products to the RFP for Grounds Maintenance Equipment, Attachments, and Accessories with Related Services?

Answer 1:

Each proposer, in its discretion, will propose the equipment, products, and services that it deems to fall within Sourcewell's requested equipment, products, and services as described in RFP Section II. B (Requested Equipment, Products and Services). Only those products and services within the scope of the RFP will be included in any contract awarded by Sourcewell as a result of this solicitation. Sourcewell does not anticipate an amendment of the description of requested equipment, products, and services in RFP Section II. B.

Question 2:

Does this RFP include the equipment that can go into the water to remove weeds and debris along the edges of beaches and waterfront?

Answer 2:

Sourcewell utilizes a competitive, solutions-based solicitation approach that is not based on detailed specifications. Each proposer, in its discretion, will propose the equipment, products, and services that it deems to fall within Sourcewell's requested equipment, products, and services as described in RFP Section II. B (Requested Equipment, Products and Services).

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

End of Addendum

Acknowledgement of this Addendum to RFP 031121 posted to the Sourcewell Procurement Portal on 1/21/2021, is required at the time of proposal submittal.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Sourcewell

2/2/2021

Addendum No. 4
Solicitation Number: RFP 031121
Solicitation Name: Grounds Maintenance Equipment, Attachments, and Accessories with Related Services

Consider the following Question and Answer to be part of the above-titled solicitation documents. The remainder of the documents remain unchanged.

Question 1:

Clarify what data is needed for Table 3, Question 19, sales volume? Would you like this as an average overall or per contract?

Answer 1:

It is left to the discretion of each proposer to determine and articulate the response that best represents their current or previous contract volumes. Individual proposals are evaluated based on the criteria stated in the RFP.

End of Addendum

Acknowledgement of this Addendum to RFP 031121 posted to the Sourcewell Procurement Portal on 2/2/2021, is required at the time of proposal submittal.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Sourcewell

2/12/2021

Addendum No. 5
Solicitation Number: RFP 031121
Solicitation Name: Grounds Maintenance Equipment, Attachments, and Accessories with Related Services

Consider the following Question and Answer to be part of the above-titled solicitation documents. The remainder of the documents remain unchanged.

Question 1:

For references in Table 4, are you just asking for customer types that bought from us before or customers that have bought from us but did not use Sourcewell?

Answer 1:

In the competitive process, Sourcewell will not advise a proposer on the content of the proposal. So, it is left to the discretion of each proposer to determine the information necessary to best demonstrate their marketplace success and that they are willing to include.

End of Addendum

Acknowledgement of this Addendum to RFP 031121 posted to the Sourcewell Procurement Portal on 2/12/2021, is required at the time of proposal submittal.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Sourcewell

2/16/2021

Addendum No. 6
Solicitation Number: RFP 031121
Solicitation Name: Grounds Maintenance Equipment, Attachments, and Accessories with Related Services

Consider the following Question and Answer to be part of the above-titled solicitation documents. The remainder of the documents remain unchanged.

Question 1:

In Table 5, Sourcewell asks for a list of our top five government or education customers, including the size of transactions and dollar volumes from the past three years. We consider this information confidential. Can we use "Confidential" in the required fields and still be considered a responsive responder?

Answer 1:

In the competitive process, Sourcewell will not advise a proposer on the content of the proposal. It is left to the discretion of each proposer to determine the information that they are willing to include and that is necessary to best demonstrate their marketplace success. Proposals are evaluated according the scoring criteria stated in the RFP on the content submitted.

End of Addendum

Acknowledgement of this Addendum to RFP 031121 posted to the Sourcewell Procurement Portal on 2/16/2021, is required at the time of proposal submittal.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Sourcewell

2/17/2021

Addendum No. 7
Solicitation Number: RFP 031121
Solicitation Name: Grounds Maintenance Equipment, Attachments, and Accessories with Related Services

Consider the following Question and Answer to be part of the above-titled solicitation documents. The remainder of the documents remain unchanged.

Question 1:

For financial information and the Dunn and Bradstreet report, will the most current on file be suitable as our year end? The 2020 reports will not be complete until after the bid due date?

Answer 1:

In the competitive process, Sourcewell will not advise a proposer on the content of the proposal. It is left to the discretion of each proposer to determine the information necessary to best demonstrate their financial viability/success and that they are willing to include. Proposals are evaluated on the content submitted.

End of Addendum

Acknowledgement of this Addendum to RFP 031121 posted to the Sourcewell Procurement Portal on 2/17/2021, is required at the time of proposal submittal.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Sourcewell

2/22/2021

Addendum No. 8
Solicitation Number: RFP 031121
Solicitation Name: Grounds Maintenance Equipment, Attachments, and Accessories with Related Services

Consider the following Question and Answer to be part of the above-titled solicitation documents. The remainder of the documents remain unchanged.

RFP Amendment:

As the result of a formatting error, several Section headings of the RFP document were mislabeled at the time of publication. The following listed RFP Section headings are revised to delete the erroneous section letter, and insert the correct section numeral, to read as indicated:

~~I.~~ III.	**PRICING**
~~J.~~ IV.	**CONTRACT**
~~K.~~ V.	**RFP PROCESS**
~~L.~~ VI.	**EVALUATION AND AWARD**

The remainder of the RFP Section headings and sub-headings, and all other RFP content remains unchanged.

Question 1:

Is it possible to submit two price lists? One for Canada and one for the U.S.?

Answer 1:

Yes, if applicable, pricing is to be submitted in U.S. and Canadian dollars. Refer to RFP Section III. A. 3., Pricing - Requirements. (RFP Article numbering corrected above.) Proposals are evaluated based on the criteria stated in the RFP.

End of Addendum

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Acknowledgement of this Addendum to RFP 031121 posted to the Sourcewell Procurement Portal on 2/22/2021, is required at the time of proposal submittal.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Sourcewell

2/23/2021

Addendum No. 9
Solicitation Number: RFP 031121
Solicitation Name: Grounds Maintenance Equipment, Attachments, and Accessories with Related Services

Consider the following Question and Answer to be part of the above-titled solicitation documents. The remainder of the documents remain unchanged.

Question 1:

Are there any specific font type or size requirements related to our typed responses in the solicitation tables and/or attachment we provide?

Answer 1:

Sourcewell does not identify a mandatory font type or size. In the competitive process, Sourcewell will not advise a proposer on the format for attachments. It is left to the discretion of each proposer to determine the method it deems best suited to represent their proposal and meet the requirements of the RFP.

End of Addendum

Acknowledgement of this Addendum to RFP 031121 posted to the Sourcewell Procurement Portal on 2/23/2021, is required at the time of proposal submittal.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Sourcewell

2/25/2021

Addendum No. 10
Solicitation Number: RFP 031121
Solicitation Name: Grounds Maintenance Equipment, Attachments, and Accessories with Related Services

Consider the following Question and Answer to be part of the above-titled solicitation documents. The remainder of the documents remain unchanged.

Question 1:

For line items 21 and 22, what references are required? Should these include previous entities we have worked with outside of Sourcewell?

Answer 1:

In the competitive process, Sourcewell will not advise a proposer on the content of the proposal. It is left to the discretion of each proposer to determine the information that they are willing to include and that is necessary to best demonstrate their marketplace success. Proposals are evaluated according the scoring criteria stated in the RFP on the content submitted.

End of Addendum

Acknowledgement of this Addendum to RFP 031121 posted to the Sourcewell Procurement Portal on 2/25/2021, is required at the time of proposal submittal.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Sourcewell

3/4/2021

Addendum No. 11
Solicitation Number: RFP 031121
Solicitation Name: Grounds Maintenance Equipment, Attachments, and Accessories with Related Services

Consider the following Questions and Answers to be part of the above-titled solicitation documents. The remainder of the documents remain unchanged.

Question 1:

Are vendors only allowed one submission, or is it possible to propose multiple submissions?

Answer 1:

Each vendor may only submit one proposal as restricted by the rules set in the Sourcewell Procurement Portal.

Question 2:

Is the administrative fee paid to Sourcewell calculated on our proposed price or the proposed price plus additional costs such as set up and freight?

Answer 2:

Refer to RFP Section III. B. – Administrative Fees, for directions on proposing an administrative fee. It is left to the discretion of each proposer to determine and propose an administrative fee that is consistent with its business and its industry.

Question 3:

If your company is not awarded a contract, does all proposal information become public?

Answer 3:

Refer to RFP Section VI. E. - Disposition of Proposals, for guidance on materials submitted in response to the RFP and applicable public data laws.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

End of Addendum

Acknowledgement of this Addendum to RFP 031121 posted to the Sourcewell Procurement Portal on 3/4/2021, is required at the time of proposal submittal.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Sourcewell

Solicitation Number: RFP #031121

CONTRACT

This Contract is between Sourcewell, 202 12th Street Northeast, P.O. Box 219, Staples, MN 56479 (Sourcewell) and Metalcraft of Mayville, Inc., d.b.a. Scag Power Equipment Inc., 1000 Metalcraft Dr., Mayville, WI 53050 (Vendor).

Sourcewell is a State of Minnesota local government agency and service cooperative created under the laws of the State of Minnesota (Minnesota Statutes Section 123A.21) that offers cooperative procurement solutions to government entities. Participation is open to federal, state/province, and municipal governmental entities, higher education, K-12 education, nonprofit, tribal government, and other public entities located in the United States and Canada. Sourcewell issued a public solicitation for Grounds Maintenance Equipment, Attachments, and Accessories with Related Services from which Vendor was awarded a contract.

Vendor desires to contract with Sourcewell to provide equipment, products, or services to Sourcewell and the entities that access Sourcewell's cooperative purchasing contracts (Participating Entities).

1. TERM OF CONTRACT

A. EFFECTIVE DATE. This Contract is effective upon the date of the final signature below.

B. EXPIRATION DATE AND EXTENSION. This Contract expires April 30, 2025, unless it is cancelled sooner pursuant to Article 22. This Contract may be extended up to one additional one-year period upon request of Sourcewell and with written agreement by Vendor.

C. SURVIVAL OF TERMS. Articles 11 through 14 survive the expiration or cancellation of this Contract.

2. EQUIPMENT, PRODUCTS, OR SERVICES

A. EQUIPMENT, PRODUCTS, OR SERVICES. Vendor will provide the Equipment, Products, or Services as stated in its Proposal submitted under the Solicitation Number listed above. Vendor's Equipment, Products, or Services Proposal (Proposal) is attached and incorporated into this Contract.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

All Equipment and Products provided under this Contract must be new/current model. Vendor may offer close-out or refurbished Equipment or Products if they are clearly indicated in Vendor's product and pricing list. Unless agreed to by the Participating Entities in advance, Equipment or Products must be delivered as operational to the Participating Entity's site.

This Contract offers an indefinite quantity of sales, and while substantial volume is anticipated, sales and sales volume are not guaranteed.

B. WARRANTY. Vendor warrants that all Equipment, Products, and Services furnished are free from liens and encumbrances, and are free from defects in design, materials, and workmanship. In addition, Vendor warrants the Equipment, Products, and Services are suitable for and will perform in accordance with the ordinary use for which they are intended. Vendor's dealers and distributors must agree to assist the Participating Entity in reaching a resolution in any dispute over warranty terms with the manufacturer. Any manufacturer's warranty that is effective past the expiration of the Vendor's warranty will be passed on to the Participating Entity.

C. DEALERS, DISTRIBUTORS, AND/OR RESELLERS. Upon Contract execution, Vendor will make available to Sourcewell a means to validate or authenticate Vendor's authorized dealers, distributors, and/or resellers relative to the Equipment, Products, and Services related to this Contract. This list may be updated from time-to-time and is incorporated into this Contract by reference. It is the Vendor's responsibility to ensure Sourcewell receives the most current version of this list.

3. PRICING

All Equipment, Products, or Services under this Contract will be priced as stated in Vendor's Proposal.

When providing pricing quotes to Participating Entities, all pricing quoted must reflect a Participating Entity's total cost of acquisition. This means that the quoted cost is for delivered Equipment, Products, and Services that are operational for their intended purpose, and includes all costs to the Participating Entity's requested delivery location.

Regardless of the payment method chosen by the Participating Entity, the total cost associated with any purchase option of the Equipment, Products, or Services must always be disclosed in the pricing quote to the applicable Participating Entity at the time of purchase.

A. SHIPPING AND SHIPPING COSTS. All delivered Equipment and Products must be properly packaged. Damaged Equipment and Products may be rejected. If the damage is not readily apparent at the time of delivery, Vendor must permit the Equipment and Products to be returned within a reasonable time at no cost to Sourcewell or its Participating Entities. Participating Entities reserve the right to inspect the Equipment and Products at a reasonable

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time after delivery where circumstances or conditions prevent effective inspection of the Equipment and Products at the time of delivery.

Vendor must arrange for and pay for the return shipment on Equipment and Products that arrive in a defective or inoperable condition.

Sourcewell may declare the Vendor in breach of this Contract if the Vendor intentionally delivers substandard or inferior Equipment or Products. In the event of the delivery of nonconforming Equipment and Products, the Participating Entity will notify the Vendor as soon as possible and the Vendor will replace nonconforming Equipment and Products with conforming Equipment and Products that are acceptable to the Participating Entity.

B. SALES TAX. Each Participating Entity is responsible for supplying the Vendor with valid tax-exemption certification(s). When ordering, a Participating Entity must indicate if it is a tax-exempt entity.

C. HOT LIST PRICING. At any time during this Contract, Vendor may offer a specific selection of Equipment, Products, or Services at discounts greater than those listed in the Contract. When Vendor determines it will offer Hot List Pricing, it must be submitted electronically to Sourcewell in a line-item format. Equipment, Products, or Services may be added or removed from the Hot List at any time through a Sourcewell Price and Product Change Form as defined in Article 4 below.

Hot List program and pricing may also be used to discount and liquidate close-out and discontinued Equipment and Products as long as those close-out and discontinued items are clearly identified as such. Current ordering process and administrative fees apply. Hot List Pricing must be published and made available to all Participating Entities.

4. PRODUCT AND PRICING CHANGE REQUESTS

Vendor may request Equipment, Product, or Service changes, additions, or deletions at any time. All requests must be made in writing by submitting a signed Sourcewell Price and Product Change Request Form to the assigned Sourcewell Contract Administrator. This form is available from the assigned Sourcewell Contract Administrator. At a minimum, the request must:

- Identify the applicable Sourcewell contract number;
- Clearly specify the requested change;
- Provide sufficient detail to justify the requested change;
- Individually list all Equipment, Products, or Services affected by the requested change, along with the requested change (e.g., addition, deletion, price change); and
- Include a complete restatement of pricing documentation in Microsoft Excel with the effective date of the modified pricing, or product addition or deletion. The new pricing

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restatement must include all Equipment, Products, and Services offered, even for those items where pricing remains unchanged.

A fully executed Sourcewell Price and Product Request Form will become an amendment to this Contract and be incorporated by reference.

5. PARTICIPATION, CONTRACT ACCESS, AND PARTICIPATING ENTITY REQUIREMENTS

A. PARTICIPATION. Sourcewell's cooperative contracts are available and open to public and nonprofit entities across the United States and Canada; such as federal, state/province, municipal, K-12 and higher education, tribal government, and other public entities.

The benefits of this Contract should be available to all Participating Entities that can legally access the Equipment, Products, or Services under this Contract. A Participating Entity's authority to access this Contract is determined through its cooperative purchasing, interlocal, or joint powers laws. Any entity accessing benefits of this Contract will be considered a Service Member of Sourcewell during such time of access. Vendor understands that a Participating Entity's use of this Contract is at the Participating Entity's sole convenience and Participating Entities reserve the right to obtain like Equipment, Products, or Services from any other source.

Vendor is responsible for familiarizing its sales and service forces with Sourcewell contract use eligibility requirements and documentation and will encourage potential participating entities to join Sourcewell. Sourcewell reserves the right to add and remove Participating Entities to its roster during the term of this Contract.

B. PUBLIC FACILITIES. Vendor's employees may be required to perform work at government-owned facilities, including schools. Vendor's employees and agents must conduct themselves in a professional manner while on the premises, and in accordance with Participating Entity policies and procedures, and all applicable laws.

6. PARTICIPATING ENTITY USE AND PURCHASING

A. ORDERS AND PAYMENT. To access the contracted Equipment, Products, or Services under this Contract, a Participating Entity must clearly indicate to Vendor that it intends to access this Contract; however, order flow and procedure will be developed jointly between Sourcewell and Vendor. Typically, a Participating Entity will issue an order directly to Vendor. If a Participating Entity issues a purchase order, it may use its own forms, but the purchase order should clearly note the applicable Sourcewell contract number. All Participating Entity orders under this Contract must be issued prior to expiration of this Contract; however, Vendor performance, Participating Entity payment, and any applicable warranty periods or other Vendor or Participating Entity obligations may extend beyond the term of this Contract.

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Vendor's acceptable forms of payment are included in Attachment A. Participating Entities will be solely responsible for payment and Sourcewell will have no liability for any unpaid invoice of any Participating Entity.

B. ADDITIONAL TERMS AND CONDITIONS/PARTICIPATING ADDENDUM. Additional terms and conditions to a purchase order, or other required transaction documentation, may be negotiated between a Participating Entity and Vendor, such as job or industry-specific requirements, legal requirements (e.g., affirmative action or immigration status requirements), or specific local policy requirements. Some Participating Entitles may require the use of a Participating Addendum; the terms of which will be worked out directly between the Participating Entity and the Vendor. Any negotiated additional terms and conditions must never be less favorable to the Participating Entity than what is contained in this Contract.

C. SPECIALIZED SERVICE REQUIREMENTS. In the event that the Participating Entity requires service or specialized performance requirements (such as e-commerce specifications, specialized delivery requirements, or other specifications and requirements) not addressed in this Contract, the Participating Entity and the Vendor may enter into a separate, standalone agreement, apart from this Contract. Sourcewell, including its agents and employees, will not be made a party to a claim for breach of such agreement.

D. TERMINATION OF ORDERS. Participating Entities may terminate an order, in whole or in part, immediately upon notice to Vendor in the event of any of the following events:

1. The Participating Entity fails to receive funding or appropriation from its governing body at levels sufficient to pay for the goods to be purchased;
2. Federal, state, or provincial laws or regulations prohibit the purchase or change the Participating Entity's requirements; or
3. Vendor commits any material breach of this Contract or the additional terms agreed to between the Vendor and a Participating Entity.

E. GOVERNING LAW AND VENUE. The governing law and venue for any action related to a Participating Entity's order will be determined by the Participating Entity making the purchase.

7. CUSTOMER SERVICE

A. PRIMARY ACCOUNT REPRESENTATIVE. Vendor will assign an Account Representative to Sourcewell for this Contract and must provide prompt notice to Sourcewell if that person is changed. The Account Representative will be responsible for:

- Maintenance and management of this Contract;
- Timely response to all Sourcewell and Participating Entity inquiries; and
- Business reviews to Sourcewell and Participating Entities, if applicable.

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B. BUSINESS REVIEWS. Vendor must perform a minimum of one business review with Sourcewell per contract year. The business review will cover sales to Participating Entities, pricing and contract terms, administrative fees, supply issues, customer issues, and any other necessary information.

8. REPORT ON CONTRACT SALES ACTIVITY AND ADMINISTRATIVE FEE PAYMENT

A. CONTRACT SALES ACTIVITY REPORT. Each calendar quarter, Vendor must provide a contract sales activity report (Report) to the Sourcewell Contract Administrator assigned to this Contract. A Report must be provided regardless of the number or amount of sales during that quarter (i.e., if there are no sales, Vendor must submit a report indicating no sales were made).

The Report must contain the following fields:

- Customer Name (e.g., City of Staples Highway Department);
- Customer Physical Street Address;
- Customer City;
- Customer State/Province;
- Customer Zip Code;
- Customer Contact Name;
- Customer Contact Email Address;
- Customer Contact Telephone Number;
- Sourcewell Assigned Entity/Participating Entity Number;
- Item Purchased Description;
- Item Purchased Price;
- Sourcewell Administrative Fee Applied; and
- Date Purchase was invoiced/sale was recognized as revenue by Vendor.

B. ADMINISTRATIVE FEE. In consideration for the support and services provided by Sourcewell, the Vendor will pay an administrative fee to Sourcewell on all Equipment, Products, and Services provided to Participating Entities. The Administrative Fee must be included in, and not added to, the pricing. Vendor may not charge Participating Entities more than the contracted price to offset the Administrative Fee.

The Vendor will submit payment to Sourcewell for the percentage of administrative fee stated in the Proposal multiplied by the total sales of all Equipment, Products, and Services purchased by Participating Entities under this Contract during each calendar quarter. Payments should note the Vendor's name and Sourcewell-assigned contract number in the memo; and must be mailed to the address above "Attn: Accounts Receivable" or remitted electronically to Sourcewell's banking institution per Sourcewell's Finance department instructions. Payments must be received no later than 45 calendar days after the end of each calendar quarter.

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Vendor agrees to cooperate with Sourcewell in auditing transactions under this Contract to ensure that the administrative fee is paid on all items purchased under this Contract.

In the event the Vendor is delinquent in any undisputed administrative fees, Sourcewell reserves the right to cancel this Contract and reject any proposal submitted by the Vendor in any subsequent solicitation. In the event this Contract is cancelled by either party prior to the Contract's expiration date, the administrative fee payment will be due no more than 30 days from the cancellation date.

9. AUTHORIZED REPRESENTATIVE

Sourcewell's Authorized Representative is its Chief Procurement Officer.

Vendor's Authorized Representative is the person named in the Vendor's Proposal. If Vendor's Authorized Representative changes at any time during this Contract, Vendor must promptly notify Sourcewell in writing.

10. AUDIT, ASSIGNMENT, AMENDMENTS, WAIVER, AND CONTRACT COMPLETE

A. AUDIT. Pursuant to Minnesota Statutes Section 16C.05, subdivision 5, the books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by Sourcewell or the Minnesota State Auditor for a minimum of six years from the end of this Contract. This clause extends to Participating Entities as it relates to business conducted by that Participating Entity under this Contract.

B. ASSIGNMENT. Neither the Vendor nor Sourcewell may assign or transfer any rights or obligations under this Contract without the prior consent of the parties and a fully executed assignment agreement. Such consent will not be unreasonably withheld.

C. AMENDMENTS. Any amendment to this Contract must be in writing and will not be effective until it has been fully executed by the parties.

D. WAIVER. If either party fails to enforce any provision of this Contract, that failure does not waive the provision or the right to enforce it.

E. CONTRACT COMPLETE. This Contract contains all negotiations and agreements between Sourcewell and Vendor. No other understanding regarding this Contract, whether written or oral, may be used to bind either party. For any conflict between the attached Proposal and the terms set out in Articles 1-22, the terms of Articles 1-22 will govern.

F. RELATIONSHIP OF THE PARTIES. The relationship of the parties is one of independent contractors, each free to exercise judgment and discretion with regard to the conduct of their

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respective businesses. This Contract does not create a partnership, joint venture, or any other relationship such as master-servant, or principal-agent.

11. LIABILITY

Vendor must indemnify, save, and hold Sourcewell and its Participating Entities, including their agents and employees, harmless from any claims or causes of action, including attorneys' fees, arising out of the performance of this Contract by the Vendor or its agents or employees; this indemnification includes injury or death to person(s) or property alleged to have been caused by some defect in the Equipment, Products, or Services under this Contract to the extent the Equipment, Product, or Service has been used according to its specifications.

12. GOVERNMENT DATA PRACTICES

Vendor and Sourcewell must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by or provided to Sourcewell under this Contract and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Vendor under this Contract.

If the Vendor receives a request to release the data referred to in this article, the Vendor must immediately notify Sourcewell and Sourcewell will assist with how the Vendor should respond to the request.

13. INTELLECTUAL PROPERTY, PUBLICITY, MARKETING, AND ENDORSEMENT

A. INTELLECTUAL PROPERTY

1. *Grant of License.* During the term of this Contract:

   a. Sourcewell grants to Vendor a royalty-free, worldwide, non-exclusive right and license to use theTrademark(s) provided to Vendor by Sourcewell in advertising and promotional materials for the purpose of marketing Sourcewell's relationship with Vendor.

   b. Vendor grants to Sourcewell a royalty-free, worldwide, non-exclusive right and license to use Vendor's Trademarks in advertising and promotional materials for the purpose of marketing Vendor's relationship with Sourcewell.

2. *Limited Right of Sublicense.* The right and license granted herein includes a limited right of each party to grant sublicenses to its and their respective distributors, marketing representatives, and agents (collectively "Permitted Sublicensees") in advertising and promotional materials for the purpose of marketing the Parties' relationship to Participating Entities. Any sublicense granted will be subject to the terms and conditions of this Article. Each party will be responsible for any breach of this Article by any of their respective sublicensees.

3. *Use; Quality Control.*

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a. Sourcewell must not alter Vendor's Trademarks from the form provided by Vendor and must comply with Vendor's removal requests as to specific uses of its trademarks or logos.

b. Vendor must not alter Sourcewell's Trademarks from the form provided by Sourcewell and must comply with Sourcewell's removal requests as to specific uses of its trademarks or logos.

c. Each party agrees to use, and to cause its Permitted Sublicensees to use, the other party's Trademarks only in good faith and in a dignified manner consistent with such party's use of the Trademarks. Upon written notice to the breaching party, the breaching party has 30 days of the date of the written notice to cure the breach or the license will be terminated.

4. As applicable, Vendor agrees to indemnify and hold harmless Sourcewell and its Participating Entities against any and all suits, claims, judgments, and costs instituted or recovered against Sourcewell or Participating Entities by any person on account of the use of any Equipment or Products by Sourcewell or its Participating Entities supplied by Vendor in violation of applicable patent or copyright laws.

5. Termination. Upon the termination of this Contract for any reason, each party, including Permitted Sublicensees, will have 30 days to remove all Trademarks from signage, websites, and the like bearing the other party's name or logo (excepting Sourcewell's pre-printed catalog of vendors which may be used until the next printing). Vendor must return all marketing and promotional materials, including signage, provided by Sourcewell, or dispose of it according to Sourcewell's written directions.

B. PUBLICITY. Any publicity regarding the subject matter of this Contract must not be released without prior written approval from the Authorized Representatives. Publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Vendor individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Contract.

C. MARKETING. Any direct advertising, marketing, or offers with Participating Entities must be approved by Sourcewell. Materials should be sent to the Sourcewell Contract Administrator assigned to this Contract.

D. ENDORSEMENT. The Vendor must not claim that Sourcewell endorses its Equipment, Products, or Services.

14. GOVERNING LAW, JURISDICTION, AND VENUE

Minnesota law governs this Contract. Venue for all legal proceedings out of this Contract, or its breach, must be in the appropriate state court in Todd County or federal court in Fergus Falls, Minnesota.

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15. FORCE MAJEURE

Neither party to this Contract will be held responsible for delay or default caused by acts of God or other conditions that are beyond that party's reasonable control. A party defaulting under this provision must provide the other party prompt written notice of the default.

16. SEVERABILITY

If any provision of this Contract is found to be illegal, unenforceable, or void then both Sourcewell and Vendor will be relieved of all obligations arising under such provisions. If the remainder of this Contract is capable of performance, it will not be affected by such declaration or finding and must be fully performed.

17. PERFORMANCE, DEFAULT, AND REMEDIES

A. PERFORMANCE. During the term of this Contract, the parties will monitor performance and address unresolved contract issues as follows:

1. *Notification.* The parties must promptly notify each other of any known dispute and work in good faith to resolve such dispute within a reasonable period of time. If necessary, Sourcewell and the Vendor will jointly develop a short briefing document that describes the issue(s), relevant impact, and positions of both parties.
2. *Escalation.* If parties are unable to resolve the issue in a timely manner, as specified above, either Sourcewell or Vendor may escalate the resolution of the issue to a higher level of management. The Vendor will have 30 calendar days to cure an outstanding issue.
3. *Performance while Dispute is Pending.* Notwithstanding the existence of a dispute, the Vendor must continue without delay to carry out all of its responsibilities under the Contract that are not affected by the dispute. If the Vendor fails to continue without delay to perform its responsibilities under the Contract, in the accomplishment of all undisputed work, any additional costs incurred by Sourcewell and/or its Participating Entities as a result of such failure to proceed will be borne by the Vendor.

B. DEFAULT AND REMEDIES. Either of the following constitutes cause to declare this Contract, or any Participating Entity order under this Contract, in default:

1. Nonperformance of contractual requirements, or
2. A material breach of any term or condition of this Contract.

Written notice of default and a reasonable opportunity to cure must be issued by the party claiming default. Time allowed for cure will not diminish or eliminate any liability for liquidated or other damages. If the default remains after the opportunity for cure, the non-defaulting party may:

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- Exercise any remedy provided by law or equity, or
- Terminate the Contract or any portion thereof, including any orders issued against the Contract.

18. INSURANCE

A. REQUIREMENTS. At its own expense, Vendor must maintain insurance policy(ies) in effect at all times during the performance of this Contract with insurance company(ies) licensed or authorized to do business in the State of Minnesota having an "AM BEST" rating of A- or better, with coverage and limits of insurance not less than the following:

1. *Workers' Compensation and Employer's Liability.*
Workers' Compensation: As required by any applicable law or regulation.
Employer's Liability Insurance: must be provided in amounts not less than listed below:
Minimum limits:
$500,000 each accident for bodily injury by accident
$500,000 policy limit for bodily injury by disease
$500,000 each employee for bodily injury by disease

2. *Commercial General Liability Insurance.* Vendor will maintain insurance covering its operations, with coverage on an occurrence basis, and must be subject to terms no less broad than the Insurance Services Office ("ISO") Commercial General Liability Form CG0001 (2001 or newer edition), or equivalent. At a minimum, coverage must include liability arising from premises, operations, bodily injury and property damage, independent contractors, products-completed operations including construction defect, contractual liability, blanket contractual liability, and personal injury and advertising injury. All required limits, terms and conditions of coverage must be maintained during the term of this Contract.
Minimum Limits:
$1,000,000 each occurrence Bodily Injury and Property Damage
$1,000,000 Personal and Advertising Injury
$2,000,000 aggregate for Products-Completed operations
$2,000,000 general aggregate

3. *Commercial Automobile Liability Insurance.* During the term of this Contract, Vendor will maintain insurance covering all owned, hired, and non-owned automobiles in limits of liability not less than indicated below. The coverage must be subject to terms no less broad than ISO Business Auto Coverage Form CA 0001 (2010 edition or newer), or equivalent.
Minimum Limits:
$1,000,000 each accident, combined single limit

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4. *Umbrella Insurance*. During the term of this Contract, Vendor will maintain umbrella coverage over Workers' Compensation, Commercial General Liability, and Commercial Automobile.

Minimum Limits:
$2,000,000

5. *Network Security and Privacy Liability Insurance*. During the term of this Contract, Vendor will maintain coverage for network security and privacy liability. The coverage may be endorsed on another form of liability coverage or written on a standalone policy. The insurance must cover claims which may arise from failure of Vendor's security resulting in, but not limited to, computer attacks, unauthorized access, disclosure of not public data – including but not limited to, confidential or private information, transmission of a computer virus, or denial of service.

Minimum limits:
$2,000,000 per occurrence
$2,000,000 annual aggregate

Failure of Vendor to maintain the required insurance will constitute a material breach entitling Sourcewell to immediately terminate this Contract for default.

B. CERTIFICATES OF INSURANCE. Prior to commencing under this Contract, Vendor must furnish to Sourcewell a certificate of insurance, as evidence of the insurance required under this Contract. Prior to expiration of the policy(ies), renewal certificates must be mailed to Sourcewell, 202 12th Street Northeast, P.O. Box 219, Staples, MN 56479 or sent to the Sourcewell Contract Administrator assigned to this Contract. The certificates must be signed by a person authorized by the insurer(s) to bind coverage on their behalf.

Failure to request certificates of insurance by Sourcewell, or failure of Vendor to provide certificates of insurance, in no way limits or relieves Vendor of its duties and responsibilities in this Contract.

C. ADDITIONAL INSURED ENDORSEMENT AND PRIMARY AND NON-CONTRIBUTORY INSURANCE CLAUSE. Vendor agrees to list Sourcewell and its Participating Entities, including their officers, agents, and employees, as an additional insured under the Vendor's commercial general liability insurance policy with respect to liability arising out of activities, "operations," or "work" performed by or on behalf of Vendor, and products and completed operations of Vendor. The policy provision(s) or endorsement(s) must further provide that coverage is primary and not excess over or contributory with any other valid, applicable, and collectible insurance or self-insurance in force for the additional insureds.

D. WAIVER OF SUBROGATION. Vendor waives and must require (by endorsement or otherwise) all its insurers to waive subrogation rights against Sourcewell and other additional insureds for losses paid under the insurance policies required by this Contract or other

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insurance applicable to the Vendor or its subcontractors. The waiver must apply to all deductibles and/or self-insured retentions applicable to the required or any other insurance maintained by the Vendor or its subcontractors. Where permitted by law, Vendor must require similar written express waivers of subrogation and insurance clauses from each of its subcontractors.

E. UMBRELLA/EXCESS LIABILITY/SELF-INSURED RETENTION. The limits required by this Contract can be met by either providing a primary policy or in combination with umbrella/excess liability policy(ies), or self-insured retention.

19. COMPLIANCE

A. LAWS AND REGULATIONS. All Equipment, Products, or Services provided under this Contract must comply fully with applicable federal laws and regulations, and with the laws in the states and provinces in which the Equipment, Products, or Services are sold.

B. LICENSES. Vendor must maintain a valid and current status on all required federal, state/provincial, and local licenses, bonds, and permits required for the operation of the business that the Vendor conducts with Sourcewell and Participating Entities.

20. BANKRUPTCY, DEBARMENT, OR SUSPENSION CERTIFICATION

Vendor certifies and warrants that it is not in bankruptcy or that it has previously disclosed in writing certain information to Sourcewell related to bankruptcy actions. If at any time during this Contract Vendor declares bankruptcy, Vendor must immediately notify Sourcewell in writing.

Vendor certifies and warrants that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from programs operated by the State of Minnesota; the United States federal government or the Canadian government, as applicable; or any Participating Entity. Vendor certifies and warrants that neither it nor its principals have been convicted of a criminal offense related to the subject matter of this Contract. Vendor further warrants that it will provide immediate written notice to Sourcewell if this certification changes at any time.

21. PROVISIONS FOR NON-UNITED STATES FEDERAL ENTITY PROCUREMENTS UNDER UNITED STATES FEDERAL AWARDS OR OTHER AWARDS

Participating Entities that use United States federal grant or FEMA funds to purchase goods or services from this Contract may be subject to additional requirements including the procurement standards of the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, 2 C.F.R. § 200. Participating Entities may also require additional requirements based on specific funding specifications. Within this Article, all

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references to "federal" should be interpreted to mean the United States federal government. The following list only applies when a Participating Entity accesses Vendor's Equipment, Products, or Services with United States federal funds.

A. EQUAL EMPLOYMENT OPPORTUNITY. Except as otherwise provided under 41 C.F.R. § 60, all contracts that meet the definition of "federally assisted construction contract" in 41 C.F.R. § 60-1.3 must include the equal opportunity clause provided under 41 C.F.R. §60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 C.F.R. §, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 C.F.R. § 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor." The equal opportunity clause is incorporated herein by reference.

B. DAVIS-BACON ACT, AS AMENDED (40 U.S.C. § 3141-3148). When required by federal program legislation, all prime construction contracts in excess of $2,000 awarded by non-federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. § 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 C.F.R. § 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-federal entity must report all suspected or reported violations to the federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. § 3145), as supplemented by Department of Labor regulations (29 C.F.R. § 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-federal entity must report all suspected or reported violations to the federal awarding agency. Vendor must be in compliance with all applicable Davis-Bacon Act provisions.

C. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (40 U.S.C. § 3701-3708). Where applicable, all contracts awarded by the non-federal entity in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. §§ 3702 and 3704, as supplemented by Department of Labor regulations (29 C.F.R. § 5). Under 40 U.S.C. § 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of

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not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. § 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence. This provision is hereby incorporated by reference into this Contract. Vendor certifies that during the term of an award for all contracts by Sourcewell resulting from this procurement process, Vendor must comply with applicable requirements as referenced above.

D. RIGHTS TO INVENTIONS MADE UNDER A CONTRACT OR AGREEMENT. If the federal award meets the definition of "funding agreement" under 37 C.F.R. § 401.2(a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 C.F.R. § 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency. Vendor certifies that during the term of an award for all contracts by Sourcewell resulting from this procurement process, Vendor must comply with applicable requirements as referenced above.

E. CLEAN AIR ACT (42 U.S.C. § 7401-7671Q.) AND THE FEDERAL WATER POLLUTION CONTROL ACT (33 U.S.C. § 1251-1387). Contracts and subgrants of amounts in excess of $150,000 require the non-federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. § 7401- 7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. § 1251- 1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA). Vendor certifies that during the term of this Contract will comply with applicable requirements as referenced above.

F. DEBARMENT AND SUSPENSION (EXECUTIVE ORDERS 12549 AND 12689). A contract award (see 2 C.F.R. § 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 C.F.R. §180 that implement Executive Orders 12549 (3 C.F.R. § 1986 Comp., p. 189) and 12689 (3 C.F.R. § 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549. Vendor certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation by any federal department or agency.

G. BYRD ANTI-LOBBYING AMENDMENT, AS AMENDED (31 U.S.C. § 1352). Vendors must file any required certifications. Vendors must not have used federal appropriated funds to pay any

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person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Vendors must disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures are forwarded from tier to tier up to the non-federal award. Vendors must file all certifications and disclosures required by, and otherwise comply with, the Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352).

H. RECORD RETENTION REQUIREMENTS. To the extent applicable, Vendor must comply with the record retention requirements detailed in 2 C.F.R. § 200.333. The Vendor further certifies that it will retain all records as required by 2 C.F.R. § 200.333 for a period of 3 years after grantees or subgrantees submit final expenditure reports or quarterly or annual financial reports, as applicable, and all other pending matters are closed.

I. ENERGY POLICY AND CONSERVATION ACT COMPLIANCE. To the extent applicable, Vendor must comply with the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

J. BUY AMERICAN PROVISIONS COMPLIANCE. To the extent applicable, Vendor must comply with all applicable provisions of the Buy American Act. Purchases made in accordance with the Buy American Act must follow the applicable procurement rules calling for free and open competition.

K. ACCESS TO RECORDS (2 C.F.R. § 200.336). Vendor agrees that duly authorized representatives of a federal agency must have access to any books, documents, papers and records of Vendor that are directly pertinent to Vendor's discharge of its obligations under this Contract for the purpose of making audits, examinations, excerpts, and transcriptions. The right also includes timely and reasonable access to Vendor's personnel for the purpose of interview and discussion relating to such documents.

L. PROCUREMENT OF RECOVERED MATERIALS (2 C.F.R. § 200.322). A non-federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. § 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

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22. CANCELLATION

Sourcewell or Vendor may cancel this Contract at any time, with or without cause, upon 60 days' written notice to the other party. However, Sourcewell may cancel this Contract immediately upon discovery of a material defect in any certification made in Vendor's Proposal. Cancellation of this Contract does not relieve either party of financial, product, or service obligations incurred or accrued prior to cancellation.

Sourcewell

DocuSigned by:
By: Jeremy Schwartz
C0FD2A139D06489...

Jeremy Schwartz
Title: Chief Procurement Officer
Date: 4/28/2021 | 12:17 PM CDT

Approved:

DocuSigned by:
By: Chad Coauette
7E42B8F817A64CC...

Chad Coauette
Title: Executive Director/CEO
Date: 4/28/2021 | 3:54 PM CDT

Metalcraft of Mayville Inc. dba Scag Power Equipment Inc.

DocuSigned by:
By: Glenn Sacchi
82E437E78221493...

Glenn Sacchi
Title: Field Sales Manager
Date: 4/28/2021 | 3:52 PM CDT

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

RFP 031121 - Grounds Maintenance Equipment, Attachments, and Accessories with Related Services

Vendor Details

Company Name:	Scag Power Equipment
Address:	1000 Metalcraft Dr Mayville, Wisconsin 53050
Contact:	Glenn Sacchi
Email:	gsacchi@scag.com
Phone:	920-644-8142
Fax:	920-644-8100
HST#:	

Submission Details

Created On:	Tuesday January 26, 2021 14:36:58
Submitted On:	Wednesday March 10, 2021 13:51:39
Submitted By:	Glenn Sacchi
Email:	gsacchi@scag.com
Transaction #:	266e1fa9-4eb5-4069-8bc9-7979c9936ce3
Submitter's IP Address:	71.13.128.34

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Specifications

Table 1: Proposer Identity & Authorized Representatives

General Instructions (applies to all Tables) Sourcewell prefers a brief but thorough response to each question. Please do not merely attach additional documents to your response without also providing a substantive response. Do not leave answers blank; mark "NA" the question does not apply to you (preferably with an explanation).

Line Item	Question	Response *
1	Proposer Legal Name (and applicable d/b/a, if any):	Metalcraft of Mayville, Inc., d.b.a. Scag Power Equipment Inc.
2	Proposer Address:	1000 Metalcraft Dr. Mayville WI., 53050
3	Proposer website address:	www.scag.com
4	Proposer's Authorized Representative (name, title, address, email address & phone) (The representative must have authority to sign the "Proposer's Assurance of Compliance" on behalf of the Proposer and, in the event of award, will be expected to execute the resulting contract):	Glenn Sacchi - Field Sales Manager 1000 Metalcraft Dr. Mayville WI., 53050 gsacchi@scag.com 920.644.8142
5	Proposer's primary contact for this proposal (name, title, address, email address & phone):	Glenn Sacchi - Field Sales Manager 1000 Metalcraft Dr. Mayville WI., 53050 gsacchi@scag.com 920-644-8142
6	Proposer's other contacts for this proposal, if any (name, title, address, email address & phone):	Dennis Opalacz - Director Of Sales 1000 Metalcraft Dr. Mayville WI, 53050 dopalacz@scag.com 920-644-8100

Table 2: Company Information and Financial Strength

Line Item	Question	Response *

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7	Provide a brief history of your company, including your company's core values, business philosophy, and industry longevity related to the requested equipment, products or services.	Scag Power Equipment, a division of Metalcraft of Mayville, was founded in 1983. Originally the Scag product was manufactured under contract with Metalcraft of Mayville, Inc., in Mayville Wisconsin. In 1986 Metalcraft purchased Scag power Equipment marking a period of tremendous growth for the company. Scag's core values and business philosophy is deeply rooted and essentially founded in parent company Metalcraft of Mayville's corporate objectives. GOD – Conduct our day-to-day business so as to honor and glorify our Lord Jesus Christ. CUSTOMERS – Work continuously to provide excellent service at a fair price while striving to be the best at whatever we do. EMPLOYEES- Provide an environment in which each individual can maximize their unique talents. STOCKHOLDERS - Profitably grow the business in a manner that's consistent with our corporate objectives. Our combined workforce has a wide array of specialized skills that span multiple industries. Of the many factors that fuel our success, the one that best relates exactly to our longevity in the ultra-competitive business of outdoor power equipment is our parent company's expertise as a custom metal fabricator. While other companies are outsourcing most of the necessary steel components to build their machines, Scag's cutting edge designs and Metalcrafts manufacturing ability sets the brand apart from its competitors; especially when it comes down to controlling costs and attention to detail. Metalcraft has over 1 million square feet of manufacturing facilities located in Mayville, West Bend and Beaver Dam Wisconsin. Laser cutting equipment, robotic welders and powder paint lines enclosed in a dust free environment, are some of the state-of-the-art equipment utilized by Metalcraft. Scag's administrative, sales, marketing, engineering, technical service support plus research and development offices are housed and headquartered in Mayville Wisconsin. Scag tests all its new and existing equipment at its onsite Mayville R&D facilities and field test sites throughout the United States to simulate and provide "real life" conditions. The difference in a products quality and durability can in part be traced back to the quality of its components. We are the designer. We are the fabricator. We are the assembler. With these things all done under "1 roof" we feel we can better control the design, build quality and integrity of our brand of products.
8	What are your company's expectations in the event of an award?	Scag Power Equipment would expect to increase its cooperative contract business in proportion to the depth and breadth of Sourcewell's participating agencies. We would further expect to broaden our exposure to participating Sourcewell entities while encouraging qualified non cooperative purchasing entities to sign up. We have had numerous inquiries over the years regarding Sourcewell from potential end user customers and our retail dealer base. Most all of these inquiries were asking about using a Sourcewell contract to buy Scag or asking that we investigate offering our brand through Sourcewell. We are aware of preferences in the cooperative purchasing space. The Sourcewell brand is a known and respected quantity. Offering "exceptional products from nationally acclaimed suppliers" we expect that positioning or associating our brand with this statement will increase our presence and add credibility in all eligible sectors.
9	Demonstrate your financial strength and stability with meaningful data. This could include such items as financial statements, SEC filings, credit and bond ratings, letters of credit, and detailed reference letters. Upload supporting documents (as applicable) in the document upload section of your response.	See attached.
10	What is your US market share for the solutions that you are proposing?	Scag Power Equipment has 12.1% market share as reported by Randall-Reilly – EDA. EDA is a data driven platform providing both brand and market specific intelligence. From equipment leasing trends, manufacturer unit growth to specific geographic hot spots, EDA can provide the detailed histories of more than 15 million units financed since 1990.
11	What is your Canadian market share for the solutions that you are proposing?	We have a distributor located in Burlington Ontario, Canada that is actively servicing our provincial retail dealer base. Currently, we do not have market share numbers for Canada.
12	Has your business ever petitioned for bankruptcy protection? If so, explain in detail.	Metalcraft of Mayville Inc. d.b.a. Scag Power Equipment Inc., has never petitioned for bankruptcy protection.

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13	How is your organization best described: is it a manufacturer, a distributor/dealer/reseller, or a service provider? Answer whichever question (either a) or b) just below) best applies to your organization. a) If your company is best described as a distributor/dealer/reseller (or similar entity), provide your written authorization to act as a distributor/dealer/reseller for the manufacturer of the products proposed in this RFP. If applicable, is your dealer network independent or company owned? b) If your company is best described as a manufacturer or service provider, describe your relationship with your sales and service force and with your dealer network in delivering the products and services proposed in this RFP. Are these individuals your employees, or the employees of a third party?	As a division of Metalcraft of Mayville Inc. Scag Power Equipment is best described in option b, and in fact, the manufacturer of Scag branded lawn maintenance, debris and turf management equipment. Our equipment is exclusively sold domestically and internationally through two step distribution. Our total dedicated sales & service force is layered and reflects this model. On the sales side of our business Scag employs three Regional Sales Managers (RSM's) and one Field Sales Manager all of whom report to the corporate Director of Sales. Some responsibilities of the RSM's include working closely with their assigned wholesale distributors in developing specific market sales strategies and broader based dealer programming. In addition, our RSM's assist the distributor sales staff in training dealers and end users on proper operation, safety and applications of our equipment. This training is done on an ongoing basis. Each of our eight U.S. distributors employs Territory Managers (TM's). These TM's have responsibilities that include development and maintenance of the network of independent servicing authorized Scag dealerships. The final link in the retail chain is uniting the end user and their Scag machine. Scag Power Equipment is retailed exclusively through a network of over 1200 independent servicing dealerships. On the service side of the business, standard repairs, warranty service, preventative maintenance are made available through any authorized Scag dealerships. All Scag dealers are authorized service centers for Scag products and the various engines that power them. The Scag distributor, in addition to their internal and external sales force, is required to have a technical service department. The distributor technical service department offers direct assistance and manages the day-to-day business of advising and assisting the Scag servicing dealer. The Scag distributor service team is trained and qualified to act for Scag Power Equipment on their behalf, authorized by Scag's technical service team. The Scag technical service team consists of a Technical Service Specialist, Technical Service Manager and a Director of Technical Services. Our service department works closely with our distributor's service department who works closely with our dealer's service department all of whom are ultimately focused on the customer experience. To summarize, the sales and service teams dedicated to Scag Power Equipment are employed by Scag, and 3rd party distributors and our dealers.
14	If applicable, provide a detailed explanation outlining the licenses and certifications that are both required to be held, and actually held, by your organization (including third parties and subcontractors that you use) in pursuit of the business contemplated by this RFP.	The Clean Air Act requires that all engines and vehicles be covered by a certificate of conformity before they can enter into commerce. I have attached EPA Certificates of Conformity for both Kohler and Briggs & Stratton engines that are utilized on our finished products.
15	Provide all "Suspension or Debarment" information that has applied to your organization during the past ten years.	Metalcraft of Mayville Inc. d.b.a. Scag Power Equipment has not been suspended or debarred from doing business with the government within or beyond the past 10 years.

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Table 3: Industry Recognition & Marketplace Success

Line Item	Question	Response *
16	Describe any relevant industry awards or recognition that your company has received in the past five years	Scag Power Equipment is the proud recipient of the 2020 Equipment Dealers Association's "Dealer's Choice Award". This award, given for the top rated Outdoor Power Equipment Manufacturer, is Scag's 4th consecutive and 5th top level win in 7 years. Founded in 1900, the Equipment Dealers Association (EDA) is a non-profit trade organization representing 4,500 retail dealers extensively engaged in the sale and service of agricultural, construction, industrial, forestry, outdoor power, lawn and garden, and/or turf equipment. EDA provides essential value to its members by enhancing the dealer-manufacturer relationship and advocating for a positive legislative and regulatory environment. The Equipment Dealers Association is headquartered in St. Louis, MO and is affiliated with regional associations located throughout the United States and Canada. • https://www.equipmentdealer.org/ Scag Power Equipment has also been recognized by EPG Media's Landscape Business's (formerly Landscape & Irrigation) "Twenty for 2018" new product award for its "V-Ride II" stand on mower. The "Twenty for 2018" new product awards recognizes 20 products for the commercial landscape and irrigation markets for the year noted. Scag also was recognized in 2019 for the "Windstorm" stand on blower. Products were judged by the EPG Media and Specialty Information editorial staff based on innovation, marketability and application within the market. • https://epgmediallc.com/power-group/
17	What percentage of your sales are to the governmental sector in the past three years	We do not track these sales as individual categories i.e. federal governmental, state government, municipal, educational etc., but do track these sales as tax exempt entities. We would estimate as a percentage of our whole goods sales, governmental and education sector purchases combined, average 7.8% over the past three years.
18	What percentage of your sales are to the education sector in the past three years	We do not track these sales as individual categories i.e. federal governmental, state government, municipal, educational etc., but do track these sales as tax exempt entities. We would estimate as a percentage of our whole goods sales, governmental and education sector purchases combined, average 7.8% over the past three years.
19	List any state, provincial, or cooperative purchasing contracts that you hold. What is the annual sales volume for each of these contracts over the past three years?	Scag Power Equipment current holds contracts for HGACBuy, BuyBoard and NCPA. We have directly held the HGACBuy (Houston-Galveston Area Council) contract #GR01-20 – Grounds & Turf Equipment since January 1st 2020. The annual sales volume generated for Scag in our first year totaled $109,574. We have directly held the BuyBoard contract #611-20 – Grounds Maintenance Equipment, Irrigation Parts, Supplies, and Installation since June 1st of 2020. For the seven-month period ending on 12/31/2020 our sales volume totaled $90,062. Effective January 1st, we have been awarded the NCPA (National Cooperative Purchasing Alliance) contract #02-108 – Turf and Grounds Maintenance Equipment, Parts, Accessories, Supplies, Related Equipment and Services. We have not yet generated any sales for the single month that we have held this contract. To administer these contracts, we have designated our distributors as authorized resellers to work in conjunction with our national dealer network.
20	List any GSA contracts or Standing Offers and Supply Arrangements (SOSA) that you hold. What is the annual sales volume for each of these contracts over the past three years?	Scag Power Equipment does not currently hold a GSA contract for its equipment; however, our Florida distributor, Florida Outdoor Equipment has held the GSA contract GS-21F-0042Y which included Scag Power Equipment up until August of 2020. Florida Outdoor Equipment offered Scag branded products through GSA on this contract. We had decided in 2020 to propose our own GSA offer and asked of Florida Outdoor Equipment to modify their contract to remove Scag products to which they agreed. Scag Power Equipment has submitted its own proposal to GSA on August 3 of 2020 and is awaiting further direction from our assigned contract officer. We feel that we can devote more resources on a national level to market, promote and target potential customers while engaging all our distributors with this effort. Our intention is to administer and service this contract through our distributors with support from our authorized Scag dealers. The annual sales reported here is for Scag sales on the Florida Outdoor Equipment GSA contract GS-21F-0042Y. Sales for 2018 were $148,000. Sales for 2019 were $225,000 and for the partial year 2020 through July, sales were $104,000.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Table 4: References/Testimonials

Line Item 21. Supply reference information from three customers who are eligible to be Sourcewell participating entities.

Entity Name *	Contact Name *	Phone Number *
City of Birmingham Alabama	Cedric Roberts Director - Equipment Management	205-254-6300
Denver Parks and Recreation, Denver Colorado	Abby McNeal Operations Supervisor / Assistant Director of Parks	730-913-1311
Parks Division, City of St. Louis Missouri	Matt Winkler	314-289-5300

Table 5: Top Five Government or Education Customers

Line Item 22. Provide a list of your top five government, education, or non-profit customers (entity name is optional), including entity type, the state or province the entity is located in, scope of the project(s), size of transaction(s), and dolla volumes from the past three years.

Entity Name	Entity Type *	State / Province *	Scope of Work *	Size of Transactions *	Dollar Volume Past Three Years *
Department of General Services, Bureau of Procurement	Government	Pennsylvania - PA	Statewide Contract - 4400020093 - Grounds & Turf Equipment	Various	$200,000 Over the last three years
Commonwealth of Massachusetts	Government	Massachusetts - MA	Statewide Contract - FAC88	Various	$176,000 Over the last three years
State of Maryland	Government	Maryland - MD	Statewide Contract - BPO#001B6400534	Various	$110,000 Over the last three years
City of Birmingham AL	Government	Alabama - AL	Multiple division non-contract equipment purchases over many years. State Contract awarded in 2020.	2020= 0 2019= 10 Machines 2018= 6 Machines 2017=32 Machines	$135,000 Over the last three years.$385,000 Over the last four years.
City of Denver Colorado Parks and Recreation	Government	Colorado - CO	Multiple non-contract equipment purchases over many years.	2020=0 Machines 2019=30 Machines 2018=0 Machines	$275,000 Over the last three years.

Table 6: Ability to Sell and Deliver Service

Describe your company's capability to meet the needs of Sourcewell participating entities across the US and Canada, as applicable. Your response should address in detail at least the following areas: locations of your network of sales and service providers, the num of workers (full-time equivalents) involved in each sector, whether these workers are your direct employees (or employees of a third party), and any overlap between the sales and service functions.

Line Item	Question	Response *
23	Sales force.	Scag Power Equipment employs a factory - national level sales force of 5; 3 Regional Sales Managers, 1 Field Sales Manager and 1 Director of Sales. Our Regional Sales Managers work directly with each of their assigned distributors on developing and maintaining retail sales and end user relationships. Each of our 9 distributors, 8 U.S. and 1 Canadian, employ their own Territory Manager sales force that works directly with our authorized sales and servicing dealerships. These Territory Managers work in tandem with their Scag assigned Regional Sales Manager as well as other inside sales, servicing and marketing personnel within their respective distributorships. Scag products are sold and serviced through a network of over 1200 authorized servicing dealerships in the U.S. and Canada. Each one of these independent dealers employ factory trained service and sales personnel and work closely with their Scag distributor. The total number of full time sales employees collectively selling Scag at any given time would amount to over 2000. Most all of these would be at the dealer level or 3rd party employed, and considered front line or retail point of contact sales oriented. As previously mentioned, Scag directly employs 5 from the factory and our wholesale distribution sales force would be around 95 including sales managers, inside sales coordinators and Territory managers.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

24	Dealer network or other distribution methods.	Scag Power Equipment offers its products for retail utilizing the 2 step distribution method. All retail activity is done exclusively through our network of over 1,200 of the industry's "best in class" sales and servicing dealerships. This dealer network, servicing the U.S. and Canada, stays stocked and trained by our strategically located distributor network. This assures the steady local supply of equipment and service support to all our end user customers.
25	Service force.	Scag Power Equipment directly employs a full time factory service force of 3; 1 Director of Technical Service, 1 Technical Service Manager and 1 Assistant Technical Service Manager. Our in house service team works directly with our U.S. and Canadian distributors each day in the technical service support of our products, dealers and our end users. Our distributors employ collectively over 30 associated personnel in their service departments and offer a variety of associated services. Our front line service capabilities are extensive. Each one of our factory authorized dealers as a condition of representing our brand must employ qualified technicians. These service techs are required to further their training and demonstrate their technical ability through our training platform Scag University. Scag University offers general industry and Scag specific technical service and sales training, both on-line and hands on. The online courses get progressively more detailed and difficult as "students" advance through the programs by completing each lesson - in the order they are made available. This advancement culminates with Gold level in person training and testing. Each of our1, 200 dealers are required to employ at least 1 technician; most employ more than 1. The total number of front line full time technicians available to support and service Scag Power Equipment specifically at any given time would be over 1,800. The number of non Scag dealers available to fix the various engine brands that Scag uses is more than twice that. Over 1,800 3rd party employed factory authorized service technicians guided by at least 9 Scag distributors service teams totaling more than 30, again 3rd party employed, working in conjunction and under the guidelines of the National Scag Service Force of 3.
26	Describe in detail the process and procedure of your customer service program, if applicable. Include your response-time capabilities and commitments, as well as any incentives that help your providers meet your stated service goals or promises.	Scag Power Equipment and has several processes and procedures to ensure customer service throughout the chain of distribution. Our goal of having our retail dealers being completely satisfied with our product is second only to that of our end user customers satisfaction – commercial or residential. The Scag name has endured the test of time. One of the ways we measure our success has been the ability to take care of all our customers – tax paying and tax exempt. We see many sales inquiries coming through our website utilizing our exclusive Build A Mower tool. The response to these inquiries is measured in hours – not days. We fully support and uphold all of the warranty, service policies and guidelines described within our published literature. Because of our more focused scope (mowers, debris & turf only) of products and our system of being a "complete" manufacturer, not just an assembler, we can act more quickly than most in a support role. One of the ways we provide this level of customer service is through the ongoing training of our direct and third party sales & service representatives. Scag has developed an exclusive educational platform named Scag University. Scag University is a blend of Internet and hands on training modules that focus on product features, applications, safety, service, retail finance etc. This training is required for all Scag's direct employees and distributor sales and service teams. In addition, all Scag dealers, as a requirement to maintain their authorized dealer status, are required to have separate people, one from sales and one from service, take the training and pass the tests. Having fully trained brand representatives helps achieve the highest level of customer satisfaction. Developed in 2014, Scag University has certified over 3,422 sales and 3,458 service representatives. Between Sales and service there 264 courses to complete and is structured throughout three levels - Bronze, Silver and Gold. Gold level training classes are held in person and offered to small groups of no larger than 20 per class. Scag and its distributor's also work with each of their dealers to qualify for the Scag "Pro Gold" Dealer Excellence Program. This special program offers any qualifying Scag dealer special recognition by certifying that this/these dealers consistently deliver the highest level of service, sales and parts support that professional landscapers require. Through factory incentives these dealers stock a more comprehensive inventory of Scag equipment, accessories and parts to better service all their customers. A limited number of Scag dealers qualify for the elite Pro Gold program. There are significant incentives offered by both factory and distribution to reward dealers for achieving Scag Pro Gold status. In addition to the training requirements and dealer excellence incentives, Scag offers dealers at no charge, a technical service website tool Scagtech. While some manufacturers offer parts look up and service assistance through third party subscription services, Scag offers a large 24/7 access platform that is subscription free for its dealers and continuously updated in real time by the factory service team. This assures that dealers are emailed notification of critical information and update postings that are not slowed down by a 3rd party interface.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

27	Describe your ability and willingness to provide your products and services to Sourcewell participating entities in the United States.	If awarded a contract, Scag's ability to provide products and services to any Sourcewell participating entity is already in place. Scag will service this contract utilizing its authorized network of trained and fully stocked sales and servicing dealerships. In the event that certain product is not available at a particular dealership for purchase by a participating entity, Scag has the ability and will work with its distributors or other local dealers to transfer product when and where needed. Scag, its distributors and its dealers have been servicing the government and municipal market segments for many years. We are excited and willing to participate in a Sourcewell Cooperative Purchasing Contract and look forward to the advantages of simplified procurement for both buyer and seller.
28	Describe your ability and willingness to provide your products and services to Sourcewell participating entities in Canada.	Scag's ability to provide products and services to any Sourcewell participating entity is not limited to the United States. Like its plan to service an awarded contract domestically, Scag will service this contract utilizing its authorized network of trained and fully stocked sales and servicing dealerships in Canada. In the event that certain product is not available at a particular dealership for purchase by a participating entity, Scag has the ability and will work with its distributor or other local dealers to transfer product when and where needed. Scag's Canadian distributor has been servicing its government and municipal market segments for many years. We are excited and willing to participate in a Sourcewell Cooperative Purchasing Contract and look forward to the advantages of simplified procurement for both buyer and seller. In addition we would like to make clear that we intend to add to the Sourcewell participating entity rolls by encouraging qualifying existing Scag customers in both the U.S. and Canada to sign up.
29	Identify any geographic areas of the United States or Canada that you will NOT be fully serving through the proposed contract.	Scag is prepared to service all areas of the U.S. and Canada.
30	Identify any Sourcewell participating entity sectors (i.e., government, education, not-for-profit) that you will NOT be fully serving through the proposed contract. Explain in detail. For example, does your company have only a regional presence, or do other cooperative purchasing contracts limit your ability to promote another contract?	There are no Sourcewell participating entity sectors that Scag cannot service. The selection and placement of Scag dealers across the U.S. is strategic in nature, with total U.S. coverage in mind. However, Scag does not have a dealership on every corner. Care is taken in any given market to partner with the strongest dealerships in a pattern that does not "stack" dealers on top of each other. This philosophy helps our dealers grow stronger and promotes healthy competition. It also gives our customers a reasonable local array of dealer choices. There are few regions of the U.S. including but not limited to the U.S. Territories, Puerto Rico, Guam, Virgin Islands (U.S.), and the Commonwealth of the Northern Mariana Islands that may be more challenging for supply and service. We have limited presence in these areas. We shall make every effort to fulfill any contract request as economically as possible. Due to the remote nature of some of these regions, additional charges may be necessary and shall be addressed with buyers on a case by case basis. In addition, our existing contracts do not have restrictions on promoting other contracts priced similarly.
31	Define any specific contract requirements or restrictions that would apply to our participating entities in Hawaii and Alaska and in US Territories.	Shipping costs to Hawaii, Alaska and the US Territories will be the responsibility of the buying member. Local delivery will remain free within 25 miles of the local Scag dealership that handles the transaction. Delivery in excess of 25 miles from the dealer handling the transaction may be subject to additional delivery charges and shall be quoted on a case by case basis. The Sourcewell administration fee shall not be paid on shipping or delivery.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Table 7: Marketing Plan

Line Item	Question	Response *
32	Describe your marketing strategy for promoting this contract opportunity. Upload representative samples of your marketing materials (if applicable) in the document upload section of your response.	Upon a successful contract award, Scag is prepared to immediately notify all distributor sales teams while itself preparing to add information about the cooperative opportunity on its website. We will additionally encourage our distributors to add this contract information and appropriate approved Sourcewell materials to their Scag approved websites. We will further coordinate an effort to compliment any electronic notifications with press releases and point of sales materials to be made available at regional trade shows and individual dealer open houses. We shall also update our Scag University program materials to reflect the addition of the Sourcewell contract with instruction on how to utilize the contract with qualifying entities. In addition to print and electronic notification, training and press releases, we have many 3rd part sales representatives that will carry this opportunity with them while the conduct their ever day in person sales and courtesy calls to existing qualified municipal contacts.
33	Describe your use of technology and digital data (e.g., social media, metadata usage) to enhance marketing effectiveness.	The various social media platforms that we participate in are predominately used as a medium for the Scag mower or turf and debris equipment customer, or potential customer, to ask questions, interact with each other, and share their passion for the Scag brand. We post close to 80% user/dealer/distributor generated content and 20% Scag (promotional feel) content. We often hear that our social media platforms are used in sales pitches by dealers/distributors/etc. to not only showcase our lineup of products, but to demonstrate the value they provide to current or prospective end users. These platforms are an additional line of communication between the brand and its end user customers. We constantly monitor these sites and respond when appropriate. Our factory availability is enhanced through a "Contact Us" form on Scag.com which is also closely monitored. Inquiries are responded to as they occur with appropriate actions or remedies to assure quick responses and customer satisfaction. The information gained from those forums and inquiries many times lead to sales, new dealer prospects and potential product improvements.
34	In your view, what is Sourcewell's role in promoting contracts arising out of this RFP? How will you integrate a Sourcewell-awarded contract into your sales process?	It is our position that Sourcewell's role in promoting contracts arising out of this RFP is largely rooted in their position as being the only cooperative that is a government unit and public agency. This in our opinion lends additional process understanding and credibility within the qualifying entity group. This is easily demonstrated by a larger number of participating entities compared to other established cooperative buying groups. Larger numbers of participating entities mean greater sales opportunities and more notoriety in the cooperative space. It also puts the Sourcewell "brand" at the top of the list when it comes to purchasing entities requesting specific brands on specific contracts. We feel that a significant component to Sourcewell's role should continue to be its social platform participation and the timely availability of digital up to date information on existing and new contracts on their web site. We will integrate a Sourcewell awarded – contract into our sales process by notifying and educating our distributors and dealer sales force on how to utilize the contract. By understanding themselves on how this cooperative contract works, our direct and indirect sales force we will make sure that qualifying entities clearly understand the availability, ease of use, and cost saving of the Sourcewell competitively solicited contract.
35	Are your products or services available through an e-procurement ordering process? If so, describe your e-procurement system and how governmental and educational customers have used it.	We do not currently offer an e-procurement ordering process.

Table 8: Value-Added Attributes

Line Item	Question	Response *

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

36	Describe any product, equipment, maintenance, or operator training programs that you offer to Sourcewell participating entities. Include details, such as whether training is standard or optional, who provides training, and any costs that apply.	For interested Sourcewell entities, training such as proper operation, applicable service and safety training are always available. Standard training, conducted at delivery or when the equipment is picked up (point of sale), is freely offered and an important part of the sales process. This necessary training consists of but is not limited to the proper safe operation of the machine(s) being purchased. The training is also consistent with material published in the owner's manual and safety DVD, provided with each machine. Required point of sale training does not replace the need to read the owner's manual and watch the safety DVD but rather highlights key aspects of safe operation. Additional "like" safety and varying levels of service training can be conducted and customized to best fit the needs of the requesting entity and where possible, at the entities facility. The customized training offered, in most cases, would need a 30-day lead time to assemble, and schedule. Although we prefer to have these trainings "well" attended, smaller group or individual training can be accommodated on a case by case basis. There will be no charge for training Sourcewell member entities that have purchased Scag Power Equipment on this contract or have purchased Scag Power Equipment which is still being used in their fleet. All Scag training may be conducted by Scag or its distributors and dealer personnel.
37	Describe any technological advances that your proposed products or services offer.	We make every attempt to incorporate the most modern industry-wide technology into our equipment while continuing to advance technologically in both the engineering and manufacturing of our products. Scag Power Equipment, a division of custom metal fabricator Metalcraft of Mayville Inc., is essentially the designer, fabricator, assembler, tester, painter, packager, shipper and marketer of all Scag finished whole goods. Many of our products feature engines from top manufacturers with the most modern fuel injection technology. Advanced (EVAP), Evaporative Emission Control Systems are additionally utilized to control harmful gasoline vapors. This fuel vapor, normally vented from the fuel tank directly into the atmosphere, is now redirected or scavenged back into the engine with EVAP technology. Scag uses its own patented technology on certain systems such as its Custom Cut Baffle used on its Velocity Plus cutter decks or the patented coil over shock suspension platform used on the Scag Cheetah II. Further industry advances include Kevlar corded hydraulic drive and cutter deck belts - standard equipment for extended life. On our Tiger Cat II, Cheetah II and Turf Tiger II series we offer an integrated operator information display – Tiger Eye. The Tiger Eye advanced on-board monitoring system keeps a constant real-time "eye" on important system functions on your Scag mower. Depending on the mower model and engine selection, a wide variety of systems are monitored in real-time, giving you valuable information in just a glance, right from the operator's seat. Actual systems monitored vary from model to model. In addition, because of the advanced technology we employ in the design and manufacture of our equipment we are able to better control the quality of our product and its elevated position in the marketplace. Prototyping in our 4,700 square foot tech center is made easy with Pro-E/Creo CAD software, the ability to design and build our own tooling and 3-D printing technology. Production from cutting to forming, welding to machining, and painting to assembly, Scag as a division of Metalcraft offers a seamless, end-to-end modern, high tech production experience.
38	Describe any "green" initiatives that relate to your company or to your products or services, and include a list of the certifying agency for each.	Scag Power Equipment utilizes a variety of "green" initiatives each and every day. Recycling bins for paper, plastic and aluminum are available in multiple locations throughout its facilities. Our drinking fountains have been systematically replaced with "next generation water bottle refilling stations" enhancing sustainability by minimizing dependency on disposable plastic bottles. Our building upgrades and remodels have included low flow toilets and low voltage LED lighting for water and energy conversation. Additionally, motion sensors are the norm in corridors and in our office space to detect and apply lighting where and when appropriate. There are similar initiatives in being practiced on our factory floors – lights, toilets, drinking fountains and recycling stations. In addition to the common green practices throughout the entire organization the manufacturing operation has its own set of unique trackable "green" initiatives. Metalcraft of Mayville manufacturers the Scag product alongside contract work for various other non-industry related companies. Currently, we use over 1 million pounds of steel a month – all of which contains a varying percentage of recycled content. It is typical that multiple "jobs" in our plant run simultaneously on a single sheet of steel. This strategy is called "nesting" and is one of many important techniques to minimize creating scrap or waste steel. Of the scrap steel that we do generate, we strive to recover and send back 100% of it to our steel suppliers for recycling. The finish paint on our equipment is a 7 stage powder coat system. Our powder coat system, very simply put, requires the parts to pass through 7 sequential stages of preparation or cleaning before it can be powder coated and then cured. 3 of those 7 stages are water baths or rinsing. The local standard water supply is utilized for these stages and reclaimed and recycled cleaner than when it came into our facility. Our factory floor is a study in value streaming. Process stations, starting from where raw or simple bulk materials enter our facility, are configured to provide process optimization. As a piece of flat or tube steel enters the building on its journey to be a finished piece of our equipment, it never travels further than it must to its next stop on its fabrication journey. Raw materials are cut to shape, bent to spec, welded together, painted, bolted, assembled, tested, packaged and shipped or warehoused in a streamlined, efficient fashion that conserves time, energy and helps keep costs in check. All of the engines used on our products are EPA emissions compliant and certified by the engine manufacturers. I have attached compliance certificates in Step 2 documents section.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

39	Identify any third-party issued eco-labels, ratings or certifications that your company has received for the equipment or products included in your Proposal related to energy efficiency or conservation, life-cycle design (cradle-to-cradle), or other green/sustainability factors.	Scag has not been issued eco-labels, ratings or certifications for the equipment in this proposal. However, the engines that are used to power the Scag commercial family of products are all EPA certified for conformity with the clean air act. Compliance certifications of conformity have been attached in the Step 2 documents section. In addition, Scag currently offers propane and diesel configurations as an alternative fuel source and is in the design and preliminary testing phase of zero emissions electric powered products.
40	Describe any Women or Minority Business Entity (WMBE), Small Business Entity (SBE), or veteran owned business certifications that your company or hub partners have obtained. Upload documentation of certification (as applicable) in the document upload section of your response.	Scag Power Equipment is not a Women or Women Business Entity (WMBE), Small Business Entity (SBE), or considered a veteran owned business.
41	What unique attributes does your company, your products, or your services offer to Sourcewell participating entities? What makes your proposed solutions unique in your industry as it applies to Sourcewell participating entities?	One unique attribute for our company is the fact that we are independently owned. The benefit to our customers means our design decisions are not compromised by a large corporate office that also sells sprinklers, vacuum cleaners or "widgets." We are not forced to manufacture products that are just "good enough." The entire Scag Team focuses all of its resources on designing, manufacturing and assembling the finest commercial-grade lawn mowers money can buy. Every mower starts off as sheet steel or tube steel. We punch, press, bend, cut, weld, paint, assemble, package and ship our mowers, and we do it all in our three factories in Mayville, West Bend and Beaver Dam, Wisconsin. Scag makes Scag mowers; nobody else makes them for us... and we do not make mowers for other companies. Scag Power Equipment is one of the last commercial power-equipment companies that actually manufactures their own components. Other mower "manufacturers" are simply assemblers, bolting together parts that other companies have made for them. Ultimately, we control our own destiny and are able to react quickly with new designs and product enhancements. Each mower is run at the end of the assembly line to ensure that the following items are up to specification: engine RPM is set, all safety switches are checked for proper operation, fluids are filled, systems are checked for leaks, and neutral and tracking adjustments are set using special dynamometers that apply load to the drive system. These steps add to the value of every Scag mower and ensure the product is the best it can be when it leaves our factory. Details, details, details. We encourage you to take the time to really examine our mowers and compare them to the "competition." Pay special attention to the details like ease of service, wiring harness looms and routing, weld quality, component fit and construction, and the operator's platform. The independent nature of Scag and its parent company assure not only that Sourcewell contract purchasers, but all end users will have a product of the highest quality available with design, manufacture and assembly processes under our control. In addition, because of our military and agricultural fabrication contracts, Metalcraft by association Scag, had not slowed down its manufacturing through the Covid pandemic but for a 3 week pause to realign some supplier issues. This essential business classification has kept many of our customers in business as the supply of whole -goods parts and accessories did not falter.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Table 9: Warranty

Describe in detail your manufacturer warranty program, including conditions and requirements to qualify, claims procedu and overall structure. You may upload representative samples of your warranty materials (if applicable) in the document upload section of your response in addition to responding to the questions below.

Line Item	Question	Response *
42	Do your warranties cover all products, parts, and labor?	Frame and structural components including oil reservoirs, fittings, oil coolers, electrical switches and clutches, pulleys, hydraulic pumps and wheel motors are covered for two years of commercial use. This warranty covers manufacturing defects for two years, including parts and labor (excludes wear items). Wear items including drive belts, blades, hydraulic hoses, tires, batteries and rental use are warranted for 90 days. Scag Velocity Plus™ and Advantage cutter decks are warranted against manufacturer's defects for three full years. This warranty covers parts and labor for the first and second years, and parts only for the third year. Engines and engine components are covered by the individual engine manufacturers. See engine owner's manual for warranty period and details.
43	Do your warranties impose usage restrictions or other limitations that adversely affect coverage?	The warranty coverage applicable to Sourcewell qualifying entities is a 2-Year Commercial Machine Warranty and imposes no usage limitations or restrictions that would adversely affect its coverage.
44	Do your warranties cover the expense of technicians' travel time and mileage to perform warranty repairs?	The Scag mower, including any defective part must be returned to an Authorized Scag Service Dealer within the warranty period. The expense of delivering the mower to the dealer for warranty work and the expense of returning it to the owner after repair will be paid for by the owner.
45	Are there any geographic regions of the United States or Canada (as applicable) for which you cannot provide a certified technician to perform warranty repairs? How will Sourcewell participating entities in these regions be provided service for warranty repair?	Any Sourcewell participating entity that purchases a Scag branded piece of equipment can at a minimum source warranty repairs via the certified technician at the authorized dealer from which the mower was purchased. In many cases the purchaser will have more than one Scag authorized dealer within a reasonable distance to choose from. All Scag authorized dealers must have and maintain service a service department, staffed by Scag certified technicians, to maintain its authorized Scag dealer status.
46	Will you cover warranty service for items made by other manufacturers that are part of your proposal, or are these warranties issues typically passed on to the original equipment manufacturer?	With the exception of engines and engine components, any part of the Scag commercial mower manufactured by Scag Power Equipment, found to be defective in materials or workmanship, will be repaired or replaced by an Authorized Scag Dealer without charges for parts and labor, within the 2-Year Commercial Machine Warranty Period. This includes but may not be limited to oil reservoirs, fittings, oil coolers, electrical switches and clutches, pulleys, hydraulic pumps and hydraulic wheel motors. Wear items including drive belts, blades, hydraulic hoses, tires and batteries are covered for a period of 90 days. Engines and engine components are covered by the individual engine manufacturers. See engine owner's manual for warranty period and details.
47	What are your proposed exchange and return programs and policies?	We will exchange any whole good or accessory item purchased from an awarded Sourcewell contract. All returns shall be in new, un-used condition, in its original packaging where applicable. Equipment must still be represented in the current model year program to be eligible for exchange or refund. Equipment that has cut grass or handled debris will need to be evaluated independently.
48	Describe any service contract options for the items included in your proposal.	Currently there are no factory service contract options available.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Table 10: Payment Terms and Financing Options

Line Item	Question	Response *
49	What are your payment terms (e.g., net 10, net 30)?	We propose payment terms of net 30.
50	Do you provide leasing or financing options, especially those options that schools and governmental entities may need to use in order to make certain acquisitions?	Our finance partners offer funding solutions in all 50 states. With locations in Arizona, Connecticut, Florida, Michigan, Minnesota, New Hampshire, North Carolina, North Dakota, Texas, South Dakota, and Washington, there are multiple financing and lease options for cities, townships, schools etc. o Western Equipment Finance Joel Schuman / 866-806-8021 o New Equipment Leasing, Inc. Tim Schut / 616-885-0920
51	Briefly describe your proposed order process. Include enough detail to support your ability to report quarterly sales to Sourcewell as described in the Contract template. For example, indicate whether your dealer network is included in your response and whether each dealer (or some other entity) will process the Sourcewell participating entities' purchase orders.	Scag is a manufacturer that sells its products through 2 step distribution. We propose to designate our 8 U.S. and Canadian distributor to accept and process Sourcewell Cooperative entity purchase orders. We would ask that all requests, for contract access or for quotes, are issued directly to Scag. Scag will verify the cooperative entities eligibility and issue a quote with instruction indicating which of its distributors that the P.O. shall be issued to. Our distributor will then coordinate delivery of the order by making arrangements between the best, closest, authorized Scag dealer and the purchaser. After the purchaser accepts delivery, and signs a delivery or pick-up acknowledgment, the distributor shall invoice the purchasing entity. Having each distributor responsible for processing all orders within its assigned territory will reduce the number of individual dealer sales reports. Distributors will manifest and report sales within their territory, and remit the corresponding administrative fee back to Sourcewell on a quarterly basis. Scag will continually monitor the sales process from end to end and will require their distributors to copy them on all quarterly sales reporting and administrative fee payments to check for accuracy.
52	Do you accept the P-card procurement and payment process? If so, is there any additional cost to Sourcewell participating entities for using this process?	P-Cards can be accepted for payment by participating, authorized Scag dealers with advanced notification. These equipment transactions may be subject to a 2% surcharge when not prohibited by state law. Invoice payments for these purchases will be direct to the Scag dealer, as coordinated by the applicable Scag distributor. In this case, the Scag distributor will still report these sales quarterly to Sourcewell and be paying the administrative fee.

Table 11: Pricing and Delivery

Provide detailed pricing information in the questions that follow below. Keep in mind that reasonable price and product adjustments ca be made during the term of an awarded Contract as desribed in the RFP, the template Contract, and the Sourcewell Price and Produc Change Request Form.

Line Item	Question	Response *
53	Describe your pricing model (e.g., line-item discounts or product-category discounts). Provide detailed pricing data (including standard or list pricing and the Sourcewell discounted price) on all of the items that you want Sourcewell to consider as part of your RFP response. If applicable, provide a SKU for each item in your proposal. Upload your pricing materials (if applicable) in the document upload section of your response.	We are proposing a 22% discount off of Scag's MSRP (list price) on all qualifying whole-goods and accessories for the 48 contiguous states. Canada, Alaska, Hawaii and any U.S. Territory will carry the same 22% discount plus freight and any other fees associated with international shipments. All pricing will be in U.S. dollars. Qualifying products will be defined by Scag Power Equipment, and limited to products considered commercial in nature and listed on the attached price list. Qualifying accessories must be purchased on the same purchase order as the whole-good that it's intended to be used with, in order to qualify for the discount.
54	Quantify the pricing discount represented by the pricing proposal in this response. For example, if the pricing in your response represents a percentage discount from MSRP or list, state the percentage or percentage range.	The proposed pricing in this response represents a percentage discount of 22% off our U.S. list price. For purchases in HI, AK, Canada and the U.S. Territories shipping and any fees associated internationally will be the responsibility of the buying entity. Prices are listed in U.S. dollars. Final delivery of up to 25-miles distances from the delivering dealer is free. Deliveries over 25-mile or "non-standard" delivery may be subject to additional fee's.
55	Describe any quantity or volume discounts or rebate programs that you offer.	We propose to offer an additional 1% on any single P.O. from a single entity in excess of $100,000 on invoice.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

56	Propose a method of facilitating "sourced" products or related services, which may be referred to as "open market" items or "nonstandard options". For example, you may supply such items "at cost" or "at cost plus a percentage," or you may supply a quote for each such request.	Scag proposes that any of its over 1200 servicing U.S. and Canadian authorized dealerships can be utilized or "sourced" for warranty, standard repairs or preventative maintenance. This full utilization of the Scag dealer network will be un-biased and not restricted to the original seller of the equipment in question. Labor rates are typically established by the dealer and are market driven. Non warrantable service parts are not part of the proposed price structure in this offering. While competition exists in the marketplace, Scag offers a full listing of its dealers via the locator tool on its website (www.scag.com). This will assist the Sourcewell contract purchaser in obtaining multiple quotes to source parts discounts and the lowest labor rates. Scag does not endorse or will facilitate the sourcing of any aftermarket or non-standard product for use on its equipment.
57	Identify any element of the total cost of acquisition that is NOT included in the pricing submitted with your response. This includes all additional charges associated with a purchase that are not directly identified as freight or shipping charges. For example, list costs for items like pre-delivery inspection, installation, set up, mandatory training, or initial inspection. Identify any parties that impose such costs and their relationship to the Proposer.	Cost elements to be considered that may impact the total cost of acquisition may include but are not limited to items such as accessory installation labor, administrative fees on P-Card usage or finance programs. The standard base unit, ordered on its own, includes set up, pre-delivery preparation, and mandatory operational training at no charge. Equipment accessories ordered with a base unit, such as a grass mulching "kit" or a grass bagging "collection" system, require detailed installation and are best handled by a qualified Scag technician. Labor to install these items can be quoted by the installing dealer at the dealer's hourly rate, and added to the purchaser's invoice. P-Card usage as previously mentioned in line item 52, may include a 2% administrative fee. Available qualifying finance programs can be subject to document or processing fees of $150 - $175 with some having the first payment due at signing.
58	If freight, delivery, or shipping is an additional cost to the Sourcewell participating entity, describe in detail the complete freight, shipping, and delivery program.	In the event that items cannot be picked up by the buying entity, delivery can be arranged without charge within a 25-mile radius from the dealer filling the order. Charges for delivering newly purchased Scag equipment beyond a 25-mile radius or "non-standard" deliveries will be subject to the current rate established by the dealer and will be quoted in U.S. dollars, in advance of the purchase. For buyers in HI, AK, Canada and any US Territory, shipping costs, international tariffs and customs fees are the responsibility of the buying entity.
59	Specifically describe freight, shipping, and delivery terms or programs available for Alaska, Hawaii, Canada, or any offshore delivery.	Freight and associated shipping costs to US Territories, AK and HI will be the sole responsibility of the buying entity. Scag Power Equipment has authorized, sales and servicing dealers located in Alaska and Hawaii. Purchasers are encouraged to pick up their equipment at no additional charge from the dealer filling the order. When delivery is requested, the dealer will deliver the equipment, without charge, within a 25-mile radius of their location. For deliveries beyond 25-miles, or deliveries that may be considered "non-standard", delivery charges will be at the discretion of the dealer making the delivery. Freight and associated international shipping costs to Canada will be the responsibility of the buyer. Scag Power Equipment has authorized, sales and servicing dealers located in Canada. Purchasers are encouraged to pick up their equipment at no additional charge from the dealer filling the order. When delivery is requested, the dealer will deliver the equipment, without charge, within a 25-mile radius of their location. For deliveries beyond 25-miles, or deliveries that may be considered "non-standard", delivery charges will be at the discretion of the dealer making the delivery.
60	Describe any unique distribution and/or delivery methods or options offered in your proposal.	Scag has over 70 different products, most all of which are readily available at dealers or their distributor suppliers. In the unlikely event a product cannot be located at a dealer, their corresponding distributor, or the factory, we will contact other neighboring distributors in an effort to satisfy the retail sale. This process is currently in place for our existing customers and will be offered to Sourcewell members customers as well.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Table 12: Pricing Offered

Line Item	The Pricing Offered in this Proposal is: *	Comments
61	c. better than the Proposer typically offers to GPOs, cooperative procurement organizations, or state purchasing departments.	Scag is offering the extra 1 discount on single orders totaling more than $100,00(This is and a 2% administration fee makes th pricing better than what we typically offer similar entities

Table 13: Audit and Administrative Fee

Line Item	Question	Response *
62	Specifically describe any self-audit process or program that you plan to employ to verify compliance with your proposed Contract with Sourcewell. This process includes ensuring that Sourcewell participating entities obtain the proper pricing, that the Vendor reports all sales under the Contract each quarter, and that the Vendor remits the proper administrative fee to Sourcewell.	We propose to designate our 8 U.S. and 1 Canadian distributor to accept and process Sourcewell Cooperative entity purchase orders. We would ask that all requests, for contract access or for quotes, are issued directly to Scag. Scag will verify the cooperative entities eligibility and issue a quote with instruction indicating which of its distributors that the P.O. shall be issued to. This will ensure that the proper contracted agreed upon pricing is being offered. Our distributor will coordinate the delivery of the products between the best, closest, authorized Scag dealer and the purchaser. After the purchaser accepts delivery, and signs a delivery or pick-up acknowledgment, the distributor shall invoice the purchasing entity. Having each distributor responsible for processing all orders within its assigned territory will reduce the number of individual dealer sales reports nationally. Distributors will manifest and report all sales within their territory, and remit the accompanying administrative fee back to Sourcewell on a quarterly basis. Scag will continually monitor the sales process from end to end and will require their distributors to copy them on all quarterly sales reporting and administrative fee payments to check for accuracy.
63	Identify a proposed administrative fee that you will pay to Sourcewell for facilitating, managing, and promoting the Sourcewell Contract in the event that you are awarded a Contract. This fee is typically calculated as a percentage of Vendor's sales under the Contract or as a per-unit fee; it is not a line-item addition to the Member's cost of goods. (See the RFP and template Contract for additional details.)	Scag Power Equipment proposes to pay a 2% administrative fee on any qualifying sales under this contract. Scag interprets a qualifying sale as any whole good or accompanying accessory offered on our price list at the base price offered. Associated fees such as shipping, delivery and repair or installation labor will not be eligible for the administrative fee.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Table 14A: Depth and Breadth of Offered Equipment Products and Services

Line Item	Question	Response *
64	Provide a detailed description of the equipment, products, and services that you are offering in your proposal.	The grounds maintenance equipment in our proposal consists of commercial walk-behind, stand-on, and sit down, zero turn lawn mowers, stand-on spreader sprayers, and debris management equipment. The Scag spreader sprayer category is used for the application of dry or liquid products on turf or grounds. Debris management equipment is also offered but not exclusive to turf applications. Primary application is leaf (debris) management or removal consisting of both walk-behind and stand-on equipment for large properties. The blower products can and are often used in hard surface applications such as moving dirt, sand and other un wanted "debris" off parking lots, paved trails etc. In addition to the blowers we offer debris loaders – Truck Loaders – to then move piles of organic material – leaves grass etc. - into truck beds for transport and disposal.
65	Within this RFP category there may be subcategories of solutions. List subcategory titles that best describe your products and services.	The RFP category is fairly specific to our product without straying too far off center into sub category solutions. Our products potential subcategory applicable titles would be Turf, Athletic Field, Parks Maintenance Equipment, Debris Management Equipment, Sprayers, Broadcasters, Weed Control and Fertilization Equipment, Lawn & Garden Equipment, Leaf Removal Equipment, Truck Loaders and Industrial Blowers. Related accessories subcategories could include Grass & Leaf Collection Systems, Grass Mulching Systems and Light Kits for Scag Power Equipment Products.

Table 14B: Depth and Breadth of Offered Equipment Products and Services

Indicate below if the listed types or classes of equipment, products, and services are offered within your proposal. Provide additional comments in the text box provided, as necessary.

Line Item	Category or Type	Offered *	Comments
66	Lawn and garden equipment, tools, attachments, and accessories	(•) Yes ( ) No	To include Lawn Mowers, Spreader Sprayer, Blowers, Truck Loaders and their related attachments and accessories including mulching and bagging accessories.
67	Irrigation systems, equipment, parts, and related installation and maintenance services	( ) Yes (•) No	We do not manufacture, maintain or install irrigation systems.
68	Beach and waterfront maintenance equipment and accessories	( ) Yes (•) No	We do not manufacture specific beach and waterfront maintenance equipment.
69	Accessories, parts, and services related to the solutions described above, including maintenance or repair, and warranty programs	(•) Yes ( ) No	We do manufacture or otherwise provide parts & accessories as listed for our equipment. Maintenance, standard repairs, warranty repairs or the servicing of our equipment can be done at any of our independent dealer locations.

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

Table 15: Industry Specific Questions

Line Item	Question	Response *
70	If you are awarded a contract, provide a few examples of internal metrics that will be tracked to measure whether you are having success with the contract.	Examples of positive key performance indicators, will be sales & quote activity, general inquiries from member entities and dealers that are interacting directly with members. We will track this on our own and collaborate with our distributors. This will include general product questions and the conversion rates of those contacts to quotes and ultimately a purchase. We will track activity on our website directly related to the cooperative resources tab that's currently being developed. We will measure direct Sourcewell sales data to our existing cooperative purchasing customers and track any contract "migration". We can also track standard out-to-bid customers that switch to the Sourcewell contract.
71	Describe the serviceability of the products included in your proposal (parts availability, warranty and technical support, etc.).	The Scag branded product offered in this proposal is intended to be serviced at intervals described in the owner's manual that's provided with each machine. Maintenance points are easily identifiable and accessible for a hassle free experience. Every authorized Scag Power Equipment dealer is required to provide standard and warranty service, plus technical support as a condition of maintaining that authorization. Parts availability is an integral part of the support offered by our dealers to their end-user customers. Our wholesale distributors are required to participate in parts stocking programs driven by their historical purchases. They in turn create and implement programs with our dealers to assist in maintaining a healthy parts inventory at the point of retail purchase.
72	Describe advancements reflected in the equipment or products offered in your proposal, such as safety, longevity or life cycle cost measures.	Safety advancements in the equipment offered include seat belts and roll bars on all off our sit down riders. We have incorporated operator presence controls in the form of safety switches controlled by the interlock module. The interlock module monitors the status of each safety switch and prevents the mower from operating if an unsafe condition exists. All switches need to be actuated in sequence to ensure safe proper operation. Hour meters with preprogrammed maintenance intervals remind operators to change oil. Select models feature Scag's Tiger Eye Advance Monitoring System that keeps a constant, real-time "eye" on important system functions while in operation. Systems monitored depend on the mower model and engine and may include hour meter, volt meter / charging system, engine water temperature, control lever, PTO, parking brake and seat switch safety circuits. We use longer life automotive style bearings and bushings in many of the spinning/turning or weight bearing components of our machines. These upgraded bearings are easily greasable through factory installed accessible fittings (zerk fittings). Our philosophy is that maintenance adds to the longevity, and easy to do maintenance gets done. Regular planned maintenance can reduce the cost of ownership by helping eliminate unplanned repairs associated with normal wear.

Table 16: Exceptions to Terms, Conditions, or Specifications Form

Line Item 73. NOTICE: To identify any exception, or to request any modification, to the Sourcewell template Contract terms, conditions, or specifications, Proposer must submit the exception or requested modification on the **Exceptions to Terms, Conditions, or Specifications Form** immediately below. T contract section, the specific text addressed by the exception or requested modification, and the proposed modification must be identified in detail. Proposer's exceptions and proposed modifications are subject to review and approval of Sourcewell and will not automatically be included in the contract.

Contract Section	Term, Condition, or Specification	Exception or Proposed Modification

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

PROPOSER AFFIDAVIT AND ASSURANCE OF COMPLIANCE

I certify that I am the authorized representative of the Proposer submitting the foregoing Proposal with the legal authority to bind the Proposer to this Affidavit and Assurance of Compliance:

1. The Proposer is submitting this Proposal under its full and complete legal name, and the Proposer legally exists in good standing the jurisdiction of its residence.

2. The Proposer warrants that the information provided in this Proposal is true, correct, and reliable for purposes of evaluation for contract award.

3. The Proposer, including any person assisting with the creation of this Proposal, has arrived at this Proposal independently and tl Proposal has been created without colluding with any other person, company, or parties that have or will submit a proposal unde this solicitation; and the Proposal has in all respects been created fairly without any fraud or dishonesty. The Proposer has not directly or indirectly entered into any agreement or arrangement with any person or business in an effort to influence any part of this solicitation or operations of a resulting contract; and the Proposer has not taken any action in restraint of free trade or competitiveness in connection with this solicitation. Additionally, if Proposer has worked with a consultant on the Proposal, the consultant (an individual or a company) has not assisted any other entity that has submitted or will submit a proposal for this solicitation.

4. To the best of its knowledge and belief, and except as otherwise disclosed in the Proposal, there are no relevant facts or circumstances which could give rise to an organizational conflict of interest. An organizational conflict of interest exists when a vendor has an unfair competitive advantage or the vendor's objectivity in performing the contract is, or might be, impaired.

5. The contents of the Proposal have not been communicated by the Proposer or its employees or agents to any person not an employee or legally authorized agent of the Proposer and will not be communicated to any such persons prior to Due Date of thi solicitation.

6. If awarded a contract, the Proposer will provide to Sourcewell Participating Entities the equipment, products, and services in accordance with the terms, conditions, and scope of a resulting contract.

7. The Proposer possesses, or will possess before delivering any equipment, products, or services, all applicable licenses or certifications necessary to deliver such equipment, products, or services under any resulting contract.

8. The Proposer agrees to deliver equipment, products, and services through valid contracts, purchase orders, or means that are acceptable to Sourcewell Members. Unless otherwise agreed to, the Proposer must provide only new and first-quality products a related services to Sourcewell Members under an awarded Contract.

9. The Proposer will comply with all applicable provisions of federal, state, and local laws, regulations, rules, and orders.

10. The Proposer understands that Sourcewell will reject RFP proposals that are marked "confidential" (or "nonpublic," etc.), either substantially or in their entirety. Under Minnesota Statutes Section 13.591, subdivision 4, all proposals are considered nonpublic data until the evaluation is complete and a Contract is awarded. At that point, proposals become public data. Minnesota Statutes Section 13.37 permits only certain narrowly defined data to be considered a "trade secret," and thus nonpublic data under Minnesota's Data Practices Act.

11. Proposer its employees, agents, and subcontractors are not:

    a. Included on the "Specially Designated Nationals and Blocked Persons" list maintained by the Office of Foreign Assets Con of the United States Department of the Treasury found at: https://www.treasury.gov/ofac/downloads/sdnlist.pdf;

    b. Included on the government-wide exclusions lists in the United States System for Award Management found at: https://sam.gov/SAM/; or

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

c. Presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from program by the State of Minnesota; the United States federal government or the Canadian government, as applicable; or any Participating Entity. Vendor certifies and warrants that neither it nor its principals have been convicted of a criminal offense related to the subject matter of this solicitation.

☐ By checking this box I acknowledge that I am bound by the terms of the Proposer's Affidavit, have the legal authority to submit this Proposal on behalf of the Proposer, and that this electronic acknowledgment has the same legal effect, validity, and enforceability as i had hand signed the Proposal. This signature will not be denied such legal effect, validity, or enforceability solely because an electro signature or electronic record was used in its formation. - Glenn Sacchi, Field Sales Manager, Scag Power Equipment

The Proposer declares that there is an actual or potential Conflict of Interest relating to the preparation of its submission, and/or the Proposer foresees an actual or potential Conflict of Interest in performing the contractual obligations contemplated in the bid.

○ **Yes** ○ **No**

The Bidder acknowledges and agrees that the addendum/addenda below form part of the Bid Document.

Check the box in the column "**I have reviewed this addendum**" below to acknowledge each of the addenda.

File Name	I have reviewed the below addendum and attachments (if applicable)	Pages
Addendum_11_ Grounds_Maintenance_Equipment_RFP_031121 Thu March 4 2021 06:08 PM	☐	2
Addendum_10_ Grounds_Maintenance_Equipment_RFP_031121 Thu February 25 2021 01:00 PM	☐	1
Addendum_9_ Grounds_Maintenance_Equipment_RFP_031121 Tue February 23 2021 10:33 AM	☐	1
Addendum_8_ Grounds_Maintenance_Equipment_RFP_031121 Mon February 22 2021 10:21 AM	☐	2
Addendum_7_ Grounds_Maintenance_Equipment_RFP_031121_CDR_Suggests Wed February 17 2021 09:01 AM	☐	1
Addendum_6_ Grounds_Maintenance_Equipment_RFP_031121 Tue February 16 2021 11:03 AM	☐	1
Addendum_5_ Grounds_Maintenance_Equipment_RFP_031121 Fri February 12 2021 03:14 PM	☐	1
Addendum_4_ Grounds_Maintenance_Equipment_RFP_031121 Tue February 2 2021 02:12 PM	☐	1
Addendum_3_ Grounds_Maintenance_Equipment_RFP_031121 Thu January 21 2021 03:47 PM	☐	2
Addendum_2_ Grounds_Maintenance_Equipment_RFP_031121 Wed January 20 2021 02:02 PM	☐	1
Addendum_1_ Grounds_Maintenance_Equipment_RFP_031121 Tue January 19 2021 03:36 PM	☐	1

Attachment: Wegman sourcewell (RES-2024-621 : 61" Turf Tiger Mower CRS #4962)

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Comptroller
Initiated by: **Daryl Bramer**
Co-Sponsored by:

DOC ID: 29244 **RESOLUTION 2024-622** **ADOPTED**

Budget Transfers and Amendments

For July 22, 2024 Town Board Agenda

To: Town Board
From: Office of Town Comptroller
Date: 07/17/2024
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 - 2024

FROM:	***TO:***
N2125.1000 AMH CDBG Admin- Personal Svcs $15,836.03 N2125.8030 FICA $2,201.23	N2125.1300 Longevity $3,130.00 N2125.1400 Vacation Buyback $663.81 N2125.4050 Mileage $61.42 N2125.8010 Retirement $1,521.44 N2125.8050 Hospital Ins. $10,519.03 N2125.8051 Dental $1,978.16 N2125.8052 Vision $163.40
Requested per department to clean up budget.	
N2242.4000 HOME Acq- Contractual $19,904.42 *Requested per department.*	N2241.4000 Contractual $19,904.42
A1990.4000 General Fund - Contingency $6,500 *To transfer funds from contingency to cover purchase of police vehicle. Insurance proceeds were recorded at the end of 2023. For CRS#4953.*	A3120.2200 Police Vehicles $6,500

BUDGET AMENDMENTS - 2024

INCREASE:	***INCREASE:***
N2323.02785 CDBG & VG- PI $170.00 *To recognize Community Development program income from 169 Hillcrest, Amherst.*	N2323.4000 Contractual $170.00
KP2411.03089 DCJS Law Enforcement Grant $931,000.00 *To recognize money for Division of Criminal Justice Services (DCJS) Law Enforcement Technology (LETECH) grant.*	KP2411.2130 Computer Equip $3,500.00 KP2411.2290 2-Way Radio $337,500.00 KP2411.2450 Public Safety Equip $584,000.00 KP2411.2460 Vehicle/Body Camera $6,000.00
N2323.02401 CDBG & VG- Interest $547.96 N2340.02401 HOME- Interest $6,522.10 *To account for interest earned on CDBG & HOME accounts.*	N2323.4000 Contractual $547.96 N2340.4000 Contractual $6,522.10

7/22/2024
Consent

FINANCIAL IMPACT:

See Descriptions.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 29170 **RESOLUTION 2024-623** **ADOPTED**

Award Bid #2024024 Garbage & Recycling Totes and Parts - CRS #4903 & 4904

WHEREAS, the Contract Compliance and Administration Department received bids on June 20, 2024 for Bid #2024024 for Garbage and Recycling Totes and Parts; and

WHEREAS, the bid process resulted in a response from five (5) 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 the bid to Otto Environmental Systems and Cascade Cart Solutions as per the attached bid tabulation; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contracts with Otto Environmental Systems and Cascade Cart Solutions; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the fact that we are currently without a contract.

7/22/2024
Consent

FINANCIAL IMPACT:

C8161-4531; Amount TBD.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

Bid #2024024 Garbage Recycling Totes and Parts

Low Bidder			Vendor Name:	Otto Environmental Systems Primary Pricing - Blue Carts		Otto Environmental Systems **Optional Pricing - Black Carts**		Schaefer Plastics of North America		Rehrig Pacific		Macro Plastics dba IPL Macro		Cascade Cart Solutions			
Item #	QTY	U/M		Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price		
			PART I														
1	2500	EA	95-Gallon Garbage Totes as specified or equivalent. The Town may use up to 2,500 95-Gallon Garbage Totes with lids over a **two**-year period. Estimated quantities only and are not guaranteed	$49.04	$122,600.00	$47.04	$117,600.00	$50.12	$125,300.00	$54.00	$135,000.00	$54.28	$135,700.00	$52.52	$131,300.00		
2	2500	EA	65-Gallon Garbage Totes as specified or equivalent. The Town may use up to 2,500 65-Gallon Garbage Totes with lids over a three-year period. Estimated quantities only and are not guaranteed	$45.13	$112,825.00	$43.63	$109,075.00	$44.04	$110,100.00	$49.75	$124,375.00	$49.72	$124,300.00	$48.28	$120,700.00		
3	1000	EA	35-Gallon Garbage Totes as specified or equivalent. The Town may use up to 1,000 35-Gallon Garbage Totes with lids over a three-year period. Estimated quantities only and are not guaranteed	$35.96	$35,960.00	$31.96	$31,960.00	$39.98	$39,980.00	$45.15	$45,150.00	$37.31	$37,310.00	$39.77	$39,770.00		
			Tote Sub-Total		$271,385.00		$258,635.00		$275,380.00		$304,525.00		$297,310.00		$291,770.00		
			PART II - PARTS PRICING MUST BE LISTED BELOW, attach additional pages in the same format if necessary.														
4	500	EA	Rehrig 95-gallon lids as specified or equivalent	$17.00	$8,500.00	$17.00	$8,500.00	NO BID	NO BID	$21.00	$10,500.00	NO BID	NO BID	NO BID	NO BID		
5	500	EA	Rehrig 95-gallon axle as specified or equivalent	$9.00	$4,500.00	$9.00	$4,500.00	NO BID	NO BID	$8.00	$4,000.00	NO BID	NO BID	NO BID	NO BID		
6	500	EA	Rehrig 95-gallon wheels as specified or equivalent	$4.50	$2,250.00	$4.50	$2,250.00	NO BID	NO BID	$12.00	$6,000.00	NO BID	NO BID	NO BID	NO BID		
7	500	EA	Rehrig 65-gallon lids as specified or equivalent	$17.00	$8,500.00	$17.00	$8,500.00	NO BID	NO BID	$18.00	$9,000.00	NO BID	NO BID	NO BID	NO BID		
8	500	EA	Rehrig 65-gallon axle as specified or equivalent	$9.00	$4,500.00	$9.00	$4,500.00	NO BID	NO BID	$8.00	$4,000.00	NO BID	NO BID	NO BID	NO BID		
9	500	EA	Rehrig 65-gallon wheels as specified or equivalent	$4.50	$2,250.00	$4.50	$2,250.00	NO BID	NO BID	$12.00	$6,000.00	NO BID	NO BID	NO BID	NO BID		
10	250	EA	Rehrig 35-gallon lids as specified or equivalent	$13.00	$3,250.00	$13.00	$3,250.00	NO BID	NO BID	$19.00	$4,750.00	NO BID	NO BID	NO BID	NO BID		
11	250	EA	Rehrig 35-gallon axle as specified or equivalent	$8.00	$2,000.00	$8.00	$2,000.00	NO BID	NO BID	$8.00	$2,000.00	NO BID	NO BID	NO BID	NO BID		
12	250	EA	Rehrig 35-gallon wheels as specified or equivalent	$4.00	$1,000.00	$4.00	$1,000.00	NO BID	NO BID	$12.00	$3,000.00	NO BID	NO BID	NO BID	NO BID		
			Rehrig Parts Sub-Total		$36,750.00		$36,750.00				$49,250.00						
13	500	EA	Cascade 95-gallon lids as specified or equivalent	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	$14.20	$7,100.00		
14	500	EA	Cascade 95-gallon axle as specified or equivalent	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	$3.50	$1,750.00		
15	500	EA	Cascade 95-gallon wheels as specified or equivalent	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	$5.50	$2,750.00		
16	500	EA	Cascade 65-gallon lids as specified or equivalent	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	$13.50	$6,750.00		
17	500	EA	Cascade 65-gallon axle as specified or equivalent	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	$3.00	$1,500.00		
18	500	EA	Cascade 65-gallon wheels as specified or equivalent	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	$5.50	$2,750.00		
19	250	EA	Cascade 35-gallon lids as specified or equivalent	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	$11.50	$2,875.00		
20	250	EA	Cascade 35-gallon axle as specified or equivalent	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	$3.00	$750.00		
21	250	EA	Cascade 35-gallon wheels as specified or equivalent	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	$5.50	$1,375.00		
			Cascade Parts Sub-Total												$27,600.00		
22	500	EA	Schaefer 95-gallon lids as specified or equivalent					$12.00	$6,000.00								
23	500	EA	Schaefer 95-gallon axle as specified or equivalent					$1.00	$500.00								
24	500	EA	Schaefer 95-gallon wheels as specified or equivalent					$5.00	$2,500.00								
25	500	EA	Schaefer 65-gallon lids as specified or equivalent					$11.00	$5,500.00								
26	500	EA	Schaefer 65-gallon axle as specified or equivalent					$1.00	$500.00								
27	500	EA	Schaefer 65-gallon wheels as specified or equivalent					$5.00	$2,500.00								
28	250	EA	Schaefer 35-gallon lids as specified or equivalent					$11.00	$2,750.00								
29	250	EA	Schaefer 35-gallon axle as specified or equivalent					$1.00	$250.00								
30	250	EA	Schaefer 35-gallon wheels as specified or equivalent					$4.00	$1,000.00								
									$21,500.00								
			No Additional Charges will be Considered														

NOTES:

Otto Environmental: Bid Part 1 Items 1-12 navy blue carts. Also noted Item 1: MSD 95g "Momentum" container; Item 2: MSD 65g "Edge" Container; Item 3: MSD 35g "Edge" container. Optional pricing was also provided for "Optional" Pricing - Items 1-12 for "Black" Carts. Item 1: MSD 95g "Momentum: container; Item 2: MSD 65g "Edge" container; Item 3: MSD 35g "edge" container. Some exceptions were checked on pages 5-12.

Schafer Plastics: - Parts pricing is for Schaefer parts. Shaefer parts are not compatible with carts prodced by other manufacturers. Replacements listed for Rehrig as follows: Item 4: Schaefer 95Q lid; Item 5: Schaefer 95Q lid axle; Item 6: Schaefer 95Q wheel; Item 7: Schaefer 65M lid; Item 8: Schaefer 65M lid axle; Item 9: Schaefer 65M wheel; Item 10: Schaefer 35B lid; Item 11: Schaefer 35B lid axle; Item 12: Schaefer 35B wheel

Macro Plastics dba IPL Macro: Some exceptions were checked on pages 5-12.

Cascade Cart Solutions: Some exceptions were checked on pages 5-12.

Attachment: Bid Tab Garbage and Recycling Totes & Parts (RES-2024-623 : Award Bid #2024024 Garbage & Recycling Totes and Parts - CRS #4903 & 4904)

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 29216 **RESOLUTION 2024-624** **ADOPTED**

Award Bid #2024029 for Police Vehicles CRS #4953

WHEREAS, the Contract Compliance and Administration Department received bids on July 11, 2024 for Bid #2024029 Police Vehicles; and

WHEREAS, the bid process resulted in a response from three (3) 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 Delacy Ford; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Police Department to trade in the vehicle listed in the table below:

CAR #	YEAR	VIN	MAKE/MODEL	MILEAGE	Delacy Ford
179	2006	1FTSX21546EC85825	Ford F250	84,519	$2,600.00
		TOTAL			**$2,600.00**

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with Delacy Ford, pending successful completion of the contract routing process due to the long lead time.

7/22/2024
Consent

FINANCIAL IMPACT:

A3120-2200 - $95,130.00

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

Bid #2024029 Police Vehicles

Low Bidder		Vendor Name:	Nielsen Ford of Morristown		Delacy Ford		Falls Dodge dba Joe Cecconis	
Item #	QTY		Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	1	2024 or Newer Ford F-250 Super Duty 4x4 (HX Blue Metallic)	$47,585.00	$47,585.00	$46,985.00	$46,985.00	$46,195.00	$46,195.00
2	1	2024 or Newer Ford Transit LR AWD 148" Wheel base (LK - Dark Blue)	$51,341.00	$51,341.00	$50,745.00	$50,745.00	$47,695.00	$47,695.00
3	1	Total Trade-In Value - Enter individual trade in values in the table on page 8 and total of all trade-ins here.		-$2,600.00		-$2,600.00		-$2,000.00
		Estimated lead time between order and delivery:	Delivery is dependent on Manufacture production & scheduling.			90-150 Days		Under 2 weeks for truck/Van 6-9 months
		Price quoted to be delivered price. No additional freight will be allowed.						
		Net Bid		$96,326.00		$95,130.00		$91,890.00

Notes:

Falls Dodge DBA Joe Cecconis: Item #1 - Replaced Ford F-250 with Ram 2500. Also, Unit price and Total price do not match for Quantity of 1. Item #2 - Replaced Ford Transit Van with Ram 2500 Promaster. Total Net Bid minus trade total is incorrect. Also, there is an Exceptions Sheet. The specification did not call for "or equivalents" to be bid.

Falls Dodge has been rejected due to failure to bid as per specifications.

Attachment: Police Vehicles Bid Analysis (RES-2024-624 : Award Bid #2024029 for Police Vehicles - CRS

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Economic Development
Initiated by: **Megan Winnert**
Co-Sponsored by:

DOC ID: 29245 **RESOLUTION 2024-625** **ADOPTED**

Authorization to Submit MS4 Mapping Grant Application

Purpose: to authorize the Supervisor to submit a grant application for State funding assistance to complete MS4 Mapping Phase II

WHEREAS, The Town of Amherst adopted a revised Stormwater Management Plan in 2024 per GP-0-24-001; and

WHEREAS, The Town needs updated field data to develop accurate GIS mapping to improve conveyance system components in identified problem areas and better manage the stormwater system

WHEREAS, MS4 Mapping Phase II will start the creation of accurate GIS mapping of the existing stormwater management system which will allow the Town to schedule required maintenance and more easily keep track of system updates and illicit discharges.

WHEREAS, the Town Board desires to provide the MS4 Mapping Phase II for its residents at the lowest possible cost to Town taxpayers; and

WHEREAS, the Town Board commits to providing the required local matching funds of $7,500 to ensure the timely implementation of the proposed project;

NOW THEREFORE BE IT RESOLVED, Brian J. Kulpa, Supervisor of the Town of Amherst, is hereby authorized and directed to file an application for funds from the New York State Department of Environmental Conservation in accordance with the provisions of the Environmental Protection Fund program, in an amount not to exceed $67,500 and, upon approval of said application for funds to enter into and execute a project to execute the Master Contract with the State for such financial assistance to the Town of Amherst for the MS4 Mapping Phase 1I.

NOW BE IT FURTHER RESOLVED that Brian J. Kulpa, Supervisor of the Town of Amherst be authorized and directed to complete the necessary application, forms, and attachments to be submitted through the New York State Consolidated Funding Application for the purpose of securing this grant.

7/22/2024
Consent

FINANCIAL IMPACT:

Local Matching Funds of $7,500

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Economic Development
Initiated by: **Megan Winnert**
Co-Sponsored by:

DOC ID: 29246 **RESOLUTION 2024-626** **ADOPTED**

Authorize Supervisor to Submit WQIP Grant Application - Funding WPCF Oxygen Separation Plant

Purpose: *To authorize the Supervisor to submit a grant application for State funding assistance for the construction of a new pure oxygen separation plant at the Town's Water Pollution Control Facility (WPCF).*

WHEREAS, the Town needs to make investments relative to the replacement of critical process infrastructure at the WPCF; and

WHEREAS, such investments in plant infrastructure are necessary to maintain the compliance record of the facility and maintain water quality in the Tonawanda Creek watershed; and

WHEREAS, the project is determined to be a Type II action under the provisions of SEQR according to Part 617.5, therefore no further environmental review is required and a short environmental assessment form for the project is attached; and

WHEREAS, the total project costs are estimated to be $9,700,000;

NOW THEREFORE BE IT RESOLVED, that the Town Board commits to providing the required local matching funds for the Water Quality Improvement Projects (WQIP) program not to exceed 25% of the total project costs; and

BE IT FURTHER RESOLVED, Brian Kulpa, Supervisor of the Town of Amherst, is hereby authorized and directed to file an application for funds from the New York State Department of Environmental Conservation through their Water Quality Improvement Projects (WQIP) program and, upon approval of said application for funds to enter into and execute a project agreement with the State for such financial assistance to the Town of Amherst for replacement of the pure oxygen separation plant at its WPCF; and

BE IT FURTHER RESOLVED that the Supervisor is authorized and directed to complete the necessary application, forms, and attachments to be submitted through the New York State Consolidated Funding Application for the purpose of securing this grant.

7/22/2024
Consent

FINANCIAL IMPACT:

Local Match not to exceed 25% of $9,700,000

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
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Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29232 **RESOLUTION 2024-627** **ADOPTED**

Authorization to Install One (1) Fire Hydrant Royal Park Sports Complex Improvements TOA Project No. 2019.055

We are hereby requesting authorization to have one (1) fire hydrant installed at the above location.

During the course of construction associated with the above referenced project and in an effort to comply with all fire safety codes, the project is required to install one (1) additional fire hydrant onsite. Under the Lease Management Agreement, a Resolution from the Town Board is required for Erie County Water Authority to accept this installation. The Town shall pay the annual maintenance fee of $160.80 per fire hydrant for a total of $160.80.

May we have your approval for the installation of one (1) additional fire hydrant?

Thank you for considering this request.

7/22/2024
Consent

FINANCIAL IMPACT:

The Town shall pay the annual maintenance fee of $160.80 per fire hydrant for a total of $160.80.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29233 **RESOLUTION 2024-628** **ADOPTED**

Public Improvement Permit No. 3121 Street Lights – Harding Road Subdivision 2005.101/SUB-2022-01

Attached please find an application for a Street Light Public Improvement Permit properly filled out. This permit will include the installation of five (5) public street lights. The permit fee and inspection cost amount to $7,650.00.

We are sending two (2) checks to the Comptroller's Office, one for $150.00 to be retained as a Permit Fee and one in the amount of $7,500.00 which will be held in escrow to cover the inspection costs.

At this time, we are asking for your approval of the application for PIP No. 3121.

Thank you for considering this request.

7/22/2024
Consent

FINANCIAL IMPACT:

The permit fee and inspection cost amount to $7,650.00.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

APPLICATION FOR PERMIT TO CONSTRUCT A PUBLIC/PRIVATE IMPROVEMENT

TO THE HONORABLE TOWN BOARD:
Town of Amherst, Erie County, N.Y.

Date: July 15, 20 24

Application is Hereby Made for Permission to Construct:

	Public	Private
Pavement & Curbing	☐	☐
Waterline	☐	☐
Sanitary Sewer	☐	☐
Storm System	☐	☐
Street Lighting	☒	☐

Estimated Cost of Construction $ 75,000.00

Address and/or Subdivision Name: Harding Road Subdivision **Town of Amherst Job:** 2005.101/SUB-2022-01

Description and location of improvements including quantities: 5 Street lights

	Name	Address	Phone
Owner:	Harding Road LLC (David Capretto)	470 Cayuga Road, Cheektowaga, NY 14225	716-688-5597
Engineer/Designer:	Chris Woods	487 Main Street, Buffalo, NY 14203	716-842-3165
Contractor:	Simoncelli Electric		

This application must be submitted in quadruplicate along with four (4) full size copies of construction drawings showing the extent of the improvements which will be incorporated into and made part of this application. In the event the drawings submitted contains other facilities not covered by this permit, then those covered by this permit must be designated by coloring so that a clear-cut picture of the work under this permit is easily determined. **A PDF copy of the colored construction plans must also be provided.** The lighting PIP requires submission of design plans prepared by a **licensed electrical engineer** and in accordance with Town and National Grid requirements for **review and approval.**

Work under this permit shall be started within **60 days** from the date of approval thereof. Work under this permit shall be completed within **1 year** of the approval thereof. Any request for extension shall be addressed in writing to the Town Board of the Town of Amherst.

Fees from this permit shall be covered by **separate** checks made payable to the Town of Amherst in the amounts shown below and as set forth by the Town Board. The inspection fee is non-refundable and shall cover all work under this permit at no additional cost to the Town of Amherst. The inspection fee may be increased by a commercially reasonable amount during or after implementation of the improvements at the discretion of the Town Engineer due to unforeseen field conditions or complexity of design. All construction work is to be done during normal and usual working hours. Any deviation from this must be compensated by the payment of additional fees. Digital and full size hard copies of the as-built drawings shall be provided upon completion of the work. The lighting as-builts must contain field verified survey data in AutoCAD or GIS format for all electrical components including conduits, poles with numbering, power sources, and handhole locations.

In consideration of the granting of the permit hereby petitioned for, the undersigned hereby agrees that if such a permit is granted, they will comply with the terms thereof, the Laws of the state of New York, the Ordinances of the Town of Amherst and Regulations of the various departments to the Town and State of New York, and that they shall notify the Engineering Department forty-eight (48) business hours in advance of commencing any work under this permit.

The undersigned hereby certifies that all of the information contained in this petition is correct and true.

ITEM		FEE
PERMIT		$150.00
INSPECTION	10% of Estimate of Cost of Construction	$7,500.00
VIDEO INSPECTION - SANITARY		
$1.50 Per Linear Foot		
TOTAL FEE		$7,650.00

Owner sign Here

David J Capretto
Please Print Name

470 Cayuga Road
Address

Cheektowaga | NY | 14225 | 716 688-5597
City | State | zip | Phone

Subscribed and sworn to before me this 16th Day of July 20 24

KELLY A. LICHT
Notary Public, State of New York
Qualified in Erie and Niagara County
No. 01LI5015428
Commission Expires July 19, 2025

Notary Public, Erie County, New York

I do certify that I have examined the foregoing petition and sketch and certify that they conform to Ordinances of the Town of Amherst.
Director of Engineering Services: _____

Receipt is hereby acknowledged of the sum of $ _____, being the required fees established by the Town Board of the Town of Amherst, NY

Public/Private Improvement Permit No. 3121

Town Clerk

Rev. 9/12/2023

Attachment: PIP 3121 Harding Road Subdivision - Public Lights (RES-2024-628 : Street Lights – Harding Road Subdivision)

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Highway
Initiated by: **Stephen Bryan**
Co-Sponsored by:

DOC ID: 29214 **RESOLUTION 2024-629** **ADOPTED**

Postage Meter Rental and Service Agreement with Quadient Leasing Inc and Lineage Inc. CRS #4952

The Highway Department is requesting the Town Board to authorize the Supervisor to sign the attached sixty (60) month postage rental and service agreements with Quadient Leasing, 478 Wheelers Farms Road, Milford, CT 06461 and Lineage-Buffalo, 385 North French Road, Amherst, NY 14228.

The cost for rental ($64.53) and service ($21.00) for 60 months is $5,131.80. Funding is available to pay for this purchase order in account A5010:4025.

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes the Supervisor to sign this contract. This contract approval is pending successful completion of the Contract Routing System (CRS#4952) and the Town Attorney approval.

7/22/2024
Consent

FINANCIAL IMPACT:

A5010 : 4025 $85.53 per month at 60 months for rent and service; total $5,131.80

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29219 **RESOLUTION 2024-630** **ADOPTED**

Records Inventory Clerk/Town Clerk

Please appoint a Records Inventory Clerk to the Town Clerk's Office. Provisional, pending satisfactory completion of a Civil Service Examination. Effective July 23, 2024 at an annual salary of $43,348, Grade 4, Step G for Tracy Metro.

Contingent upon completing all pre-employment requirements.

Replacing an employee who resigned.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
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Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29221 **RESOLUTION 2024-631** **ADOPTED**

Program Leader (Youth)/Youth & Recreation

Please appoint a Program Leader (Youth) to the Youth and Recreation Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective July 23, 2024 at an annual salary of $38,674, Grade 7, Step A for Nicholas Lisman.

Contingent upon completing all pre-employment requirements.

Please authorize a six (6) month residency waiver.

Replacing an employee who is being promoted.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
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Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29222 **RESOLUTION 2024-632** **ADOPTED**

Recreation Supervisor/Youth & Recreation

Please appoint a Recreation Supervisor to the Youth and Recreation Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective July 23, 2024 at an annual salary of $50,543, Grade 9, Step E for Marcelle Simpson.

This is a promotion for an employee currently serving as Program Leader (Youth).

Replacing an employee who retired.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29223 **RESOLUTION 2024-633** **ADOPTED**

Recreation Supervisor/Youth & Recreation

Please appoint a Recreation Supervisor to the Youth and Recreation Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective July 23, 2024 at an annual salary of $53,906, Grade 9, Step G for Jennifer Reed.

This is a promotion for an employee currently serving as Program Leader (Youth).

Replacing an employee who retired.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29224 **RESOLUTION 2024-634** **ADOPTED**

Youth Service Program Coordinator/Youth & Recreation

Please appoint a Youth Service Program Coordinator to the Youth and Recreation Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective July 23, 2024 at an annual salary of $53,906, Grade 9, Step G for Michele Holmes.

This is a promotion for an employee currently serving as Program Leader (Youth).

Replacing an employee who retired.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29225 **RESOLUTION 2024-635** **ADOPTED**

Youth Service Program Coordinator/Youth & Recreation

Please appoint a Youth Service Program Coordinator to the Youth and Recreation Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective July 23, 2024 at an annual salary of $52,850, Grade 9, Step F for Alan Laudico.

This is a promotion for an employee currently serving as Program Leader (Youth).

Replacing an employee who retired.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
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Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29226 **RESOLUTION 2024-636** **ADOPTED**

Assistant Code Enforcement Officer/Building Department

Please appoint an Assistant Code Enforcement Officer to the Building Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective July 23, 2024 at an annual salary of $49,943, Grade 12, Step B for Nicholas Barnas.

This is a Permanent appointment for a current employee who has been serving Provisionally.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

Amherst Town Board
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Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29247 **RESOLUTION 2024-637** **ADOPTED**

Police Officer/Police Department (3 Positions)

Please appoint three (3) Police Officers to the Police Department. Permanent from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII(c). Effective July 24, 2024 at an annual salary of $67,171 for Tyler Thurn, Jacob Abdallah & Matthew Wall.

Replacing employees who have retired.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

Amherst Town Board
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Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29248 **RESOLUTION 2024-638** **ADOPTED**

Police Officer/Police Department (2 Positions)

Please appoint two (2) Police Officers to the Police Department. Permanent from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII(c). Effective July 24, 2024 at an annual salary of $67,171 for Aaron Brown & Tyler Smith.

Please authorize a six (6) month residency waiver.

Replacing an employee who retired and an employee who resigned.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29249 **RESOLUTION 2024-639** **ADOPTED**

Police Officer/Police Department

Please appoint a Police Officer to the Police Department. Permanent from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII(c). Effective July 24, 2024 at an annual salary of $67,171 for Julia Dombrowski.

Please authorize a six (6) month residency waiver.

Replacing an employee who resigned.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29250 **RESOLUTION 2024-640** **ADOPTED**

Police Officer/Police Department

Please appoint a Police Officer to the Police Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII (c). Effective July 24, 2024 at an annual salary of $67,171 for Emily Watson.

Contingent upon successful completion of all pre-employment requirements and Erie County Civil Service Rules and Regulations.

Replacing an employee who resigned.

7/22/2024
Consent

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 29252 **RESOLUTION 2024-641** **ROLL CALL VOTE (ADOPTED)**

Appeal of Denied Certificate of Appropriateness for St. Mary Motherhouse Located at 400 Mill Street

WHEREAS, the property known as the St. Mary's Motherhouse located at 400 Mill Street is designated by the Town of Amherst as a local historic landmark; and

WHEREAS, the owner and/or agents for owners of the property located at 400 Mill Street applied for a Certificate of Appropriateness Pursuant to Section 121-7 of Chapter 121 of the Town of Amherst Code (Historic Preservation) to replace the existing slate roof; and

WHEREAS, the Historic Preservation Commission (HPC) denied the request for a certificate of appropriateness to use and install the EcoStar synthetic slate product to replace the existing slate roof on the building; and

WHEREAS, this Board, pursuant to Section 121-15 of the Historic Preservation Chapter, has been petitioned to review said denial of a certificate of appropriateness and held a public hearing on the appeal on July 8, 2024; and

WHEREAS, upon review of the information and materials before the HPC, the Town Board makes the following findings regarding the proposed use of the EcoStar synthetic slate product as a replacement of the existing slate roof:

1. In accordance with U.S. Department of the Interior Preservation Briefs 16: *The Use of Substitute Materials on Historic Building Exteriors*, "the Standards for Rehabilitation are to be applied in a reasonable manner, taking into account economic and technical feasibility with inherent flexibility that facilitates their application to diverse projects, historic properties, and conditions;"

2. The proposed EcoStar synthetic slate product matches the appearance and physical properties of the existing slate roof and can be maintained to assure the continued protection of the building;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Amherst hereby vacates the findings of the HPC and, pursuant to the authority enumerated in Section 121-15 of the Historic Preservation Ordinance, issues a certificate of appropriateness for the use of the proposed EcoStar synthetic slate product to replace the existing slate roof on the St. Mary's Motherhuose.

7/22/2024
A motion to approve was made by Deputy Supervisor Lavin, seconded by Councilmember Berger and approved 4-0-1 (Kulpa, abstain).

FINANCIAL IMPACT:

None

RESULT:	**ROLL CALL VOTE (ADOPTED) [4 TO 0]**
MOVER:	Shawn Lavin, Deputy Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Lavin, Berger, Szukala, Marinucci
ABSTAIN:	Kulpa

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 29210 **RESOLUTION 2024-642** **ADOPTED**

Request to Utilize the Distressed Properties Trust Account for Property Maintenance at 160 Campus Drive, Amherst, NY 14226

WHEREAS, the Amherst Town Board (RES 2012-825) created the Distressed Property Task Force and Distressed Property Trust Fund to address and coordinate property maintenance issues; and

WHEREAS, the Building Department was given permission in 2022 by the Town Board to demolish 160 Campus Drive due to the terrible condition of the vacant home. The Town plans on selling the vacant property in the near future; and

WHEREAS, the Planning Department would like permission to use this trust account for the property maintenance as needed; now therefore

BE IT RESOLVED, that the Town Board of the Town of Amherst authorizes the use of the Distressed Property Trust Account (T4019.4002), for property maintenance at 160 Campus Drive in Amherst for an amount not to exceed $600.00.

7/22/2024
Consent

FINANCIAL IMPACT:

The funds will be taken from the Distressed Property Trust Account (T4019.4002).

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

Amherst
Town of Amherst Planning Department
Erie County, New York

Brian J. Kulpa, Supervis
Daniel C. Howard, AIC
Planning Director
Daniel J. Ulatowski, AI
Assistant Planning Dire

July 5, 2024

Agenda of July 22, 2024

Honorable Town Board
5583 Main Street
Williamsville, NY 14221

Subject: Request to utilize the Distressed Properties Trust Account for Property Maintenance at 160 Campus Drive

Honorable Board Members:

The Building Department was given permission in 2022 by the Town Board to demolish 160 Campus Drive due to the terrible condition of the vacant home. The Town plans on selling the vacant property in the near future.

In 2012, the Town had established a distressed property trust account (T4019-4002) to be used for properties that need to be maintained by the Town. The Planning Department would like permission to use this trust account for the property maintenance in an amount not to exceed $600.00, as needed.

A resolution is attached for your consideration. Thank you for your assistance in this matter.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

X:\Community Development\New Structure\OTHER PROGRAMS and GRANTS\Neighborhood Revitalization Working Group\160 Campus\TB Resoluations (160 Campus)\160 Campus - TB Ltr _property maintenance_7.5.24.docx

Attachment: tb letter-07082024113438 (RES-2024-642 : Authorization to Use the Distressed Property Trust Account)

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 29217 **RESOLUTION 2024-643** **ADOPTED**

To Authorize the Adoption of Revisions to the Erie County PHA Consortium's Administrative Plan Governing the Section 8 Housing Choice Voucher Program

WHEREAS, the Town of Amherst is the lead agency for the Erie County Public Housing Authority (PHA) Consortium; and

WHEREAS, the Town contracts with Belmont Housing Resources for WNY, Inc. to carry out the day-to-day management of the Section 8 Housing Choice Voucher Program; and

WHEREAS, 24 CFR 982.54 requires that the PHA adopt a written Administrative Plan that establishes local policies for the administration of the program in accordance with HUD requirements; and

WHEREAS, Belmont Housing Resources is requesting approval of the updated Erie County PHA Consortium Administrative Plan to adhere to the Housing Opportunity Through Modernization Act (HOTMA) and to HUD National Standards for the Physical Inspections of Real Estate (NSPIRE); and

WHEREAS, Belmont Housing Resources is requesting approval of the updated Erie County PHA Consortium Administrative Plan that provides the inclusion of each regulation for each policy established; now therefore

BE IT RESOLVED, that the Town Board of the Town of Amherst adopts the recommended revisions to the Erie County PHA Consortium Administrative Plan.

7/22/2024
Consent

FINANCIAL IMPACT:

Adoption of the proposed resolution involves no monetary consideration and will have no impact on the Town Budget or tax rate.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

Amherst

Town of Amherst Planning Department — Erie County, New York

Brian J. Kulpa, Supervisc
Daniel C. Howard, AICI
Planning Director
Daniel J. Ulatowski, AIC
Assistant Planning Direc

July 12, 2024

Agenda of July 22, 2024

Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, New York 14221

Subject: Erie County PHA Consortium
Adoption of Revision to Section 8 Administrative Plan

Dear Board Members:

The Town of Amherst is the lead agency for the Erie County Public Housing Authority (PHA) Consortium, thus making the federal Section 8 Housing Choice Voucher Program available to residents in the 42 member communities of Erie County. The day-to-day management of the program is handled by our administrator: Belmont Housing Resources for WNY, Inc. (Belmont).

Belmont is requesting approval of the updated Erie County PHA Consortium Administrative Plan which incorporates changes required by the Housing Opportunity Through Modernization Act of 2016 (HOTMA). The proposed changes will be implemented starting July 1, 2025 and is consistent with U.S. Department of Housing and Urban Development's regulatory requirements.

The updated Erie County PHA Consortium Administrative Plan also reflects new housing inspection standards that adhere to the HUD National Standards for the Physical Inspections of Real Estate (NSPIRE). The PHA will begin implementation of NSPIRE standards on October 1, 2024.

Attached for your consideration is a draft resolution and a summary of the proposed revisions for the Town Board meeting of July 22, 2024. The complete admininistrative plan is available for review in the Planning Department.

Thank you for your consideration of this request.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

X:\Community Development\New Structure\PHA\2024\TB_letter_7.22.24.docx

Attachment: pha-07162024094947 (RES-2024-643 : To Authorize the Adoption of Revisions to the Erie County PHA Consortium's Administrative

Attachment: Summary of Admin Plan Changes (RES-2024-643 : To Authorize the Adoption of Revisions to the Erie County PHA Consortium's

Summary of Admin Plan Changes

1.Format change: We followed the model plan published by Nan McKay to ensure compliance with HUD regulations regarding the Administrative Plan. This format not only ensures adherence to regulations but also clearly outlines the requirements and policies the Public Housing Agency (PHA) must follow. It specifies the PHA's discretionary policies, allowing for clear and transparent reasoning behind these policies.

2.We removed any narrative better suited for an internal procedure manual. This enhances the purpose and understanding of the Administrative Plan, making it more focused and effective.

3.Changes due to HOTMA: These changes take affect **January 1, 2025**.

Category	Before HOTMA	After HOTMA
Interim Reporting	interims will be completed for all changes in family's income or household composition	The PHA must conduct an interim any time the family's adjusted income is estimated to increase by 10% or more. However, the PHA may not consider earned income in estimating whether adjusted income has increased, unless the family previously received an interim decrease during the same certification period
Streamlined Annual Reviews	Not applicable	Households with less than 90% fixed income: PHAs can use a streamlined process for annual income recertifications. This means PHAs can reduce the administrative burden by verifying only a portion of the income or using less detailed documentation, as specified by HUD guidelines.
Earned Income Disregard (EID)	Certain earned income increases excluded for a period	EID eliminated
Medical Expense Deduction	Deduct expenses exceeding 3% of income	Deduct expenses exceeding 10% of income
Standard Deduction for Elderly/Disabled Families	$400 Standard Deduction	Deduction adjusts January 1st based on inflation
Dependent Deduction	$480 per dependent	Deduction adjusts January 1st based on inflation

Imputed Asset Income	Imputed income calculation if net assets > $5,000	Imputed income calculation if net assets > $50,000
Exclusion of Temporary Income	Varies by PHA policy	Excludes temporary, nonrecurring, or sporadic income
Educational Scholarships and Grants	Varies by PHA policy	Excludes scholarships and grants used for tuition and education
Calculating Income	All income calculated using anticipated income method	Calculating income at admission and interim using anticipated income method, calculating income at annual reexam using prior year income method

4. NSPIRE Changes:

We did update most of our admin plan last year to prepare for NSPIRE 's full implementation **October 1, 2024**. Before is a summary of changes:

Category	HQS Inspections	NSPIRE Inspections
Inspection Frequency	Annual inspections required for all units	Risk-based approach with less frequent inspections for high-performing properties
Inspection Focus	Checklist of basic housing quality standards	Comprehensive assessment of health, safety, and functional condition
Inspection Criteria	Pass/fail criteria based on specific items	Point-based scoring system evaluating the overall condition
Deficiency Categorization	Categorized as "life-threatening" or "non-life-threatening"	Categorized as "severe," "major," or "minor" deficiencies
Repair Timeframes	24 hours for life-threatening, up to 30 days for non-life-threatening issues	Timeframes vary based on severity of the deficiency
Tenant Responsibilities	Limited tenant responsibilities outlined	More emphasis on tenant education and responsibilities
Inspector Training	Basic training required for HQS inspectors	Enhanced training and certification for NSPIRE inspectors
Technology Use	Limited use of technology, primarily manual inspections	Increased use of technology for data collection and reporting

Attachment: Summary of Admin Plan Changes (RES-2024-643 : To Authorize the Adoption of Revisions to the Erie County PHA Consortium's

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 29211 **RESOLUTION 2024-644** **ADOPTED**

Digital Surveillance Solutions (DSS) (CRS #4879) Security Repairs & Upgrades to Town Buildings

TOWN BOARD AGENDA ITEM: July 22, 2024

TO: **Town Board**

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

RE: **Digital Surveillance Solutions (DSS) (CRS #4879)**
Security Repairs & Upgrades to Town Buildings

Kindly adopt a resolution authorizing the Supervisor to adopt and execute the attached contract between the Town of Amherst (Police) and Digital Surveillance Solutions, Inc. (DSS), 485 Cayuga Road, Buffalo New York, 14225 with regard to the above-entitled matter. This agreement has successfully completed the Contract Routing System.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: July 22, 2024)**

7/22/2024
Consent

FINANCIAL IMPACT:

KP2323 .2150: $61,434.14

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

digital surveillance solutions

Rich Phillips
Technical Services Officer
Town of Amherst
5583 Main Street
Williamsville, NY 14221

5/14/2024

Dear Rich Phillips,

Digital Surveillance Solutions, Inc. (DSS) is pleased to present this proposal for supplying, installing, and configuring additions. Please find the following scope of work.

Scope of work:

Contract to troubleshoot and fix issues at the following locations:

500 John James Audubon Pkwy
1.) Troubleshoot Employee entrance - rear door. Replace strike if necessary
2.) Upgrade existing camera at "Secure Garage" to a quad-lens camera
3.) Upgrade existing camera at "SVU entrance" to a quad-lens camera
4.) Upgrade existing camera on NorthEast corner rear facing dumpsters to a quad-lens camera. DSS to remove bullet camera and provide to APD for future install.
5.) Upgrade existing camera on NorthWest corner covering gate to a quad-lens camera. DSS to leave existing bullet camera.
6.) Troubleshoot "Front Entrance Awning" camera and replace if necessary.
7.) Upgrade existing camera on SouthWest corner to a quad-lens camera.
8.) Install camera provided by APD at "Sally Court Entrance". DSS to provide mounting hardware.
9.) Troubleshoot "Interview #2" door on the second floor. Currently not releasing upon swipe. Re-cable if necessary.

Amherst PD Training Facility - 4220 Bailey Ave
1.) Troubleshoot existing camera near generator. Replace if necessary.
2.) Troubleshoot four cameras that are down on the exterior of the building. Replace if necessary.
3.) Provide and install new camera on the South exterior shoothouse. License to be added to server :MAC Address: A8-A1-59-0E-96-5D, SN: ER2039021478
4.) Troubleshoot Main Exterior door. Maglock bolts are broken and stuck in frame. DSS to replace if necessary.

Attachment: DSS Contract for CRS Routing 6.13.2024 (RES-2024-644 : DSS: Security Repairs & Upgrades to Town Buildings (CRS#4879))

digital surveillance solutions

North Forest Park - 85 N Forest Rd
1.) Reconnect camera to system. TOA went from PTP to Fiber.

Amherst Highway Department:
*****APD to provide server from "interview rooms" to Highway Department. **This is not a hybrid server so only will allow for IP cameras.**
1.) Troubleshoot cameras outside door #9, Door #7, Door#8, truck wash, tire Room, Small engine, Lunch room door, welding shop, door #4, Sign shop corner 2, rear dumpster, driveway to sign shop, sign shop corner #1, Entrance rd, parts room and parts room entrance. Replace as necessary.
2.) Repoint "carpenter camera".
3.) Install new camera mount per service ticket #55732 .

Town Hall:
1.) Replace existing Exacq server. Configure.

Misc:
1.) DSS to install replacement drives at APD and Highway Department. APD to provide drives. Cannot extend 12TB total.

Exclusions/Out of Scope:

-APD / TOA to provide all cabling and necessary conduit at new camera locations.
-DSS assumes all existing cabling in proper working order. If deemed defective, APD/TOA will need to replace or process a change order for DSS to complete the work.
-APD to provide Fiber, Power, and Network connectivity at North Forest Park.
-Amherst Highway Department to run new cable as necessary for camera replacements.

Assumptions:

1. All conduit pathways, cable pathways and critical points of access must be provided and accessible at time of work.
2. All work shall be performed Monday-Friday during normal business hours (7:00am to 5:00pm).
3. Parking on site shall be provided by client at no cost.
4. Town of Amherst will provide free and clear access to all working areas.
5. A point of contact (POC) and site access to necessary areas must be provided prior to arrival to the jobsite. This includes all areas to be under surveillance, data center(s), wiring closets and mechanical rooms and any other areas that

Attachment: DSS Contract for CRS Routing 6.13.2024 (RES-2024-644 : DSS: Security Repairs & Upgrades to Town Buildings (CRS#4879))

digital surveillance solutions

could impact the deployment of the Video Surveillance System. The POC will be the person to whom all DSS communication will be addressed and who has the authority to act for Town of Amherst in all aspects of the project. POC responsibilities includes:

a. Serve as the interface between Digital Surveillance Solutions, Inc. and Town of Amherst
b. Identify, schedule and confirm availability of support staff and management for onsite meetings (if necessary) and training.
c. Schedule meeting/training rooms as necessary.
d. Work with Digital Surveillance Solutions to administer any project change orders.
e. Obtain and provide information, data, decisions and approvals, within 1 working day of Digital Surveillance Solutions' request, unless both parties agree to an extended response time.
f. Resolve deviations from project plans that may be caused by Town of Amherst
g. Help resolve project issues, and escalate issues within Town of Amherst.

6. Any down time resulting from the lack of access or if customer scope of work not completed will not be the responsibility of Digital Surveillance Solutions and is billable at current hourly labor & travel rates.
7. Any hardware not included in DSS scope of work is to be functional and complete. If any hardware is non-functional or not complete, a change order will be required to add additional hardware of this scope. If change order is not provided to DSS in a timely manner, additional hours will be billed at current hourly labor & travel rates.
8. Installation will conform to all State, County and local codes.
9. All electrical supply to be provided by Town of Amherst.
10. Environmental conditions required by hardware manufacturers will be maintained by Town of Amherst for the term of the system warranty. If environmental conditions required by manufacture are not maintained, repairing damage to equipment will be at the expense of the Town of Amherst.
11. Town of Amherst to collaborate with DSS on the creation of the business rules that govern the utilization of the video surveillance system.

Terms:

1. Town of Amherst to provide an adequate path for loading equipment and materials into the facility. This includes, but not limited to, a loading dock, ramp, freight elevator, etc. Additionally, a secure location will be provided by Town of Amherst or General Contractor to store material and equipment on site during the installation process.

Attachment: DSS Contract for CRS Routing 6.13.2024 (RES-2024-644 : DSS: Security Repairs & Upgrades to Town Buildings (CRS#4879))

digital surveillance solutions

2. Upon delivery to customer site, Town of Amherst assumes responsibility for the safeguard and condition of all delivered materials.
3. Any damage or loss to Digital Surveillance Solutions installation by others will be billed to client. DSS will not make any corrections to damage until written approval has been provided to DSS by Town of Amherst with signature of authorized party. If authorization is not given to DSS in a timely manner, DSS will not be held responsible for any delays.
4. Town of Amherst is responsible for removal of old product, which may include but not limited to, cameras, cabling, recording equipment i.e. DVRs, servers, etc.

Warranty:

1. Digital Surveillance Solutions provides a sixty (60) day warranty on labor.
2. Warranty will begin upon completion of DSS scope items. Warranty will not be delayed due to system dependencies not in scope for DSS. Multi phased projects will have warranties that commence at completion of each phase.
3. Equipment warranty is established by the manufacturers unless specified otherwise in the scope of work.
4. Should any defects develop during the warranty period due to workmanship or equipment failure, Digital Surveillance Solutions shall repair to original working order at no expense to client.

Warranty exclusions:

1. Customer furnished equipment, cables, or connectors.
2. Modification of system by others without the written consent and approval by Digital Surveillance Solutions. Modification(s) of the system by any vendor without written consent of Digital Surveillance Solutions will render the warranty null and void. Repairs and replacements will be subject to Time & Materials at Digital Surveillance Solutions current labor rates at the time of repairs.
3. System abuse or misuse.
4. Floods, fires, earthquakes, lightning strikes, or other events beyond the control of Digital Surveillance Solutions.
5. Environmental conditions required by hardware manufacturers will be maintained by Town of Amherst for the term of the system warranty. If environmental conditions required by manufacture are not maintained, repairing damage to equipment will be at the expense of the Town of Amherst.

I appreciate the opportunity to submit this proposal. If you have any questions, comments, or require further details, feel free to contact me.

Best Regards,

Attachment: DSS Contract for CRS Routing 6.13.2024 (RES-2024-644 : DSS: Security Repairs & Upgrades to Town Buildings (CRS#4879))

digital surveillance solutions

Jessica Pitarresi
Digital Surveillance Solutions
485 Cayuga Road
Buffalo, NY 14225

Attachment: DSS Contract for CRS Routing 6.13.2024 (RES-2024-644 : DSS: Security Repairs & Upgrades to Town Buildings (CRS#4879))

digital surveillance solutions

DSS & TOA contract for repairs

Prepared For:
Rich Phillips
Town of Amherst
5583 Main Street
Williamsville, NY 14221
United States
rphillips@apdny.org

Prepared By:
Jessica Pitarresi
Digital Surveillance Solutions, Inc.
485 Cayuga Road
Buffalo, NY 14225
jessicap@dssvideo.com
716-597-0369

Quote #	Sales Rep	Payment Terms	State Contract
DSSQ5837	Jessica Pitarresi	30	PT68787

Item Number		Description	QTY	Unit Price	Total Price
APD					
9400-630	HES	9400 Series Electric Strike, Satin Stainless Steel, No Monitoring	1	$460.00	$460.00
02633-001	Axis/2N	AXIS P3735-PLE	1	$1,409.06	$1,409.06
02635-001	Axis	AXIS P3738-PLE	4	$1,785.06	$7,140.24
01513-001	Axis	AXIS T94N01D PENDANT KIT	6	$93.06	$558.36
5504-821	Axis	AXIS T91D61 WALL MOUNT	6	$93.06	$558.36
5017-641	Axis	AXIS T91A64 BRACKET CORNER	6	$83.66	$501.96
1600-CLB-630	HES	1600 Series Electric Strike, Complete Pac for Latchbolts, Satin Stainless Steel	1	$511.20	$511.20
4461030	Windy City Wire	4 Element Composite Cable PLNM	1	$1,809.00	$1,809.00
Shoothouse - MAC Address: A8-A1-59-0E-96-5D SN: ER2039021478					
02450-001	Axis/2N	AXIS P3827-PVE	5	$1,409.06	$7,045.30
02330-001	Axis	AXIS P3267-LVE	1	$892.06	$892.06
M32	Securitron	Magnalock 32 - 12/24VDC	1	$304.50	$304.50
SSA-EVENIP-01	Exacq	ENTERPRISE software updates per IP camera, per year.	17	$49.40	$839.80
EVENIP-01	Exacq	ENTERPRISE IP Camera license, per camera. Includes 1 year of software updates or 3 years (5 years on Z-Series) when purchased with an exacqVision server.	1	$320.15	$320.15

Attachment: DSS Contract for CRS Routing 6.13.2024 (RES-2024-644 : DSS: Security Repairs & Upgrades to Town Buildings (CRS#4879))

Item Number		Description	QTY	Unit Price	Total
North Forest - Will only bill if needed.					
Lift-59	OGS Lift Equipment	34' TOWABLE ART MANLIFT	8	$192.50	$1,540.00
Highway Department					
EVIP-TRANSFER	Exacq	Transfer a server license to a new MAC address. Requires a current SSA at time of transfer.	1	$178.60	$178.60
02330-001	Axis	AXIS P3267-LVE	9	$892.06	$8,028.54
5504-641	Axis	AXIS T91B63 CEILING MOUNT	1	$121.26	$121.26
CCTV/Surveillance Camera System	DSS Labor	Install new camera mount per service ticket #55732. Prevailing wage.	0.5	$140.00	$70.00
Town Hall					
IP04-12T-Q	Exacq	IP Desktop recorder with 4 IP cameras licenses (24 max), exacqVision Professional client, server, web/mobile software pre-installed with 3 years software upgrades and hardware warranty. Ubuntu Linux 20.04 on SSD, DisplayPort, HDMI, VGA (3 max simultaneous), Dual NICs. Keyboard and mouse included.	1	$3,785.75	$3,785.75
Labor					
CCTV/Surveillance Camera System	DSS Labor	Install exterior cameras at APD. Troubleshoot cameras at Shoothouse and Highway Department. Connect camera at North Forest Park with Fiber run by APD. Re-point cameras as necessary. Install new server at Town Hall and Amherst Highway Department. Prevailing wage. Will billed actual time spent onsite.	84	$140.00	$11,760.00
Physical AC SystemTech	DSS Labor	Troubleshoot doors per scope of work. Replace strikes and maglock. Re-cable as necessary. Test doors. Prevailing wage. Will billed actual time spent onsite.	40	$140.00	$5,600.00
Offsite Integration/Maintenance	DSS Labor	Configure new drives at APD. Configure re-purposed server going to Highway Department. Add drives provided by APD. Test doors remotely in S2 system. Configure cameras. Add to Exacq. Create new views and assign rights. Re-IP camera at North Forest and bring online.	40	$130.00	$5,200.00

Attachment: DSS Contract for CRS Routing 6.13.2024 (RES-2024-644 : DSS: Security Repairs & Upgrades to Town Buildings (CRS#4879))

Item Number	Description		QTY	Unit Price	Total
Project/Program Manager	DSS Labor	Scheduling / Oversees all onsite work.	16	$175.00	$2,800.00

SUBTOTAL	$61,434.14
SALES TAX	$0.00
Optional Item Total	$0.00
TOTAL	$61,434.14

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

To accept this proposal, sign here and return: Jessica Pitassi 6/10/24

Signature Date

Attachment: DSS Contract for CRS Routing 6.13.2024 (RES-2024-644 : DSS: Security Repairs & Upgrades to Town Buildings (CRS#4879))

digital surveillance solutions
485 Cayuga Road
Buffalo, NY 14225

Addendum C - Requirements for End User provided cabling & switches

End User Responsibilities when Cabling and/or Providing Network Switches:

Ethernet cable CAT 5E or CAT 6 (shielded preferred) to be pulled from nearest wiring closest to the camera mount location. UTP cable will be provided per specifications.

Cable to be terminated at the rack in a patch panel and in a one-port keystone jack at the camera location.

Cable to be properly labeled at both ends.

Cable to be tested for good terminations and cable continuity and cable length requirements. Test results to be shared with DSS prior to scheduling onsite work.

Cable termination points to be marked at the camera location. For example, a small colored sticker will indicate a termination point above a ceiling tile. If DSS can't determine the cable termination point, then a change order will ensue if DSS incurs labor overrun.

End user will supply 5-7' patch cables for each camera termination point and the patch panel to switch unless otherwise specified in DSS proposal.

End user will supply ethernet switches in wiring closets with appropriate port count, Power over Ethernet, and appropriate backbone bandwidth from closets back to central recording points.

POC will provide appropriate IP addressing scheme prior to DSS arriving at the installation site. A DSS project coordinator will request this information in advance of install from POC.

If a security VLAN will be used to segment camera traffic, it will be configured on switches and routing rules complete prior to DSS coming to site.

DSS Responsibilities' for End user provided Cabling and/or Network Switches:

After DSS is notified that cabling is complete, a DSS project coordinator (PC) will visit the customer site to spot test and verify:

- Cables are properly terminated, labeled and have adequate bandwidth capability.
- Cable termination points at cameras are properly marked and easily found.
- Network switches are in place; ports are patched and ready and that network and security VLAN is operating as expected.
- If cabling and network is confirmed ready, the DSS PC will notify DSS management that site is ready for install and the install will be scheduled.
- If the DSS PC finds any problems with the cabling or network readiness, the PC will report this to the end user POC or designee and DSS will await notification that the problems have been remedied.

Attachment: DSS Contract for CRS Routing 6.13.2024 (RES-2024-644 : DSS: Security Repairs & Upgrades to Town Buildings (CRS#4879))

digital surveillance solutions
485 Cayuga Road
Buffalo, NY 14225

Addendum B - Requirements for DSS provided server

DSS Responsibilities' for providing a Server(s):

Provide a Server(s) per the Purchase Order.

Configure the Server(s) with the Appropriate Microsoft Operating System, all patches as well as add-ons applied.

Workstations running the Milestone XProtect Smart Client will have .Net 4.7 as well as DirectX 11 installed.

Work with end user IT to create rights for a Domain User (or appropriate Local Users).

Rack and connect server to end user's network.

DSS to provide a qualified engineer for Milestone XProtect application installation.

DSS to configure all devices for optimal performance – fine tuning devices throughout the deployment and for up to 2 weeks after the system is operational.

DSS to work with Point of Contact – on assigning rights, setting up groups/roles as well as View Groups and views in Milestone XProtect Smart Client.

DSS to provide Admin Training (per the Purchase Order).

End User Responsibilities' for a DSS provided Server(s):

End user to provide rack space or appropriate location to install server(s).

End user to provide Network connections to all server(s).

End user to provide Domain User for Microsoft Active Directory. (If AD is not being used DSS will work with end user's IT to provide Workgroup rights).

Attachment: DSS Contract for CRS Routing 6.13.2024 (RES-2024-644 : DSS: Security Repairs & Upgrades to Town Buildings (CRS#4879))

Attachment: DSS Contract for CRS Routing 6.13.2024 (RES-2024-644 : DSS: Security Repairs & Upgrades to Town Buildings (CRS#4879))

Addendum to Contract Major Exposure

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 Contractors 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, Contractor 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 Contractor its officers, agents, subcontractors, and/or employees as well as the negligence, active or passive, of the Contractor, its officers, agents, subcontractors, and/or employees.

4. Contractor 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: Contractor 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: Contractor 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) Contractor shall furnish the above insurances, including subcontractors' 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) Contractor shall ensure all its subcontractors, if any, have obtained all the above insurances and shall also assure that any policy procured by any subcontractor or sub-subcontractor shall name the Town as an additional insured on a primary and non-contributory basis. A failure by Contractor to assure that any policy procured by any subcontractor or sub-subcontractor 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 Contractor 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 Contractor 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 Contractor 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 Contractor, in accordance with its status as an independent Contractor, 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.

Attachment: DSS Contract for CRS Routing 6.13.2024 (RES-2024-644 : DSS: Security Repairs & Upgrades to Town Buildings (CRS#4879))

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.

Agreed to and Accepted by:

Digital Surveillance Solutions
Print Name of Company

By: Jessica Pitarresi
Signature

Jessica Pitarresi
Printed Name

Date: 10/10/2024

Agreed to and Accepted by:

Town of Amherst

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Revised 10-31-22

Attachment: DSS Contract for CRS Routing 6.13.2024 (RES-2024-644 : DSS: Security Repairs & Upgrades to Town Buildings (CRS#4879))

IRAN DIVESTMENT ACT CERTIFICATION

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a provision was added to the State Finance Law (SFL), Section 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will develop a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). This list is posted on the OGS website.

By submitting a response to this solicitation, or by assuming the responsibility under a Contract/Lease awarded hereunder, Bidder/Contractor/Vendor (or any assignee) certifies that it will not utilize on such Contract/Lease any subcontractor that is identified on the prohibited entities list.

Additionally, Bidder/Contractor/Vendor is advised that any Bidder/ Contractor/Vendor seeking to renew or extend a Contract/Lease (or assume responsibility of a Contract/Lease awarded must certify at the time the Contract/Lease is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract/Lease, should the Town of Amherst (Town) receive information that a person is in violation of the above-referenced certification, the Town will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the Town shall take such action as appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the Bidder/Contractor/Vendor in default.

The Town reserves the right to reject any Contract/Lease or request for assignment for an entity that appears on the prohibited entities list prior to the award of a Contract/Lease, and to pursue a responsibility review with respect to any entity that is awarded a Contract/Lease and appears on the prohibited entities list after Contract/Lease award.

Company Name: Digital Surveillance Solutions

Signature: Jessica Pitarresi

Print Name: Jessica Pitarresi

Title: Account Manager

Date: 6/10/2024

RAEANN J. JAKUBOWSKI
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01JA6309956
Qualified in Erie County
Commission Expires 08/18/20 26

Sworn To Before Me This
10TH Day of June, 2024

Notary Public

Attachment: DSS Contract for CRS Routing 6.13.2024 (RES-2024-644 : DSS: Security Repairs & Upgrades to Town Buildings (CRS#4879))

ACORD

DIGIT-1

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 03/15/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. TH CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICI BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZ 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 endorse If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Gugino Insurance Agency, Inc. 5707 Main Street Williamsville, NY 14221 Alayne M. Donner 716-633-1313	CONTACT NAME: Alayne M. Donner PHONE (A/C, No, Ext): 716-633-1313 FAX (A/C, No): 716-631-5770 E-MAIL ADDRESS: adonner@guginoagency.com
INSURED Digital Surveillance Solutions Inc. 485 Cayuga Road Buffalo, NY 14225	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A : Philadelphia Indemnity Ins Co — 18058 INSURER B : Merchants Mutual Ins. Co. — 23329 INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIO INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THI 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 GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC OTHER:	X		PHPK2655078	03/01/2024	03/01/2025	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000, $ 100, $ 10, $ 1,000, $ 3,000, $ 3,000,
B	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY X SCHEDULED AUTOS X HIRED AUTOS ONLY X NON-OWNED AUTOS ONLY			CAP9269147	03/01/2024	03/01/2025	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000, $ $ $
A	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 10000			PHUB900478	03/01/2024	03/01/2025	EACH OCCURRENCE AGGREGATE	$ 5,000, $ 5,000,
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N If yes, describe under DESCRIPTION OF OPERATIONS below	N / A					PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ $ $
A	Professional			PHSD1799060	06/01/2023	06/01/2024	Per Claim Aggregate	2,000,0 2,000,0

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder is named as an additional insured on a Primary, Non-contributory basis under General Liability, Umbrella follows form, General Liability CG000010413 and PI-GLD-SGNY

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
Alayne M. Donner

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Attachment: DSS Contract for CRS Routing 6.13.2024 (RES-2024-644 : DSS: Security Repairs & Upgrades to Town Buildings (CRS#4879))

NEW YORK STATE Workers' Compensation Board

CERTIFICATE OF INSURANCE COVERAGE
NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by NYS disability and Paid Family Leave benefits carrier or licensed insurance agent of that carrier

1a. Legal Name & Address of Insured (use street address only)
DIGITAL SURVEILLANCE SOLUTIONS, INC.
485 CAYUGA RD
BUFFALO, NY 14225

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
716-597-0369

1c. Federal Employer Identification Number of Insured or Social Security Number
20-0886315

2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)
Town of Amherst
5583 Main Street
Buffalo, NY 14221

3a. Name of Insurance Carrier
Standard Security Life Insurance Company of New York

3b. Policy Number of Entity Listed in Box 1a
34078-01

3c. Policy Effective Period
5/1/2008 to 8/20/2024

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 8/22/2023 By _____
(Signature of insurance carrier's authorized representative or NYS licensed insurance agent of that insurance carrier)

Telephone Number (212) 355-4141 Name and Title SUPERVISOR-DBL/POLICY 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 emailed to PAU@wcb.ny.gov or it can 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 4B, 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(Article 9 of the Workers' Compensation Law) with respect to all of their 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 (12-21)

DB-120.1 (12-21)

Attachment: DSS Contract for CRS Routing 6.13.2024 (RES-2024-644 : DSS: Security Repairs & Upgrades to Town Buildings (CRS#4879))

NYSIF
New York State Insurance Fund

PO Box 66699, Albany, NY 12206
| nysif.com

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

^ ^ ^ ^ ^ ^ 200886315

KEEVILY SPERO-WHITELAW INC
500 MAMARONECK AVENUE
HARRISON NY 10528

SCAN TO VALIDATE
AND SUBSCRIBE

POLICYHOLDER	CERTIFICATE HOLDER
DIGITAL SURVEILLANCE SOLUTIONS, INC. 485 CAYUGA RD BUFFALO NY 14225	TOWN OF AMHERST 5583 MAIN STREET WILLIAMSVILLE NY 14221

POLICY NUMBER	CERTIFICATE NUMBER	POLICY PERIOD	DATE
B 2354 271-5	810558	11/01/2023 TO 11/01/2024	10/16/2023

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 2354 271-5, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW.

IF YOU WISH TO RECEIVE NOTIFICATIONS REGARDING SAID POLICY, INCLUDING ANY NOTIFICATION OF CANCELLATIONS, OR TO VALIDATE THIS CERTIFICATE, VISIT OUR WEBSITE AT HTTPS://WWW.NYSIF.COM/CERT/CERTVAL.ASP. THE NEW YORK STATE INSURANCE FUND IS NOT LIABLE IN THE EVENT OF FAILURE TO GIVE SUCH NOTIFICATIONS.

THE POLICY INCLUDES A WAIVER OF SUBROGATION ENDORSEMENT UNDER WHICH NYSIF AGREES TO WAIVE ITS RIGHT OF SUBROGATION TO BRING AN ACTION AGAINST THE CERTIFICATE HOLDER TO RECOVER AMOUNTS WE PAID IN WORKERS' COMPENSATION AND/OR MEDICAL BENEFITS TO OR ON BEHALF OF AN EMPLOYEE OF OUR INSURED IN THE EVENT THAT, PRIOR TO THE DATE OF THE ACCIDENT, THE CERTIFICATE HOLDER HAS ENTERED INTO A WRITTEN CONTRACT WITH OUR INSURED THAT REQUIRES THAT SUCH RIGHT OF SUBROGATION BE WAIVED.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS NOR INSURANCE COVERAGE UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY.

NEW YORK STATE INSURANCE FUND

DIRECTOR, INSURANCE FUND UNDERWRITING

VALIDATION NUMBER: 109259840

00000000000120211089

Attachment: DSS Contract for CRS Routing 6.13.2024 (RES-2024-644 : DSS: Security Repairs & Upgrades to Town Buildings (CRS#4879))

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Senior Services
Initiated by: **Melissa Abel**
Co-Sponsored by:

DOC ID: 29239 **RESOLUTION 2024-645** **ADOPTED**

Amherst Senior Transportation, Inc. CRS #4967

We respectfully request Town Board permission to authorize the Supervisor to sign the Contract between the Town of Amherst (Senior Services) and Amherst Senior Transportation, Inc. after successful completion of the Routing process.

7/22/2024
Consent

FINANCIAL IMPACT:

A 6772-4100

$104,200 for 2024 (5 months); $260,000 for 2025; and $265,000 for 2026

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

AGREEMENT
Amherst Senior Transportation Services

THIS AGREEMENT (the "Agreement") is made effective as of the _____ day of _____2024, between the Town of Amherst, a municipal corporation with its principal office for the transaction of business at 5583 Main Street, Williamsville, New York 14221, (the "Town") and Amherst Senior Transportation Services, a not for profit corporation with an office for the transaction of business located at 370 John James Audubon Parkway, Amherst, New York 14228. ("ASTS").

WITNESSETH

WHEREAS, the Town provides a transportation program for eligible senior citizens residing within the Town; and

WHEREAS, ASTS presently operates approximately five (5) vehicles for use in providing such transportation and provides drivers employed by ASTS for their operation; and

WHEREAS, other organizations, currently but not limited to, the Jewish Federation Apartments; Brewster Mews; Peppertree Heights; People, Inc. (160 Robin Road); Shaarey Zedek Apartments; and Village Square Apartments, (the "Member Organizations") financially participate in the support of ASTS's transportation services, and other organizations may apply under the same terms as capacity allows; and

WHEREAS, the parties recognize the desire to expand services to other agencies and organizations and to pursue service options beyond existing services; and

WHEREAS, the parties desire to enter into an agreement to provide transportation for eligible senior citizens pursuant to General Municipal Law §95-a, which for purposes of this Agreement shall be residents of the Town age 55 years and older.

NOW, THEREFORE, IN CONSIDERATION of the covenants and promises hereinafter set forth, the parties agree as follows:

1.) Term: This Agreement shall commence on August 1, 2024 and end on December 31, 2026 (the "Term"). Either party may terminate this Agreement for good cause, at any time, upon at least ninety (90) days prior written notice by delivery via mail or personal service, at the addresses stated herein. Said notice will specify the effective date of termination. If this Agreement has not been renewed prior to December 31, 2026, this Agreement shall extend on a month-to-month basis with the consideration being apportioned accordingly.

2.) Vehicles:

a.) ASTS agrees to own and maintain vehicles with sufficient capacity to provide the transportation services as enumerated in Paragraph 4.

b.) ASTS will be solely responsible for maintenance and repair of all vehicles.

Attachment: ASTS contract-07172024094246 (RES-2024-645 : Amherst Senior Transportation, Inc. CRS #4967)

3.) Operations:

a.) ASTS will supply trained and licensed drivers for all vehicles used by ASTS. Current drivers and any new driver being employed by ASTS will have undergone and passed a safe driver evaluation prior to the execution of this contract and have taken a safe driver course. Subsequent evaluations will be done on an as needed basis and with any new drivers. The drivers shall at all times be ASTS's employees, and not those of the Town.

b.) Fuel for ASTS vehicles will be obtained at the Town of Amherst Highway Department, which will bill ASTS for actual costs.

4.) Services: ASTS shall provide the following services for eligible senior citizens residing in the Town:

a.) Curb-to-curb vehicle transportation for ambulatory senior citizens utilizing the Amherst Center for Senior Services ("Center") and the Northwest Amherst Community Center for nutrition program, classes, volunteer activities, and other approved and authorized programs;

b.) Weekly shopping to grocery stores, malls and other shopping trips for home-based residents and residents of Member Organizations;

c.) Transportation to physicians' offices and other medical facilities located within ASTS' service area as described in Attachment "A" for the purpose of obtaining necessary medical or dental care; and

d.) Wheelchair transportation to physicians' offices and other medical facilities shall be provided by Erie County (or another qualified provider who is subcontracted by ASTS).

5.) In order to assure the provision of the foregoing services, ASTS shall have a vehicle available at all times to provide backup service in the event a primary vehicle is disabled.

6.) Agency hours: ASTS services shall be available Monday through Friday from 8:00 a.m. - 4:00 p.m., except on those days when the Center is closed, during a driving ban, or during any government-imposed restriction. Additional evening and weekend hours may be negotiated based on need and driver availability.

7.) Fees: For using the service, fees shall be set within the ranges as listed below:

Suggested Minimum contribution to the Center:	$3.00 - $4.00 each way
Medical appointments:	$6.00 - $20.00 each way

Wheelchair service fees shall be determined by the subcontracted vendor, which shall not be more than $20.00 - $50.00 each way.

Attachment: ASTS contract-07172024094246 (RES-2024-645 : Amherst Senior Transportation, Inc. CRS #4967)

8.) Compensation:

a.) For and in consideration of the services described, the Town shall pay to ASTS the sum of $104,200.00 for 2024 (5 months), $260,000.00 for 2025, and $265,000.00 for 2026. The yearly payment shall be made in quarterly installments by the first of February, April, July and October of each year. Should the cost of fuel purchased from the Town exceed $3.35 per gallon, the Town will subsidize the cost for up to 12,000 gallons per year but not charge for the excess over $3.35 per gallon. Only fuel purchased from the Town is covered by the subsidy and unsubsidized purchases do not count against the annual gallon limit.

b.) In consideration of the subsidies mentioned above, ASTS agrees the Town may hold up to two (2) seats on ASTS's Board of Directors during the Term of this Agreement. If the Town neglects to nominate candidates for the seats within six (6) months of entering into the Agreement, AST S shall have the right to fill the seats through its normal nominating procedures.

9.)The Town shall provide ASTS with office space for the agency's operations pursuant to the Lease Agreement dated June 1, 2023.

10.) The Town shall provide parking for ASTS vehicles and employees at the Center at no cost.

11.) ASTS shall be allowed to use Town-contracted grant writers for assistance in applying for grants that mutually benefit the Town and AST S at no cost to ASTS. However, the Town shall not be obligated to provide any matching contributions or incur any additional fees without the Town Board's explicit consent.

12.) Reports: The ASTS Executive Director will provide the ASTS Board of Directors with bi-monthly financial statements and bi-monthly statistical reports on vehicle operations and trip data that will also aid in obtaining future grants. The AST S Executive Director shall provide the Senior Services Director and the Town Board Liaison to the Senior Center with bi-monthly statistical reports on vehicle operations and trip data.

13.) Sale of Vehicles: ASTS may sell or trade-in vehicles purchased with Community Development Block Grant ("CDBG") funding towards the purchase of new vehicles. Sales or trade-ins shall be competitive and conducted in accordance with federal disposition policies 24 CFR 85.32, 24 CFR 570.502(a)(8), and 24 CFR 84.34. ASTS will maintain adequate records of the sale of all vehicles and include documentation outlining the competitive process undertaken.

14.) Program Income: A prorated portion of the monies received through the sale or trade-in of those vehicles purchased with CDBG funding is considered CDBG Program Income. The Town agrees to allow ASTS to retain the Program Income as long as it is rolled into the purchase of new vehicle(s) necessary to provide transportation services to seniors. ASTS must maintain records documenting receipt of Program Income and for related transactions, and report this information to Amherst Community Development annually.

Attachment: ASTS contract-07172024094246 (RES-2024-645 : Amherst Senior Transportation, Inc. CRS #4967)

15.) Hold Harmless: To the fullest extent permitted by law, ASTS shall defend and hold harmless the Town against any and all claims, suits, proceedings and judgments of any nature arising out of the use or operation of any vehicle registered in the name of the Town under this Agreement for purposes other than providing the services required hereunder.

16.) Workers' Compensation Insurance: ASTS shall have and maintain, during the term of this Agreement, Workers' Compensation Insurance for its employees to be assigned to the work hereto under.

17.) ASTS shall identify new revenue streams and operational efficiencies that achieve the long-term goal of increased self-sustainability and periodically report to the Town Board on their efforts.

a.) Insurance:

Automobile Insurance: ASTS shall have and maintain, during the term of this Agreement, such general liability, property damage, and automobile insurance as shall protect it 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 the Automobile Insurance will be 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 $2,000,000.00 in 2024, $3,000,000.00 in 2025 and $4,000,000.00 in 2026.

b.) ASTS shall ensure all its subcontractors, if any, have obtained all of the above insurances.

c.) ASTS shall furnish the above insurances, including subcontractors' insurances, to the Town and shall also name the Town as an additional insured in said policies.

18.) Should ASTS become insolvent or file for bankruptcy or otherwise cease to exist at any time while this Agreement is in effect, then any vehicle owned by AST S that was purchased with CDBG funds shall become the property of the Town.

19.) If the cost incurred by ASTS to provide wheelchair services is less than $12,000.00 annually, ASTS shall collaborate with the Senior Services Director on enhancing transportation services in the Town. If the cost incurred by ASTS is greater than $12,000.00 annually, the Town and ASTS shall reexamine the fiscal parameters of this Agreement and, if necessary, work together to come to a fair and sustainable agreement.

Attachment: ASTS contract-07172024094246 (RES-2024-645 : Amherst Senior Transportation, Inc. CRS #4967)

IN WITNESS WHEREOF, parties have caused this Agreement to be executed by their duly authorized officers as of the day and year first written.

AMHERST SENIOR TRANSPORTATION SERVICES, INC.

By: _____
Ryan P. O'Connor, President

Date: 02/21/2024

****

TOWN OF AMHERST

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Attachment: ASTS contract-07172024094246 (RES-2024-645 : Amherst Senior Transportation, Inc. CRS #4967)

ATTACHMENT A
Amherst Senior Transportation Services
Service Area

Town of Amherst

All facilities

Town of Clarence

All facilities

Town of Cheektowaga

All facilities North of Genesee St. (Route 33)

St. Joseph's Hospital — Wound Clinic

Town of Lancaster/ Depew

6100-6300 Block of Transit Rd

Town of Tonawanda

Medical facilities East of Delaware Ave.

Kenmore Mercy Hospital

300 Two Mile Creek

City of Buffalo

Buffalo Niagara Medical Campus

Sisters Hospital

Erie County Medical Center

VA Medical Center Buffalo

Attachment: ASTS contract-07172024094246 (RES-2024-645 : Amherst Senior Transportation, Inc. CRS #4967)

Addendum to Contract Major Exposure

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 Contractors 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, Contractor 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 Contractor its officers, agents, subcontractors, and/or employees as well as the negligence, active or passive, of the Contractor, its officers, agents, subcontractors, and/or employees.

4. Contractor 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: Contractor 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: Contractor 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~~. $2M 2024; $3M 2025; $4M 2026 $5M 2027 JD

(c) Contractor shall furnish the above insurances, including subcontractors' 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) Contractor shall ensure all its subcontractors, if any, have obtained all the above insurances and shall also assure that any policy procured by any subcontractor or sub-subcontractor shall name the Town as an additional insured on a primary and non-contributory basis.

Attachment: ASTS contract-07172024094246 (RES-2024-645 : Amherst Senior Transportation, Inc. CRS #4967)

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 Contractor 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 Contractor 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 Contractor, in accordance with its status as an independent Contractor, 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.

Attachment: ASTS contract-07172024094246 (RES-2024-645 : Amherst Senior Transportation, Inc. CRS #4967)

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.

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: ASTS contract-07172024094246 (RES-2024-645 : Amherst Senior Transportation, Inc. CRS #4967)

AMHESEN-01

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 7/3/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THI CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIE BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZE 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 endorse If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement o this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER SDN Insurance Agency, LLC 6215 Sheridan Drive Amherst, NY 14221	CONTACT NAME: PHONE (A/C, No, Ext): (716) 633-3400 FAX (A/C, No): (716) 633-4306 E-MAIL ADDRESS: postmaster@sdnins.com
INSURED Amherst Senior Transportation Services, Inc. 370 John James Audubon Pkwy Amherst, NY 14228-1142	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A : Philadelphia Indemnity Insurance Co. — 18058 INSURER B : Pennsylvania Manufacturers Indemnity — 41424 INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIO INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THI 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 GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY / PRO-JECT / LOC OTHER:	X		PHPK2642804	1/4/2024	1/4/2025	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000, $ 100, $ 5, $ 1,000, $ 2,000, $ 2,000,
A	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY / X SCHEDULED AUTOS X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY	X		PHPK2642804	1/4/2024	1/4/2025	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000, $ $ $
B	UMBRELLA LIAB / X OCCUR X EXCESS LIAB / CLAIMS-MADE DED / RETENTION $			6024019205873	5/28/2024	1/4/2025	EACH OCCURRENCE AGGREGATE aggregate	$ 2,000, $ $ 2,000,
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N If yes, describe under DESCRIPTION OF OPERATIONS below	N / A					PER STATUTE / OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ $ $

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Town of Amherst is named as an additional insured under the General Liability and Auto Liability on a primary and non-contributory basis with regard to w performed by the named insured only as required in a written contract or agreement.

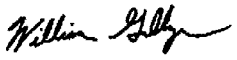
CERTIFICATE HOLDER

Town of Amherst
5583 Main Street
Williamsville, NY 14221

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFOR THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED I ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



Attachment: ASTS contract-07172024094246 (RES-2024-645 : Amherst Senior Transportation, Inc. CRS #4967)

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The ACORD name and logo are registered marks of ACORD

NYSIF
New York State Insurance Fund

PO Box 66699, Albany, NY 12206
| nysif.com

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

^ ^ ^ ^ ^ ^ 222284062
AMHERST SENIOR TRANSPORTATION
SERVICES INC
370 JOHN JAMES AUDUBON PKWY
BUFFALO NY 142281142

SCAN TO VALIDATE
AND SUBSCRIBE

POLICYHOLDER	CERTIFICATE HOLDER
AMHERST SENIOR TRANSPORTATION SERVICES INC 370 JOHN JAMES AUDUBON PKWY BUFFALO NY 142281142	AMHERST SENIOR TRANSPORTATION 370 JOHN JAMES AUDUBON PKWY AMHERST NY 14228

POLICY NUMBER	CERTIFICATE NUMBER	POLICY PERIOD	DATE
B1028 308-3	95962	12/17/2023 TO 12/17/2024	1/2/2024

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 1028 308-3, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW, AND, WITH RESPECT TO OPERATIONS OUTSIDE OF NEW YORK, TO THE POLICYHOLDER'S REGULAR NEW YORK STATE EMPLOYEES ONLY.

IF YOU WISH TO RECEIVE NOTIFICATIONS REGARDING SAID POLICY, INCLUDING ANY NOTIFICATION OF CANCELLATIONS, OR TO VALIDATE THIS CERTIFICATE, VISIT OUR WEBSITE AT HTTPS://WWW.NYSIF.COM/CERT/CERTVAL.ASP. THE NEW YORK STATE INSURANCE FUND IS NOT LIABLE IN THE EVENT OF FAILURE TO GIVE SUCH NOTIFICATIONS.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS NOR INSURANCE COVERAGE UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY.

Attachment: ASTS contract-07172024094246 (RES-2024-645 : Amherst Senior Transportation, Inc. CRS #4967)

NEW YORK STATE INSURANCE FUN

DIRECTOR,INSURANCE FUND UNDERWRITING

VALIDATION NUMBER: 955107160

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF INSURANCE COVERAGE
NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by NYS disability and Paid Family Leave benefits carrier or licensed insurance agent of that carrie

1a. Legal Name & Address of Insured (use street address only)
AMHERST ELDERLY TRANSPORTATION CORP. DBA AMHERST SENIOR TRANSPORTATION SERVICE
370 JOHN JAMES AURDUBON PARKWAY
BUFFALO, 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

1c. Federal Employer Identification Number of Insured or Social Security Number
222284062

2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)

3a. Name of Insurance Carrier
ShelterPoint Life Insurance Company

3b. Policy Number of Entity Listed in Box "1a"
DBL395332

3c. Policy effective period
01/01/2024 to 12/31/2024

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 2/23/2024 By _____
(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number 516-829-8100 Name and Title Richard White, Chief Executive Officer

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 emailed to PAU@wcb.ny.gov or it can 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 4B, 4C or 5B have 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(Article 9 of the Workers' Compensation Law) with respect to all of their 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 (12-21)

DB-120.1 (12-21)

Attachment: ASTS contract-07172024094246 (RES-2024-645 : Amherst Senior Transportation, Inc. CRS #4967)

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Engineering Services
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 29237 **RESOLUTION 2024-646** **ADOPTED**

TOA Bid 2023031 Sodium Hypochlorite Contract Extension JCI Jones Chemicals, Inc. (Original CRS #4248) CRS No. 4951

The Engineering Department, WPCF division is requesting that the Town Board authorize the Supervisor to sign the attached contract extension agreement with JCI Jones Chemicals, Inc. The terms and conditions within Town of Amherst Bid 2023031 Sodium Hypochlorite shall remain the same. This extension would run from date of Town Board Approval by the Town of Amherst through February 12, 2025.

Funds for this request are available in G9916-4820/4830

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

Thank you for considering this request.

7/22/2024
Consent

FINANCIAL IMPACT:

Funds for this request are available in G9916-4820/4830

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

AGREEMENT

Let this document stand as an Agreement between JCI Jones Chemicals, Inc. and the Town of Amherst permitting the Town of Amherst to extend their existing contract with JCI Jones Chemicals Inc. for an additional six months. Both parties agree that the terms and conditions specified in the executed contract, TOA Bid 2023031 Sodium Hypochlorite shall remain the same. The term of this contract extension will be from Date of Town Board Approval by the Town of Amherst and run from August 13, 2024 through February 12, 2025

Agreed to and Accepted by:
JCI Jones Chemicals, Inc.

By: _____
Signature

Desziree Mastowski
Printed name

Office Manager
Title

Date: 6/20/2024

Agreed to and Accepted by:
TOWN OF AMHERST

By: _____
Brian J. Kulpa
Supervisor

Date: _____

Attachment: DOC071524-07152024061343 (RES-2024-646 : TOA Bid 2023031 Sodium Hypochlorite Contract Extension)

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Youth & Recreation
Initiated by: **Mary Diana Pouli**
Co-Sponsored by:

DOC ID: 29227 **RESOLUTION 2024-647** **ADOPTED**

Energy Efficient Lighting Systems CRS #4965

Authorize the Supervisor to sign an agreement between the Town of Amherst (Youth & Recreation Department) and National Grid for an energy incentive to upgrade the lighting systems at the Northtown Center, pending satisfactory completion of the contract routing process.

7/22/2024
Consent

FINANCIAL IMPACT:

A 7253.4220: $828.00

Revenue of $50,400.00

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

Energy Initiative

Energy Efficient Lighting Systems

Customer Report: TOWN OF AMHERST
Application No: 15325813
Report Date: 05-30-2024
Report Version: Proposed

Customer Information

Customer Name:	**TOWN OF AMHERST**	Facility Name:	**NORTHTOWN ICE RINK - 2024 LIGHTING**
Billing Acct No:	**643720101**	Street Address:	**1615 Amherst-Manor Dr**
Contact Person:	**Ben Caldwell**	City:	**Williamsville**
Telephone:	**585-214-8208**	State:	**New York**
Email Address:	**ben.caldwell@graybar.com**	Zip:	**14221**

Savings Summary		Incentive Summary	
Gross Annual kWh Savings	**178,388 kWh**	**Authorized Incentive:**	**$42,000**
Estimated Customer Cost per kWh	**0.07**	**Total Cost of Installed Measures:**	**$170,000**
Annual Electric Cost Savings	**$12,487**	**Simple Payback**	**13.6 years**
CO2 Savings (lbs)*	**196,226.8**	**Simple Payback with Incentive**	**10.25 years**
		Total Incentive	**$42,000**

Application Date:	**February 23, 2024**
Expected Completion Date:	**August 21, 2024**
Proposed Incentive Recipient:	**CUSTOMER**

Attachment: Energy Efficient Lighting Systems Contract (RES-2024-647 : Energy Efficient Lighting Systems CRS #4965)

*CO2 savings is based on

Customer Report: TOWN OF AMHERST
Application No: 15325813 **Report Date:** 05-30-2024

Summary of Planned Efficiency Measures

ECM Plan Version: Proposed
Version Create Date: 02-23-2024

Lighting Systems Incentive Calculation

Existing Devices					*Proposed Devices*				
Row #	**Device Code**	**Device Description**	**Quantity of Devices**	**Measure Code**	**Device Code**	**Device Description**	**Quantity of Devices**	**Per Unit Incentive**	**Authoriz Incentiv**
1	F410GHL	Fluorescent, (10) 48", STD HO T5 lamp .	168	86DP	FLED300	LED Fixture, 300W	210	200	$42,000
								Lighting System Totals:	**$42,000**

Recycling Requested: Yes_____ No_____

Attachment: Energy Efficient Lighting Systems Contract (RES-2024-647 : Energy Efficient Lighting Systems CRS #4965)

Customer Report: TOWN OF AMHERST

Application No: 15325813

Report Date: 05-30-2024

Facility Detail

ECM Plan Version: Proposed

Version Create Date: 02-23-2024

Installation site: Ice Rink 1

Measure Category	Existing/ Proposed	Measure Code	Device Code	Device Description	Device Quantity	Annual Hours of Operation
Lighting System	Existing	__	F410GHL	Fluorescent, (10) 48", STD HO T5	28	__
	Proposed	86DP	FLED300	LED Fixture, 300W	30	4800
Lighting System	Existing	__	F410GHL	Fluorescent, (10) 48", STD HO T5	20	__
	Proposed	86DP	FLED300	LED Fixture, 300W	30	4800

Installation site: Ice Rink 2

Measure Category	Existing/ Proposed	Measure Code	Device Code	Device Description	Device Quantity	Annual Hours of Operation
Lighting System	Existing	__	F410GHL	Fluorescent, (10) 48", STD HO T5	40	__
	Proposed	86DP	FLED300	LED Fixture, 300W	50	4800

Installation site: Ice Rink 3

Measure Category	Existing/ Proposed	Measure Code	Device Code	Device Description	Device Quantity	Annual Hours of Operation
Lighting System	Existing	__	F410GHL	Fluorescent, (10) 48", STD HO T5	40	__
	Proposed	86DP	FLED300	LED Fixture, 300W	50	4800

Installation site: Ice Rink 4

Measure Category	Existing/ Proposed	Measure Code	Device Code	Device Description	Device Quantity	Annual Hours of Operation
Lighting System	Existing	__	F410GHL	Fluorescent, (10) 48", STD HO T5	20	__
	Proposed	86DP	FLED300	LED Fixture, 300W	25	4800
Lighting System	Existing	__	F410GHL	Fluorescent, (10) 48", STD HO T5	20	__
	Proposed	86DP	FLED300	LED Fixture, 300W	25	4800

Attachment: Energy Efficient Lighting Systems Contract (RES-2024-647 : Energy Efficient Lighting Systems CRS #4965)

1. Incentives
Subject to these terms and conditions ("Terms and Conditions") of the Program, the Program Administrator will pay an Incentive to the Customer for the installation of EEM(s).

2. Definitions
(a) "Customer" means the customer who has an account for service with the Program Administrator and who satisfies the Program eligibility requirements established by the Program Administrator under the Program Materials and these Terms and Conditions.
(b) "EEM" means the energy efficiency measure(s) described in the Program Materials or other custom measures that may be approved by the Program Administrator.
(c) "Facility" means the Customer's premises or location served by the Program Administrator where EEM(s) will be installed.
(d) "Incentive" means the payment(s) to be paid by the Program Administrator to the Customer for the installation of the EEM(s) pursuant to the Program and these Terms and Conditions.
(e) "Program" means the Commercial and Industrial Electric Program as approved by the New York Public Service Commission and offered by the Program Administrator to Customers.
(f) "Program Administrator" means Niagara Mohawk Power Corporation d/b/a/ National Grid.
(g) "Program Materials" means the documents and information provided by the Program Administrator specifying the qualifying EEM(s), technology requirements, costs and other Program requirements, which include, without limitation, Program guidelines and requirements, application forms and approval letters.

3. Application Process and Requirement for Program Administrator Approval
(a) The Customer shall submit a completed application in the form provided by the Program Administrator. In addition, at the Program Administrator's discretion, the Customer may be required to provide to the Program Administrator, for its approval, a copy of the detailed specifications and scope of work as well as an analysis of the energy savings and/or demand reduction for the EEM(s) proposed by the Customer to the Program Administrator. To the extent required by law, this analysis shall be prepared by a professional engineer licensed in the state where the Facility is located. After the installation of the EEM(s), the Customer shall also, upon request by the Program Administrator, provide to the Program Administrator with a copy of the as-built drawings and installed EEM(s) for the Facility.
(b) Subject to Sections 8, 10 and 14, the Program Administrator will review the Customer's application and supporting documentation to determine the energy savings and/or demand reduction potential. The Program Administrator may, in its sole discretion, reject or modify any calculations, based on the Program Administrator's own
(c) The Program Administrator is not obligated to pay any Incentive unless the Program Administrator issues an approval letter regarding the EEM(s) proposed by the Customer, and any necessary pre- and/or post- installation verification(s) is/are successfully completed by the Program Administrator. The Program Administrator's approval letter shall state the maximum approved Incentive amount and the date by which the EEM(s) must be fully installed and operational to qualify for the Incentive. The Program Administrator may also require the Customer to execute additional agreements or provide additional documentation regarding the proposed installation of the EEM(s) and for determination of Incentive(s).
(d) The Customer shall have no right to receive, and the Program Administrator shall have no obligation to pay, Incentives for any EEM(s) that have not been approved in advance in writing by the Program Administrator, unless the Program Materials state that such prior approval is not required. Further, the Program Administrator shall not pay Incentives for EEM(s) which may have been pre-approved, but are subsequently determined after the installation, to be not in compliance with the Program requirements.
(e) The Program Administrator reserves the right to approve or disapprove of any Program application or proposed EEM(s).

4. Equipment and Contractor Selection and Contracting
Customer is responsible for selecting and purchasing the EEM(s) and selecting and contracting with the design and installation contractor(s). The Customer shall be responsible for enforcing all such contracts and for assuring that the EEM(s) meet the Program requirements and applicable laws, regulations and codes, and that the contractor(s) are properly qualified, licensed and insured. Notwithstanding the foregoing, the Program Administrator may exclude certain EEM from the Program.

5. Pre- and Post-Installation Verification
The Program Administrator shall not pay an Incentive until the Program Administrator has performed a satisfactory pre-installation inspection (unless the Program Materials state such pre-inspection is not required) and post-installation verification of the installation. If the Program Administrator determines that any EEM (s) were not installed in accordance with these Terms and Conditions and the Program Materials, the Program Administrator may require modifications to the EEM(s) before it pays any Incentive(s). The Program Administrator may, at its sole discretion, withhold payment of Incentives until it has been verified that (i) the Customer has received, as appropriate, final drawings, operations and maintenance manuals, and operator training; and (ii) the Program Administrator has received documentation detailing that the installation of the EEM(s) has been completed in accordance with these Terms and Conditions, the Program Materials, and the Program Administrator's approval.

6. Monitoring and Inspection
The Program Administrator reserves the right to perform monitoring and inspection of the EEM (s) to determine the actual demand reduction and energy savings. As a condition of receiving an
Customer agrees to provide access and inf[illegible] to the Program Administrator and to cooperate with the Program Administrator regarding such monitoring and inspection. By participating in the Program, the Customer acknowledges and agrees that no such activity by the Program Administrator includes any kind of safety, code or other compliance review. All safety, code or other compliance reviews are the sole responsibility of the Customer.

7. Customer Measures
The Program Administrator will only approve of the EEM(s) that has/have cost-effective energy savings as calculated by the Program Administrator. The Program Administrator reserves the right to approve or disapprove of any specific EEM(s) proposed by the Customer.

8. Incentive Amounts
(a) Once an Incentive amount is pre-approved, the Program Administrator shall pay to the Customer no more than the cost of purchasing and installing the EEM(s), or the pre-approved Incentive amount, whichever is less.
(b) The Program Administrator reserves the right to reduce or eliminate the Incentive amount if the EEM(s) are not installed in accordance with these Terms and Conditions and the Program Materials. Customer shall be obligated to refund such Incentives paid by the Program Administrator if the projected energy savings have not been achieved as a result of the foregoing circumstances. The Customer shall be obligated to refund the Incentive paid by the Program Administrator when EEM(s) that have been installed have not been properly maintained, have been altered or disconnected, or in the event of a shutdown or significant reduction of operations at facility where the EEM's) are located.

9. Equipment and Installation
The Customer shall be responsible for ensuring that the EEM(s) are installed and operated in accordance with applicable laws, regulations and codes and that all applicable permits, approvals and inspections are obtained. The Customer shall provide the Program Administrator with copies of all invoices and related documents (including all materials, labor, and equipment discounts) relating to the purchase and installation of the EEM(s). The itemized invoices shall include the details of all EEM(s) including the model, quantity and cost for each EEM, and shall identify any applicable discounts or other incentives received by the Customer, or for which the Customer is eligible. The Customer shall provide the Program Administrator with the details on the installation location(s) of the EEM(s) in the format specified by the Program Administrator, and such other documentation and information as the Program Administrator may request, including, without limitation, copies of permits and contractor and supplier invoices, orders and records. The Program Administrator shall, in its sole discretion, determine the appropriate costs of EEM(s) in order to calculate the Incentive amount.

10. Installation Schedule Requirements
If the Customer does not complete installation of the approved EEM(s) within the earlier of the completion date specified in the Program Administrator's approval letter or six (6) months from the date the Program Administrator provides its prior written approval of the E[illegible] the Program Administrator may t[illegible]

Attachment: Energy Efficient Lighting Systems Contract (RES-2024-647 : Energy Efficient Lighting Systems CRS #4965)

amount agreed to in an approval letter issued by the Program Administrator.

11. Incentive Issue Conditions

Subject to these Terms and Conditions and provided that the Program Administrator is satisfied that the Customer has satisfied all of the conditions and requirements of the Program, , the Program Administrator will use commercially reasonable efforts to pay the Incentive amount to the Customer within forty-five (45) days after all of the following conditions are met: (i) Program Administrator's approval of the EEM installation has been provided; (ii) all applicable permits, licenses and inspections have been obtained by the Customer; (iii) installation of the EEM(s) has been completed in accordance with the requirements hereof; and (iv) the Program Administrator has verified all project and installation costs and the satisfactory installation of the EEM(s), all in accordance with the Terms and Conditions hereof. The Customer shall not assign any of its rights or obligations referenced in these Terms and Conditions or in the Program Materials (including, without limitation, the right to receive Incentives) without the prior written consent of the Program Administrator.

12. Maintenance of EEM(s)

The Customer acknowledges and agrees that Customer shall operate and maintain the EEM(s) in accordance with the manufacturer's recommendations and the terms hereof, and shall replace consumable parts and other components with comparable or superior efficient products at the Customer's expense.

13. Participation in Other Energy Efficiency Programs

The Customer shall not receive Incentives from the Program Administrator for the same EEM(s) if the Customer has received incentives already from other System Benefits Charge ("SBC")-funded New York State utilities or the New York State Energy Research and Development Authority ("NYSERDA"). A Customer enrolled in the Self-Direct Program for 2017-2019 offered by National Grid is not eligible to receive an Incentive amount under this Program for any electric EEMs installed during the Customer's enrollment in the Self-Direct Program cycle. The Company's Self-Direct Program requirements address eligibility requirements under this Program in the event a Customer withdraws from the Self-Direct Program mid-cycle.

14. Program/Terms and Conditions Changes

Program expenditures, requirements and eligibility, and these Terms and Conditions, may be changed by the Program Administrator at any time without notice. The Program Administrator reserves the right to withhold approval of projects and any EEM(s) for which the Customer may apply for an Incentive for any reason and to cancel or alter the Program at any time without notice. Approved applications for EEM(s) will be processed under the Terms and Conditions and Program Materials in effect at the time of such approval by the Program Administrator.

15. Indemnification and Limitation of the Program Administrator's Liability

The Customer shall indemnify, defend and hold harmless the Program Administrator, its affiliates and their respective contractors, officers, directors, employees, agents, representatives and assigns ("Indemnified Parties") from and against any and all claims, damages, losses and expenses, to enforce this indemnity arising out of the acts and/or omissions of the Customer or the Customer's agent(s) in connection with the Customer's participation in the Program ("Damages") brought by or for a third party except to the extent that Damages are caused by the negligence of any of the Indemnified Parties. To the fullest extent allowed by law, the Program Administrator's liability will be limited to paying approved Incentives in accordance with these Terms and Conditions and the Program Materials, and the Program Administrator and its affiliates and their respective contractors, officers, directors, employees, agents, representatives and assigns shall not be liable to the Customer or any other party for any other obligation except to the extent liability is caused by the negligence of the Program Administrator and its affiliates and their respective contractors, officers, directors, employees, agents, representatives and assigns. The Program Administrator shall not be liable to the Customer for any special, indirect, incidental, penal, punitive, or consequential damages of any nature in connection with Customer's participation in the Program or these Terms and Conditions.

16. No Warranties or Representations by the Program Administrator

(a) THE PROGRAM ADMINISTRATOR DOES NOT ENDORSE, GUARANTEE, OR WARRANT ANY CONTRACTOR, MANUFACTURER OR PRODUCT, AND THE PROGRAM ADMINISTRATOR MAKES NO REPRESENTATIONS, WARRANTIES OR GUARANTEES IN CONNECTION WITH THE PROGRAM, EEM(s) OR ANY SERVICES PERFORMED IN CONNECTION HEREWITH OR THEREWITH, WHETHER STATUTORY, ORAL, WRITTEN, EXPRESS, OR IMPLIED, INCLUDING, WITHOUT LIMITATION, WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THIS DISCLAIMER SHALL SURVIVE ANY CANCELLATION, COMPLETION, TERMINATION OR EXPIRATION OF THE CUSTOMER'S PARTICIPATION IN THE PROGRAM. CUSTOMER ACKNOWLEDGES AND AGREES THAT ANY WARRANTIES PROVIDED BY ORIGINAL MANUFACTURERS, LICENSORS, OR PROVIDERS OF MATERIAL, EQUIPMENT, OR OTHER ITEMS PROVIDED OR USED IN CONNECTION WITH THE PROGRAM IN CONNECTION WITH THESE TERMS AND CONDITIONS, INCLUDING ITEMS INCORPORATED IN THE PROGRAM ("THIRD PARTY WARRANTIES"), ARE NOT TO BE CONSIDERED WARRANTIES OF THE PROGRAM ADMINISTRATOR AND THE PROGRAM ADMINISTRATOR MAKES NO REPRESENTATIONS, GUARANTEES, OR WARRANTIES AS TO THE APPLICABILITY OR ENFORCEABILITY OF ANY SUCH THIRD PARTY WARRANTIES. THE TERMS OF THIS SECTION SHALL GOVERN OVER ANY CONTRARY VERBAL STATEMENTS OR LANGUAGE APPEARING IN ANY PROGRAM ADMINISTRATOR'S OTHER DOCUMENTS.

(b) Neither the Program Administrator nor any of its employees, contractors, agents, representatives or assigns is/are responsible for determining that the design, engineering or installation of the EEM(s) is proper or complies with any particular laws, codes, or industry standards. The Program Administrator does not make any representations of any kind regarding the benefits, demand reduction, or energy savings to be achieved by the EEM(s) or the adequacy or safety of the EEMs.

(c) The Customer acknowledges and agrees that it is solely responsible (directly based on its own judgment or indirectly-based on the advice of an independent expert, not the Program Administrator) for all aspects of the EEM(s) and related work including, but not limited to: selecting the EEM(s); selecting contractors to perform the work; inspecting the work and the EEM(s); ensuring that the EEM(s) is/are in good working order and condition; ensuring that the equipment is of the manufacture, design specifications, size and capacity selected by the Customer and that the same is properly installed and suitable for the Customer's purposes; and determining if work was properly performed.

(d) The Customer agrees and acknowledges that the Program Administrator is not a manufacturer of, or regularly engaged in the sale or distribution of, or an expert with regard to, any equipment or work which might be used to install the EEM(s) under the Program.

(e) The provisions of this Section shall survive the termination, cancellation or completion of the Customer's participation in the Program.

17. Customer Confidentiality

The Customer consents to the release by the Company of the Customer's energy use information to authorized representatives of the Program Administrator performing evaluations and/or determining eligibility, demand reduction, or energy savings in connection with the Program provided that the Program Administrator requires that the Customer's energy use information is kept confidential and used only for the purposes of evaluation and/or determining eligibility, demand reduction, or energy savings in connection with the Program. The Customer further grants to the Program Administrator the right to use and reference the Customer's participation in the Program and the energy savings relating to the Customer's participation in the Program for regulatory purposes. The Program Administrator shall keep the Customer's information in strict confidence, shall exercise reasonable care to maintain the confidentiality, and shall not divulge the Customer's information to any third party without the prior written consent of the Customer, except to the extent expressly permitted by these Terms and Conditions.

18. Customer Must Declare and Pay All Taxes

The benefits conferred upon the Customer through participation in this Program, including the receipt of the Incentive, may be taxable by the federal, state, and/or local government. The Customer is responsible for declaring and paying all such taxes. The Program Administrator is not responsible for the payment of any such taxes.

19. Customer Consent

Customer of National Grid agrees and authorizes the utility's sharing of the participant-customer's information and/or project-level information with New York State Department of Public Service Staff and NYSERDA, including its agents or authorized representatives, consistent with NYSERDA's New York State Public Service Commission and statutorily authorized responsibilities, including, but not limited to supporting market development initiatives, and other evaluation and measurement activities. (For clarity, the term project level includes the information based on the scope of the project, including but not limited to, aggregated and anonymized whole

Attachment: Energy Efficient Lighting Systems Contract (RES-2024-647 : Energy Efficient Lighting Systems CRS #4965)

building, building or assets of the project.)

20. Counterpart Execution; Scanned Copy. Any and all agreements and documents requiring signature related hereto may be executed in several counterparts, each of which, when executed, shall be deemed to be an original, but all of which together shall constitute one and the same instrument. A scanned or electronically reproduced copy or image of such agreements and documents bearing the signatures of the parties shall be deemed an original and may be introduced or submitted in any action or proceeding as competent evidence of the execution, terms and existence of such agreements and documents notwithstanding the failure or inability to produce or tender an original, executed counterpart of the same and without the requirement that the unavailability of such original, executed counterpart of the same first be proven.

21. Miscellaneous

(a) If any provision of these Terms and Conditions is deemed invalid by any court or administrative body having jurisdiction, such ruling shall not invalidate any other provision, and the remaining provisions shall remain in full force and effect in accordance with their terms.

(b) These Terms and Conditions shall be interpreted and enforced according to the laws of the State of New York.

(c) In the event of any conflict or inconsistency between these Terms and Conditions and any Program Materials, these Terms and Conditions shall be controlling.

(d) Except as expressly provided herein, there shall be no modification or amendment to these Terms and Conditions or the Program Materials unless such modification or amendment is in writing and duly authorized by the Program Administrator.

(e) Sections 15, 16, 17, 18 and 20(b) shall survive the termination or expiration of the Customer's participation in the Program.

Attachment: Energy Efficient Lighting Systems Contract (RES-2024-647 : Energy Efficient Lighting Systems CRS #4965)

Energy Initiative
Lighting Pre-Installation Site Inspection Form

Customer Report: TOWN OF AMHERST
Billing Acct No: 643720101
Application No 15325813
Report Date: 05-30-2024

Pre-Installation Inspection Date:_____ **Company Rep.:** _____

Vendor Present ***(name):*** _____ **Manager's Signature:**_____

Customer Present ***(name):*** _____

Lighting Systems Inventory

Existing Devices *Proposed Devices*

Room/Area	Device Code	Device Description	Quantity of Devices	Measure Code	Device Code	Device Description	Quantity of Devices	Annual Hours of Operation

Opened fixtures:#_____ **or %**_____

Recycling Requested: Yes_____ **No**_____ **Number of Ballasts to be recycled:**_____

Lighting Controls Inventory

Control Description	Quantity of Controls	Quantity of Devices Controlled Fixtures)	Fixture Measure Code	New/Existing	Hours of Reduction

Attachment: Energy Efficient Lighting Systems Contract (RES-2024-647 : Energy Efficient Lighting Systems CRS #4965)

Energy Initiative

Lighting Pre-Installation Site Inspection Form

Notes:

Attachment: Energy Efficient Lighting Systems Contract (RES-2024-647 : Energy Efficient Lighting Systems CRS #4965)

Energy Initiative

Lighting Post-Installation Site Inspection Form

Customer Report: TOWN OF AMHERST
Billing Acct No: 643720101
Application No: 15325813
Report Date: 05-30-2024

Post-Installation Inspection Date:_____ **Company Rep.:** _____

Vendor Present ***(name):*** _____

Customer Present ***(name):*** _____

Manager's Signature: _____ **Date:**_____

Opened fixture:#_____ or %_____ Counted fixtures:#_____ or %_____

Site inspection during construction:_____

(List dates and comments): _____

Compliance (note agreement or changes): _____

Attachment: Energy Efficient Lighting Systems Contract (RES-2024-647 : Energy Efficient Lighting Systems CRS #4965)

Customer Report: TOWN OF AMHERST

Application Number: 15325813

Installation Site: Ice Rink 1

Measure Category	Proposed	Measure Code	Device Code	Device Description	Device Quantity	Installed Quantity
Lighting System	Proposed	86DP	FLED300	LED Fixture, 300W	30	
Lighting System	Proposed	86DP	FLED300	LED Fixture, 300W	30	

Installation Site: Ice Rink 2

Measure Category	Proposed	Measure Code	Device Code	Device Description	Device Quantity	Installed Quantity
Lighting System	Proposed	86DP	FLED300	LED Fixture, 300W	50	

Installation Site: Ice Rink 3

Measure Category	Proposed	Measure Code	Device Code	Device Description	Device Quantity	Installed Quantity
Lighting System	Proposed	86DP	FLED300	LED Fixture, 300W	50	

Installation Site: Ice Rink 4

Measure Category	Proposed	Measure Code	Device Code	Device Description	Device Quantity	Installed Quantity
Lighting System	Proposed	86DP	FLED300	LED Fixture, 300W	25	
Lighting System	Proposed	86DP	FLED300	LED Fixture, 300W	25	

Attachment: Energy Efficient Lighting Systems Contract (RES-2024-647 : Energy Efficient Lighting Systems CRS #4965)

Energy Initiative

Signatures

Customer Report: TOWN OF AMHERST

Application No: 15325813

Report Date: 05-30-2024

Customer's Acknowledgement

We are pleased to offer an incentive for the proposed energy savings measures at the site referenced on this Customer Report. To accept this offer and reserve funding, please sign this form which summarizes the equipment and operational specifications required to be complete to qualify for an incentive for the associated with this project. The signed Customer Report serves as your acceptance of this incentive offer and confirms your intention to proceed with this project.
By signing below, the Customer hereby certifies that all statements made on this Customer Report as presented by a National Grid Sales Representative are true, accurate and complete. The Customer acknowledges such measures are appropriate for the type and purpose of the facility in which they will be installed. Customer also certifies that the Customer has read the Terms and Conditions provided in this Customer Report package. Customer agrees that the project costs and incentive amount are correct and as agreed upon with the Vendor/Contractor and National Grid. Customer further understands and acknowledge that payment of the incentive is contingent upon (1) a post-inspection verification of the newly installed equipment to ensure the installation is consistent with the application as approved, represents sound engineering practice and complies with this Customer Report; (2) submittal of paid invoices by the customer.(3) detailed itemized unit cost invoices for the material and labor costs associated with the project from the vendor/contractor who installed the measures. The Customer reaffirms that the incentive recipient provided in the application is still valid. If the incentive recipient has changed since initial application submittal, please notify your National Grid Sales Representative in writing to reaffirm your new selection.

If you decide to make a change in your project after pre-approval you must notify National Grid prior to beginning installation. We will determine whether the proposed change will require any revision to your application or incentive as pre-approved. To qualify for this incentive offer, the project needs to be completed within 180 days of the signing of the letter.

Thank you for participating in National Grid's Electric Energy Efficiency Program. We look forward to working with you.

Customer Signature: _____

Estimated Project Completion Date: _____ **Today's Date** _____

Name: *(print)* _____ **Phone:** _____

Certification of Installation

By signing this section, I am certifying that the measures identified in this customer report have been installed and fully operational.

Customer Signature: _____ **Date:** _____

Name: *(print)* _____

Attachment: Energy Efficient Lighting Systems Contract (RES-2024-647 : Energy Efficient Lighting Systems CRS #4965)

LightUp 2 24

UNY Electric Commercial and Industrial Program

National Grid is pleased to offer a bonus incentive for your project under the National Grid application

number 15325813

Your lighting project is eligible for our **LightUp 2024** bonus program. This program provides an additional 20% on any new qualifying lighting project* in National Grid's Commercial and Industrial Electric Program starting after April 1, 2024, and completed and paid by December 31, 2024**.

Therefore, if the project under the application number above is completed and paid by December 31, 2024, the total incentive paid by National Grid will be automatically increased by 20% which equates to $8,400.00. in additional incentive for grand total incentive to be paid of $50,400.00.

Thank you for participating in our programs!

** Only prescriptive lighting applications not receiving a Lighting Express incentive are eligible. Custom lighting applications including those under illuminating excellence and any sales under the midstream lighting program are NOT eligible for this bonus.*

*** A project is defined as completed when National Grid receives final signatures, final paid invoices for labor and materials and a completed post inspection to verify the equipment is installed and operational. The total incentive amount cannot exceed 100% of the cost of the project. The project will be paid at the amount set forth on the customer report if it is completed after December 31, 2024. Please see your National Grid representative for full details.*

This offer is only for customers participating in National Grid's Commercial and Industrial Electric Program. Small Business Services Program projects are not eligible for this incentive offer.

nationalgrid

Attachment: Energy Efficient Lighting Systems Contract (RES-2024-647 : Energy Efficient Lighting Systems CRS #4965)

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Youth & Recreation
Initiated by: **Mary Diana Pouli**
Co-Sponsored by:

DOC ID: 29230 **RESOLUTION 2024-648** **ADOPTED**

Authorization to Use Mollenberg-Betz

WHEREAS, certain HVAC equipment at the Northtown Center at Amherst requires the use of Vilter parts to maintain its warranties, and

WHEREAS, Mollenberg-Betz, Inc. is the only authorized dealer in Western New York, the next closest authorized dealers being in Syracuse, NY, and just outside of Toronto, Ontario, Canada, and

WHEREAS, the Town has contracts with other HVAC suppliers which the Youth & Recreation Department routinely uses to purchase non-Vilter parts,

NOW THEREFORE, BE IT RESOLVED that the Amherst Town Board authorizes the use of Mollenberg-Betz for Vilter parts and equipment only (unless Mollenberg-Betz is part of a competitive bidding process for other items) and authorizes payments to Mollenberg-Betz for Vilter parts already purchased.

7/22/2024
Consent

FINANCIAL IMPACT:

TBD

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Town Clerk
DOC ID: 29218

COMMUNICATION 2024-59

APPROVED

Boy Scouts Troop 4 Request for Fee Wavier

Request from Boy Scouts Troop 4 seeking a waiver of the Building permit fee for a Eagle Scout project renovating the sign at the Buffalo Niagara Heritage Village.

Response from the Building Commissioner is attached.

7/22/2024
Consent

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

Troop 4

168 Chestnut Street
Lockport, NY 14094

St John the Baptist R.C.

July 15, 2024

Town of Amherst
5583 Main Street
Williamsville, NY 14221

To whom it may concern:

I am writing to apply for a waiver for the building permit fee for my Eagle Scout project. I am renovating the sign at the Buffalo Niagara Heritage Village. Please contact me at (716) 628-6209 if you have any questions. Thank you for your consideration.

Regards,

Lucas Pynn

Attachment: Fee waiver Letter (COM-2024-59 : Boy Scouts Troop 4 Request for Fee Wavier)

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: July 16, 2024

TO: Town Board

FROM: Mark S. Berke, P.E., Commissioner of Building

RE: Request for Waiver of Sign Permit Fee for Buffalo Niagara Heritage Village

In response to the letter received July 16, 2024, from Lucas Pynn regarding an Eagle Scout project to renovate the sign at the Buffalo Niagara Heritage Village, this memo serves to recommend approval of this request to waive the fee associated with sign permit. Please be advised the permit is still required.

Please contact me if you have any questions regarding this matter.

Mark S. Berke, P.E.
Commissioner of Building

CC: Doug Gesel, Supervising Code Enforcement Officer
Francina J. Spoth, Town Clerk

Attachment: Fee waiver Letter (COM-2024-59 : Boy Scouts Troop 4 Request for Fee Wavier)

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Town Clerk
DOC ID: 29242

COMMUNICATION 2024-60

REFERRED

Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road

Letter from Sean Hopkins, Esq. regarding the proposed rezoning of 1789 Dodge Road.

7/22/2024
Referred to Planning

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

HSM

July 17, 2024

Brian J. Kulpa, Town Supervisor
Town of Amherst Town Hall
5583 Main Street
Williamsville, NY 14221

Re: Request to Amend Zoning Classification of 1789 Dodge Road [Z-2020-15]
Proposed Residential Subdivision

Dear Supervisor Kulpa and Councilmembers:

This letter is being submitted on behalf of the Project Sponsor to request that the Town Board adopt a resolution during its meeting to be held on Monday, July 21st at 7:00 p.m. for the purpose of issuing a Negative Declaration pursuant to the State Environmental Quality Review Act ("SEQRA") and approving the rezoning of 1789 Dodge Road from SA to R-3 subject to the following proposed zoning conditions:

1. That future development of the site shall be limited to single family detached residential uses with a maximum yield of fifteen (15) homes.

2. That any future development of a principal or accessory structure or uses in the 2.7 acres of Permanent Open Space shall be prohibited. The only proposed development of the portion of the Permanent Open Space is limited to required stormwater management system improvements and utility infrastructure.

3. That a protective covenant/conservation easement shall be placed on all proposed open space and confirm total acreage to be under the control of a homeowners association.

4. That the final plat design shall include a right-of-way access to a potential future Youngs Road extension.

5. That the landscaping and screening to be provided in the Permanent Open Space along the Dodge Road frontage of the project site shall require the approval of the Planning Board at the Preliminary Plat Application stage of the subdivision review process.

The Town Board held a public hearing in connection with the pending requested rezoning during its meeting on June 24th. A copy of the PowerPoint presentation given to the Town Board during the public hearing held on June 24th is attached as Exhibit "1".

The PowerPoint presentation included information regarding the reasons the requested rezoning of the Project Site from SA to R-3 is consistent with the adopted Comprehensive Plan and the SA Zoning Analysis completed in accordance with the resolution adopted by the Town Board including the following:

HOPKINS SORGI & MCCARTHY PLLC
Attorneys at Law
5500 Main Street, Suite 343 • Williamsville, New York 14221
Direct: 716-510-4338 • E-mail: shopkins@hsr-legal.com • www.hsmlegal.com

Attachment: Kulpa-Ltr-1789 Dodge-07-17-24 (COM-2024-60 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

- Slide 21: Copy of Figure 6 of the adopted Bicentennial Comprehensive Plan ("Conceptual Land Use Plan") indicating the Project Site has been designated is appropriate for "Single Family Residential" use.[1]

- Slide 22: Copy of Map 3 from the SA Zoning Analysis Recommendation prepared by Colliers Engineering and Design depicting Project Site as being appropriate for R-3 zoning classification [Parcel 208].

If you have any questions regarding this letter, please feel free to contact me at 716.510-4338 or via e-mail at shopkins@hsmlegal.com.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

Enc.
cc: Jacqualine Berger, Councilmember
Shawn Lavin, Councilmember
Michael Szukala, Councilmember
Angela Marinucci, Councilmember
Francina J. Spoth, Town Clerk
Timothy J. Koller, Deputy Town Clerk
Martin Pollowy, Esq., Town Attorney
Daniel Howard, AICP, Planning Director
Martin Pollowy, Esq., Town Attorney
Joe Rubino
Chistopher Wood, P.E.

[1] Single-Family Residential is described at Page 3-21 of the Comprehensive Plan as most recently amended in December of 2020. The recommended density is 2 to 4 units per acre. The proposed density of the subdivision is only 2.24 units per acre and was previously reduced from 2.54 units to 2.24 units per acre as a result of providing Permanent Open Space along Dodge Road frontage [2.8 acres of Permanent Open Space – 41.8% of the Project Site].

Attachment: Kulpa-Ltr-1789 Dodge-07-17-24 (COM-2024-60 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

Exhibit 1

Attachment: Kulpa-Ltr-1789 Dodge-07-17-24 (COM-2024-60 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

Town of Amherst Town Board

Public Hearing - Request to Rezone 6.7± acres of land from SA to R-3 – June 24, 2024

Address: 1789 Dodge Road

Petitioner: Joe Rubino

Z-2020-15

15.2.a

Attachment: Kulpa-Ltr-1789 Dodge-07-17-24 (COM-2024-60 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

Location:

East side of Dodge Road, approximately 1,250 feet northeast of the intersection of Dodge Road and Casey Road opposite, and 120 feet northeast of the intersection of Brenridge Drive and Dodge Road

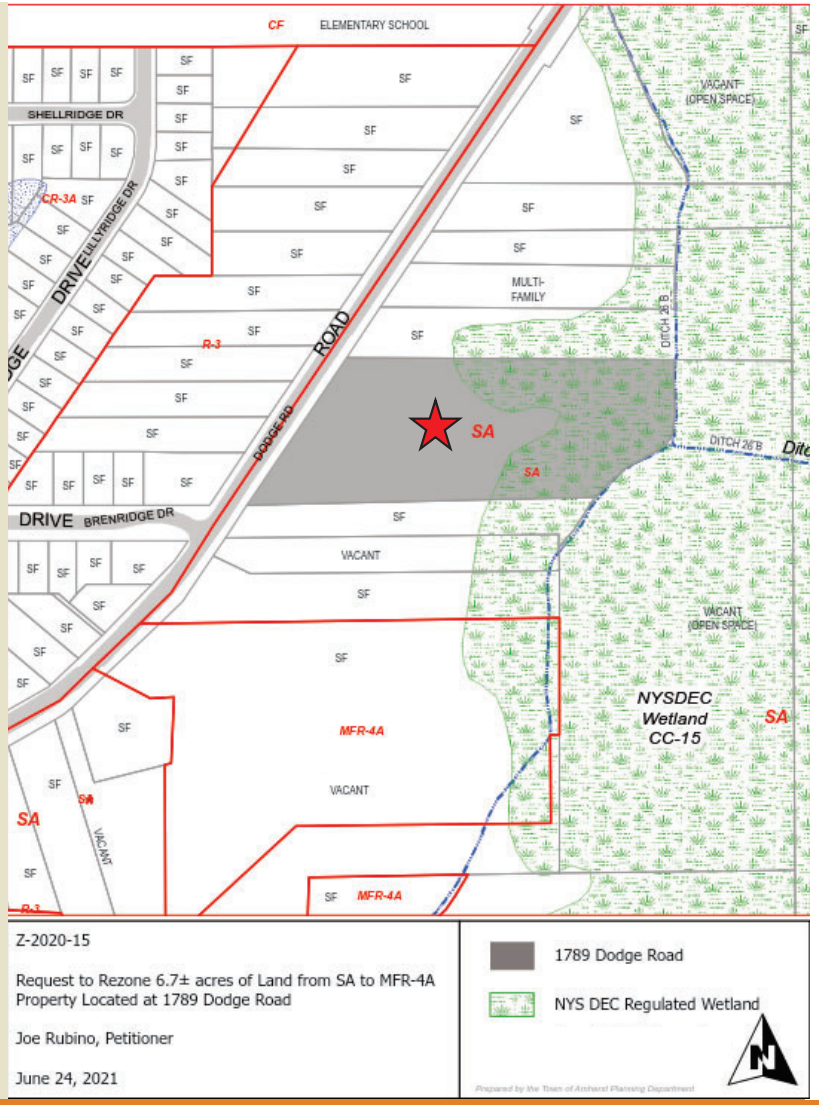
Current Zoning:

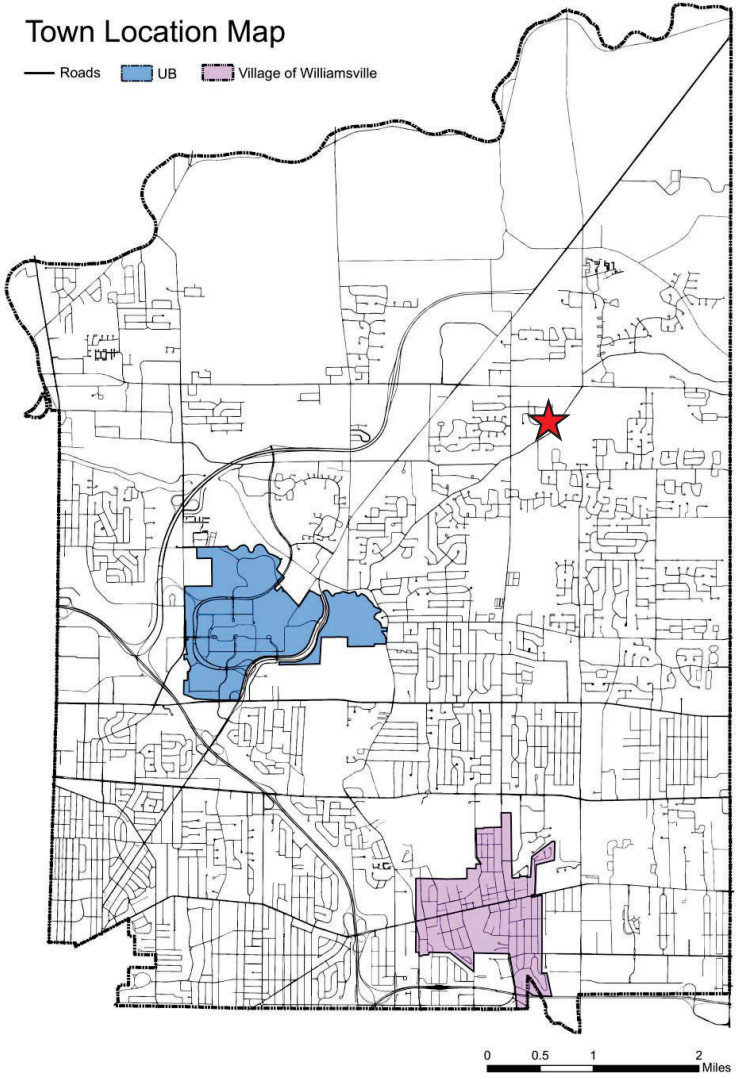
Suburban Agriculture District ("SA")

Land Uses:

SF – Single-family

V – Vacant





15.2.a

- **Existing Development:** Contains a single-family home along the Dodge Road frontage
- **Size of Project Site:** 6.7± acres

Project History & Project Description:

- Request to amend the zoning classification of 6.7± acres of land at 1789 Dodge Road from SA to R-3 to allow a 16-lot residential subdivision (15 lots for homes and 2.8 acres of Permanent Open Space).
- Public hearings held by the Town Board on November 22, 2021 and January 18, 2022.
- On February 28, 2022, the Town Board tabled its issuance of a decision in order for an evaluation of SA zoned parcels to occur.
- Presentation given to the Town Board by Colliers Engineering & Design on June 10th regarding SA District Alternatives

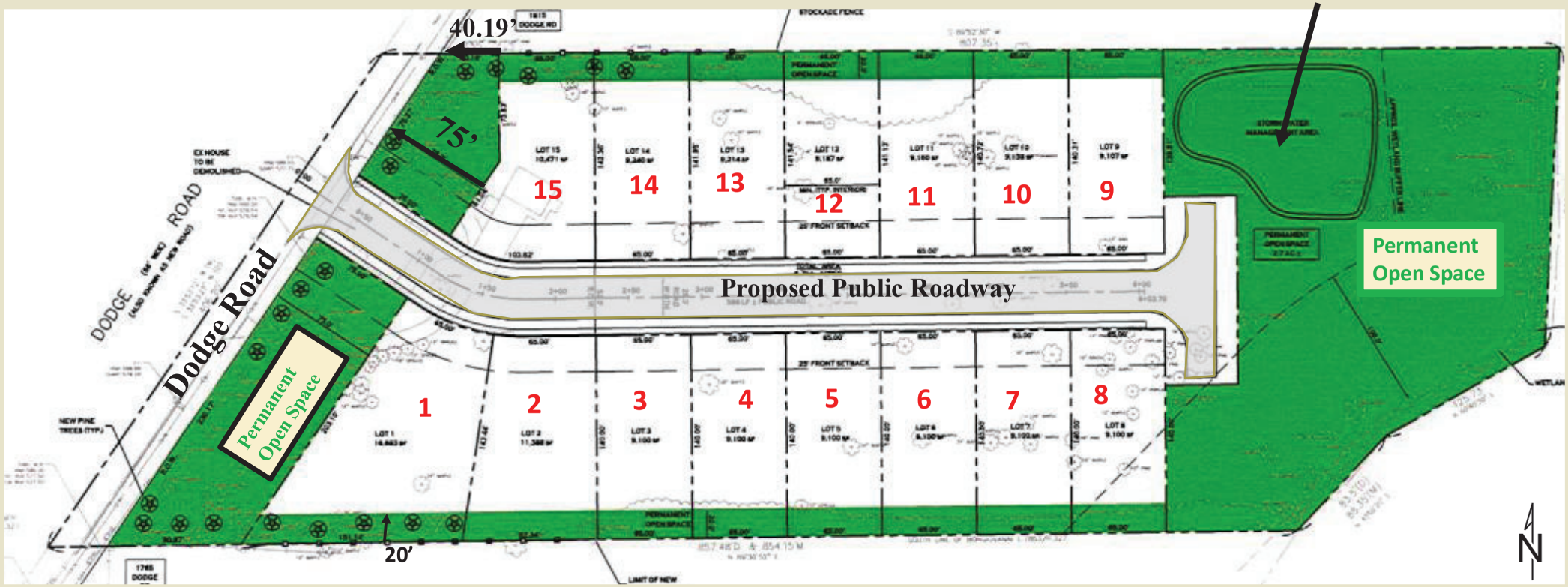
Attachment: Kulpa-Ltr-1789 Dodge-07-17-24 (COM-2024-60 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

Project Description:

- Current Concept Plan shows Permanent Open Space along Dodge Road frontage along with 20 ft. of Permanent Open Space on the north and south property lines.
- 1.5 acres of land is to remain Permanent Open Space consisting of eastern portion of the Project Site to accommodate a potential future Right-of-Way for a potential future northerly extension of Youngs Road.
- 2.8 Acres of Permanent Open Space [41.8% of the Project Site]
- Public road is proposed with a single curb cut off Dodge Road - Roadway will end with a hammerhead configuration for fire safety ingress and egress per the standards in Appendix D of the NYS Fire Code.
- Wetland Delineation Report prepared by Earth Dimensions Inc. identified NYSDEC - Wetland is only 0.054 acres - No impacts are proposed to the on-site wetland area.

Attachment: Kulpa-Ltr-1789 Dodge-07-17-24 (COM-2024-60 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

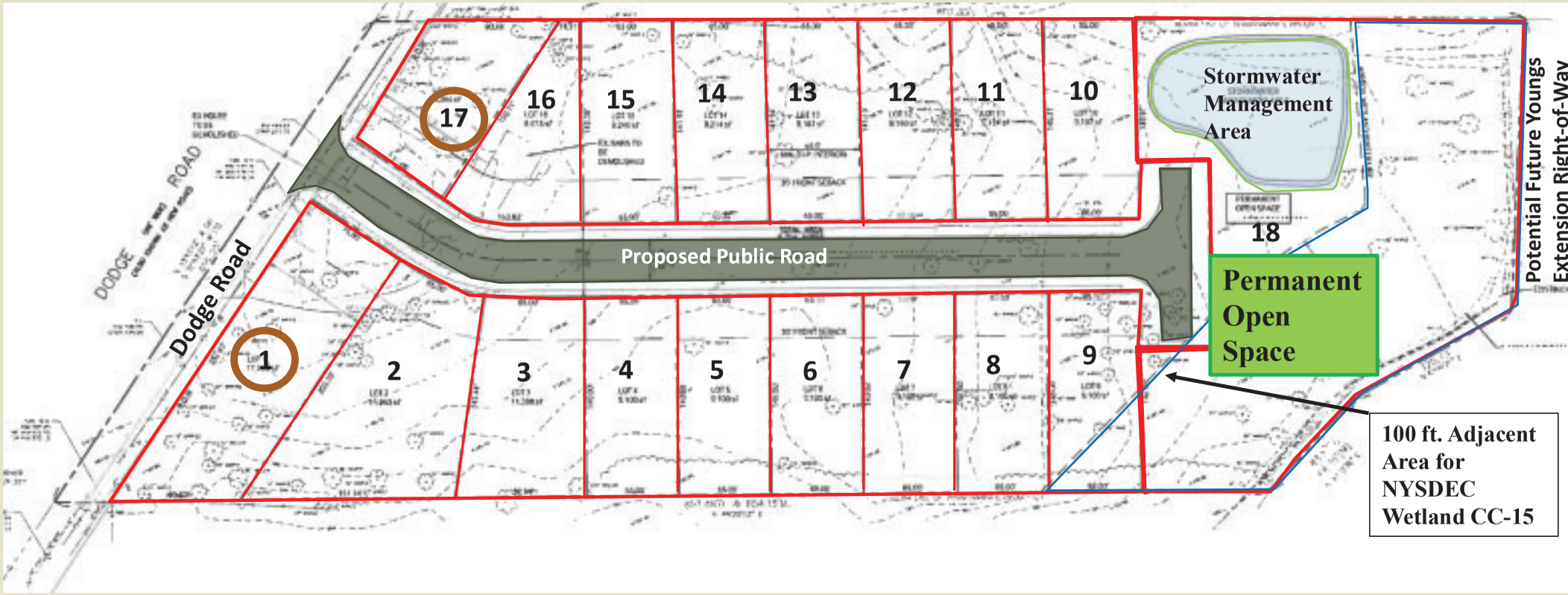
CONCEPT PLAN – 15 LOTS FOR SINGLE-FAMILY HOMES:



Attachment: Kulpa-Ltr-1789 Dodge-07-17-24 (COM-2024-60 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

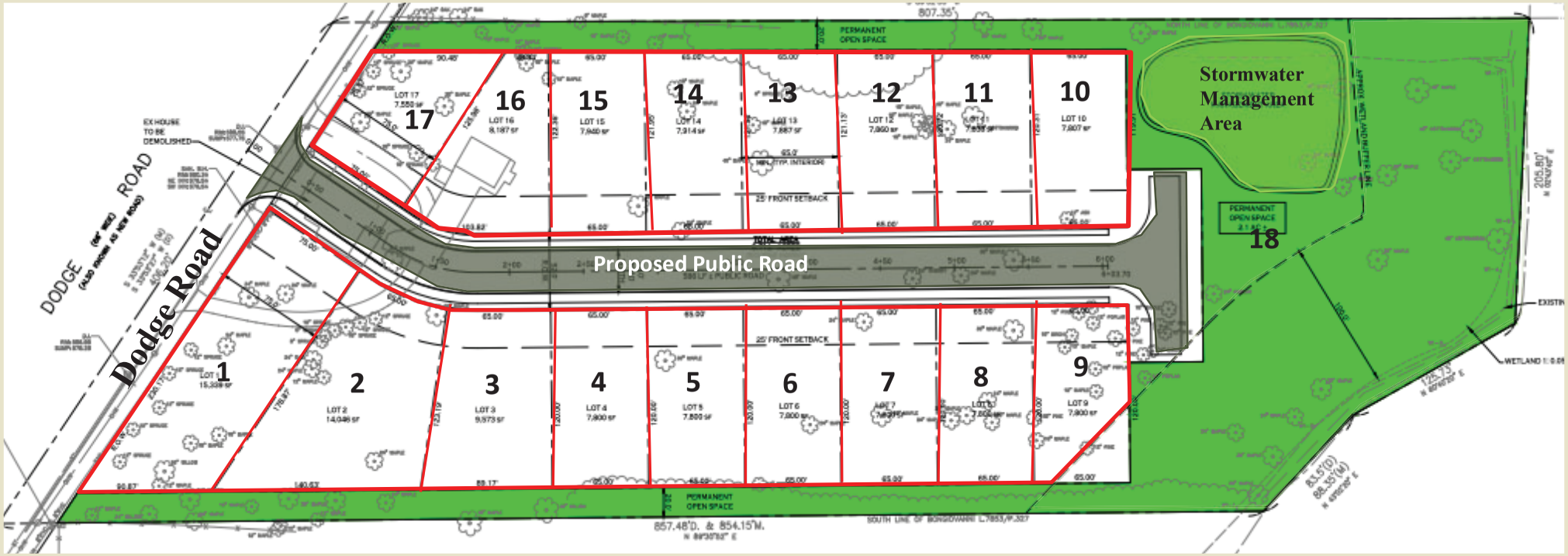
ORIGINAL CONCEPT PLAN PRESENTED ON FEBRUARY 18, 2021 [17 LOTS FOR HOMES]:

1.5 Acres of Permanent Open Space



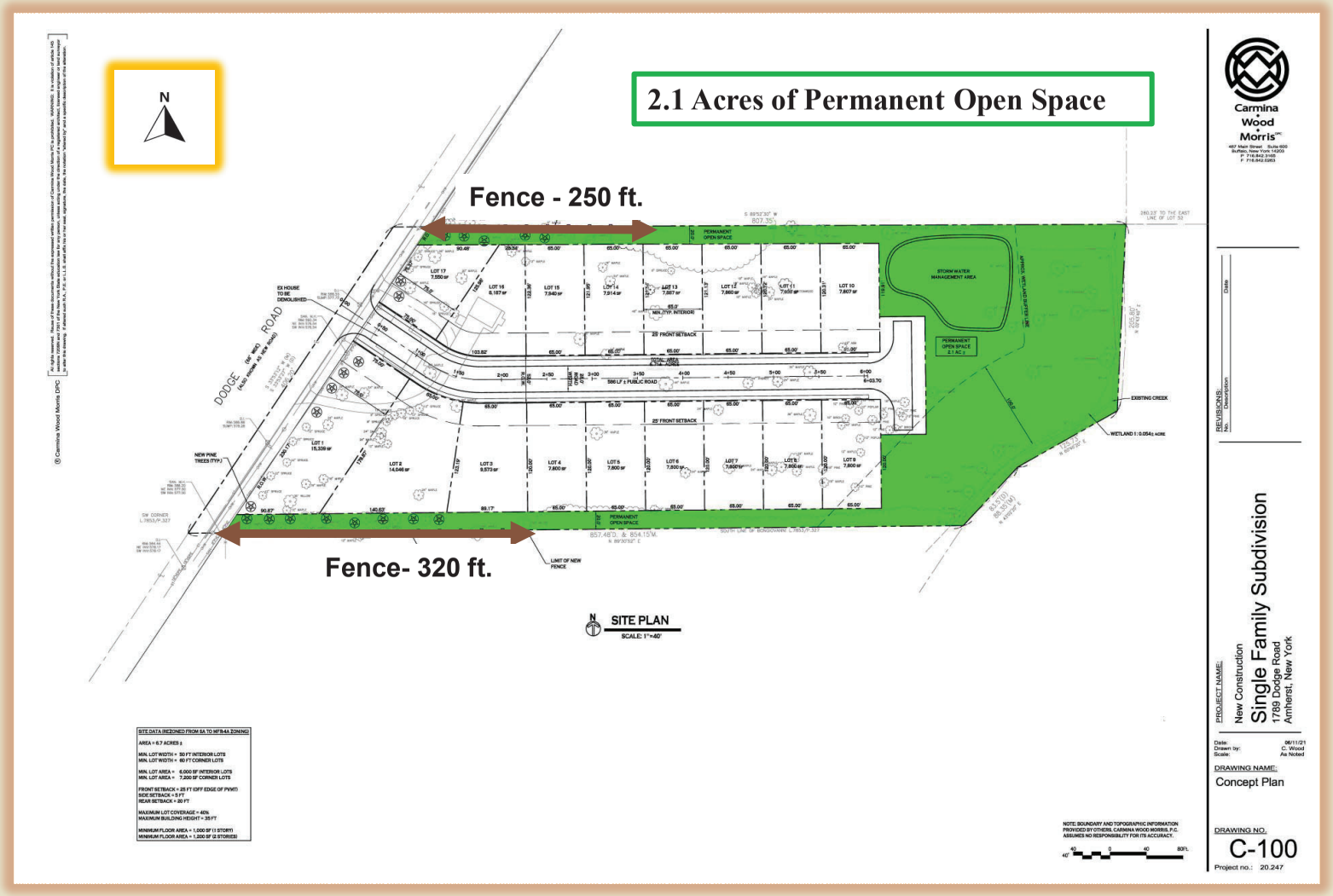
CONCEPT PLAN PRESENTED ON APRIL 15, 2021 [17 LOTS FOR HOMES]:

2.1 Acres of Permanent Open Space including Rear 20 ft. of Lots 1 to 17



CONCEPT PLAN PRESENTED ON JUNE 24, 2021:

- MFR-4A zoning requested – Concerns raised regarding other uses permitted in the MFR-4A zoning district
- 17 lots for single-family homes
- Installation of a 6 ft. privacy fence on northern edge of the 20 ft. of Permanent Open Space with a length of nearly 250 ft. as measured from the Dodge Road Right-of-Way and also along the southern edge of the 20 ft. of Permanent Open Space with a length of approximately 320 ft. as measured from the Dodge Road Right-of-Way.
- Planting of evergreen trees within the portions of the Permanent Open Space closest to the existing homes on the contiguous parcels to the north at 1815 Dodge Road and south at 1765 Dodge Road and along the Dodge Road frontage of the Project Site.



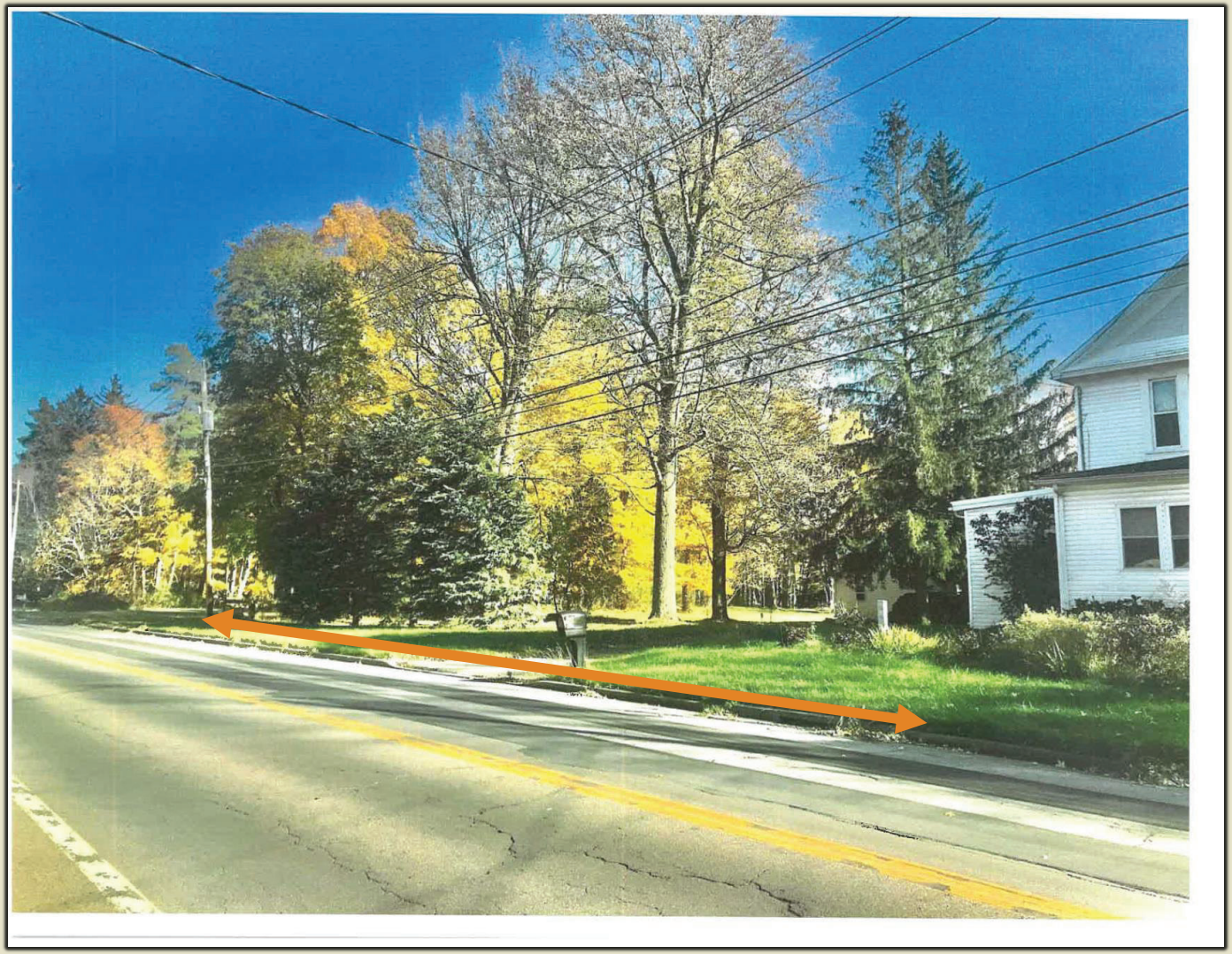
CONCEPT PLAN – DODGE ROAD FRONTAGE WITH SCREENING AS PREPARED BY ROBERT WALTER, RLA

- Planning Board discussed the rural character of the relevant segment of Dodge Road
- Proposed Wood 2-Rail Split Rail Fence along Dodge Road frontage [Project Site has 406 ft. of frontage on Dodge Road]
- 6 ft. board on board fence along portions of the northern and southern boundaries of the Project Site
- Preservation of Existing Evergreen and Deciduous Trees
- Extensive New Plantings:
  - 25 Trees [3 types]
  - 74 Shrubs [6 types]

Dodge Road Frontage [South]:

Dodge Road Frontage [South]:

Dodge Road Frontage[North]:



Northerly View on Project Site:

Aerial View:

COLOR CONCEPT PLAN:

Carmina·Wood·Morris DPC

SINGLE FAMILY SUBDIVISION
1789 Dodge Road | Amherst, NY
November 2021

RENDERED SITE PLAN

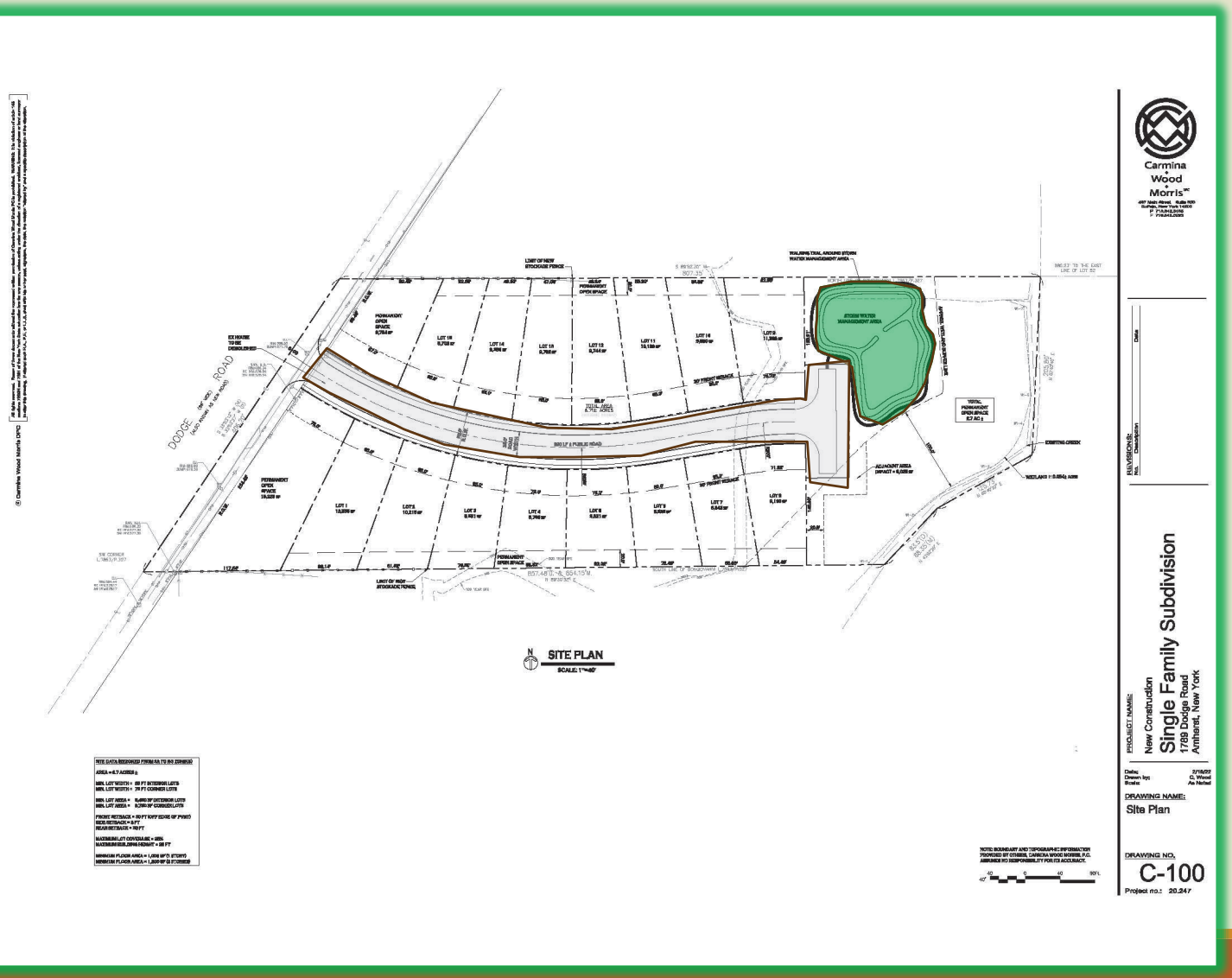
1

Attachment: Kulpa-Ltr-1789 Dodge-07-17-24 (COM-2024-60 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

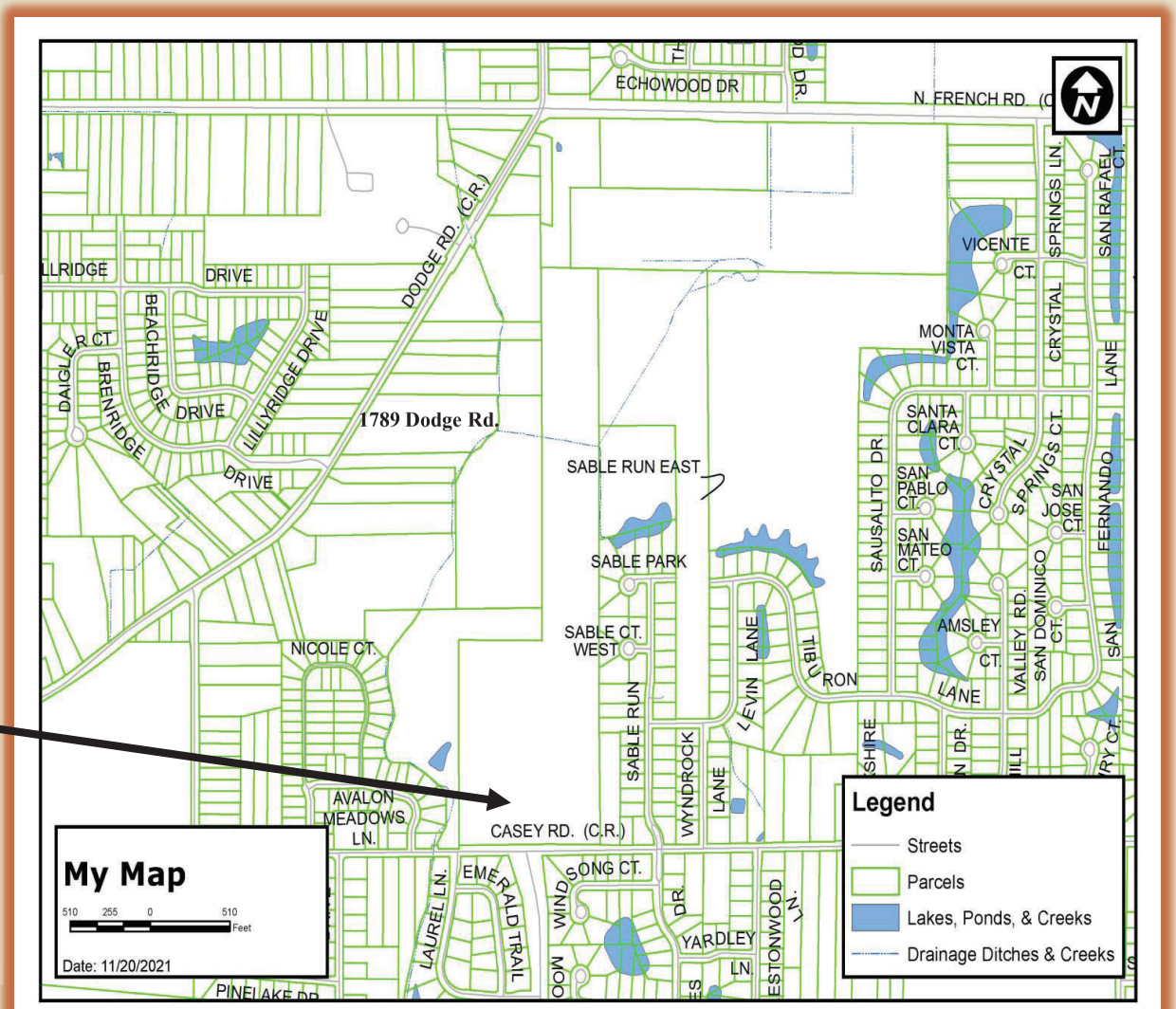
COLOR RENDERING OF DODGE ROAD FRONTAGE:

CURRENT CONCEPT PLAN:

- Straight roadway replaced with a slightly curved roadway
- Modified shape of the Stormwater Management Area on the rear of the Project Site



Subdivision on Casey Road at end of Youngs Road



Sample Home Elevations:

Requested Rezoning from SA to R-3 is Consistent with the Adopted Comprehensive Plan:

- Figure 6 of the adopted Bicentennial Comprehensive Plan ("Conceptual Land Use Plan") indicates the Project Site is appropriate for "Single Family Residential" use
- Benefits of Infill Development [Public infrastructure available]
- Proposed change does tend to improve the balance of uses and meets a specific demand in the Town
- Rezoning of 1695, 1701 and 1721 Dodge Road from SA to MFR-4A as approved on February 24, 2020

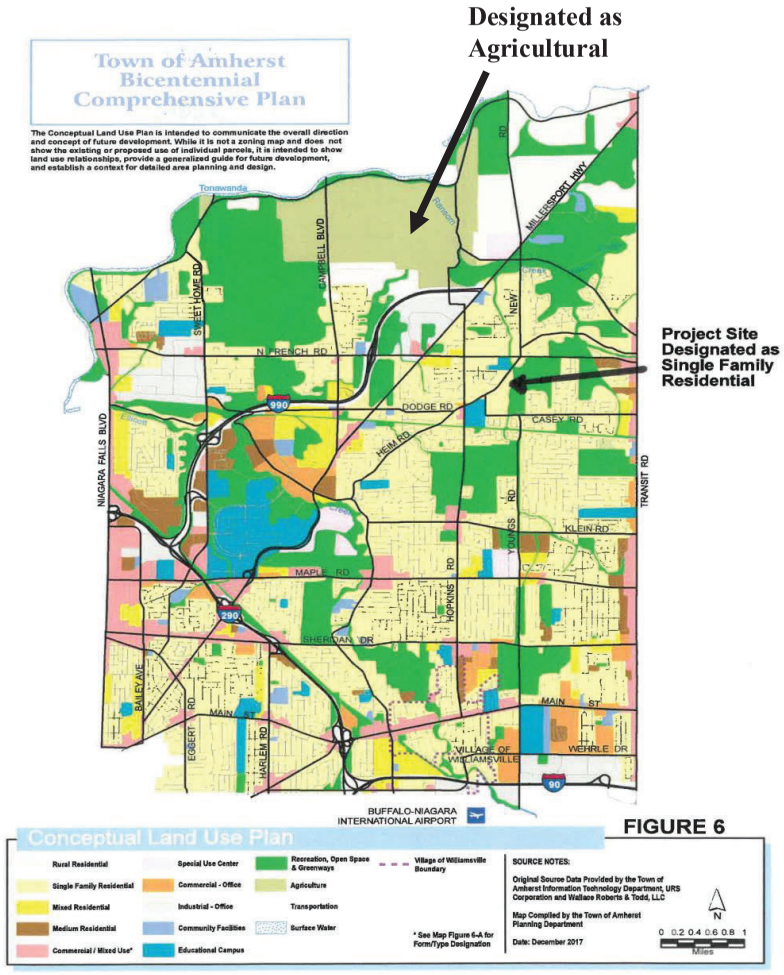
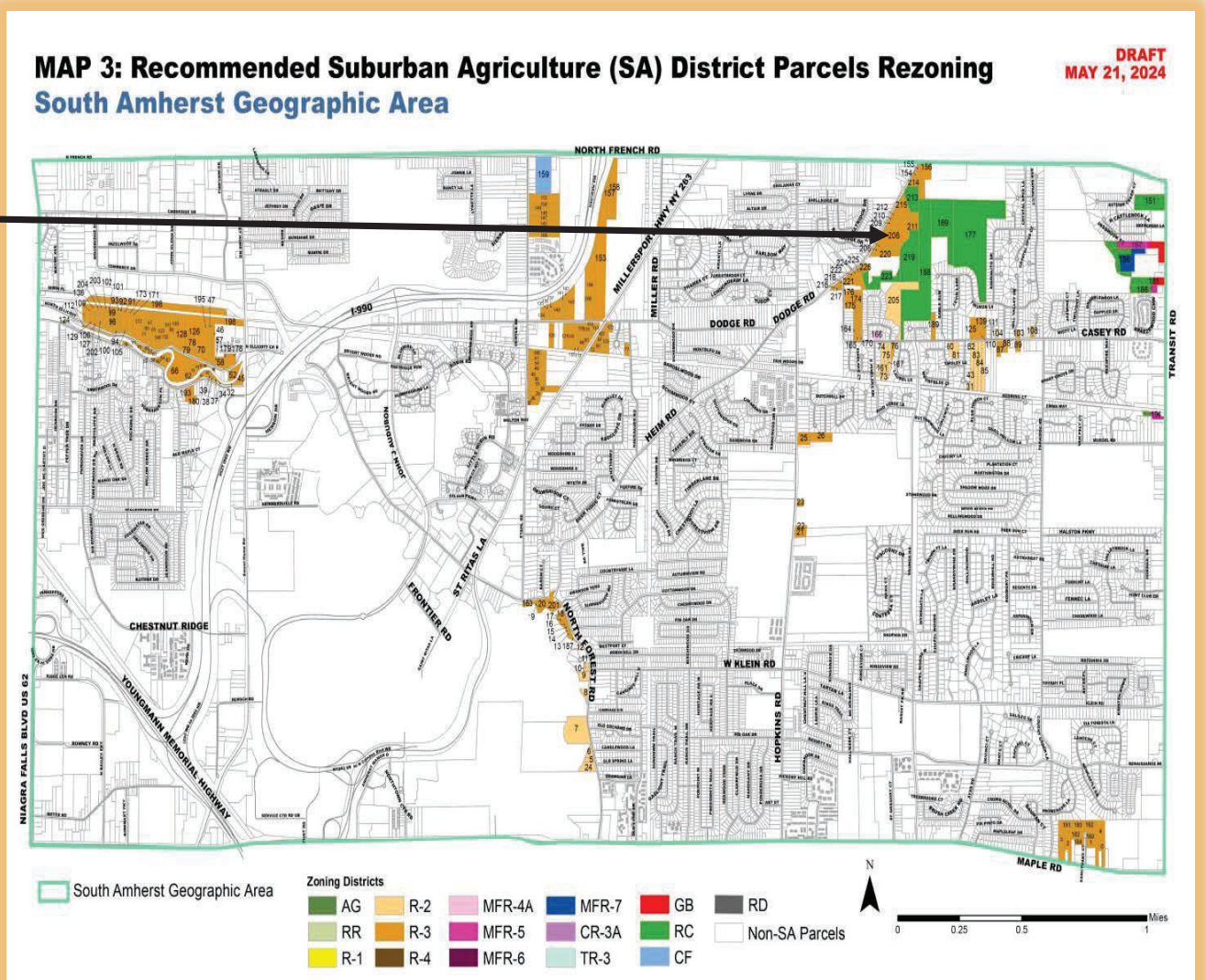


FIGURE 6

SA Zoning Analysis Recommendation:

- Map 3 depicts the Project Site as being appropriate for R-3 zoning classification [Parcel 208]

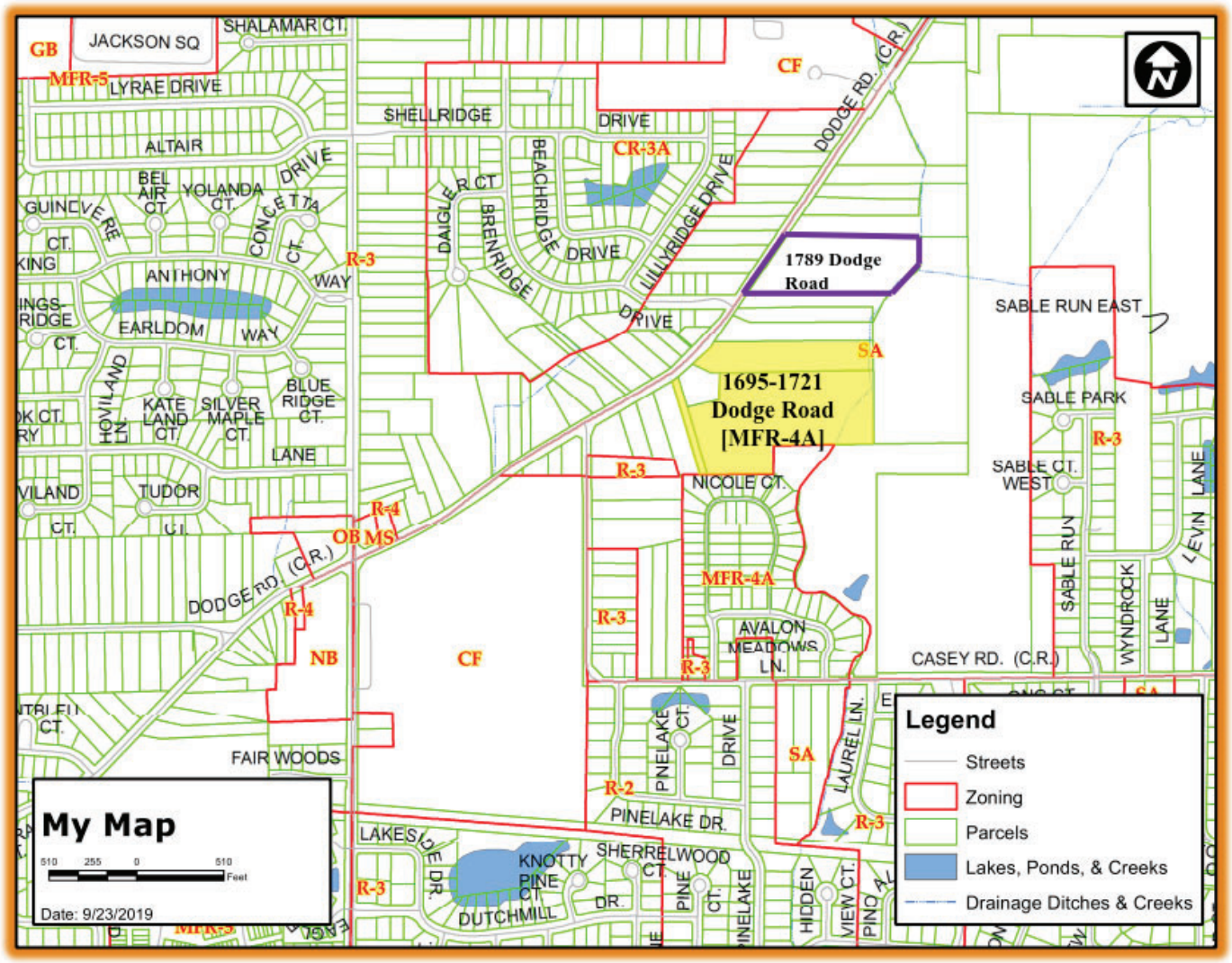


Requested Rezoning from SA to R-3 is Consistent with the Adopted Comprehensive Plan:

- Single-Family Residential (2 to 4 units/acre) – Page 3-21 of the Comprehensive Plan as most recently amended in December of 2020
  - "Consistent with Amherst's history as a suburban bedroom community, nearly one-half of the Town's land area will remain in relatively low-density, primarily single-family detached residential use. Policies for Amherst's single-family neighborhoods are to preserve the neighborhood fabric and quality of life by limiting undesired influences such as commercial intrusions."
  - Proposed Density – Reduced from 2.54 units to 2.24 units per acre as a result of providing Permanent Openn Space along Dodge Road frontage [2.8 acres of Permanent Open Space – 41.8% of the Project Site]
- Agriculture – The Comprehensive Plan and the Farmland Protection Plan designates areas for agriculture and associated activities including:
  - Agricultural Lands, included in Erie County Agricultural District #17
  - Lands acquired or designated for acquisition through the Town's purchase of development rights program, the Farmland Protection Program
  - Lands adjacent to such areas where the long-term viability of agriculture may be threatened by inconsistent uses or infrastructure development that represents urban/suburban encroachment.

Suburban scale single-family homes.

Attachment: Kulpa-Ltr-1789 Dodge-07-17-24 (COM-2024-60 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)


1789 Dodge Road
1695-1721 Dodge Road [MFR-4A]
SA
CF
CR-3A
R-3
R-4
R-2
MFR-4A
NB
OB
MS
GB
MFR-5
DODGE RD. (C.R.)
CASEY RD. (C.R.)
SHELLRIDGE DRIVE
BEACHRIDGE DRIVE
LILLYRIDGE DRIVE
DAIGLE R CT
BRENRIDGE
ALTAIR
BEL AIR CT.
YOLANDA CT.
CONCETTA DRIVE
GUINEVERE CT.
ANTHONY WAY
EARLDOM WAY
KATE LAND CT.
SILVER MAPLE CT.
BLUE RIDGE CT.
LANE
TUDOR CT.
NICOLE CT.
AVALON MEADOWS LN.
SABLE RUN EAST
SABLE PARK
SABLE CT. WEST
SABLE RUN
VYNDROCK LANE
LEVIN LANE
PINELAKE CT.
PINELAKE DRIVE
LAUREL LN.
PINELAKE DR.
KNOTTY PINE CT.
SHERRELWOOD CT.
DUTCHMILL DR.
HIDDEN VIEW CT.
FAIR WOODS
JACKSON SQ
SHALAMAR CT.
LYRAE DRIVE
My Map
Date: 9/23/2019
Legend
Streets
Zoning
Parcels
Lakes, Ponds, & Creeks
Drainage Ditches & Creeks

PROPOSED ZONING CONDITIONS:

1. That future development of the site shall be limited to single family detached residential uses with a maximum yield of fifteen (15) homes.
2. That any future development of a principal or accessory structure or uses in the 2.7 acres of Permanent Open Space shall be prohibited. The only proposed development of the portion of the Permanent Open Space is limited to required stormwater management system improvements and utility improvements and potential future roadway connection to Youngs Road.
3. That a Declaration of Restrictions shall be recorded at the Erie County Clerk's Office to protect the Permanent Open Space.
4. That the final plat design shall include a right-of-way access to a potential future Youngs Road extension.
5. That the landscaping and screening to be provided in the Permanent Open Space along the Dodge Road frontage of the project site shall require the approval of the Planning Board at the Preliminary Plat Application stage of the subdivision review process.

Attachment: Kulpa-Ltr-1789 Dodge-07-17-24 (COM-2024-60 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

SEQRA and Project Review Process:

- No impacts to small portion of NYSDEC Freshwater Wetland CC-15 on rear of Project Site
- Low density subdivision – Reduced from 2.54 units to 2.24 units per acre
- Updated subdivision layout preserves the rural character of the Dodge Road frontage per the input received from the Planning Board during its meeting held on June 24, 2021 - 2.8 Acres of Permanent Open Space [41.2% of the Project Site]
- Stormwater management system will comply with the stringent stormwater quality and quantity standards of the NYSDEC including handling a 100-yr. storm event
- DSCA prepared by Carmina Wood Morris DPC demonstrated there is adequate downstream sanitary sewer capacity during wet weather conditions per the standards of the NYSDEC
- If the requested rezoning is approved, the residential subdivision will require Sketch Plan, Preliminary Plat and Final Plat Approval from the Planning Board [Minimum of 3 additional public hearings]

Attachment: Kulpa-Ltr-1789 Dodge-07-17-24 (COM-2024-60 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

Conclusion:

- Requesting issuance of a Negative Declaration and the amendment of the zoning classification of 1789 Dodge Road from SA to R-3 subject to the five proposed zoning conditions.

- Questions…

Attachment: Kulpa-Ltr-1789 Dodge-07-17-24 (COM-2024-60 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Town Clerk
DOC ID: 29236

COMMUNICATION 2024-61 **REFERRED**

Correspondence from Sean Hopkins, Esq. - Proposed Project at 1790, 1860 & 1920 North French Road & Portion of 999 Campbell Boulevard

Letter from Sean Hopkins, Esq. regarding an updated concept site plan.

7/22/2024
Referred to Planning

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

HSM

July 16, 2024

Brian J. Kulpa, Town Supervisor
Town of Amherst Town Hall
5583 Main Street
Williamsville, NY 14221

Re: Application for Bicentennial Comprehensive Plan Amendment
Proposed Mixed-Use and Residential Project – 1790, 1860 and 1920
North French Road & Portion of 999 Campbell Boulevard
Applicant/Project Sponsor: SBLC Development Corp.
File No. 10066.7

Dear Supervisor Kulpa and Councilmembers:

This letter is being submitted on behalf of SBLC Development Corp. ("Project Sponsor") in connection with its pending request to amend the Bicentennial Comprehensive Plan. The Town Board held a public hearing during its meeting on June 24th.

In connection with an effort to reduce impacts to the jurisdictional federal wetlands located on the Project Site, the Project Sponsor has reduced the number of attached townhome units with attached garages to be located on the parcel at 1920 North French Road from 86 units to 52 units.

Attached as Exhibits "1" and "2" are copies of the updated Concept Site Plan [Drawing C-100 – Date: 07/16/24] and the Wetlands Impact Plan [Drawing WL-100] depicting the reduction of the number of attached townhome units from 86 units to 52 units and the proposed impacts to jurisdictional federal wetlands located on the Project Site. Full-size copies of the two plans referenced above are also enclosed.

If you have any questions regarding this letter or the updated plans, please feel free to contact me at 716.510-4338 or via e-mail at shopkins@hsmlegal.com.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

Enc.
cc: Jacqualine Berger, Councilmember
Shawn Lavin, Deputy Supervisor
Michael Szukala, Councilmember
Angela Marinucci, Councilmember

HOPKINS SORGI & MCCARTHY PLLC
Attorneys at Law
5500 Main Street, Suite 343 • Williamsville, New York 14221
Direct: 716-510-4338 • E-mail: shopkins@hsmlegal.com • www.hsmlegal.com

Attachment: Kulpa-Ltr-07-16-24 N French Rd (COM-2024-61 : Correspondence from Sean Hopkins, Esq. - North French Road & Campbell

Francina J. Spoth, Town Clerk
Timothy J. Koller, Deputy Town Clerk
Martin Pollowy, Esq., Town Attorney
Daniel Howard, AICP, Planning Director
Scott Marshall, Senior Planner
Fred Cimato, SBLC Development Corp.
Elliot Lasky, SBLC Development Corp.
Christopher Wood, P.E., Carmina Wood Design
Anthony Pandolfe, P.E., Carmina Wood Design
Scott Livingstone, Earth Dimensions, Inc.

Attachment: Kulpa-Ltr-07-16-24 N French Rd (COM-2024-61 : Correspondence from Sean Hopkins, Esq. - North French Road & Campbell

Exhibit 1

Attachment: Kulpa-Ltr-07-16-24 N French Rd (COM-2024-61 : Correspondence from Sean Hopkins, Esq. - North French Road & Campbell

Mixed Use Development

1790, 1860 & 1920 North French Road & Portion of 999 Campbell Blvd.
Amherst, New York
SBL No. 27.04-1-12, 16.1 & 20, 27.00-2-29

CARMINAWOOD DESIGN
Buffalo | Utica | Greensboro

REVISIONS:	
No.	Description / Date
1	Revised title block address 4/3/24
2	Added Federal wetlands 6/3/24
3	Updated Federal wetlands 6/7/24
4	Updated per Owner Comments 6/13/24

PRELIMINARY
NOT FOR CONSTRUCTION

DRAWING NAME:
Concept Site Plan

Date: 7/16/24
Drawn By: C. Wood
Scale: As Noted

DRAWING NO.
C-100

Project No: 23-4131

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

110 0 110 220ft.

N
CONCEPT SITE PLAN
SCALE: 1"=110'

RESIDENTIAL USE SUMMARY:
4-UNIT or 2-UNIT - 1-STORY BLDGS = 14
10-UNIT - 2-STORY BLDGS = 50
2,4-UNIT - 2-STORY TOWNHOME BLDGS = 52
3-STORY MIXED USE BUILDINGS = 70
TOTAL RESIDENTIAL UNITS = 186

PROPOSED WALKING/JOGGING TRAILS

SITE DATA (SF TO BE RECORDED AS):
SS (SINGLE FAMILY LOTS (ST-Alt.-AL):
MIN. LOT WIDTH = 65 FT INTERIOR LOTS
MIN. LOT WIDTH = 75 FT CORNER LOTS
MIN. LOT AREA = 8,400 SF INTERIOR LOTS
MIN. LOT AREA = 9,750 SF CORNER LOTS
FRONT SETBACK = 20 FT
SIDE SETBACK = 5 FT
REAR SETBACK = 25 FT
MAXIMUM LOT COVERAGE = 35%
MAXIMUM BUILDING HEIGHT = 35 FT

SITE DATA (SF TO BE RECORDED AS):
MU (MIXED USE) (ST-Alt.-AL):
MINIMUM FLOOR AREA = 1,000 SF (1 STORY)
MINIMUM FLOOR AREA = 1,200 SF (2 STORIES)

SITE DATA (SF TO BE RECORDED AS):
SHALLOW CORRIDOR 3 (ST-Alt.-AL):
RESIDENTIAL UNITS = 70
COMMERCIAL SPACE = 8,000 GSF

SITE DATA (SF TO BE RECORDED AS):
MU (MIXED USE) (ST-Alt.-AL):
UNIT BREAKDOWN
1 - 1BDRM UNITS = 10
1 - BDRM UNITS = 34
1 - 3BDRM UNITS = 20
TOTAL = 64 UNITS
DENSITY CALCULATION
REQ'D LAND AREA
1 - 1BDRM: 10 x 2,630 SF = 26,300 SF
1 - BDRM: 34 x 4,356 SF = 148,104 SF
1 - 3BDRM: 20 x 5,445 SF = 108,900 SF
TOTAL = 283,304 SF = 6.51 ACRES REQ'D
PARKING CALCULATION
REQ'D - 2 SPACES PER UNIT
REQ'D = 64 UNITS x 2 = 128 SPACES REQ'D
PROVIDED - 128 SPACES W/ GARAGES

PROPOSED 4-STORY / 4-UNIT BLDG. W/ ATTACHED GARAGES
PROPOSED 2-STORY TOWNHOME BLDG. W/ ATTACHED GARAGES IN THE REAR (10 BLDG. TOTAL)
PROPOSED 2-STORY / 10-UNIT BLDG. W/ ATTACHED GARAGES IN THE REAR (5 BLDG. TOTAL)
PROPOSED 3-STORY MIXED USE BUILDING (1ST FLOOR COMMERCIAL SPACE) W/ 2ND & 3RD FLOOR RESIDENTIAL UNITS
PROPOSED 3-STORY MIXED USE BUILDING (1ST FLOOR COMMERCIAL SPACE) W/ 2ND & 3RD FLOOR RESIDENTIAL UNITS
PROPOSED 2-STORY TOWNHOME BLDG. W/ ATTACHED GARAGES IN THE REAR (10 BLDG. TOTAL)
PROPOSED 2-STORY / 10-UNIT BLDG. W/ ATTACHED GARAGES IN THE REAR (5 BLDG. TOTAL)
PROPOSED 4-STORY / 4-UNIT BLDG. W/ ATTACHED GARAGES
PROPOSED WALKING/JOGGING TRAILS

Exhibit 2

Attachment: Kulpa-Ltr-07-16-24 N French Rd (COM-2024-61 : Correspondence from Sean Hopkins, Esq. - North French Road & Campbell

N

CONCEPT SITE PLAN

SCALE: 1"=110'

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

110' 0 110' 220'

DRAWING NAME: Wetland Impacts Plan

PRELIMINARY
NOT FOR CONSTRUCTION

REVISIONS:		
No.	Description	Date
5	Revised title block address	4/3/24
4	Added Federal wetlands	6/3/24
3	Updated Federal wetlands	6/7/24
2	Updated per Owner Comments	6/13/24

Mixed Use Development

1790, 1860 & 1920 North French Road & Portion of 999 Campbell Blvd.
Amherst, New York
SBL No. 27.04-1-12, 16.1 & 20, 27.00-2-29

CARMINAWOOD DESIGN
Buffalo | Utica | Greensboro

Date: 7/16/24
Drawn By: C. Wood
Scale: As Noted
DRAWING NO. WL-100
Project No: 23-4131

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Town Clerk
DOC ID: 29238

COMMUNICATION 2024-62 **REFERRED**

Correspondence from Sean Hopkins, Esq. - Proposed Project at 4300 Millerpsort Highway

Letter from Patricia Bittar regarding the proposed project at 4300 Millersport Highway.

7/22/2024
Referred to Planning, Engineering & Highway

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

Civil Engineering
Municipal Engineering
Land Surveying

WM SCHUTT ASSOCIATES

Project Management
Construction Support Services
SWPPP Services

July 15, 2024

Brian J. Kulpa, Town Supervisor
Town of Amherst Town Hall
5583 Main Street
Williamsville, New York 14221

Re: Proposed Traditional Neighborhood Project - Site Plan Application (SP-2022-03A)
4300 Millersport Highway
File 10188.3

Dear Supervisor Kulpa and Councilmembers:

This letter is being submitted on behalf of Cimato & Sons ("Project Sponsor") in connection with the above referenced Traditional Neighborhood Development at 4300 Millersport Highway (the "Project Site"). The Planning Board granted Site Plan Approval for the project during its meeting on June 25th and an updated Site Plan submission addressing the Site Plan Conditions imposed by the Planning Board was completed on July 11th. A reduced-size copy of the Site Plan approved by the Planning Board on June 25th is attached as Exhibit "1".

During recent work session meetings of the Town Board, there has been discussion regarding the Project Sponsor's request that the on-site roadways be public as designed and planned. In further support of the proposed public roads within the development, please consider the following:

1. Local Road "A" was proposed as a public road from the start of this Traditional Neighborhood project. The project received approval letters from all Town Departments and originally received Site Plan approval from the Planning Board in February 2022 based on the project including public roadways. The project scope was revisited solely due to an increase in federally regulated wetlands on the Project Site. The project density remains unchanged, but the project layout had to be modified to minimize associated wetland impacts to less than 0.5 acres. The revised layout resulted in a proposed connection of Local Road "A" to New Road that would have been installed in connection with the previously contemplated future phase of the project. Also as a result of the revised layout, the project includes two proposed cul-de-sacs, Local Road "C" and Local Road "D".

2. The proposed waterline distribution system within the project is public and was submitted to the ECWA for review and approval. The ECWA approved the project on July 12, 2024 and the ECWA approval has been submitted to the Planning Department. The proposed and approved public water system design includes a connection to the existing distribution system on both Smith Road and New Road. The ECWA will only accept a

37 CENTRAL AVENUE LANCASTER NEW YORK 14086-2143 P 716-683-5961 F 716-683-0169 WWW.WMSCHUTT.COM

Attachment: Bittar-Ltr-Town Board-Date-07-15-24 (COM-2024-62 : Correspondence from Sean Hopkins, Esq. - Proposed Project at 4300

public waterline if it is within a public road ROW. If the proposed roads are not permitted to remain public, despite the fact Local Road "A" has been depicted on the project plans for more than 2 years, the connection to the Smith Road and New Road waterlines will be required to be private. A revised design and review/approval process by the ECWA would be required which would force the Project Sponsor to incur additional engineering costs and would delay the project. A private system would result in including multiple backflow prevention devices within hotbox enclosures. The Erie County Health Department would then also require formation of a Water Transportation Corporation. Both of these requirements would cause a substantial increase in the infrastructure costs as well as future HOA costs.

The Project Sponsor is requesting that the Town Board adopt a resolution during its meeting on Monday, July 22nd for the purpose of confirming it will accept dedication of the proposed public roadways once the required approvals for the project have been obtained, including a Public Improvement Permit.

Please feel free to contact me at 683-5961 or via e-mail at pbittar@wmschutt.com, if you have any questions on this letter. You can also contact Sean Hopkins, Esq. at 510-4338 or via email at shopkins@hsmlegal.com

Sincerely,

Patricia Bittar, Director Land Development Projects

Enc.

cc: Jacqualine Berger, Councilmember
Shawn Lavin, Councilmember
Michael Szukala, Councilmember
Angela Marinucci, Councilmember
Francina J. Spoth, Town Clerk
Timothy J. Koller, Deputy Town Clerk
Martin Pollowy, Esq., Town Attorney
Daniel Howard, AICP, Planning Director
Christopher Schregel, Traffic Safety Coordinator
Fred Cimato
Sean W. Hopkins, Esq.

24-06-18-13027c-amherst-pmb

Attachment: Bittar-Ltr-Town Board-Date-07-15-24 (COM-2024-62 : Correspondence from Sean Hopkins, Esq. - Proposed Project at 4300

Exhibit 1

Attachment: Bittar-Ltr-Town Board-Date-07-15-24 (COM-2024-62 : Correspondence from Sean Hopkins, Esq. - Proposed Project at 4300

NOTE:
1. PRIOR TO AND THROUGHOUT CONSTRUCTION, THE LIMIT OF WORK LINE SHOULD BE ESTABLISHED AND REGULARLY INSPECTED. TREE CLEARING CANNOT TAKE PLACE UNTIL THE LIMIT OF WORK LINE IS ESTABLISHED AND THE WETLANDS ARE PROPERLY MARKED. NO CONSTRUCTION VEHICLES SHOULD BE ACTIVE OR STAGED IN THESE MARKED LOCATIONS.

WETLANDS

16,904 SF 0.39 ACRES OF DISTURBANCE

25,725 SF 0.59 ACRES OF MITIGATION

TND ZONING	
PHASE 1	
PATIO HOME UNITS (50'X50')	38 UNITS
4-UNIT TOWNHOMES	7 STRUCTURES (28 UNITS)
2-UNIT TOWNHOMES	6 STRUCTURES (12 UNITS)
TOTAL PROPOSED RESIDENTIAL UNITS IN PHASE 1 = 78 UNITS	

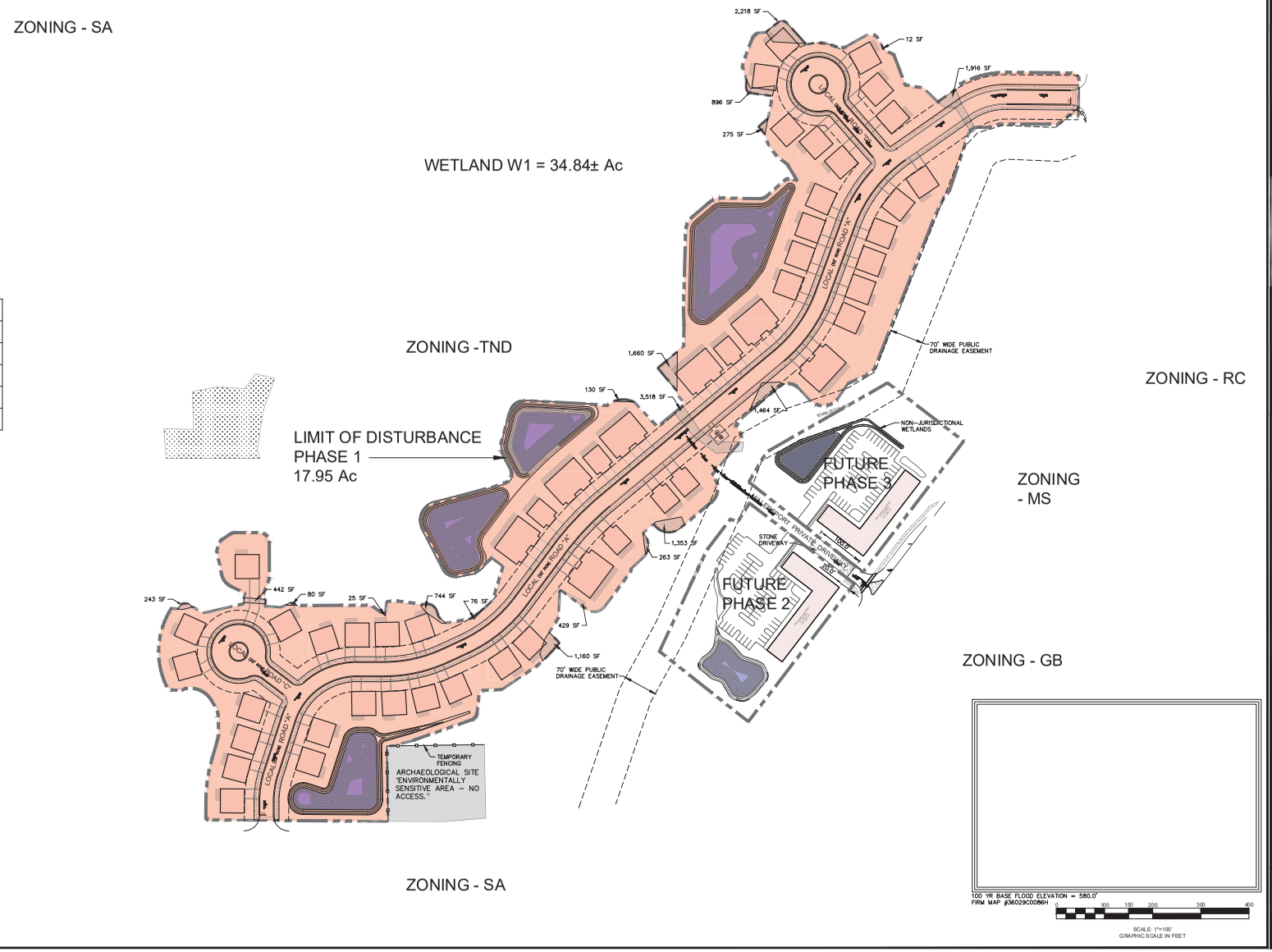
OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (OPRHP)/NEW YORK STATE HISTORIC PRESERVATION OFFICE (SHPO) AVOIDANCE PLAN FOR THE PROTECTION OF ARCHEOLOGICAL SITES

SHORT TERM SITE AVOIDANCE/PROTECTION

- THE SITE(S) BOUNDARY (INCLUDING BUFFER) WILL BE CLEARLY DELINEATED ON THE FINAL CONSTRUCTION PLANS AND IDENTIFIED AS "ENVIRONMENTALLY SENSITIVE AREA – NO ACCESS."
- TEMPORARY FENCING SHALL BE INSTALLED AROUND THE BOUNDARIES OF THE AVOIDANCE AREA PRIOR TO AND CLEARING OR CONSTRUCTION ACTIVITIES WITHIN THE APE AND SHALL BE MAINTAINED UNTIL ALL CONSTRUCTION HAS CEASED.
- A PRECONSTRUCTION MEETING WITH THE CONSTRUCTION CONTRACTOR(S) IS TO BE REQUIRED TO NOTIFY THOSE IN CHARGE OF THE REQUIREMENTS TO PROTECT AND AVOID THE ARCHAEOLOGICAL SITE(S).
- INADVERTENT CONSTRUCTION IMPACTS ARE TO BE REPORTED TO THE SHPO IMMEDIATELY. ACTIVITY SHALL CEASE IN THE VICINITY OF THE SITE, SO THE DAMAGE CAN BE ASSESSED, AND A RECOMMENDATION PROVIDED TO REMEDIATE THE SITUATION.
- EXISTING LANDSCAPE AT THE SITE(S)WILL BE MAINTAINED. ANY PROPOSED MODIFICATIONS WILL REQUIRE CONSULTATION WITH THE SHPO.
- IN THE EVENT THAT HUMAN REMAINS ARE ENCOUNTERED DURING CONSTRUCTION, ALL WORK MUST STOP IN THE VICINITY OF THE FIND AND BE REPORTED TO THE SHPO.
- AFTER CONSTRUCTION IF FULLY COMPLETED, PROTECTIVE FENCES MAY BE REMOVED.

LONG TERM SITE AVOIDANCE/PROTECTION

- STATE AND FEDERAL REGULATIONS THAT INCLUDE RESTRICTIONS ASSOCIATED WITH THIS PROJECT WILL INCLUDE PROVISIONS FOR SITE(S) AVOIDANCE/PROTECTION.
- UNAUTHORIZED ACTIVITIES WITHIN THE SITE BOUNDARIES WILL REQUIRE NOTIFICATION TO THE SHPO AT (518)237-8643.
- SHOULD IMPACTS TO THE SITE BE PROPOSED IN THE FUTURE, SHPO MUST BE CONSULTED PRIOR TO CONSTRUCTION AND THE PROJECT SUBMITTED TO OUR OFFICE FOR REVIEW AND COMMENT.



DRAWING REVISIONS

ITEM	DATE	DESCRIPTION
1	4/18/24	ADDED PHASES, REMOVED COOK AERIAL
2	5/7/24	REVISED ROAD A TO PUBLIC DRIVEWAY
3	7/1/24	REVISED ROAD B TO PRIVATE DRIVEWAY

DESIGNED BY: PMB
DRAWN BY: DLS
CHECKED BY: WES
DATE:

WARNING:
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STATE OF NEW YORK · WILLIAM E. SCHUTT · 058840 · LICENSED PROFESSIONAL ENGINEER

WM SCHUTT ASSOCIATES
37 CENTRAL AVE.
LANCASTER, NY 14086-2143
PH. 716-683-5961
FAX 716-683-0169
WWW.WMSCHUTT.COM

4300 MILLERSPORT DEVELOPMENT
TOWN OF AMHERST
ERIE COUNTY - NEW YORK

OVERALL SITE PLAN

THIS SHEET ISSUED JULY 9, 2024

OP

DRAWING SCALE: 1"=100'

WSA PROJECT NO. 13027C

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

Francina J. Spoth
Town Clerk

Meeting: 07/22/24 07:00 PM
Department: Town Clerk
DOC ID: 29241

COMMUNICATION 2024-63 **REFERRED**

Correspondence from Sean Hopkins, Esq. - 455 & 495 Schoelles Road

Letter from Sean Hopkins, Esq. regarding 455 & 495 Schoelles Road being designated as appropriate for a residential subdivision consistent with the R-3 standards in the Zoning Code.

7/22/2024
Referred to Planning

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

HSM

July 17, 2024

Brian J. Kulpa, Supervisor
Town of Amherst Town Board
5583 Main Street
Williamsville, NY 14221

Re: 455 & 495 Schoelles Road - Cimato Enterprises
Town of Amherst
File No. 10188.2

Dear Supervisor Kulpa & Councilmembers:

This letter is being submitted on behalf of Cimato Enterprises in connection with the property it owns located at 455 and 495 Schoelles Road. During the work session meeting of the Town Board held on June 10th, a presentation was given regarding the draft SA Zoning Report.

On May 13th, the Town Board adopted a resolution referring my letter dated May 7th requesting that the SA Zoning Report be finalized to the Planning Department and the Town Attorney's Office. A copy of the resolution adopted by the Town Board on May 13th with an attached copy of my letter dated May 7th are attached as Exhibit "1".

Cimato Enterprises is once again requesting that SA Zoning Report that was authorized via a resolution adopted by the Town Board be finalized and also that the SA Zoning Report designate the property at 455 and 495 Schoelles Road as appropriate for a residential subdivision consistent with the R-3 standards in the Zoning Code.

Please feel free to contact me at 510-4338 or via e-mail at shopkins@hsmlegal.com with any questions regarding this letter.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

cc: Jacqualine Berger, Councilmember
Shawn Lavin, Councilmember
Michael Szukala, Councilmember
Angela Marinucci, Councilmember
Francina J. Spoth, Town Clerk
Timothy J. Koller, Deputy Town Clerk
Martin Pollowy, Esq., Town Attorney
Daniel C. Howard, AICP, Planning Director

HOPKINS SORGI & MCCARTHY PLLC
Attorneys at Law
5500 Main Street, Suite 343 • Williamsville, New York 14221
Direct: 716-510-4338 • E-mail: shopkins@hsmlegal.com • www.hsmlegal.com

Attachment: Kulpa-Ltr-Date-07-17-24 455 & 495 Schoelles Rd (COM-2024-63 : Correspondence from Sean Hopkins, Esq. - 455 & 495 Schoelles

Fred Cimato, Cimato Enterprises
Ken Zollitsch, GPI Engineering

Attachment: Kulpa-Ltr-Date-07-17-24 455 & 495 Schoelles Rd (COM-2024-63 : Correspondence from Sean Hopkins, Esq. - 455 & 495 Schoelles

Exhibit 1

Attachment: Kulpa-Ltr-Date-07-17-24 455 & 495 Schoelles Rd (COM-2024-63 : Correspondence from Sean Hopkins, Esq. - 455 & 495 Schoelles

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

Francina J. Spoth
Town Clerk

Meeting: 05/13/24 07:00 PM
Department: Town Clerk
DOC ID: 28968

COMMUNICATION 2024-37

REFERRED

Correspondence from Sean Hopkins, Esq.

Letter from Sean Hopkins, Esq. regarding the pending SA Zoning Report.

5/13/2024
Referred to Town Attorney & Planning

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

Attachment: Kulpa-Ltr-Date-07-17-24 455 & 495 Schoelles Rd (COM-2024-63 : Correspondence from Sean Hopkins, Esq. - 455 & 495 Schoelles

May 7, 2024

Brian J. Kulpa, Supervisor
Town of Amherst Town Board
5583 Main Street
Williamsville, NY 14221

Re: 455 & 495 Schoelles Road - Cimato Enterprises
File No. 10188.2 – Town of Amherst

Dear Supervisor Kulpa & Councilmembers:

This letter is being submitted on behalf of Cimato Enterprises in connection with the property it owns located at 455 and 495 Schoelles Road.

Cimato Enterprises is requesting that the finalize the pending SA Zoning Report that was authorized via a resolution adopted by the Town Board more than two years ago and also that the SA Zoning Report designate the property at 455 and 495 Schoelles Road as appropriate for a residential subdivision consistent with the R-3 zoning standards.

Please feel free to contact me at 510-4338 or via e-mail at shopkins@hsmlegal.com with any questions regarding this letter.

Thank you for your anticipated cooperation.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

cc: Jacqualine Berger, Councilmember
Shawn Lavin, Councilmember
Michael Szukala, Councilmember
Angela Marinucci, Councilmember
Francina J. Spoth, Town Clerk
Timothy J. Koller, Deputy Town Clerk
Martin Pollowy, Esq., Town Attorney
Daniel C. Howard, AICP, Planning Director
Fred Cimato, Cimato Enterprises
Ken Zollitsch, GPI Engineering

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Attachment: Kulpa-Ltr-Date-07-17-24 455 & 495 Schoelles Rd (COM-2024-63 : Correspondence from Sean Hopkins, Esq. - 455 & 495 Schoelles