Amherst Town Board

Regular Meeting of the Town Board

Minutes

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

Francina J. Spoth
Town Clerk

Tuesday, September 3, 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 September 3, 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	Absent	
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	
Samuel A. Alba	Town of Amherst	Interim Town Attorney	Present	
Dan Howard	Town of Amherst	Planning Director	Present	
Lynda Juul	Town of Amherst	Director of Finance	Present	

V. MINUTES APPROVAL

1. Monday, August 19, 2024

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

VI. PROCLAMATIONS AND ANNOUNCEMENTS

VII. PUBLIC HEARINGS

Speakers will be limited to 3 minutes.

1. Resolution 2024-673

Lighting District Extension - Miscellaneous Parcels

AGENDA ITEM : AUGUST 19th, 2024

TO: **Town Board**

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

DATE: **August 14, 2024**

RE: **Lighting District Extension : Miscellaneous Parcels**

The above matter is scheduled for a Public Hearing on August 19, 2024 at 7:00 p.m. In this regard, In this regard, kindly adopt a resolution (1) Adopting the attached SEQR determination as determined by the Town of Amherst Planning Department and authorize the Supervisor to execute the same **prior to the Public Hearing being deemed closed**; and (2) Adopting the attached Certified Resolution and Order subject to a thirty-day permissive referendum period **once the Public Hearing has been deemed closed**.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk (*w/attachments)*
(Agenda Item : August 19, 2024)
Daryl C. Bramer, Comptroller (*w/attachments)*
Lynda Juul, Director of Finance (*w/attachments)*
Jessica Boudreau, PE, Project Manager (*w/attachments)*
Steve Floss, Highway Superintendent (*w/attachments)*
Kurt Stanley, Deputy Highway Superintendent (*w/attachments)*
Al Spoth, General Crew Chief - Sign/Signal/Streetlighting (*w/attachments)*

8/19/2024
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 7:15 PM.

Sam Alba, Senior Deputy Town Attorney, presented.

The following speakers addressed the Board:
Angelo Gonzalez, 40 S Parrish Ct
Kim Gabel, 41 Presidents Walk
Bill Blake, 147 Fairlawn Rd
Kevin Drozynski, 513 Sagewood Ter
Pam Erhardt, 99 Shetland Dr
Damon Wojciechowski, 85 Via Foresta Ln
Tom Weisbeck, 48 Drawbridge Ct
John Roeder, 223 Brenridge Dr
Matt Plunkett, 299 Northill Dr

Lisa Koons, 207 Brenridge Dr
Bob Drdul, 92 Chateau Ter
Georgene Lauermann, 189 Oakbrook Dr

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn the hearing until the September 3rd Town Board meeting, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was adjourned at 8:04 PM.

9/3/2024
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0. The public hearing was opened at 7:01 PM.

The following speakers addressed the Board:
Tom Weisbeck, 48 Drawbridge Ct
Dave Gaeddert, 606 Longmeadow Rd

A motion to approve the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Councilmember Berger and unanimously approved 4-0. The public hearing was closed at 7:06 PM.

A motion to adopt was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

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

VIII. DEVELOPMENT REVIEW ACTIONS

1. Resolution 2024-700

SEQR Determination (3880 & 3910 E Robinson Road, Z-2024-02)

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 3880 & 3910 East Robinson 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.

9/3/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

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

2. Resolution 2024-674

Adoption of Local Law to Amend the Zoning Map (3880 & 3910 E Robinson Road, Z-2024-02)

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

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of June, 2024 that the proposed MFR-7 zoning at 3880 & 3910 E Robinson Road is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

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

8/19/2024
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 5-0. The public hearing was opened at 8:05 PM.

Attorney Sean Hopkins presented.

The following speakers addressed the Board:
Tom Weisbeck, 48 Drawbridge Ct
Don Smith, 201 N Long St
Kathy Aquilina, 215 Maple Rd

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the September 3rd Town Board meeting, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was closed at

8:22 PM.

9/3/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

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

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 (2)**

6. **Amherst Industrial Development Agency**

   Membership is full.

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

8. **Arts & Culture in Public Places Board (2)**

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

Membership is full.

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

Membership is full.

29. Youth Board

Adult vacancies (6), Youth vacancies (0)

30. Zoning Board of Appeals

X. PUBLIC EXPRESSION

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

A motion to open Public Expression was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0. Public Expression was opened at 7:07 PM.

The following speakers addressed the Town Board:
Tom Weisbeck, 48 Drawbridge Ct - 90 Dodge Road project & Costco
Frank Belliotti, 61 Old Lyme - Town budget
Matt Plunkett, 299 Northill Dr - MusicalFare
Don Smith, 201 N Long St - Resolution 2024-702
Dave Gaeddert, 606 Longmeadow Rd - streetlights
Lori Ward, 3 Campbell Meadows - Boulevard mall site & Costco
Mary Jane Zak, 142 Bauman Rd - 2025 budget
Jane Cox, 4584 Harlem Rd - sound system & Resolution 2024-702
Geri DiCosmo, 378 Meyer Rd - 2025 budget workshops

There were no further speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Councilmember Berger and unanimously approved 4-0. Public Expression was closed at 7:27 PM.

XI. CONSENT AGENDA

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Brian J. Kulpa, Shawn Lavin, Jacqualine Berger, Angela Marinucci
ABSENT:	Michael Szukala

XII. COUNCILMEMBER RESOLUTIONS

A. SUPERVISOR KULPA:

B. DEPUTY SUPERVISOR LAVIN:

C. COUNCILMEMBER BERGER:

1. Resolution 2024-701

9/11 Commemorative Committee Appointments

WHEREAS, after the tragic events of September 11, 2001, the Town of Amherst created a 9/11 Commemoration Committee to plan, organize and conduct an annual ceremony to remember those lost; and

WHEREAS, the membership for this committee is unlimited; and

WHEREAS, the 9/11 Commemoration Committee currently has a Board of six (6) members, who shall continue to serve until their term of appointment expires, as follows:

Susan Grelick, Chair, term concludes 12/31/2025
Karen Eckert, Member, term concludes 12/31/2025
Patrice Fischer, Member, term concludes 12/31/2025
Steve DiPasquale, Member, term concludes 12/31/2025
Mary Kate O'Connell, Member, term concludes 12/31/2025; and

WHEREAS, other members representing the Town of Amherst include liaison Francina Spoth, Town Clerk, Captain Charles Persons, Amherst Police Department representative, Brandon Peters, Emergency Services representative, Mary-Diana Pouli, Director of Youth & Recreation and Dominic Creamer, Highway Department.

WHEREAS, resident and former Parks and Recreation employee, Kathy Kaminski, instrumental in the initiation of the 9/11 Memorial Grove, has expressed interest in serving on the 9/11 Commemoration Committee; and

WHEREAS, Amherst Town resident Larry Taber has expressed interest in serving on the 9/11 Commemoration Committee; and

WHEREAS, Leigh Macadlo, who lost a brother in the Towers in NYC, has expressed interest in being a member of the 9/11 Commemoration Committee.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board appoints Kathy Kaminski, Leigh Macadlo, and Larry Taber to the 9-11 Commemoration Committee, for a term to conclude December 31, 2025.

9/3/2024
Consent

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

D. COUNCILMEMBER SZUKALA:

E. COUNCILMEMBER MARINUCCI:

XIII. DEPARTMENT HEAD RESOLUTIONS AND REPORTS

A. TOWN ATTORNEY:

1. Resolution 2024-702

Facility Improvements - Facilities Study of BNHV (Bond Resolution - $250,000)

AGENDA ITEM : SEPTEMBER 3RD, 2024

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Interim Town Attorney**

DATE: **August 28, 2024**

RE: **Facility Improvements - Facilities Study of BNHV**
2024-2029 C.I.P. - Project F-17
Bond Resolution - $250,000

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

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

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

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

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

Thank you.

SAA:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(*w/attachments*, **Agenda Item - September 3, 2024**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dale Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Daniel J. Rizzo, Project Manager (*w/attachments*)

Anne Dafchik, AIA, NCARB, Architect (*w/attachments*)

9/3/2024
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0. A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved via Roll Call vote 4-0.

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

2. Resolution 2024-703

Dedication of John James Audubon Parkway Extension (CRS #5038)

AGENDA ITEM : SEPTEMBER 3RD, 2024

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Interim Town Attorney**

DATE: **August 28, 2024**

RE: **Road Dedication - John James Audubon Parkway Extension CRS #5038**

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

WHEREAS, the Town of Amherst, by its Supervisor, Brian J. Kulpa, and its Town Board, accepts the dedication of the road known as John James Audubon Parkway Extension, as more fully detailed in the attached Deed between Amherst NY Properties KP56, LLC and the Town of Amherst; and

WHEREAS, by its acceptance of the road known as John James Audubon Parkway Extension, the Town of Amherst has formally accepted ownership and control of the extended section of the John James Audubon Parkway as a road that exists within the highway system in the Town of Amherst;

RESOLVED, that the Town Board authorizes the Supervisor to execute the attached Deed and all other documents to effectuate this dedication.

SAA:NMB:hs
Attachment

c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item - September 3, 2024**)
Steven E. Floss, Highway Superintendent (*w/o attachment*)

9/3/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

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

3. Resolution 2024-704

Permanent Easement and ROW Agreement for Drainage (167 Wyeth Drive - Mistretta) (CRS #5035)

AGENDA ITEM : SEPTEMBER 3RD, 2024

TO: **Town Board**

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

DATE: **August 28, 2024**

RE: **Permanent Easement and Right-of-Way Agreement For Drainage**
Mistretta - 167 Wyeth Drive, Getzville
CRS #5035

Kindly adopt a resolution authorizing the Supervisor to execute the attached Easement and Right-of-Way Agreement pending successful completion of the Contract Routing System (CRS).

The Highway and Engineering Departments have reviewed and approved the agreement.

Thank you.

NMB:hs
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item - September 3, 2024**)
Steven E. Floss, Highway Superintendent (*w/attachment)*
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachment)*

9/3/2024
Consent

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

4. Resolution 2024-705

Settlement of Article 7 Matter - Target #1011 V. Town of Amherst

AGENDA ITEM : SEPTEMBER 3, 2024

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Interim Town Attorney**

DATE: **August 28, 2024**

RE: **Settlement of Article 7 Matter**
Target #1011 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 Judgment; and

(2) Authorizing Interim Town Attorney Samuel A. Alba, Esq. to sign the attached Consent Order and Judgment as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : September 3, 2024**)
Emily Murphy, Town Assessor

9/3/2024
Consent

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

B. TOWN CLERK:

1. Resolution 2024-706

Fireworks Display - the Country Club of Buffalo

Request for fireworks permit on September 7, 2024, approximately between 9PM and 10PM at The Country Club of Buffalo, 250 Youngs Road with the following conditions:

1. That the spectators, parking areas and dwellings be 280 feet from the fireworks discharge location for vertical mortars. (max. 4 inch shells)
2. That one (1) 5-lb. ABC fire extinguisher, with a current inspection tag, is located at the firing site with a qualified operator. Additional extinguishers maybe required depending on site layout.
3. That the trajectory of shells shall not come within 25 feet of overhead objects.
4. That the actual shooters listed on the application be present at the site or a substitute shooters list must be submitted five (5) or more days prior to the event. Submitted shooters are Mark Mongeon and possibly others.
5. Display shall follow NFPA 1123-2018 & IFC 2020.
6. Crowds over 1000 people require a crowd managers as per the International Fire Code.
7. If you would like to start the display earlier than the time proposed you must call 689-1212 before starting to be approved by our office.
8. The Amherst Town Board shall designate a time when the Fireworks display must conclude.

9/3/2024
Consent

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

C. ASSESSOR:

D. BUILDING/BUILDING MAINTENANCE:

E. CENTRAL ALARM:

F. COMPTROLLER:

1. Resolution 2024-707

Budget Transfer and Amendments

For September 3, 2024 Town Board Agenda

To: Town Board
From: Office of Town Comptroller
Date: 08/28/2024
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:***
A3641.1000 Emerg Serv- Personal Svcs $129,078.41	A3649.1000 ARPA- Personal Svcs $876,969.82
A3641.1000 Longevity $4,150.00	A3649.1300 Longevity $4,150.00
A3641.1853 Sick Leave Incentive $148.02	A3649.1853 Sick Leave Incentive $148.02
A3641.2130 Computer Equip $1,981.95	A3649.2130 Computer Equip $1,981.95
A3641.2290 2-Way Radio Equip $1,000.00	A3649.2290 2-Way Radio Equip $1,000.00
A3641.2450 Public Safety Equip $1,911.60	A3649.2450 Public Safety Equip $1,911.60
A3641.4010 Office Supplies $702.89	A3649.4010 Office Supplies $702.89
A3641.4025 Print/Adv/Lease $506.09	A3649.4025 Print/Adv/Lease $506.09
A3641.4060 Telephone $832.14	A3649.4060 Telephone $832.14
A3641.4310 Gas & Oil $1,263.57	A3649.4310 Gas & Oil $1,263.57
A3641.4410 Public Safety & Med Supply $1,000.00	A3649.4410 Public Safety $1,000.00
A3641.8010 State Retirement $7,431.86	A3649.8010 State Retirement $7,431.86
A3641.8030 FICA $9,829.32	A3649.8030 FICA $67,043.01
A3641.8050 Hos & Med Ins $34,334.93	A3649.8050 Hos & Med Ins $34,334.93
A3641.8051 Dental $569.70	A3649.8051 Dental $569.70
A3641.8052 Vision $154.42	A3649.8052 Vision $154.42
A3121.1000 Police- Personal Services $747,891.41	
A3121.8030 Police - FICA $57,213.69	
To transfer funds to recognize revenue loss for ARPA.	
G9916.2600 Plant 16- Other $78,430.96	G9916.4923 HVAC $78,430.96
Requested per department.	
A1990.4000 Contingency $9,820.00	A7550.4150 Celebrations $9,820.00
To transfer funds to cover CRS# 5005 approved on 8/19/2024 Town Board meeting.	
A7140.4350 Chemicals $1,500.00	A7143.2500 Recreation Equip $10,820.00
A7143.4350 Chemicals $2,500.00	
A7145.4110 Contractual $5,520.00	
A7145.4121 Accreditation Expense $1,300.00	
Requested per department.	

A1345.1000 Finance - Personal Services $4,180.25 A1345.2100 Furniture $4,500
A1345.8030 Finance - FICA $319.75
To transfer funds in Finance / Contract Compliance to cover CRS# 5020 and #5021.

BUDGET AMENDMENTS - 2024

INCREASE: ***INCREASE:***

A3649.04589 ARPA- Federal Aid $24,959.00 A3649.2150 Bldg Improv & Equip $24,959.00
To recognize P.O. #2400458 and 2400482.

N2350.02785 Ton Rehab- PI $13,050.00 N2350.4000 Contractual $13,050.00
N2353.02785 Ton Admin- PI $1,450.00 N2353.4003 10% Admin $1,450.00
To recognize Community Development program income from 154 Lyndale, Tonawanda.

N2344.02785 Cheek Housing- PI $6,750.00 N2344.4000 Contractual $6,750.00
N2349.02785 Cheek Admin- PI $750.00 N2349.4003 10% Admin $750.00
To recognize Community Development program income from 70 Gierlach, Cheektowaga.

KP0001.02401 Capital Fund - Interest Earnings $59,993.90 KP0001.9000 Interfund Transfers $59,993.90
To recognize interest earnings in KP Fund for 2nd qtr. 2024 and increase interfund transfers for transfer into debt reserve.

9/3/2024
Consent

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

G. CONTRACT COMPLIANCE:

1. Resolution 2024-708

Industrial and Commercial Supplies and Equipment NYS OGS Contract PC69879 - CRS #5022

WHEREAS, the Town of Amherst currently has a contract with W.W. Grainger through Sourcewell, which is a multiple award contract; and

WHEREAS, the NYS Office of the State Comptroller has given guidance that cooperative contracts which were awarded to multiple vendors do not meet NY State bidding requirements and should not be used;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance Department to replace the W.W. Grainger contract through Sourcewell (CRS #3921) with the NY State OGS contract (CRS #5022), in order to adhere to the OSC guidance; and

BE IT FURTHER RESOLVED, that Town Board authorizes the Supervisor to sign the contract with W.W. Grainger; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the reasons described above.

9/3/2024
Consent

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

2. Resolution 2024-709

Award Bid #2024031 Liquid Sodium Bisulfite - CRS #5010

WHEREAS, the Contract Compliance and Administration Department received bids on August 8, 2024 for Liquid Sodium Bisulfite; and

WHEREAS, the bid process resulted in responses from seven (7) 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 a twelve-month contract to PVS Chemical Solutions, Inc.; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with PVS Chemical Solutions, Inc..

9/3/2024
Consent

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

3. Resolution 2024-710

Award Bid #2024032 Sharples DS 706 Centrifuge Rebuild - CRS #5028

WHEREAS, the Contract Compliance and Administration Department received bids on August 1, 2024 for Sharples DS 706 Centrifuge Rebuild; and

WHEREAS, the bid process resulted in responses from four (4) 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 Sentrimax Centrifuges NE LTD; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with Sentrimax Centrifuges NE LTD; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the fact that WPCF only has 1 working centrifuge and the repairs are urgent.

9/3/2024
Consent

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

4. Resolution 2024-711

Award Bid #2024035 Refrigerant for Northtown Ice Center - CRS #5029

WHEREAS, the Contract Compliance and Administration Department received bids on August 29, 2024 for Refrigerant for the Northtown Ice Center; and

WHEREAS, the bid process resulted in responses from 4 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 Swipe Resources, LLC; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the

contract with Swipe Resources, LLC; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the fact that the Northtown Ice Center will be putting ice in on the Feature Rink and Rink #1 for the start of the upcoming season on September 9th, and do not have enough R-22 to adequately support these rinks.

9/3/2024
Consent

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

H. COURT:

I. ECONOMIC DEVELOPMENT:

J. EMERGENCY SERVICES:

K. ENGINEERING SERVICES:

1. Resolution 2024-712

NYSERDA Clean Energy Communities Program - $10,000 Grant Electric Vehicle Charging Station at Royal Park CRS #5032

The Town of Amherst has been awarded a $10,000 grant from the Clean Energy Community Program. The funds have been paid in full by NYSERDA. According to the grant application, the Town will use these funds for the installation of an EV Charging Station at Royal Park, as part of the ongoing construction project.

The purpose of this Town Board action is to designate these grant funds in the Town's Contract Routing System under KP2350-03098, identified as "NYSERDA GRANT."

This request is pending the successful completion of the contract review procedure. Thank you for considering this request.

9/3/2024
Consent

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

L. FINANCE:

M. HIGHWAY

1. Resolution 2024-713

Filtrec Vehicle Rotary Two Post Lift - CRS #5023

NOW THEREFORE BE IT RESOLVED, the Town Board authorizes the purchase of one (1) Vehicle Rotary Two Post Lift.

The purchase is from FILTREC CORPORATION, 5440 Lockwood Road, Auburn, NY 13021 for $16,600.85 under Town of Amherst, Highway Department, Resolution #2021-73 with maturity date 08/22/2025.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to sign this purchase. This purchase is subject to the Contract Routing System (CRS #5023) and the approval of the Town Attorney.

9/3/2024
Consent

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

N. HUMAN RESOURCES:

1. Resolution 2024-714

Director of Senior Services/Senior Services

Please appoint a Director of Senior Services to the Senior Services Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil

Service Rule XIII. Effective September 4, 2024 at an annual salary of $108,425.70, Grade 4, Step J of the Exempt Department Head Salary Schedule for Melissa Abel.

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

9/3/2024
Consent

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

2. Resolution 2024-715

Refuse Control Officer/Refuse Control-Highway Department

Please appoint a Refuse Control Officer to the Refuse Control - Highway Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective September 4, 2024 at an annual salary of $57,713, Grade 13, Step C for James Turton.

This is a promotion for an employee currently serving as Motor Equipment Operator.

9/3/2024
Consent

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

O. INFORMATION TECHNOLOGY:

P. PLANNING:

1. Resolution 2024-716

Request for Public Hearing Local Law to Amend §204 of Town Code - Subdivision Regulations

Please schedule a public hearing for October 1, 2024 to permit the Planning Department to present an amendment to the Town Code, Section 204, amending the Subdivision Regulations.

9/3/2024
Consent

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

2. Resolution 2024-717

To Authorize the Planning Department to Expend Funds from the Trust Account for the Veterans Memorial Consistent with Town Board Resolution RES-2011-871 for the Purpose of Engraving the Names of Veterans on the Veterans Memorial

WHEREAS, the Town of Amherst Town Board established the Town of Amherst Veterans Memorial in 2011, and

WHEREAS, the names of Veterans are engraved on the Memorial at the request of veterans or their families, and a fee of $200 is charged per name that includes $143 for engraving with the remaining amount deposited into a Trust Account for repairs and maintenance, and

WHEREAS, currently the Town of Amherst received 51 applications for names to be added to the Memorial this year, and

WHEREAS, the Town of Amherst has Leon Komm and Sons under contract to engrave the names of the Veterans and complete stone and masonry service maintenance at $143 per hour in 2024, now

THEREFORE BE IT RESOLVED, that the Amherst Town Board hereby authorizes the Planning Department not to exceed $10,000.00 for the current fiscal year from the Veterans

Memorial Trust Account T-4017-4002 for the purpose of engraving veterans names on the Amherst Veterans Memorial.

9/3/2024
Consent

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

Q. POLICE:

1. Resolution 2024-718

Travel & Training Request Precision Rifle Training Course

TOWN BOARD AGENDA ITEM : SEPTEMBER 3, 2024

TO: **Town Board**

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

RE: **Travel & Training Request**
Precision Rifle Training Course

Kindly adopt a Resolution authorizing three (3) ERT Officers to attend the above entitled training course. This course is being held in Finger, TN from September 8, 2024 through September 13, 2024. The cost for this training and travel is approximately $10,225.38.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: September 3, 2024)**

9/3/2024
Consent

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

R. SENIOR SERVICES:

S. SEWER/PLANT 16:

T. YOUTH AND RECREATION:

1. Resolution 2024-719

Child Day Care Services Agreement - CRS #5033

Authorize the Supervisor to sign an agreement between the Town of Amherst (Youth & Recreation Department) and Erie County Department of Social Services allowing the town to receive reimbursement for the provision of child day care services for the 2024-2025 school year, pending successful completion of the contract routing process.

9/3/2024
Consent

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

2. Resolution 2024-720

Notice of Award - Year 5 CRS #5034

Authorize the Town of Amherst (Youth & Recreation Department) to accept a grant from the U.S. Department of Health and Human Services to assist the Amherst Youth & Community Coalition in preventing substance use/abuse in our community, pending successful completion of the contract routing process.

9/3/2024
Consent

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

3. Resolution 2024-721

Energy Efficient Lighting Systems (Part 2) - CRS #5039

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 in the Northtown Center parking lots, pending satisfactory completion of the contract routing process.

9/3/2024
Consent

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

4. Resolution 2024-722

Travel Authorization

Authorize Anne Rohrer to attend the CADCA Mid-Year Training in Chicago, IL from 7/14/24-7/19/24 as a requirement of the town's Drug Free Communities grant. Also authorize reimbursement of expenses to non-town employee Endell Osuna who is attending as a member of the town-sponsored Amherst Youth & Community Coalition.

9/3/2024
Consent

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

XIV. UNFINISHED BUSINESS

XV. COMMUNICATIONS

1. Communication 2024-73

Request for Public Hearing - Portion of 50 Dodge Road

Request from Sean Hopkins, Esq., for a public hearing with respect to amend Certification of Findings, Amendment of Declaration of Restrictions, and Amendment #77 to the Audubon Development Plan for Reclassification of Portion of 50 Dodge Road from NCD-RI to NCD-LC.

This hearing has been scheduled for October 1st.

9/3/2024
Consent

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

2. Communication 2024-74

Correspondence from Joe Voytovich - Town Police Towing

Letter from Joe Voytovich regarding Town Police towing.

9/3/2024
Referred to Attorney & Police

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

3. Communication 2024-75

Notice of Claim: Bradley Ensminger Vs. Town of Amherst Et Al.

9/3/2024
Referred to Attorney

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

4. Communication 2024-76

Summons and Complaint: Mario Avarello Vs. Town of Amherst Et Al.

9/3/2024
Referred to Attorney

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

XVI. PUBLIC IMPROVEMENT PERMITS

1. Resolution 2024-723

Private Improvement Permit No. 3132 Storm System – Regency Commons (166 Klein Rd.) 2021.029/SUB-2021-01

Attached please find an application for a Storm System Private Improvement Permit properly filled out. The permit fee and inspection cost amount to $18,050.00.

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 $17,900.00 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. 3132.

Thank you for considering this request.

9/3/2024
Consent

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

2. Resolution 2024-724

Private Improvement Permit No. 3131 Paving & Curbing – Regency Commons (166 Klein Rd.) 2021.029/SUB-2021-01

Attached please find an application for a Paving & Curbing Private Improvement Permit properly filled out. The permit fee and inspection cost amount to $24,350.00.

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 $24,200.00 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. 3131.

Thank you for considering this request.

9/3/2024
Consent

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

3. Resolution 2024-725

Private Improvement Permit No. 3130 Waterline – Regency Commons (166 Klein Rd.) 2021.029/SUB-2021-01

Attached please find an application for a Waterline Private Improvement Permit properly filled out. The permit fee and inspection cost amount to $15,950.00.

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 $15,800.00 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. 3130.

Thank you for considering this request.

9/3/2024
Consent

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

4. Resolution 2024-726

Public Improvement Permit No. 3129 Sanitary Sewer – Regency Commons (166 Klein Rd.) 2021.029/SUB-2021-01

Attached please find an application for a Sanitary Sewer Public Improvement Permit properly filled out. The permit fee and inspection cost amount to $10,192.00.

We are sending three (3) checks to the Comptroller's Office, one for $150.00 to be retained as a Permit Fee, one in the amount of $9,100.00 which will be held in escrow to cover the

inspection costs, and one in the amount of $942.00 to cover the televising cost and to be deposited in the SS District account G9000-02377.

At this time, we are asking for your approval of the application for PIP No. 3129.

Thank you for considering this request.

9/3/2024
Consent

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

5. Resolution 2024-727

Public Improvement Permit No. 3119 Sanitary Sewer Acceptance 200 & 202 Brenridge Drive 2019.019/SP-2019-02

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

A Maintenance Bond for a period of two (2) years in the amount of $2,245.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

Thank you for considering this request.

9/3/2024
Consent

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

6. Resolution 2024-728

Public Improvement Permit No. 3120 Storm System Acceptance 200 & 202 Brenridge Drive 2019.019/SP-2019-02

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

A Maintenance Bond for a period of two (2) years in the amount of $1,725.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

Thank you for considering this request.

9/3/2024
Consent

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

7. Resolution 2024-729

Public Improvement Permit No. 3101 Storm System Acceptance Muir Woods Site B – Audubon Extension 2005.008B/SP-2020-13

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

A Maintenance Bond for a period of two (2) years in the amount of $11,500.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

Thank you for considering this request.

9/3/2024
Consent

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

8. Resolution 2024-730

Public Improvement Permit No. 3102 Paving & Curbing Acceptance Muir Woods Site B – Audubon Extension 2005.008B/SP-2020-13

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

A Maintenance Bond for a period of two (2) years in the amount of $30,750.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

Thank you for considering this request.

9/3/2024
Consent

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

9. Resolution 2024-731

Public Improvement Permit No. 3103 Waterline Acceptance Muir Woods Site B – Audubon Extension 2005.008B/SP-2020-13

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

A Maintenance Bond for a period of two (2) years in the amount of $185,625.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

Thank you for considering this request.

9/3/2024
Consent

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

10. Resolution 2024-732

Public Improvement Permit No. 3104 Sanitary Sewer Acceptance Muir Woods Site B – Audubon Extension 2005.008B/SP-2020-13

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

A Maintenance Bond for a period of two (2) years in the amount of $94,375.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

Thank you for considering this request.

9/3/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

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

XVII. SUSPENSION OF RULES

Supervisor Kulpa moved to open Suspension of Rules to bring forth 6 unlisted items. The motion was seconded by Deputy Supervisor Lavin and unanimously approved 4-0. Suspension of Rules was opened at 7:43 PM.

There being no further business requiring Suspension of Rules, Supervisor Kulpa moved to close, seconded by Councilmember Berger and unanimously approved 4-0. Suspension of Rules was closed at 7:45 PM.

1. Resolution 2024-733

Settlement of Article 7 Matter Patios at Windstone Condominium V. Town of Amherst

SUSPENSION ITEM : SEPTEMBER 3RD, 2024 TOWN BOARD AGENDA

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Interim Town Attorney**

DATE: September 3, 2024

RE: Settlement of Article 7 Matter
Patios at Windstone Condominium 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 Interim 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,* **Suspension Item - September 3, 2024**)
Emily Murphy, Town Assessor

9/3/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

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

2. Resolution 2024-734

Settlement of Article 7 Matter Townhomes at Windstone Condominium V. Town of Amherst

SUSPENSION ITEM : SEPTEMBER 3RD, 2024 TOWN BOARD AGENDA

TO: Town Board

FROM: Samuel A. Alba, Esq., Interim Town Attorney

DATE: September 3, 2024

RE: Settlement of Article 7 Matter
Townhomes at Windstone Condominium 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 Interim 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,* **Suspension Item - September 3, 2024**)
Emily Murphy, Town Assessor

9/3/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

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

3. Resolution 2024-735

Settlement of Article 7 Matter Villas at Windstone Condominium V. Town of Amherst

SUSPENSION ITEM : SEPTEMBER 3RD, 2024 TOWN BOARD AGENDA

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Interim Town Attorney**

DATE: **September 3, 2024**

RE: **Settlement of Article 7 Matter**
Villas at Windstone Condominium 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 Interim 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,* **Suspension Item - September 3, 2024**)
Emily Murphy, Town Assessor

9/3/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

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

4. Resolution 2024-736

Purchase of Materials for In-House Fence Replacement Project CRS #5044

SUSPENSION AGENDA ITEM: SEPTEMBER 3RD, 2024

TO: **Town Board**

FROM: **Dan Rizzo, Building Maintenance**

DATE: **September 3, 2024**

RE: **Purchase of Materials for In-House Fence Replacement Project, CRS # 5044**

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

WHEREAS, The Town of Amherst has a responsibility to maintain its properties, is aware of damaged fencing in need of replacement along the southern boundary of 1042 N. Forest (Highway Campus); and

WHEREAS, the Building Maintenance Departments' facilities team has obtained three (3) quotes per the Town's Procurement Policy, and in collaboration with the Highway Department, have the capacity to construct a replacement fence using skilled labor, provided materials are made available and that procurement policies have been met;

THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Supervisor to execute a Contract for purchase, pending successful completion of the Contract Routing System (CRS).

9/3/2024

A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

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

5. Resolution 2024-737

Lease Termination with Musical Fare Theatre Company (CRS #5036)

SUSPENSION ITEM : SEPTEMBER 3RD, 2024 TOWN BOARD AGENDA

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Interim Town Attorney**

DATE: **September 3, 2024**

RE: **Lease Termination With Musical Fare Theatre Company (CRS #5036)**

Kindly adopt a resolution authorizing the Supervisor to execute the attached termination of lease with Musical Fare Theatre Company pending successful completion of the Contract Routing System (CRS).

Thank you.

Attachment
SAA:NMB:hs
c: Tim Koller, Deputy Town Clerk (**Suspension Item - September 3, 2024**) *(w/attachment)*

9/3/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

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

6. Resolution 2024-738

Town Acceptance of Ownership of Sewer Facilities and Maintenance Fee Agreement – John James Audubon Parkway Extension (CRS #5043)

SUSPENSION AGENDA ITEM : SEPTEMBER 3RD, 2024

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Interim Town Attorney**

DATE: **September 3, 2024**

RE: **Town Acceptance of Ownership of Sewer Facilities and Maintenance Fee Agreement - John James Audubon Parkway Extension (CRS #5043)**

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

WHEREAS, the Town of Amherst, by its Supervisor, Brian J. Kulpa, and its Town Board, accepts the ownership of sewer system and sanitary force main ("***Sewer Facilities***") servicing the student housing complex located on property previously identified as 1081 North French Road ("***Project Site***") that received Site Plan Approval from the Town of Amherst Planning Board on April 15, 2021; and

WHEREAS, in consideration of the Town of Amherst accepting ownership of the Sewer Facilities, AMHERST NY PROPERTIES KP6, LLC, as the owner of the Project Site ("***Owner***"), has agreed to enter into a Maintenance Fee Agreement with the Town of Amherst by which an annual payment will made by the Owner, and its successors and assigns to the Town to operate, maintain and repair the Sewer Facilities;

THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor to execute the attached Maintenance Fee Agreement pending final review and approval of the Interim Town Attorney and successful completion of the Contract Routing System (CRS);

BE IT FURTHER RESOLVED, the Owner shall be required to record the Maintenance Fee Agreement at the Erie County Clerk's Office.

SAA:nmb
Attachment

c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Suspension Agenda Item - September 3, 2024**)

9/3/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

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

XVIII. PUBLIC EXPRESSION #2

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

A motion to open Public Expression was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0. Public Expression was opened at 7:45 PM.

The following speakers addressed the Town Board:
Tom Weisbeck, 48 Drawbridge Ct - Amherst Covid rate & Resolution 2024-673
Don Smith, 201 N Long St - Resolution 2024-702
Lori Ward, 3 Campbell Meadows - Muir Woods development, Town's infrastructure

There were no further speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Councilmember Berger and unanimously approved 4-0. Public Expression was closed at 7:51 PM.

XIX. 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 4-0. The Town Board meeting of September 3, 2024 was adjourned at 7:55 PM.

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 29321 **RESOLUTION 2024-673** **ADOPTED**

Lighting District Extension - Miscellaneous Parcels

AGENDA ITEM : AUGUST 19th, 2024

TO: **Town Board**

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

DATE: **August 14, 2024**

RE: **Lighting District Extension : Miscellaneous Parcels**

The above matter is scheduled for a Public Hearing on August 19, 2024 at 7:00 p.m. In this regard, In this regard, kindly adopt a resolution (1) Adopting the attached SEQR determination as determined by the Town of Amherst Planning Department and authorize the Supervisor to execute the same **prior to the Public Hearing being deemed closed**; and (2) Adopting the attached Certified Resolution and Order subject to a thirty-day permissive referendum period **once the Public Hearing has been deemed closed**.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk (*w/attachments)*
(Agenda Item : August 19, 2024)
Daryl C. Bramer, Comptroller (*w/attachments)*
Lynda Juul, Director of Finance (*w/attachments)*
Jessica Boudreau, PE, Project Manager (*w/attachments)*
Steve Floss, Highway Superintendent (*w/attachments)*
Kurt Stanley, Deputy Highway Superintendent (*w/attachments)*
Al Spoth, General Crew Chief - Sign/Signal/Streetlighting (*w/attachments)*

8/19/2024
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 7:15 PM.

Sam Alba, Senior Deputy Town Attorney, presented.

The following speakers addressed the Board:
Angelo Gonzalez, 40 S Parrish Ct
Kim Gabel, 41 Presidents Walk
Bill Blake, 147 Fairlawn Rd

Kevin Drozynski, 513 Sagewood Ter
Pam Erhardt, 99 Shetland Dr
Damon Wojciechowski, 85 Via Foresta Ln
Tom Weisbeck, 48 Drawbridge Ct
John Roeder, 223 Brenridge Dr
Matt Plunkett, 299 Northill Dr
Lisa Koons, 207 Brenridge Dr
Bob Drdul, 92 Chateau Ter
Georgene Lauermann, 189 Oakbrook Dr

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn the hearing until the September 3rd Town Board meeting, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was adjourned at 8:04 PM.

9/3/2024

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

The following speakers addressed the Board:
Tom Weisbeck, 48 Drawbridge Ct
Dave Gaeddert, 606 Longmeadow Rd

A motion to approve the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Councilmember Berger and unanimously approved 4-0. The public hearing was closed at 7:06 PM.

A motion to adopt was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

FINANCIAL IMPACT:

A property assessed at $300,000 will pay: $118.85

All calculations are based on the 2024 budget and 2024 assessed values.

2025 rates may change based on the 2025 budget and 2025 assessed values

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

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

MEMORANDUM August13, 2024

TO: Marty Polowy, Town Attorney
Law Department

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

RE: SEQR Classification – Adding Various Properties to
Town Lighting District

The Planning Department has reviewed the subject action including the attached list of properties to be included in the Town's general lighting district 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)\08_13_2024_Various properties added to lighting district.docx

cc: Lynda Juul, Director of Finance
Daniel Howard, Planning Director

Attachment: 08_13_2024_Various properties added to lighting district (RES-2024-673 : Lighting District Extension - Miscellaneous Parcels)

SBL	ADDRESS
26.12-1-19	12 GLENHAVEN DR
26.15-3-3	250 SUNDRIDGE DR
26.15-3-4	242 SUNDRIDGE DR
26.15-3-5	234 SUNDRIDGE DR
26.16-4-28	2930 SWEET HOME RD
27.07-1-1	52 HAVERTON LN
27.07-1-19	225 S ROCKINGHAM WAY
27.07-1-20	233 S ROCKINGHAM WAY
27.07-1-3	53 HAVERTON LN
27.07-1-4	61 HAVERTON LN
27.07-1-7	105 ARCADIAN DR
27.11-1-34.2	232 LANDINGS DR
27.11-1-50	1009 CAMPBELL BLVD
27.11-1-52	991 CAMPBELL BLVD
27.11-1-8.1	277 LANDINGS DR
27.12-1-1	8 PENNY LN
27.12-1-2	16 PENNY LN
27.12-1-22	3 ASHDALE CIR
27.12-1-26	61 PENNY LN
27.12-1-27	53 PENNY LN
27.12-1-28	45 PENNY LN
27.12-1-29	37 PENNY LN
27.12-1-3	10 ANSONIA CT
27.12-1-30	29 PENNY LN
27.12-1-31	21 PENNY LN
27.12-1-32	15 PENNY LN
27.12-1-33	5 PENNY LN
27.12-1-4	18 ANSONIA CT
27.12-1-5	19 ANSONIA CT
27.12-1-6	11 ANSONIA CT
27.12-1-7	26 PENNY LN
27.12-1-8	34 PENNY LN
27.12-1-9	2 ASHDALE CIR
27.15-6-10	64 S PARRISH CT
27.15-6-11	56 S PARRISH CT
27.15-6-12	48 S PARRISH CT
27.15-6-13	40 S PARRISH CT
27.15-6-14	32 S PARRISH CT
27.15-6-15	24 S PARRISH CT
27.15-6-16	16 S PARRISH CT
27.15-6-2	15 S PARRISH CT
27.15-6-3	47 S PARRISH CT
27.15-6-4	63 S PARRISH CT
27.15-6-5	71 S PARRISH CT
27.15-6-6	79 S PARRISH CT

Attachment: 08_13_2024_Various properties added to lighting district (RES-2024-673 : Lighting District Extension - Miscellaneous Parcels)

27.15-6-7	88 S PARRISH CT
27.15-6-8	80 S PARRISH CT
27.15-6-9	72 S PARRISH CT
27.17-2-21	10 GASPE DR
27.17-2-24	11 ACACIA DR
27.18-3-1.1	1375 N FRENCH RD
27.18-3-10	58 LYNETTE LN
27.18-3-11	64 LYNETTE LN
27.18-3-12	70 LYNETTE LN
27.18-3-13	76 LYNETTE LN
27.18-3-14	82 LYNETTE LN
27.18-3-15	88 LYNETTE LN
27.18-3-3	16 LYNETTE LN
27.18-3-4	22 LYNETTE LN
27.18-3-5	28 LYNETTE LN
27.18-3-6	34 LYNETTE LN
27.18-3-7	40 LYNETTE LN
27.18-3-8	46 LYNETTE LN
27.18-3-9	52 LYNETTE LN
28.06-1-54.1	390 NEW RD
28.06-1-55.11	420 NEW RD
28.10-4-8	153 MEADOW SPRING LN
28.13-2-42	2200 N FRENCH RD
28.14-2-73	292 RAMBLING RD
28.14-3-5.11	2135 HOPKINS RD
28.14-3-5.12	501 RAMBLING RD
28.14-4-1.11	2125 HOPKINS RD REAR
28.14-4-1.12	2115 HOPKINS RD
28.18-1-31	1895 HOPKINS RD
28.18-1-32.1	1905 HOPKINS RD
28.18-1-32.2	32 SHELLRIDGE DR
28.18-6-15.111	231 BRENRIDGE DR
28.18-6-15.112	215 BRENRIDGE DR
28.18-6-15.113	223 BRENRIDGE DR
28.18-6-15.12	207 BRENRIDGE DR
28.18-6-15.2	1770 DODGE RD
28.18-8-1	1740 DODGE RD
28.18-8-3	220 BRENRIDGE DR
28.18-8-4	212 BRENRIDGE DR
28.18-8-5	208 BRENRIDGE DR
28.41-2-1	1 GLEN ABBEY
28.41-2-2	2 GLEN ABBEY
28.41-2-3	3 GLEN ABBEY
28.41-2-4	4 GLEN ABBEY
28.41-2-5	5 GLEN ABBEY
28.41-2-6	6 GLEN ABBEY
28.41-2-7	7 GLEN ABBEY

Attachment: 08_13_2024_Various properties added to lighting district (RES-2024-673 : Lighting District Extension - Miscellaneous Parcels)

28.41-2-8	8 GLEN ABBEY
28.41-3-2	261 OLD OAK POST RD
28.41-3-3	263 OLD OAK POST RD
28.41-3-4	265 OLD OAK POST RD
28.50-1-33	139 OLD OAK POST RD
28.50-1-34	131 OLD OAK POST RD
40.04-1-31.112	492 KAYMAR DR
40.04-1-31.12	493 KAYMAR DR
40.10-2-12.1	301 PEPPER TREE DR
40.10-2-14.1	305 PEPPER TREE DR
40.10-2-15.1	311 PEPPER TREE DR
40.10-2-16.1	315 PEPPER TREE DR
40.14-2-16	0 JOE MC CARTHY DR
40.15-11-27	17 PARKHAVEN DR
41.08-2-51	237 LONDONDERRY LN
41.15-5-48	17 WOODSHIRE S
41.15-5-49	9 WOODSHIRE S
41.15-5-50	STAHL RD
41.16-9-11.11	84 HAUSSAUER RD
41.16-9-13	104 HAUSSAUER RD
41.19-3-12	147 DEER RIDGE
41.19-3-14	163 DEER RIDGE
41.19-3-21.1	179 DEER RIDGE
41.19-3-22	200 HEIM RD
41.19-3-23	158 HEIM RD
41.19-4-6	165 STAHL RD
41.19-4-7.1	44 WYETH DR
41.19-4-7.2	36 WYETH DR
41.19-4-8.1	29 WYETH DR
41.19-4-8.2	21 WYETH DR
41.19-5-21	214 WYETH DR
41.19-5-23	230 WYETH DR
41.20-3-29	187 STUEWE RD
41.57-3-1	702 ROBIN RD
41.57-3-10	705 ROBIN RD
41.57-3-11	703 ROBIN RD
41.57-3-12	701 ROBIN RD
41.57-3-2	704 ROBIN RD
41.57-3-3	706 ROBIN RD
41.57-3-5	710 ROBIN RD
41.57-3-6	712 ROBIN RD
41.57-3-7	711 ROBIN RD
41.57-3-8	709 ROBIN RD
41.57-3-9	707 ROBIN RD
42.05-5-52	26 FORESTBROOK CT
42.05-7-31	10 YOLANDA CT
42.07-1-34.1	19 MISSION DR

Attachment: 08_13_2024_Various properties added to lighting district (RES-2024-673 : Lighting District Extension - Miscellaneous Parcels)

42.07-1-34.2	630 CASEY RD
42.07-1-7	56 MISSION DR
42.07-2-28	105 MILL VALLEY DR
42.07-2-29	97 MILL VALLEY DR
42.07-7-1.11	440 CASEY RD
42.08-3-1	700 CASEY RD
42.08-3-3.11	730 CASEY RD
42.08-4-1	145 SAN FERNANDO LN
42.08-4-10	217 SAN FERNANDO LN
42.08-4-11	225 SAN FERNANDO LN
42.08-4-12	233 SAN FERNANDO LN
42.08-4-13	241 SAN FERNANDO LN
42.08-4-14	249 SAN FERNANDO LN
42.08-4-15	257 SAN FERNANDO LN
42.08-4-16	265 SAN FERNANDO LN
42.08-4-17	273 SAN FERNANDO LN
42.08-4-18	281 SAN FERNANDO LN
42.08-4-19	289 SAN FERNANDO LN
42.08-4-2	153 SAN FERNANDO LN
42.08-4-20	297 SAN FERNANDO LN
42.08-4-21	305 SAN FERNANDO LN
42.08-4-23.1	298 SAN FERNANDO LN
42.08-4-24	290 SAN FERNANDO LN
42.08-4-25	282 SAN FERNANDO LN
42.08-4-26	250 SAN FERNANDO LN
42.08-4-27	226 SAN FERNANDO LN
42.08-4-28	218 SAN FERNANDO LN
42.08-4-29	210 SAN FERNANDO LN
42.08-4-3	161 SAN FERNANDO LN
42.08-4-30	194 SAN FERNANDO LN
42.08-4-31	186 SAN FERNANDO LN
42.08-4-32	178 SAN FERNANDO LN
42.08-4-33	170 SAN FERNANDO LN
42.08-4-34	154 SAN FERNANDO LN
42.08-4-35	146 SAN FERNANDO LN
42.08-4-36	13 SAN JOSE CT
42.08-4-37	19 SAN JOSE CT
42.08-4-38	25 SAN JOSE CT
42.08-4-39	18 SAN JOSE CT
42.08-4-4	169 SAN FERNANDO LN
42.08-4-40	12 SAN JOSE CT
42.08-4-41	17 SAN DOMINICO CT
42.08-4-42	23 SAN DOMINICO CT
42.08-4-43	29 SAN DOMINICO CT
42.08-4-44	22 SAN DOMINICO CT
42.08-4-45	16 SAN DOMINICO CT
42.08-4-5	177 SAN FERNANDO LN

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42.08-4-6	185 SAN FERNANDO LN
42.08-4-7	193 SAN FERNANDO LN
42.08-4-8	201 SAN FERNANDO LN
42.08-4-9	209 SAN FERNANDO LN
42.14-4-1	2 GREENCASTLE LN
42.14-4-10	74 GREENCASTLE LN
42.14-4-11.1	82 GREENCASTLE LN
42.14-4-11.21	90 GREENCASTLE LN
42.14-4-13	98 GREENCASTLE LN
42.14-4-14	106 GREENCASTLE LN
42.14-4-15	114 GREENCASTLE LN
42.14-4-16	122 GREENCASTLE LN
42.14-4-17	130 GREENCASTLE LN
42.14-4-18	129 GREENCASTLE LN
42.14-4-19	121 GREENCASTLE LN
42.14-4-2	10 GREENCASTLE LN
42.14-4-20	113 GREENCASTLE LN
42.14-4-21	97 GREENCASTLE LN
42.14-4-22	89 GREENCASTLE LN
42.14-4-23	81 GREENCASTLE LN
42.14-4-24	73 GREENCASTLE LN
42.14-4-25	57 GREENCASTLE LN
42.14-4-26	35 GREENCASTLE LN
42.14-4-27	27 GREENCASTLE LN
42.14-4-28	19 GREENCASTLE LN
42.14-4-29	11 GREENCASTLE LN
42.14-4-3	18 GREENCASTLE LN
42.14-4-30	3 GREENCASTLE LN
42.14-4-4	26 GREENCASTLE LN
42.14-4-5	34 GREENCASTLE LN
42.14-4-6	42 GREENCASTLE LN
42.14-4-7	50 GREENCASTLE LN
42.14-4-8	58 GREENCASTLE LN
42.14-5-18	177 E PINELAKE CT
55.08-10-1	22 CEDARWOOD DR
55.08-10-2	14 CEDARWOOD DR
55.08-10-3	6 CEDARWOOD DR
55.18-8-17	234 W MAPLEMERE RD
55.18-8-18	224 W MAPLEMERE RD
55.18-8-19	216 W MAPLEMERE RD
55.18-8-20	208 W MAPLEMERE RD
55.18-8-21	200 W MAPLEMERE RD
55.18-8-22	192 W MAPLEMERE RD
55.18-8-23	184 W MAPLEMERE RD
56.07-2-20	15 STONYBROOK LN
56.07-2-21	23 STONYBROOK LN
56.07-2-22	31 STONYBROOK LN

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56.07-3-4	90 ROLLINGWOOD
56.07-3-5	80 ROLLINGWOOD
56.07-3-6	70 ROLLINGWOOD
56.07-4-15	65 ROLLINGWOOD
56.07-4-16	75 ROLLINGWOOD
56.08-2-2	2 FOX HUNT LN
56.08-2-3	8 FOX HUNT LN
56.08-2-4	14 FOX HUNT LN
56.08-6-6	262 PARADISE RD
56.08-6-7.1	214 PARADISE RD
56.09-3-16	36 PLAZA DR
56.11-6-3.11	86 RAPHAEL CT
56.12-1-25	56 SHIRE DR
56.12-5-1	8 TIFFANY PL
56.12-5-10	47 TIFFANY PL
56.12-5-11	39 TIFFANY PL
56.12-5-12	31 TIFFANY PL
56.12-5-13	23 TIFFANY PL
56.12-5-14	15 TIFFANY PL
56.12-5-15	7 TIFFANY PL
56.12-5-3	16 TIFFANY PL
56.12-5-4	24 TIFFANY PL
56.12-5-5	32 TIFFANY PL
56.12-5-6	40 TIFFANY PL
56.12-5-7	48 TIFFANY PL
56.12-5-8	56 TIFFANY PL
56.12-5-9	55 TIFFANY PL
56.12-6-1	295 VIA FORESTA LN
56.12-6-10	205 VIA FORESTA LN
56.12-6-11	195 VIA FORESTA LN
56.12-6-12	185 VIA FORESTA LN
56.12-6-13	175 VIA FORESTA LN
56.12-6-14	165 VIA FORESTA LN
56.12-6-15	155 VIA FORESTA LN
56.12-6-16	145 VIA FORESTA LN
56.12-6-17	135 VIA FORESTA LN
56.12-6-18	125 VIA FORESTA LN
56.12-6-19	115 VIA FORESTA LN
56.12-6-2	285 VIA FORESTA LN
56.12-6-20	105 VIA FORESTA LN
56.12-6-21	95 VIA FORESTA LN
56.12-6-22	85 VIA FORESTA LN
56.12-6-23	75 VIA FORESTA LN
56.12-6-24	65 VIA FORESTA LN
56.12-6-25	55 VIA FORESTA LN
56.12-6-26	45 VIA FORESTA LN
56.12-6-27	35 VIA FORESTA LN

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56.12-6-28	25 VIA FORESTA LN
56.12-6-29	15 VIA FORESTA LN
56.12-6-3	275 VIA FORESTA LN
56.12-6-30	5 VIA FORESTA LN
56.12-6-31	4 VIA FORESTA LN
56.12-6-32	14 VIA FORESTA LN
56.12-6-33	24 VIA FORESTA LN
56.12-6-34	34 VIA FORESTA LN
56.12-6-35	20 NATURE COVE CT
56.12-6-36	36 NATURE COVE CT
56.12-6-37	64 NATURE COVE CT
56.12-6-38	72 NATURE COVE CT
56.12-6-39	65 NATURE COVE CT
56.12-6-4	265 VIA FORESTA LN
56.12-6-40	53 NATURE COVE CT
56.12-6-41	47 NATURE COVE CT
56.12-6-42	39 NATURE COVE CT
56.12-6-43	31 NATURE COVE CT
56.12-6-44	23 NATURE COVE CT
56.12-6-45	15 NATURE COVE CT
56.12-6-46	7 NATURE COVE CT
56.12-6-47.1	100 VIA FORESTA LN
56.12-6-49	110 VIA FORESTA LN
56.12-6-5	255 VIA FORESTA LN
56.12-6-50	120 VIA FORESTA LN
56.12-6-51	130 VIA FORESTA LN
56.12-6-52	140 VIA FORESTA LN
56.12-6-53	150 VIA FORESTA LN
56.12-6-54	160 VIA FORESTA LN
56.12-6-55	170 VIA FORESTA LN
56.12-6-56	180 VIA FORESTA LN
56.12-6-57	210 VIA FORESTA LN
56.12-6-58	6 LANOCHE CT
56.12-6-59	14 LANOCHE CT
56.12-6-6	245 VIA FORESTA LN
56.12-6-60	22 LANOCHE CT
56.12-6-61	30 LANOCHE CT
56.12-6-62	38 LANOCHE CT
56.12-6-63	46 LANOCHE CT
56.12-6-64	54 LANOCHE CT
56.12-6-65	62 LANOCHE CT
56.12-6-66	70 LANOCHE CT
56.12-6-67	63 LANOCHE CT
56.12-6-68	55 LANOCHE CT
56.12-6-69	31 LANOCHE CT
56.12-6-7	235 VIA FORESTA LN
56.12-6-70	15 LANOCHE CT

Attachment: 08_13_2024_Various properties added to lighting district (RES-2024-673 : Lighting District Extension - Miscellaneous Parcels)

56.12-6-71	9 LANOCHE CT
56.12-6-72	270 VIA FORESTA LN
56.12-6-73	280 VIA FORESTA LN
56.12-6-74	290 VIA FORESTA LN
56.12-6-8	225 VIA FORESTA LN
56.12-6-9	215 VIA FORESTA LN
56.13-8-11.11	198 HICKORY HILL RD
56.13-8-14.21	199 HICKORY HILL RD
56.14-1-45	141 OAKBROOK DR
56.14-1-46	159 OAKBROOK DR
56.14-1-47	165 OAKBROOK DR
56.14-1-48	171 OAKBROOK DR
56.14-1-49	183 OAKBROOK DR
56.14-1-50	189 OAKBROOK DR
56.14-1-51	195 OAKBROOK DR
56.14-1-52	201 OAKBROOK DR
56.14-1-53	207 OAKBROOK DR
56.14-1-54	213 OAKBROOK DR
56.14-1-55	255 OAKBROOK DR
56.14-1-56	261 OAKBROOK DR
56.14-1-57	267 OAKBROOK DR
56.14-1-58	273 OAKBROOK DR
56.14-1-59	279 OAKBROOK DR
56.14-1-60	285 OAKBROOK DR
56.14-1-61	291 OAKBROOK DR
56.14-1-62	297 OAKBROOK DR
56.14-1-63	303 OAKBROOK DR
56.14-1-64	309 OAKBROOK DR
56.14-1-65	315 OAKBROOK DR
56.15-4-76.1	24 CROWN ROYAL DR
56.15-4-76.2	605 AYER RD
56.16-1-13.2	174 COVENT GARDEN LN
56.17-5-6	25 MEADOWVIEW LN
56.17-5-7	41 MEADOWVIEW LN
56.18-1-1	20 MEADOWVIEW LN
56.18-1-34	40 MEADOWVIEW LN
56.18-1-35	36 MEADOWVIEW LN
56.18-14-10	72 LEMAY CT
56.18-14-11	64 LEMAY CT
56.18-14-12	56 LEMAY CT
56.18-14-13	48 LEMAY CT
56.18-14-14	40 LEMAY CT
56.18-14-15	32 LEMAY CT
56.18-14-16	24 LEMAY CT
56.18-14-17	16 LEMAY CT
56.18-3-23	82 BRAGG CT
56.18-3-8.112	112 BRAGG CT

Attachment: 08_13_2024_Various properties added to lighting district (RES-2024-673 : Lighting District Extension - Miscellaneous Parcels)

56.18-3-8.12	104 BRAGG CT
56.18-3-9	90 BRAGG CT
56.18-5-26	98 BRAGG CT
56.19-1-18	1860 MAPLE RD
56.19-7-12	109 MAPLELEAF DR
56.20-1-24.2	492 BAUMAN RD
56.20-3-1	333 PATRICE TER
56.20-3-10	283 PATRICE TER
56.20-3-11	277 PATRICE TER
56.20-3-12	271 PATRICE TER
56.20-3-13	265 PATRICE TER
56.20-3-14	259 PATRICE TER
56.20-3-2	329 PATRICE TER
56.20-3-3	323 PATRICE TER
56.20-3-4	317 PATRICE TER
56.20-3-5	311 PATRICE TER
56.20-3-6	307 PATRICE TER
56.20-3-7	301 PATRICE TER
56.20-3-8	295 PATRICE TER
56.20-3-9	289 PATRICE TER
56.20-4-10	290 PATRICE TER
56.20-4-11	284 PATRICE TER
56.20-4-12	278 PATRICE TER
56.20-4-13	272 PATRICE TER
56.20-4-14	266 PATRICE TER
56.20-4-15	260 PATRICE TER
56.20-4-3	330 PATRICE TER
56.20-4-4	324 PATRICE TER
56.20-4-5	318 PATRICE TER
56.20-4-6	312 PATRICE TER
56.20-4-7	308 PATRICE TER
56.20-4-8	302 PATRICE TER
56.20-4-9	296 PATRICE TER
56.20-5-1	499 TEAKWOOD TER
56.20-6-1	521 SAGEWOOD DR
56.20-6-18	411 SAGEWOOD DR
56.20-6-19	419 SAGEWOOD DR
56.20-6-20	425 SAGEWOOD DR
56.20-6-21	433 SAGEWOOD DR
56.20-6-22	441 SAGEWOOD DR
56.20-6-23	449 SAGEWOOD DR
56.20-6-24	457 SAGEWOOD DR
56.20-6-25	465 SAGEWOOD DR
56.20-6-26	473 SAGEWOOD DR
56.20-6-27	481 SAGEWOOD DR
56.20-6-28	489 SAGEWOOD DR
56.20-6-29	497 SAGEWOOD DR

Attachment: 08_13_2024_Various properties added to lighting district (RES-2024-673 : Lighting District Extension - Miscellaneous Parcels)

56.20-6-3	500 TEAKWOOD TER
56.20-6-30	505 SAGEWOOD DR
56.20-6-31	513 SAGEWOOD DR
56.20-7-10	458 SAGEWOOD DR
56.20-7-11	450 SAGEWOOD DR
56.20-7-12	442 SAGEWOOD DR
56.20-7-13	434 SAGEWOOD DR
56.20-7-14	426 SAGEWOOD DR
56.20-7-15	418 SAGEWOOD DR
56.20-7-16	410 SAGEWOOD DR
56.20-7-2	516 SAGEWOOD DR
56.20-7-3	510 SAGEWOOD DR
56.20-7-4	506 SAGEWOOD DR
56.20-7-5	498 SAGEWOOD DR
56.20-7-6	490 SAGEWOOD DR
56.20-7-7	482 SAGEWOOD DR
56.20-7-8	474 SAGEWOOD DR
56.20-7-9	466 SAGEWOOD DR
57.09-1-14.1	15 BRADFIELD DR
57.09-1-14.2	7 BRADFIELD DR
67.07-3-4	18 HILTON BLVD
67.07-3-5	22 HILTON BLVD
67.07-3-6	28 HILTON BLVD
67.07-3-7	34 HILTON BLVD
67.07-5-25.2	137 HILTON BLVD
67.07-5-25.3	145 HILTON BLVD
67.12-6-18.1	62 SNYDERWOODS CT
67.16-3-31	360 HEDSTROM DR
67.16-4-15	340 HEDSTROM DR
67.16-5-17	349 HEDSTROM DR
67.16-5-18.1	355 HEDSTROM DR
67.16-8-48	22 BONDCROFT DR
67.16-8-49	16 BONDCROFT DR
67.16-8-50	10 BONDCROFT DR
67.16-8-61	47 DANEBROCK DR
67.16-8-79	94 DANEBROCK DR
67.16-8-80	90 DANEBROCK DR
67.16-9-33	579 LONGMEADOW RD
67.20-3-2	15 BONDCROFT DR
67.20-3-3	19 BONDCROFT DR
67.79-6-21	58 CAMBRIDGE BLVD
68.07-2-1	21 FOREST HILL DR
68.07-2-2	27 FOREST HILL DR
68.07-2-41	1095 N FOREST RD
68.13-3-9.11	15 THOMAS JEFFERSON LN
68.13-4-1.21	86 THOMAS JEFFERSON LN
68.13-4-1.221	87 THOMAS JEFFERSON LN

Attachment: 08_13_2024_Various properties added to lighting district (RES-2024-673 : Lighting District Extension - Miscellaneous Parcels)

68.13-7-12	101 MEADOWSTREAM DR
68.18-4-36.1	135 LAKEWOOD PKWY
69.06-10-19	302 PATTON PL
69.06-9-14	288 MC NAIR RD
69.09-2-13	587 MILL ST
69.10-3-1	339 MAC ARTHUR DR
69.10-3-2	345 MAC ARTHUR DR
69.10-3-3	351 MAC ARTHUR DR
69.10-3-4	357 MAC ARTHUR DR
69.10-3-5	363 MAC ARTHUR DR
69.10-3-6	369 MAC ARTHUR DR
69.10-3-7	375 MAC ARTHUR DR
69.12-2-34	67 BAUMAN RD
69.12-5-32	99 SHETLAND DR
69.12-5-33	107 SHETLAND DR
69.12-5-34	115 SHETLAND DR
69.12-5-35	123 SHETLAND DR
69.20-2-2.111	28 BERESFORD CT
70.09-1-1	17 PALMDALE DR
70.09-1-2	11 PALMDALE DR
70.09-1-3	5 PALMDALE DR
70.09-1-4	414 THIRD AVE
70.09-1-5	420 THIRD AVE
70.09-1-6	426 THIRD AVE
79.08-4-37.1	75 RUSKIN RD
79.11-2-4	99 LE BRUN CIR
79.12-9-6	233 BRANTWOOD RD
79.23-4-37	295 ALLENHURST RD
80.06-6-37	101 LIVINGSTON PKWY
80.06-7-1.1	115 LAKEWOOD PKWY
80.06-7-16	104 LIVINGSTON PKWY
80.10-3-8	105 WALTON DR
80.11-4-3.1	80 RIDGEWOOD DR
80.14-1-11	365 ROYCROFT BLVD

Attachment: 08_13_2024_Various properties added to lighting district (RES-2024-673 : Lighting District Extension - Miscellaneous Parcels)

At a 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 19th day of August, 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

Extension of the Town of Amherst Consolidated Lighting District and improvements in connection therewith

Offered by: _____

Seconded By: _____

RESOLUTION AND ORDER

WHEREAS, the Town Board of the Town of Amherst (herein called the "Town"), in the County of Erie, New York, on behalf of Consolidated Lighting District (herein referred to as the "District"), has caused the Town to prepare several maps, plans and reports for the proposed extension of the District to include the properties identified in the list attached hereto, pursuant to Article 12-A of the Town Law (the "Extension"); and

WHEREAS, the Town Board adopted an Order Calling for a Public Hearing describing in general terms the Extension, specifying the estimated cost thereof, the boundaries of

Attachment: ResoOrderAfterPH (RES-2024-673 : Lighting District Extension - Miscellaneous Parcels)

the Extension, that no capital expenses nor borrowings would be necessary for the Extension, the fact that the maps, plans and reports describing the same are on file in the Town Clerk's Office for public inspection, and stating the Town Board would meet to hear all persons interested in said proposed extensions on August 19, 2024 at 7 o'clock P.M. (Prevailing Time) at the Town Hall, 5583 Main Street, Williamsville, New York; and

WHEREAS, a notice of such public hearing was duly published and posted pursuant to the provisions of Article 12-A of the Town Law; and

WHEREAS, the Town separately notified each of the properties included in the Extension of such hearing; and

WHEREAS, such public hearing was duly held by the Town Board on the 19th day of August, 2024 at 7 o'clock P.M. (Prevailing Time) at the Town Hall, 5583 Main Street, Williamsville, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to the Extension; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the Extension may have on the environment, and the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (SEQRA), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, the Town Board has determined that the proposed action is a "Type II action" for SEQRA purposes and will not have a significant effect on the environment and a Negative Declaration has been issued in connection therewith; and

WHEREAS, the maximum amount proposed to be expended by the Town for the

Attachment: ResoOrderAfterPH (RES-2024-673 : Lighting District Extension - Miscellaneous Parcels)

Extension is the sum of zero dollars ($0.00), as there is no cost for the Extension; and

WHEREAS, the annual estimated cost of providing street lighting services for a $300,000 property located in the Town at 100% Equalization is $118.85; and

WHEREAS, permission of the State Comptroller is not required for the Extension because any costs related thereto are not to be financed by bonds, notes or other evidence of indebtedness;

Now, therefore, be it

ORDERED, that the notice of public hearing was published and posted as required by law and each individual property owner within the Extension has been notified of said hearing; and be it

ORDERED, that all property and property owners within the Extension are benefitted thereby; and be it

ORDERED, that all the property and property owners benefitted are included within the limits of the Extension; and be it

ORDERED, that it is in the public interest to extend said District as set forth in the accompanying maps, plans and reports; and it is

FURTHER ORDERED, that the Extension is a ”Type II” action for SEQRA purposes, will not have a significant effect on the environment, and a Negative Declaration has been issued in connection therewith; and it is

FURTHER RESOLVED, DETERMINED AND ORDERED, that the Extension be approved in accordance with the boundaries and descriptions set forth in the maps, plans and reports prepared in connection therewith, subject to the permissive referendum waiting period in the manner provided in Town Law Article 7 for this Resolution and Order; and be it

Attachment: ResoOrderAfterPH (RES-2024-673 : Lighting District Extension - Miscellaneous Parcels)

FURTHER RESOLVED, that this Resolution and Order is subject to permissive referendum in accordance with the provisions of Town Law Articles 7 and 12-A and the Town Board authorizes and directs the Town Clerk to file, post and publish such Notice of this Resolution and Order as may be required by law and if no such petition is filed within 30 days after adoption of this Resolution and Order to file a Certificate to that effect in the Office of the Erie County Clerk.

DATED: August 19, 2024

(SEAL)

TOWN BOARD OF THE TOWN OF AMHERST

Attachment: ResoOrderAfterPH (RES-2024-673 : Lighting District Extension - Miscellaneous Parcels)

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Hon. Brian J. Kulpa, Supervisor	Voting _____
Shawn Lavin, Deputy Supervisor/Councilman	Voting _____
Jacqualine Berger, Councilwoman	Voting _____
Angela Marinucci, Councilwoman	Voting _____
Michael R. Szukala, Councilman	Voting _____

The Final Order was declared adopted.

Attachment: ResoOrderAfterPH (RES-2024-673 : Lighting District Extension - Miscellaneous Parcels)

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed Resolution and Order of the Town Board of said Town adopted at a meeting duly called and held on August 19, 2024, has been compared by me with the original resolution and order as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said resolution and order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this ____ day of August, 2024.

(SEAL)

_____
Town Clerk

Attachment: ResoOrderAfterPH (RES-2024-673 : Lighting District Extension - Miscellaneous Parcels)

Town of Amherst
Lighting District Cost Calculation

2024 Amount to Raise in Taxes	$3,564,184.53
2024 LD Assessed Value (62% Equalization)	$5,426,655,325.00
2024 LD Assessed Value (100% Equalization)	$8,752,669,879.03
Rate per $1,000 Assessed Value	$0.407211
A property assessed at $300,000 will pay:	$122.16
2024 LD Assessed Value (100% Equalization)	$8,752,669,879.03
New Parcel Assessed Value (100% Equalization)	$243,703,094.00
New LD Assessed Value (100% Equalization)	$8,996,372,973.03
New Rate per $1,000 Assessed Value	$0.396180
A property assessed at $300,000 will pay:	**$118.85**

All calculations are based on the 2024 budget and 2024 assessed values.
2025 rates may change based on the 2025 budget and 2025 assessed values.

Attachment: LD Rate Analysis for OCPH Mailing (RES-2024-673 : Lighting District Extension - Miscellaneous Parcels)

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 29349 **RESOLUTION 2024-700** **ADOPTED**

SEQR Determination (3880 & 3910 E Robinson Road, Z-2024-02)

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 3880 & 3910 East Robinson 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.

9/3/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

FINANCIAL IMPACT:

None

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

Attachment: Z-2024-02_TB_Neg Dec_090324 (RES-2024-700 : SEQR Determination - (3880 & 3910 E Robinson Road, Z-2024-02))

DRAFT
(9/3/2024)

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency: Town of Amherst
Town Board

Project: Z-2024-02

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 Action.

Description of Action: Rezoning of 9.44± acres of land from GB to MFR-7 to allow for the future use and development of the site for senior housing for lease

Location: 3880 & 3910 East Robinson Road

Petitioner: Rainbow Racquet Club

Reasons Supporting This Determination

Based on information submitted by the applicant, including a Full Environmental Assessment Form (EAF) - Part 1, a complete rezoning application, and concept plan, a preliminary staff analysis was undertaken. Based on the results of the EAF Part 2 and compared to the criteria listed in Section 617.7, all indications are that the proposed rezoning of 9.44± acres of land from General Business District (GB) to Multifamily Residential District Seven (MFR-7) for a 256 ± unit Senior Housing complex, 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 June 24, 2024 reviewed the application and EAF submitted on April 22, 2024 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. A Wetland Delineation Report dated May 10, 2024 and received on May 14, 2024 concluded that a wetland was identified on the site but found to be isolated and not jurisdictional due to being contained within the area and does not connect to other waters in the United States. A Landscape/Tree preservation Plan shall be required of the applicant upon submittal of a site plan application for development of the site at which stage all landscape requirements of the Zoning Ordinance will be met.

3. The project is not expected to create any material conflict with the Town Comprehensive Plan. The project will comply with all regulations of the Town Zoning Ordinance before final site plan approval is granted. The Town Building Department on June 25, 2024 and Zoning Enforcement Officer on June 18, 2024 reviewed the application and EAF submitted on May 29, 2024, and has no objection or comments on the proposed rezoning.

4. The project is within an area identified by the State as potentially containing significant cultural or archeological resources. A Phase I (IA and IB) Cultural Resource Investigation prepared by Powers Archaeology LLC on June 4, 2024 and submitted on June 15, 2024 was reviewed. The NYS Office of Parks, Recreation, Historic Preservation has reviewed the project and determined in their letter dated June 14, 2024 that there will be no impact on Historic or Cultural resources.

Attachment: Z-2024-02_TB_Neg Dec_090324 (RES-2024-700 : SEQR Determination - (3880 & 3910 E Robinson Road, Z-2024-02))

5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The subject request is for rezoning from GB to MFR-7. Neighboring uses are zoned GB to the north and east, Office Building District (OB) to the west, and Residential District Three (R-3) to the south; therefore, the project is consistent with surrounding land use.

6. The proposed rezoning to MFR-7 for a proposed 256 ± unit Senior Housing complex will not cause a major change in the use of either the quantity or type of energy.

7. The rezoning to MFR-7 for the proposed 256 ± unit Senior Housing complex will not create any hazard to human health. The Fire Chief's Association on May 16, 2024**,** has reviewed the rezoning request and supporting documentation and has no objection to or adverse comments on the proposed rezoning.

8. The rezoning to MFR-7 will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The proposed Senior Housing complex structures will be consistent with the scale of surrounding land uses.

9. The rezoning to MFR-7 for the proposed 256 ± unit Senior Housing complex will not significantly increase the number of people using the site over what would be expected if developed under the existing zoning.

10. Review of the Traffic Impact Report prepared by Passero Engineering Architecture submitted to the Planning Department on May 28, 2024 and reviewed by the Town Traffic and Safety Board on July 3, 2024.

11. Coordinated reviews of the project have been undertaken by Town Departments including Building on June 25, 2024, Engineering on June 24, 2024, Highway on _____**,** Traffic/Safety Board on July 3, 2024, Assessor on May 14, 2024, Fire Chiefs' Association on May 16, 2024, Zoning Enforcement Officer on June 18, 2024, and Right-of-Way Agent on May 13, 2024 along with outside agencies including Erie County Department of Environment & Planning on July 5, 2024 and NYS Office of Parks, Recreation and Historic Preservation on June 14, 2024. These reviews have not identified any significant environmental issues and indicate that the proposal will not have a significant damaging impact on the environment.

11. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to be causing significant negative environmental impacts.

Attachment: Z-2024-02_TB_Neg Dec_090324 (RES-2024-700 : SEQR Determination - (3880 & 3910 E Robinson Road, Z-2024-02))

_____ _____
Signature & title of preparer date

_____ _____
Brian J. Kulpa, Supervisor date

JQ/bf
X:\Current_Planning\Files\Rezonings\2024\Z-2024-02_(3880_&_3910_East_Robinson_Rd)_2024\Z-2024-02_TB_Neg Dec_090324.docx
cc: Amherst Town Clerk
Amherst Building Department
ECDEP
NYSDEC
Rainbow Racquet Club
Sean Hopkins

Attachment: Z-2024-02_TB_Neg Dec_090324 (RES-2024-700 : SEQR Determination - (3880 & 3910 E Robinson Road, Z-2024-02))

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 29311 **RESOLUTION 2024-674** **ADOPTED**

Adoption of Local Law to Amend the Zoning Map (3880 & 3910 E Robinson Road, Z-2024-02)

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

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of June, 2024 that the proposed MFR-7 zoning at 3880 & 3910 E Robinson Road is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

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

8/19/2024
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 5-0. The public hearing was opened at 8:05 PM.

Attorney Sean Hopkins presented.

The following speakers addressed the Board:
Tom Weisbeck, 48 Drawbridge Ct
Don Smith, 201 N Long St
Kathy Aquilina, 215 Maple Rd

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the September 3rd Town Board meeting, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was closed at 8:22 PM.

9/3/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

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

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 August 19, 2024

August 7, 2024

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

Subject: REQUEST TO REZONE 9.44± ACRES OF LAND FROM **GENERAL BUSINESS DISTRIC (GB)** TO **MULTI-FAMILY RESIDENTIAL DISTRICT SEVEN (MFR-7), Z-2024-02**; PROPERTY LOCATED AT **3880 & 3910 EAST ROBINSON ROAD**. RAINBOW RACQUET CLUB, PETITIONER.
(Z-2024-02)

Honorable Members:

The subject property is a 9.44± acre rectangular parcel located on the north side of East Robinson Road approximately 853 ± ft east of its intersection with Niagara Falls Boulevard. East Robinson Road is a County owned highway and designated as a minor arterial in the Bicentennial Comprehensive Plan.

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

The purpose of this request is to allow for the potential future use of the site for senior housing to be for lease.

History of previous rezoning requests:
The subject site was zoned General Business (GB) with the adoption of the Town wide Zoning Map & Ordinance on January 19, 1976.

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

INTENT AND OBJECTIVES OF THE COMPREHENSIVE PLAN

The subject request is consistent with Chapter 2 Section 2.2 Vision Statement and 2.3 Key Initiatives in that the proposed use will enhance the community character and offers a good transition between the abutting residential districts and the commercial developments along Niagara Falls Boulevard. The proposed plan and subject parcels are consistent with Figure 6 in Chapter 3 and the description of "Commercial/ Mixed Use" discussed in Section 3.3.2. The subject request is a reasonable sized multi-family development and a mixed residential use would be a viable investment in the corridor as a transitional development amongst the existing uses.

The subject request is consistent with Chapter 5 "Economic Development" in that the development will support the Town's tax base. Additionally, the subject request is consistent with Chapter 6 "Transportation and Infrastructure" as the proposed development would not significantly alter traffic patterns and would not stress existing storm or waste water services.

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

The subject request is consistent with Chapter 8 "Housing and Neighborhoods", Section 8-3 to encourage higher density residential uses in mixed-use developments and other appropriate locations, and by increasing the housing diversity and affordability with the proposed development. Additionally, the subject request is consistent with Chapter 9 Community Facilities and Services as the proposed development is located in close proximity to Niagara Falls Boulevard which provides residents convenient access to the businesses and services along the corridor.

INTENT AND OBJECTIVES OF THE ZONING ORDINANCE

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

CONSISTENCY/COMPATIBILITY WITH SURROUNDING DEVELOPMENT/ZONING

The request is consistent and compatible with the surrounding Residential District Three (R-3), Office Building District (OB), and General Business District (GB) zoning. The request is compatible with surrounding structures and nearby detached single family homes.

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.

RECOMMENDATION

The Planning Board at their meeting of June 25, 2024 held a public hearing on the subject rezoning request and recommended that the Town Board find that pursuant to Local Law #3-82, as amended, the requirements of SEQR have been completed and that the subject request will not have a significant adverse effect on the environment. The Planning Board recommended that the subject rezoning request be approved.

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

Very truly yours,

Daniel C. Howard, AICP
Planning Director

DH/SM/JQ/ac
Att.
X:\Current_Planning\Files\Rezonings\2024\Z-2024-02_(3880_&_3910_East_Robinson_Rd)_2024\Town_Board_Letter_Master.docx
cc: Martin Polowy, Town Attorney

Planning Board Approval – June 25, 2024
Ayes – 4; Noes – 0; Absent 3 (Chmiel, Penberthy, Raffaele)

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2024-02

PETITIONER

Rainbow Racquet Club
c/o Sean Hopkins
5500 Main Street, Suite 343
Williamsville, NY 14221

PROPERTY LOCATION

3880 & 3910 East Robinson Road

JUN 28 2024 PM12:

WHEREAS the Town of Amherst Planning Board on Tuesday, June 25, 2024 held a public hearing on the proposed rezoning of land from GB to MFR-7, and

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

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

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

A. The proposed zoning and development plan is generally consistent with the policies of the Comprehensive Plan and the Zoning Ordinance.

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

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

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

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

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

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

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2024-02

PETITIONER

Rainbow Racquet Club

PROPERTY LOCATION

3880 & 3910 East Robinson Road

JUN 28 2024 PM12:

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

The foregoing resolution was adopted by the Town of Amherst Planning Board, June 25, 2024; moved by Giuliani; seconded by Davis; ayes 4; noes 0; absent 3 (Chmiel, Penberthy, Raffaele).

for Michael J. Chmiel, Planning Board Chair

June 28, 2024
Date

JQ/ac
X:\Current_Planning\Files\Rezonings\2024\Z-2024-02_(3880_&_3910_East_Robinson_Rd)_2024\Z-2024-02_resolution_062524.doc.docx
cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Traffic/Safety Coordinator
Rainbow Racquet Club, c/o Sean Hopkins, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Rezoning Application & Supporting Documentation - Rezoning of 3880 & 3910 East Robinson Road from GB to MFR-7 Applicant: Rainbow Racquet Club c/o Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC Date: April 22, 2023

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

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning Review and, if required Comprehensive Plan Amendment

For Official Use

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

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

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

TO BE COMPLETED BY APPLICANT

1. **Petitioner:** Name: Rainbow Racquet Club

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

Phone: 716.510-4338 Fax:

E Mail shopkins@hsmlegal.com

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

From: GB District

To: MFR-7 District

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

5226 & 5228 Main Street

SBL #: 3880 East Robinson Road [SBL No. 26.03-2-9.1] and
3910 Eat Robinson Road [SBL No. 26.03-2-8.113]

4. **Area of land to be rezoned** (in acres): Approximately 9.44 acres

5. **Owner of Land:**

Name: Rainbow Racquet Club c/o Sean Hopkins, Esq.

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

Telephone: 716.510-4338

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

Name: Sean W. Hopkins. Esq.

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

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

_____Option to purchase

_X____Owner

__ _____Other (explain)

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

Not Applicable.

9. **Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor.** Legal description of the property to be rezoned from GB to MFR-7 attached as Exhibit "2" and the survey of the Project Site attached as Exhibit "3".

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

Liber _____ Page _____

11. **Information on proposed project:**

A. Description of the character of the proposed development:

See Exhibit 4.

B. Rationale for rezoning request:

1. Why was this site chosen?

See Exhibit 4.

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

See Exhibit 4.

3. How will this rezoning impact surrounding properties?

See Exhibit 4.

4. How will this rezoning impact the school system?

See Exhibit 4.

12. Quantitative Data:

A. Total # of dwelling units 256

B. Distribution of dwelling units by type Residential units for lease

C. Gross Residential Density per acre 27.23 units per acre

D. Total amount of Open Space Not Applicable

E. Proposed Non-Residential Floor Area Not Applicable

[Note: A reduced size copy of the Concept Site Plan [Drawing C-100] for the proposed senior housing project is provided at Exhibit "6".]

13. Development Schedule:

Start 2026

Finish 2028

Stages (# of) 2 [Timing of build-out dependent on market conditions other relevant factors.]

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

The apartments will be leased.

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

Greenspace and landscaping will be privately owned and maintained.

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

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

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

See Exhibit 5.

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

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

See Exhibit 5.

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

See Exhibit 5.

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

1. Sanitary Sewer
   Yes.
2. Storm Sewer/Drainage
   Yes.
3. Water
   Yes.
4. Other Yes.

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

See Exhibit 5.

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

See Exhibit 5.

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

See Exhibit 5.

17. The petitioner encloses herewith the sum of $3,265.00 to pay the fee, and consents to the placement of a sign(s) at the described location identifying this request for a period of time to be determined by the Town Clerk.

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

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

Signature of Petitioner

Subscribed and sworn to before me this 22nd day of April, 20 24

Notary Public, Erie County, New York

MARIANNE BRAUTLACHT
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 01/14/20 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.

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

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

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

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

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

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

AUTHORIZATION

Rainbow Raquet Club, a New York Partnership, as the record owner of 3880 East Robinson Road [SBL No. 26.03-2-9.1] and 3910 East Robinson Road [SBL No. 26.03-2-8.113] in the Town of Amherst (collectively the "Project Site"), hereby authorizes Hopkins Sorgi & McCarthy PLLC and Carmina Wood Design to file land use applications in furtherance of the development of the Project Site for a multifamily project including but not limited to a Rezoning Application.

RAINBOW RAQUEST CLUB, A NEW YORK PARTNERSHIP

By: Victor L. Peterson III

Date: April 18, 2024

STATE OF NEW YORK)
ss.:
COUNTY OF ERIE)

On this 19 day of April, 2024, before me, the undersigned, a notary public in and for said state, personally appeared Victor Peterson III, personally known to me or proved to me on the basis of satisfactory evidence to the be the individual whose name is subscribed to within this instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

IVY GRAHAM
NOTARY PUBLIC-STATE OF NEW YORK
No. 01GR0012603
Qualified in Erie County
My Commission Expires 06-24-2027

Exhibit 1 of Rezoning Application – Part 1 of Full Environmental Assessment Form Prepared pursuant to the State Environmental Quality Review Act ("SEQRA") with Page 5[a] and Attachment "1"

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Proposed Senior Housing Project		
Project Location (describe, and attach a general location map): 3880 & 3910 East Robinson Road - Town of Amherst - Erie County		
Brief Description of Proposed Action (include purpose or need): The proposed project ("action") consists of the development of the parcels at 3880 and 3910 East Robinson Road (the "Project Site") as a senior housing consisting of six buildings [two 4-story buildings with 116 units each], three 2-story with 8 units each [total of 256 senior apartments for lease] as well a community building and all related site improvements. The project layout includes 245 parking spaces [including 30 garage spaces]. The proposed action has been defined broadly to include all proposed site improvements as well as all required discretionary approvals and permits needed from involved agencies including an amendment of the zoning classification of the Project Site from GB to MFR-7 by the Town of Amherst Town Board. The project purpose is to develop the Project Site for senior housing units for lease at a location with easy access to many nearby amenities including grocery stores, restaurants, etc. The project is a Type I action pursuant to SEQRA since it involves the construction of more than 250 units.		
Name of Applicant/Sponsor: MJ Peterson	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): Same as above.	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Rainbow Raquet Club 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

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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 of Project Site	April 22, 2024
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Planning Board - Site Plan Approval	To be Determined
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☑Yes ☐No	IDA - Possible PILOT - Building Dept. - Building Permits	To be Determined
e. County agencies ☑Yes ☐No	ECWA - Backflow approval, ECDOH - Sanitary sewe) & ECDPW - Highway Work Permit	To be Determined
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	NYSDEC - SPDES permit & 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

The Town has adopted an approved Local ~~Waterfront Revitalization but EAF Mapper~~ answered this question as No.]

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

NYS Heritage Areas:West Erie Canal Corridor

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

If Yes, identify the plan(s):

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
The Project Site is zoned General Business District ("GB").

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? _____

C.4. Existing community services.

a. In what school district is the project site located? _____

b. What police or other public protection forces serve the project site?

c. Which fire protection and emergency medical services serve the project site?
Volunteer fire department for district in which the Project Site is located.

d. What parks serve the project site?
Various parks including Nature View Park

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 units for lease.

b. a. Total acreage of the site of the proposed action? 9.44 acres
b. Total acreage to be physically disturbed? 9.44 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 9.44 acres

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

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

e. Will the proposed action be constructed in multiple phases? ☑ Yes ☐ No
i. If No, anticipated period of construction: 36 months
ii. If Yes:
- Total number of phases anticipated 2
- Anticipated commencement date of phase 1 (including demolition) Fall month 2024 year
- Anticipated completion date of final phase Fall month 2027 year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

The build-out of the senior housing project will likely consist of one of the 4-story senior housing buildings followed by construction of the other senior housing buildings.

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

f. Does the project include new residential uses? ☑ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				116
At completion of all phases				256

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: Storm water management

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☑ Other specify: Storm water 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: TBD 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 will be an excavation, not 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-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

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

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

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

v. Describe any proposed reclamation/mitigation following disturbance:

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

i. Total anticipated water usage/demand per day: 52,800 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:
- 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:
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: 52,800 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 waste

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
- 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-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

If Yes:

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

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

If Yes:

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

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

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 5.5 acres (impervious surface)

_____ Square feet or 9.44 acres (parcel size)

ii. Describe types of new point sources. Roofs, parking lots

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)?

Runoff will be directed to a private on site storm water management area, this facility will then discharge to the existing ditch along the north side of the site

- If to surface waters, identify receiving water bodies or wetlands: N/A
- 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-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

If Yes:

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

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

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

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

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? [See Traffic Impact Study prepared by Passero Associates dated April 15, 2024] ☐Yes ☑No

If Yes:

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

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

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

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

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

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

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

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

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

If Yes:

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

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

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

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

i. During Construction:

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

ii. During Operations:

- Monday - Friday: Not applicable [Residential Project
- Saturday: _____
- Sunday: _____
- Holidays: _____

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

If yes:

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

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:

Parking lot and building lighting, parking lot lighting will be 15' mounting height and directed downward, 75' +/- to Tops Markets which is closest structure

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: 2 +/- tons per month (unit of time)
- Operation : 3 +/- 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: recycling at the discretion of the contractor
- Operation: operation will follow Town of Amherst recycling program

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

- Construction: NYSDEC approved C&D landfill
- Operation: NYSDEC approved landfill via private disposal service

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

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	3.7	5.5	+ 1.8
• Forested	1.3	0	-1.3
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	1.7	0	-1.7
• Other Describe: landscape/lawn	2.74	3.94	+ 1.2

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No
If Yes,
i. Identify Facilities:

_____
_____

e. Does the project site contain an existing dam? ☐ Yes ☑ No
If Yes:
i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

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

_____
_____

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

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____
_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

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

_____
_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☑ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____
☐ Neither database

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

_____
_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☑ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____
_____

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? > 25 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:

Raynham silt loam	85 %
Lamson very fine sandy loam	15 %
	%

d. What is the average depth to the water table on the project site? Average: 12 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.

[A copy of the Jurisdictional Determination issued by the USACE on January 8, 2018 is provided at Attachment "A". A new JD is being sought from the USACE.]

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

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

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

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____

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

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

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

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

i. Name of aquifer: _____

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

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

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

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

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

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

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

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

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

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

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

If Yes:

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

ii. Name: _____

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 MJ Peterson Date April 22, 2024

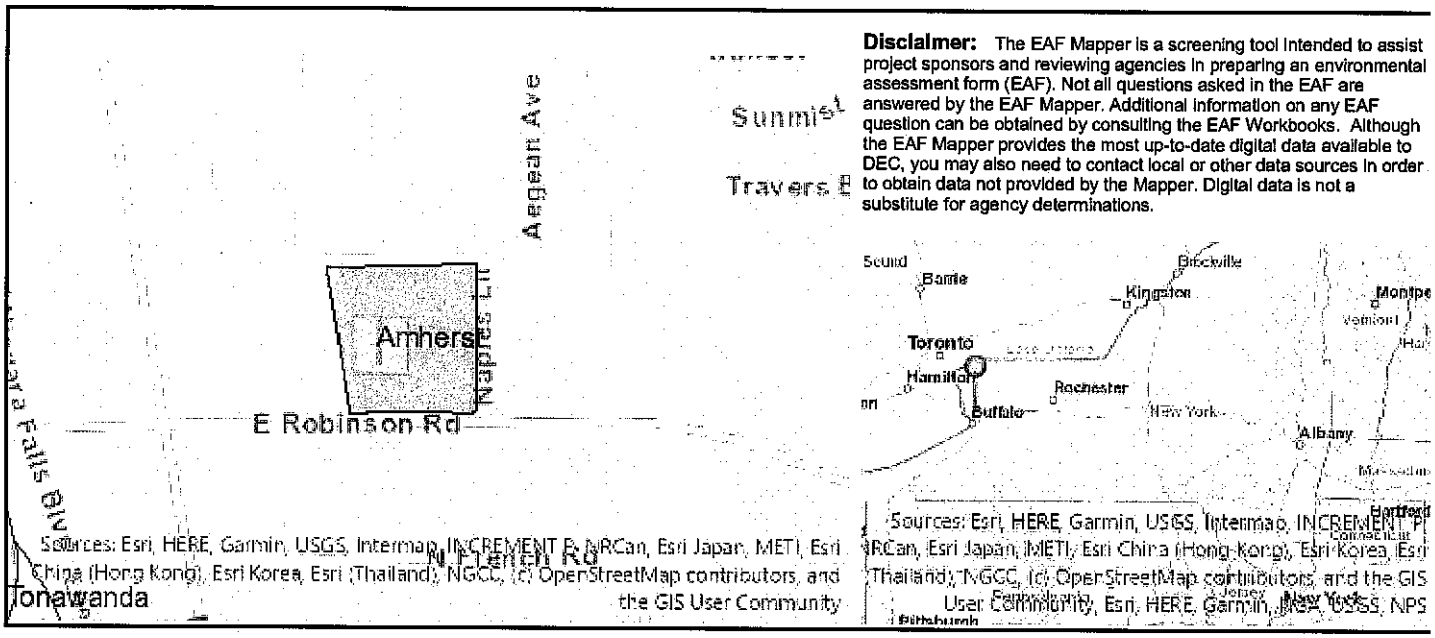
Signature Sean Hopkins Title Attorney for Project Sponsor

PRINT FORM

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

EAF Mapper Summary Report

Monday, April 15, 2024 2:36 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 - Wetlands Name]	Federal Waters
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

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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]	Yes
E.3.i. [Designated River Corridor]	No

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Rezoning of 3880 & 3910 East Robinson Road from GB to MFR-7

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
Raynam Silt Loam	Severe	Severe	Severe	Severe	Severe
Lanmson Very Fine Sandy Loam	Moderate	Moderate	Moderate	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 x Not applicable

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

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

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

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

   Not Applicable.

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

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

7. Maximum number of vehicular trips to be generated per peak hour upon completion of project 72 [Weekday P.M. Peak]
   Source: Traffic Impact Study prepared by Passero & Associates dated April 15, 2024.

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:
    52,800 average flow 211,200 peak flow.

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

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

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Attachment A of Part 1 of Full EAF – Jurisdictional Determination Issued by the United States Army Corps of Engineers dated January 8, 2018

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

January 8, 2018

Regulatory Branch

SUBJECT: Acceptance of Wetland Delineation, Application No. LRB-2017-00387

Mr. Pete Peterson
M.J. Peterson Co.
200 John James Audubon Parkway
Amherst, New York 14228

Dear Mr. Peterson:

This pertains to your request for a jurisdictional determination for the property located at 3910 East Robinson Road, Town of Amherst, Erie County, New York.

The Corps of Engineers regulatory responsibilities under Section 404 of the Clean Water Act (CWA) establishes jurisdiction over the discharge of dredged or fill material into waters of the United States, including wetlands.

Based upon our evaluation of the subject property, we have determined that there is no clear surface water connection or ecological continuum between the wetland on the parcel and a surface tributary system to a navigable water of the United States. Therefore, these waters are considered isolated, non-navigable, intrastate waters and not regulated under Section 404 of the Clean Water Act. Accordingly, you do not need Department of the Army authorization to commence work in these areas.

This determination will remain valid for a period of 5 years from the date of this correspondence unless new information warrants revision of the delineation before the expiration. At the end of this period, a new delineation may be required. In addition, this delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/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 United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work. I encourage you to contact the appropriate state and local governmental officials to ensure that the proposed work complies with their requirements.

Finally, this letter contains an approved JD for the subject parcel. 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 Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above determination, you must submit a

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Regulatory Branch

SUBJECT: Acceptance of Wetland Delineation, Application No. LRB-2017-00387

completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Jacob Siegrist
Regulatory Appeals Review Officer
US Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10524
Cincinnati, Ohio 45202-3222
Phone: 513-684-2699 Fax: 513-684-2460

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 March 2, 2018.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

Questions pertaining to this matter should be directed to me at 716-879-4308, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: Heather.L.Adams@usace.army.mil

Sincerely,

ADAMS.HEATHER.LYNN.1257722933

Heather Adams
Biologist

Enclosures

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: M.J. Peterson Co.	File Number: LRB-2017-00387	Date: 1/8/2018
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	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx 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. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. 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.

C: 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.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **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.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: 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.

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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. 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.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:	If you only have questions regarding the appeal process you may also contact:
Heather Adams U.S. Army Corps of Engineers 1776 Niagara Street Buffalo, New York 14207 716-879-4308 Heather.L.Adams@usace.army.mil	Jacob Siegrist Regulatory Appeals Review Officer US Army Corps of Engineers Great Lakes and Ohio River Division 550 Main Street, Room 10524 Cincinnati, Ohio 45202-3222 Phone: 513-684-2699 Fax: 513-684-2460

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.

	Date:	Telephone number:
_____ Signature of appellant or agent.		

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APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): January 8, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: LRB-2017-00387, 3910 East Robinson Road Property

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: New York County/parish/borough: Erie City: Amherst
Center coordinates of site (lat/long in degree decimal format): Lat. 43.03671 ° N, Long. 78.81836 ° W
Universal Transverse Mercator: 17
Name of nearest waterbody: Tonawanda Creek
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A
Name of watershed or Hydrologic Unit Code (HUC): 04120104

☑ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☐ Office (Desk) Determination. Date: *Click here to enter a date.*

☑ Field Determination. Date(s): July 10, 2017

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: *Click here to enter text.*

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. *[Required]*

1. Waters of the U.S.
   a. Indicate presence of waters of U.S. in review area (check all that apply): [1]

☐ TNWs, including territorial seas

☐ Wetlands adjacent to TNWs

☐ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs

☐ Non-RPWs that flow directly or indirectly into TNWs

☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

☐ Impoundments of jurisdictional waters

☐ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. Identify (estimate) size of waters of the U.S. in the review area:
   Non-wetland waters: # linear feet: # width (ft) and/or # acres.
   Wetlands: # acres.

   c. Limits (boundaries) of jurisdiction based on: *Choose an item.*

   Elevation of established OHWM (if known): *Click here to enter text.*

2. Non-regulated waters/wetlands (check if applicable):[3]

☑ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: Wetland A (0.75-acre) was determined to be isolated. The factors at 328.3(a)(i-iii) were considered and determined there is no substantial nexus to interstate or foreign commerce. The following is a summary of the physical characteristics that were reviewed for this jurisdictional determination.

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

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The entire perimeter of the wetland was walked during the July 10, 2017, site visit. The wetlands are completely surrounded by roads and development, there was no surface water outlet from the wetland and based on the topography it appears the wetland's hydrology is solely provided by precipitation and overland sheet flow from the surrounding area. It is unlikely that the wetland receives sufficient surface water to overcome the barriers of parking lots, roads, mowed yards, houses, driveways and distance to the nearest tributary, which is Tonawanda Creek, 0.4-mile to the west. Due to landscape position and soil characteristics, a shallow subsurface connection is unlikely. Therefore, the wetlands are unlikely to have a chemical nexus to the downstream TNW, the Tonawanda Creek. The wetland does not receive or maintain enough surface water of sufficient frequency, duration, or depth to sustain amphibian egg masses or aquatic insect larvae, for example. Therefore, the wetland's hydrological characteristics, combined with the distance between the wetland and the nearest conveyances, preclude the possibility of a biological nexus.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. **TNW**
   Identify TNW:
   Summarize rationale supporting determination:

2. **Wetland adjacent to TNW**
   Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. **Characteristics of non-TNWs that flow directly or indirectly into TNW**

   (i) General Area Conditions:
   Watershed size:
   Drainage area:

   Average annual rainfall: inches
   Average annual snowfall: inches

   (ii) Physical Characteristics:
   (a) Relationship with TNW:
   ☐ Tributary flows directly into TNW.
   ☐ Tributary flows through tributaries before entering TNW.

   Project waters are river miles from TNW.
   Project waters are river miles from RPW.
   Project waters are aerial (straight) miles from TNW.
   Project waters are aerial (straight) miles from RPW.
   Project waters cross or serve as state boundaries. Explain:

   Identify flow route to TNW[5]:
   Tributary stream order, if known:

   (b) General Tributary Characteristics (check all that apply):
   Tributary is: ☐ Natural

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

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☐ Artificial (man-made). Explain: *Click here to enter text.*

☐ Manipulated (man-altered). Explain: *Click here to enter text.*

Tributary properties with respect to top of bank (estimate):
Average width: # feet
Average depth: # feet
Average side slopes: *Choose an item.*

Primary tributary substrate composition (check all that apply):

☐ Silts	☐ Sands	☐ Concrete
☐ Cobbles	☐ Gravel	☐ Muck
☐ Bedrock	☐ Vegetation. Type/% cover: *Click here to enter text.*	
☐ Other. Explain: *Click here to enter text.*		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: *Click here to enter text.*
Presence of run/riffle/pool complexes. Explain: *Click here to enter text.*
Tributary geometry: *Choose an item.*
Tributary gradient (approximate average slope): #%

(c) Flow:
Tributary provides for: *Choose an item.*
Estimate average number of flow events in review area/year: *Choose an item.*
Describe flow regime: *Click here to enter text.*
Other information on duration and volume: *Click here to enter text.*

Surface flow is: *Choose an item.* Characteristics: *Click here to enter text.*

Subsurface flow: *Choose an item.* Explain findings: *Click here to enter text.*
☐ Dye (or other) test performed: *Click here to enter text.*

Tributary has (check all that apply):
☐ Bed and banks
☐ OHWM[6] (check all indicators that apply):

☐ clear, natural line impressed on the bank	☐ the presence of litter and debris
☐ changes in the character of soil	☐ destruction of terrestrial vegetation
☐ shelving	☐ the presence of wrack line
☐ vegetation matted down, bent, or absent	☐ sediment sorting
☐ leaf litter disturbed or washed away	☐ scour
☐ sediment deposition	☐ multiple observed or predicted flow events
☐ water staining	☐ abrupt change in plant community *Click here to enter text.*
☐ other (list): *Click here to enter text.*	

☐ Discontinuous OHWM.[7] Explain: *Click here to enter text.*

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☐ High Tide Line indicated by:	☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects	☐ survey to available datum;
☐ fine shell or debris deposits (foreshore)	☐ physical markings;
☐ physical markings/characteristics	☐ vegetation lines/changes in vegetation types.
☐ tidal gauges	
☐ other (list): *Click here to enter text.*	

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: *Click here to enter text.*
Identify specific pollutants, if known:

(iv) Biological Characteristics. Channel supports (check all that apply):
☐ Riparian corridor. Characteristics (type, average width): *Click here to enter text.*
☐ Wetland fringe. Characteristics: *Click here to enter text.*
☐ Habitat for:

[6] A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7] Ibid

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- ☐ Federally Listed species. Explain findings:
- ☐ Fish/spawn areas. Explain findings:
- ☐ Other environmentally-sensitive species. Explain findings:
- ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) Physical Characteristics:

(a) General Wetland Characteristics:
Properties:
Wetland size: acres
Wetland type. Explain:
Wetland quality. Explain:
Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:
Flow is: Explain:

Surface flow is:
Characteristics:

Subsurface flow: Explain findings:
- ☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:
- ☐ Directly abutting
- ☐ Not directly abutting
  - ☐ Discrete wetland hydrologic connection. Explain:
  - ☐ Ecological connection. Explain:
  - ☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW
Project wetlands are river miles from TNW.
Project waters are aerial (straight) miles from TNW.
Flow is from:
Estimate approximate location of wetland as within the floodplain.

(ii) Chemical Characteristics:
Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:
Identify specific pollutants, if known:

(iii) Biological Characteristics. Wetland supports (check all that apply):
- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain:
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings:
  - ☐ Fish/spawn areas. Explain findings:
  - ☐ Other environmentally-sensitive species. Explain findings:
  - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**
All wetland(s) being considered in the cumulative analysis:
Approximately ( ) acres in total are being considered in the cumulative analysis.

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For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
Y/N		Y/N	
Y/N		Y/N	
Y/N		Y/N	
Y/N		Y/N	

Summarize overall biological, chemical and physical functions being performed: *Click here to enter text.*

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: *Click here to enter text.*

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: *Click here to enter text.*

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: *Click here to enter text.*

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   - ☐ TNWs: _ linear feet _ width (ft), Or, _ acres.
   - ☐ Wetlands adjacent to TNWs: _ acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   - ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: *Click here to enter text.*.
   - ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: *Click here to enter text.*.

   Provide estimates for jurisdictional waters in the review area (check all that apply):
   - ☐ Tributary waters: _ linear feet _ width (ft).
   - ☐ Other non-wetland waters: _ acres.
     Identify type(s) of waters: *Click here to enter text.*

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3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
   ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional waters within the review area (check all that apply):
   ☐ Tributary waters: linear feet width (ft).
   ☐ Other non-wetland waters: acres.
   Identify type(s) of waters:

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
   ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
   ☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
   ☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

   Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
   ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

   Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
   ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.[9]**
   As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
   ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
   ☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
   ☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]
☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain:
☐ Other factors. Explain:

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters:
☐ Wetlands: acres.

[8] See Footnote # 3.
[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.*

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☑ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - ☑ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: *Click here to enter text.*
- ☐ Other: (explain, if not covered above): *Click here to enter text.*

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).
- ☐ Lakes/ponds: # acres.
- ☐ Other non-wetland waters: # acres. List type of aquatic resource: *Click here to enter text.*.
- ☑ Wetlands: Wetland A (0.75-acre)

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).
- ☐ Lakes/ponds: # acres.
- ☐ Other non-wetland waters: # acres. List type of aquatic resource: *Click here to enter text.*.
- ☐ Wetlands: # acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☑ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: *Click here to enter text.*
- ☑ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☑ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: *Click here to enter text.*
- ☐ Corps navigable waters' study: *Click here to enter text.*
- ☐ U.S. Geological Survey Hydrologic Atlas: *Click here to enter text.*
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☑ U.S. Geological Survey map(s). Cite scale & quad name: Tonawanda East
- ☑ USDA Natural Resources Conservation Service Soil Survey. Citation: Erie County
- ☑ National wetlands inventory map(s). Cite name: USFWS
- ☐ State/Local wetland inventory map(s): *Click here to enter text.*
- ☐ FEMA/FIRM maps: *Click here to enter text.*
- ☐ 100-year Floodplain Elevation is: *Click here to enter text.* (National Geodectic Vertical Datum of 1929)
- ☑ Photographs: ☑ Aerial (Name & Date): Google Earth, various years
  - ☐ or ☐ Other (Name & Date): *Click here to enter text.*
- ☐ Previous determination(s). File no. and date of response letter: *Click here to enter text.*
- ☐ Applicable/supporting case law: *Click here to enter text.*
- ☐ Applicable/supporting scientific literature: *Click here to enter text.*
- ☐ Other information (please specify): *Click here to enter text.*

B. ADDITIONAL COMMENTS TO SUPPORT JD: *Click here to enter text.*

ADAMS.HEATHER.LY NN.1257722933 Digitally signed by ADAMS.HEATHER.LYNN.1257722933 DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USA, cn=ADAMS.HEATHER.LYNN.1257722933 Date: 2018.01.08 09:55:40 -05'00'

January 8, 2018

Heather Adams
Project Manager

Date

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

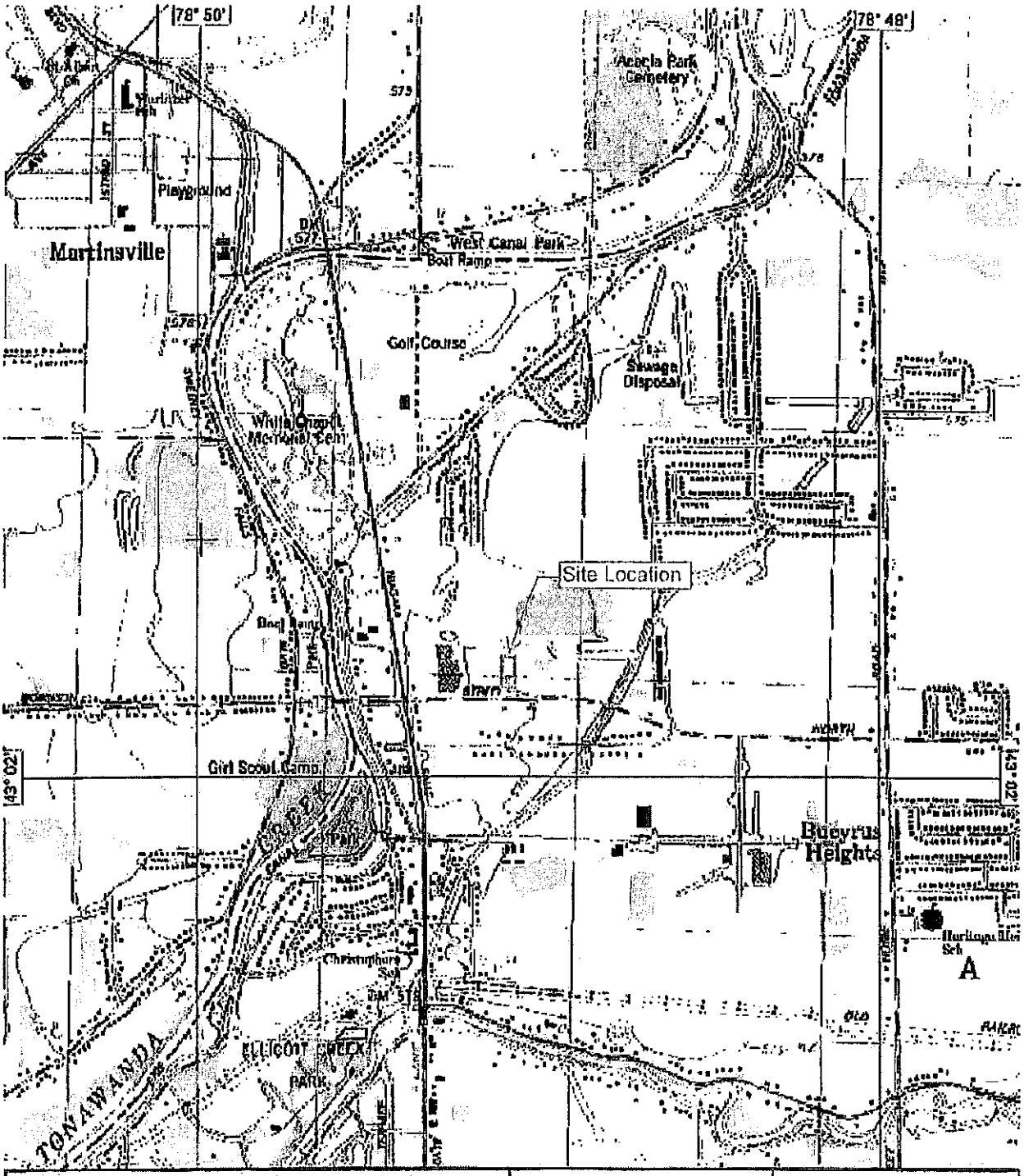


Figure 1: USGS Quadrangle Map

Tonawanda East 7.5 Minute Quadrangle

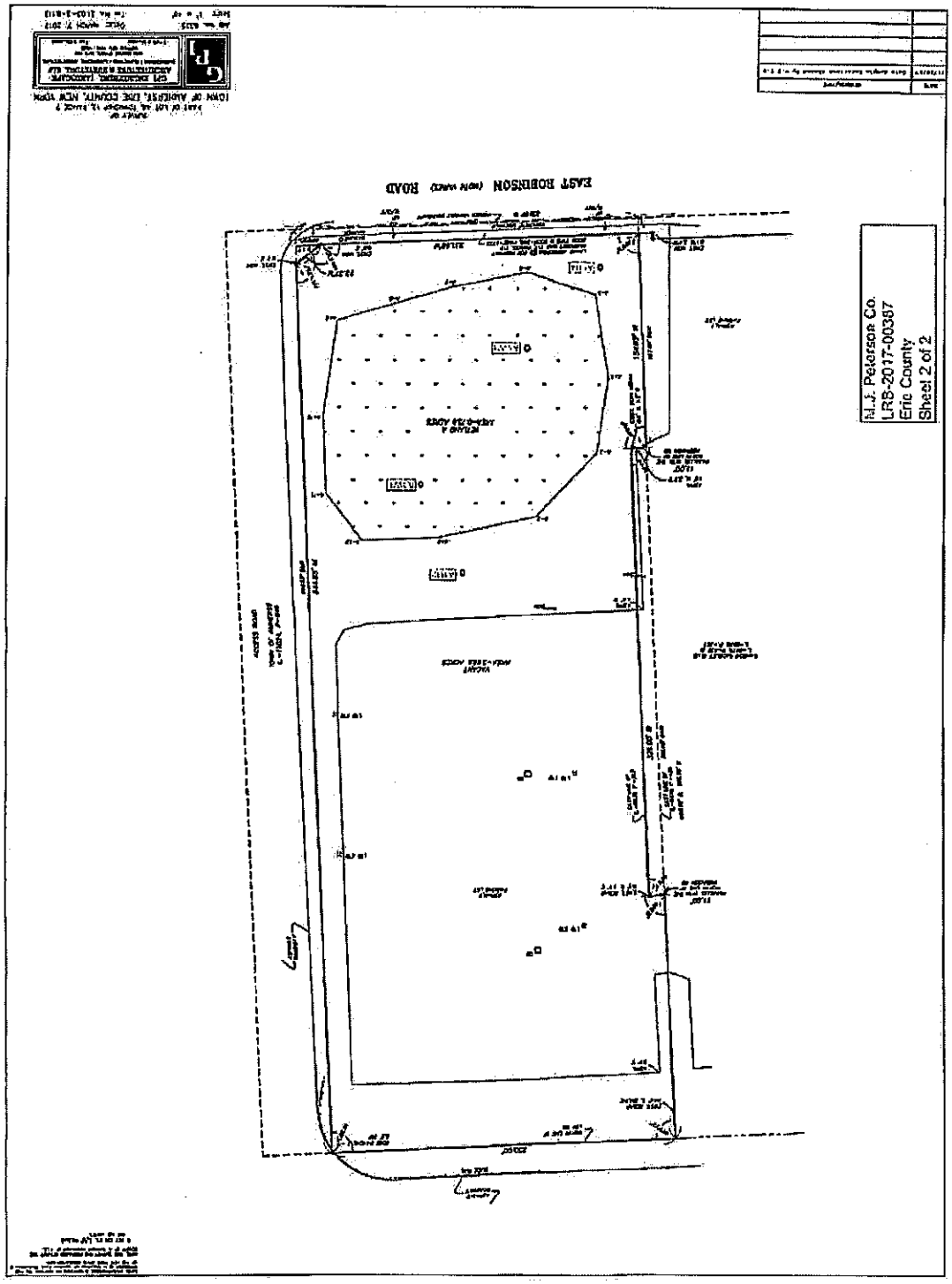
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M.J. Peterson Co.
LRB-2017-00387
Erie County
Sheet 1 of 2

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Exhibit 2 – Legal Description of Property to be Rezoned from GB to MFR-7

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

EXHIBIT 2 OF REZONING APPLICATION

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM GB to MFR-7

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 40, Township 12, Range 7 of the Holland Land Survey, bounded and described as follows:

BEGINNING at the intersection of the west line of lands conveyed to the Town of Amherst by deed recorded in the Erie County Clerk's Office in Liber 11024 of Deeds at Page 646 with the northwest line of lands appropriated by the People of the State of New York by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 11225 of Deeds at Page 4977, Map No. 117, Parcel No. 117;

THENCE: Through lands conveyed to Kenmore Realty Corporation by deed recorded in the Erie County Clerk's Office in Liber 7456 of Deeds at Page 389 and through lands conveyed to Rainbow Racquet Club by deed recorded in the Erie County Clerk's Office in Liber 8470 of Deeds at Page 435, the following six (6) courses and distances;

1.) Southwesterly, along the northwesterly line of said Map No. 117, Parcel No. 117 lands, having an interior angle of 125°49'48", a distance of 22.38 feet to a point.
2.) Westerly, along the north line of said Map No. 117, Parcel No. 117 and the north line of lands appropriated by the People of the State of New York by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 11225 of Deeds at Page 4959, Map No. 114, Parcel No. 114, having an interior angle of 144°06'08", a distance of 242.17 feet to a point.
3.) Northerly at right angles with the previous course, a distance of 4.27 feet to a northeast corner of said Map No. 114, Parcel No. 114 lands.
4.) Westerly at right angles with the previous course, along a northerly line of said Map No. 114, Parcel No. 114 lands, a distance of 238.47 feet to a northwest corner of said Map No. 114, Parcel No. 114 lands.
5.) Southerly at right angles with the previous course, a distance of 4.27 feet to a northerly line of said Map No. 114, Parcel No. 114 lands.
6.) Westerly, along a northerly line of said Map No. 114, Parcel No. 114 lands, having an interior angle of 90°13'59", a distance of 75.05 feet to the west line of said Rainbow Racquet Club lands by aforesaid deed.

THENCE: Northerly, along the said west Rainbow Racquet Club lands, having an interior angle of 99°13'25", a distance of 664.41 feet to the north line of Lot 40;

THENCE: Easterly, along the said north line of Lot 40, having an interior angle of 80°46'09", a distance of 682.21 feet to the west line of said Town of Amherst lands by Liber 11024 of Deeds at Page 646;

THENCE: Southerly, along the said west line of Town of Amherst lands, having an interior angle of 89°50'31", a distance of 644.65 feet to the POINT OR PLACE OF BEGINNING, having an area of 9.44 acres be the same more or less.

Exhibit 2 of Rezoning Application
Legal Description of Property to be Rezoned from GB to MFR-7
Page 2 of 2

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Exhibit 3 – Reduced-Size Copy of Survey of the Project Site

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

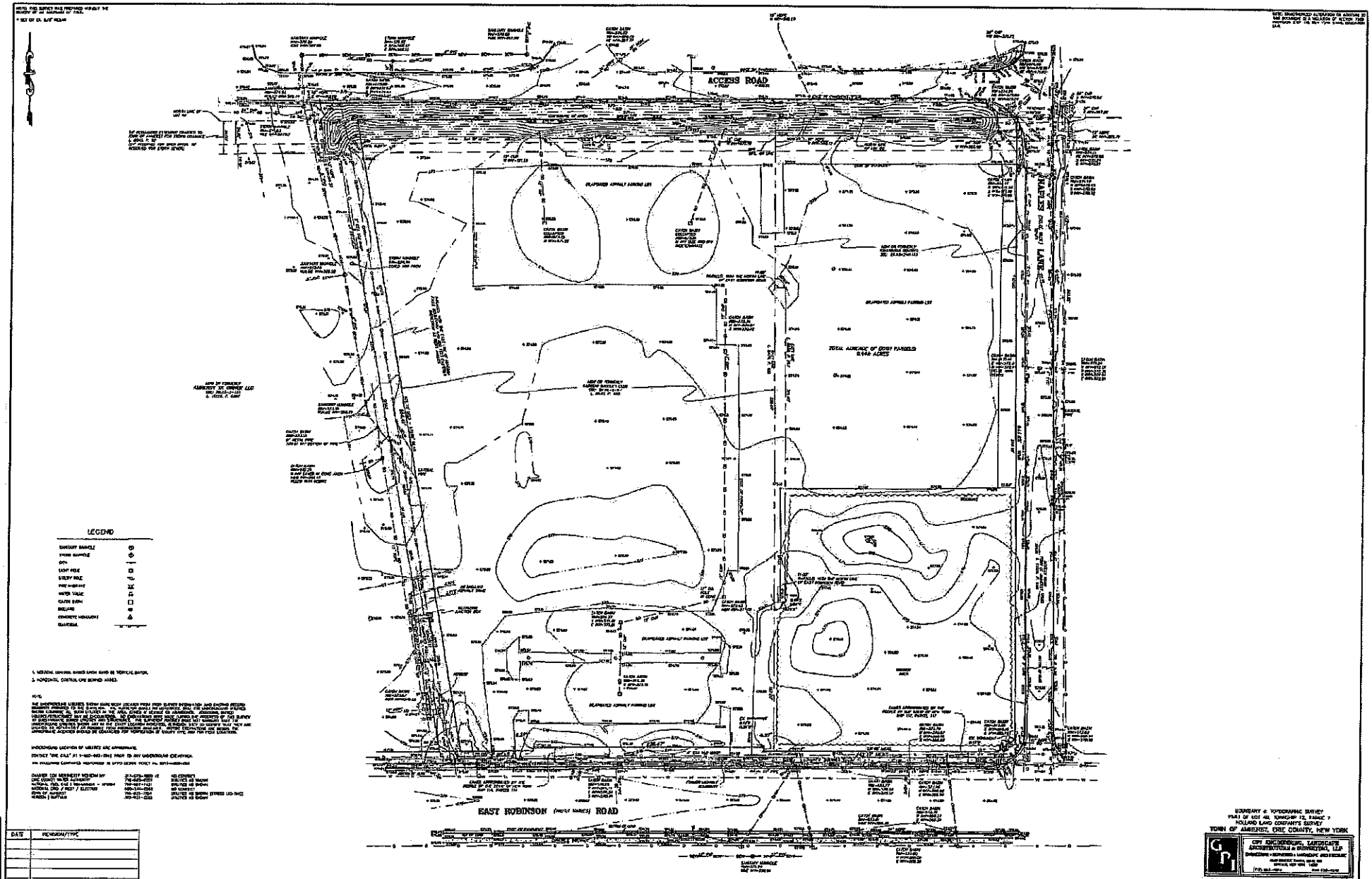

ACCESS ROAD
MAPLES PARKWAY LANE
EAST ROBINSON (North Bound) ROAD
LEGEND
NOTE
SURVEY & TOPOGRAPHIC SURVEY
TOWN OF AMHERST, ERIE COUNTY, NEW YORK

Exhibit 4 – Responses to Question No. 11 of the Rezoning Application

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

EXHIBIT 4

REZONING OF 3880 & 3910 EAST ROBINSON ROAD FROM GB TO MFR-7

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

Response to Question 11(A): The proposed project consists of the development of approximately 9.4 acre of property located at 3880 and 3910 East Robinson Road (collectively the "Project Site") as a senior housing project as a senior housing consisting of six buildings [two 4-story buildings with 116 units each], three 2-story with 8 units each [total of 256 senior apartments for lease] as well a community building. The project layout includes 245 parking spaces [30 garage spaces]. A reduced-size copy of the Concept Site Plan [Drawing C-100] is provided at **Exhibit "6"** and a full size copy is also attached.[1]

The project purpose is to develop the Project Site for senior housing units for lease at a location with easy access to many nearby amenities including grocery stores, restaurants, etc.

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 GB to MFR-7 since the requested zoning classification is consistent with Figure 6-A of the Comprehensive Plan, which designates the property on the property on the west side of Niagara Falls Boulevard including the Tops Plaza and the Wegmans Plaza as a "Suburban Center" [Designation Area No. 1 on Figure 6-A]. A color copy of Figure 6-A of the Comprehensive Plan is attached as **Exhibit "7"**.

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[1] A reduced-size copy of the survey of the Project Site depicting the property to be rezoned from GB to MFR-7 is provided at **Exhibit "3"**.

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Suburban Centers are defined on Page 3-38 of the adopted Bicentennial Comprehensive Plan as follows:

> Centers come in varying scales, but at their largest they are the most intense type of commercial or mixed-use development in Amherst. Large suburban centers are typically located away from single-family homes, along major roadways, at higher volume intersections, or near interstate interchanges. The parcels located in these centers are typically large and deep. Parcels can also be combined for substantial redevelopment projects. Given these large parcel sizes, and their distance from surrounding residential areas, buildings can reach up to 8 stories in height. There are a couple of existing buildings taller than 8 stories located along the Interstate 290, however, buildings up to 8 stories or taller should only be permitted where they already exist or in designated locations along the Interstate 290 or within the Boulevard Mall area. Tenant spaces in this scale of center are typically the largest and are intended to serve a regional market. (Amended 9-3-19; BCPA-2017-01A)
>
> The majority of suburban centers in Town fall into a slightly less intense scale of development. These centers will have many of the same characteristics of the larger center scale–large parcels, located on major roadways and at higher volume intersections– but buildings may be up to 5 stories in height. Some of these less intense centers abut residential areas and need to be scaled down to lower heights to fit within the surrounding context, including the use of building stepbacks above a certain height as a method to scale down building mass.

It is also important to mention that Figure 6 of the Comprehensive Plan designates the Project Site as "Commercial/Mixed-Use". A marked-up copy of Figure 6 of the Comprehensive Plan is provided at **Exhibit "8"**. Commercial/Mixed Use is described on Page 3-33 of the Comprehensive Plan as follows:

> A strong commercial base is necessary to support Amherst's quality of life and to provide community amenities. The maps and graphics in this section illustrate the Town's commitment to strengthening commercial and mixed-use opportunities in appropriate areas. In the future, Amherst's commercial and mixed use centers must be revitalized and complement their surroundings. Form, type, and scale of development form the basis for organizing and guiding commercial and mixed-use center revitalization.
>
> The success of a commercial or mixed-use center is increasingly related to access (which includes modes beyond automobiles), and quality of place. In addition, typical approaches to retailing are being significantly impacted by on-line shopping with free delivery. Due to these accelerating shifts in the market, zoning must focus

more significantly on the built form in each of Amherst's commercial and mixed-use centers. (Amended 12-11-17; BCPA-2017-01)

Amherst's centers vary by scale and function. Their location also plays a significant role in shaping the size and character of buildings and parking areas, and providing satisfactory transitions to surrounding areas. Amherst's commercial and mixed-use centers fall within two forms of development which are described in the Comprehensive Plan.

The adopted Comprehensive Plan discusses the need for senior housing and housing forms other than single-family homes on individual lots and Table 2 of the Comprehensive Plan [copy below] recognizes the need for multifamily housing projects based on only a small percentage of land in the Town being designated as appropriate for multifamily units for lease at a density consistent with the proposed project.

Table 2. Proposed Land Use

Category	Acreage	Percentage
Agriculture	1,787	5.2%
Commercial / Mixed-Use	2,287	6.7%
Commercial – Office	962	2.8%
Industrial – Office	1,102	3.2%
Rural Residential	1,548	4.5%
Single Family Residential	13,857	40.5%
Mixed Residential	1,219	3.6%
Medium Residential	801	2.3%
Special Use Center	343	1.0%
Recreation & Open Space	7,687	22.5%
Community Facilities	506	1.5%
Educational Campus	1,334	3.9%
Transportation	788	2.3%

Source: Figure 6, Conceptual Land Use Plan
(Amended 9-3-19; BCPA-2017-01A)

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

Response to Question 11(B)(2): The Project Site could be developed as a commercial plaza or buildings with a height of up to 65 ft. based on its existing GB zoning classification but there is not demand for new retail space that would occupy the approximately 9.4 acre Project Site, which does not have any frontage on Niagara Falls Boulevard. The requested MFR-7 zoning is more appropriate for the Project Site than the existing GB zoning classification since there is demand for senior housing and the infill location in close proximity to many commercial uses is an excellent location for a new senior housing project in the northwest portion of the Town.

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 GB to MFR-7 to accommodate the proposed senior housing project will not result in any potentially significant adverse impacts on surrounding properties. The predominant land uses in the vicinity of the Project Site consist of commercial uses including the large retail plazas with a grocery stores, restaurants, etc. A completed Part 1 of the Full Environmental Assessment Form with Page 5[a] as prepared pursuant to the State Environmental Quality Review Act ("SEQRA") is provided at **Exhibit "1"** of this Rezoning Application.

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

Response to Question 11(B)(4): The proposed senior housing project will have positive impacts on the Sweet Home School District since the project will generate annual property taxes that will be substantially higher than the current annual school taxes without creating demand for educational services.

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Exhibit 5 – Responses to Question 16 of the Rezoning Application

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

EXHIBIT 5

REZONING OF 3880 & 3910 EAST ROBINSON ROAD FROM GB TO MFR-7

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

Response to Question 16(A)(1): The Town of Amherst adopted the Bicentennial Comprehensive Plan in January of 2007 after completing a lengthy planning process that included numerous public meetings and public hearings involving the Comprehensive Plan Advisory Committee, the Planning Board and the Town Board.[1] On December 14, 2020, the Town Board most recently adopted amendments to the Bicentennial Comprehensive Plan. The proposed senior housing project and the requested MFR-7 zoning classification are consistent with the Comprehensive Plan including Figure 6-A, which designates the property on the property on the west side of Niagara Falls Boulevard including the Tops Plaza and the Wegmans Plaza as a "Suburban Center" [Designation Area No. 1 on Figure 6-A]. A color copy of Figure 6-A of the Comprehensive Plan is attached as **Exhibit "7"**.

Suburban Centers are defined on Page 3-38 of the adopted Bicentennial Comprehensive Plan as follows:

> Centers come in varying scales, but at their largest they are the most intense type of commercial or mixed-use development in Amherst. Large suburban centers are typically located away from single-family homes, along major roadways, at higher volume intersections, or near interstate interchanges. The parcels located in these centers are typically large and deep. Parcels can also be combined for substantial

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

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

redevelopment projects. Given these large parcel sizes, and their distance from surrounding residential areas, buildings can reach up to 8 stories in height. There are a couple of existing buildings taller than 8 stories located along the Interstate 290, however, buildings up to 8 stories or taller should only be permitted where they already exist or in designated locations along the Interstate 290 or within the Boulevard Mall area. Tenant spaces in this scale of center are typically the largest and are intended to serve a regional market. (Amended 9-3-19; BCPA-2017-01A)

The majority of suburban centers in Town fall into a slightly less intense scale of development. These centers will have many of the same characteristics of the larger center scale –large parcels, located on major roadways and at higher volume intersections– but buildings may be up to 5 stories in height. Some of these less intense centers abut residential areas and need to be scaled down to lower heights to fit within the surrounding context, including the use of building stepbacks above a certain height as a method to scale down building mass.

There are already substantial commercial uses located within Designation Area No. 1 on Figure 6-A of the Comprehensive Plan and the proposed senior housing project will add residential units for lease into this area at an appropriate infill location in close proximity to many nearby amenities including grocery stores, restaurants, etc.

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

Response to Question 16(A)(2): The proposed senior housing project is consistent with the Comprehensive Plan and such there is not a need to amend the Comprehensive Plan to accommodate the proposed mixed-use redevelopment project.

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 GB to MFR-7 to accommodate the proposed senior housing project is consistent with the "Purpose" of the Zoning Code. Section 1-2-2 of the Zoning Code sets forth the objectives of the Zoning Code. This section of the Zoning Code lists thirteen (13) objectives that are discussed below as follows:

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

Response: The proposed rezoning of the Project Site will be consistent with the objective of protecting the character and value of existing land uses. The proposed rezoning will allow the Project Site to be redeveloped as a senior housing project with ample greenspace at an appropriate location, which represents orderly and beneficial development.

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

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

C. To prevent overcrowding of land;

Response: The proposed project will not result in the overcrowding of land since the Project Site is large consisting of 9.4 acres. The project is consistent with the type of development designated as appropriate for the Project Site per the adopted Comprehensive Plan.

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

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

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

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

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

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

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

Response: The proposed rezoning and the proposed project will not be inconsistent with this objective. There are not any protected significant natural features located on the Project Site. A completed Part 1 of the Full Environmental Assessment Form prepared pursuant to SEQRA is attached as **Exhibit "1"**.

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

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

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

Response: The proposed project will have vehicular access to North French Road and Naples Lane, which connects to the nearby commercial plaza on Niagara Falls Boulevard. A Traffic Impact Study has been prepared by Passero Associates dated April 15, 2024 which demonstrates the senior housing project will not result in any potentially significant traffic impacts.

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

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

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

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

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

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

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

Response to Question 16(C): The proposed rezoning of the Project Site is compatible with the present zoning and conforming uses of nearby properties and the character of the neighborhood which consists predominantly of a mixture of nearby commercial uses.

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

Response to Question 16(D): **While** the Project Site is suitable for uses permitted by the existing GB zoning classification and the proposed MFR-7 zoning classification of the Project Site, it is more suitable for senior housing given its location on North French Road and the lack of demand for retail uses on property zoned GB.

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 GB to MFR-7 to accommodate the proposed senior housing project will have positive impacts on the balance of uses in the Town by providing senior housing units for lease within a portion of the Town that has been designated as appropriate for this use by the Town Board per the adopted Comprehensive Plan.

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Exhibit 6 – Reduced-Size Copy of the Concept Site Plan [Drawing C-100]

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

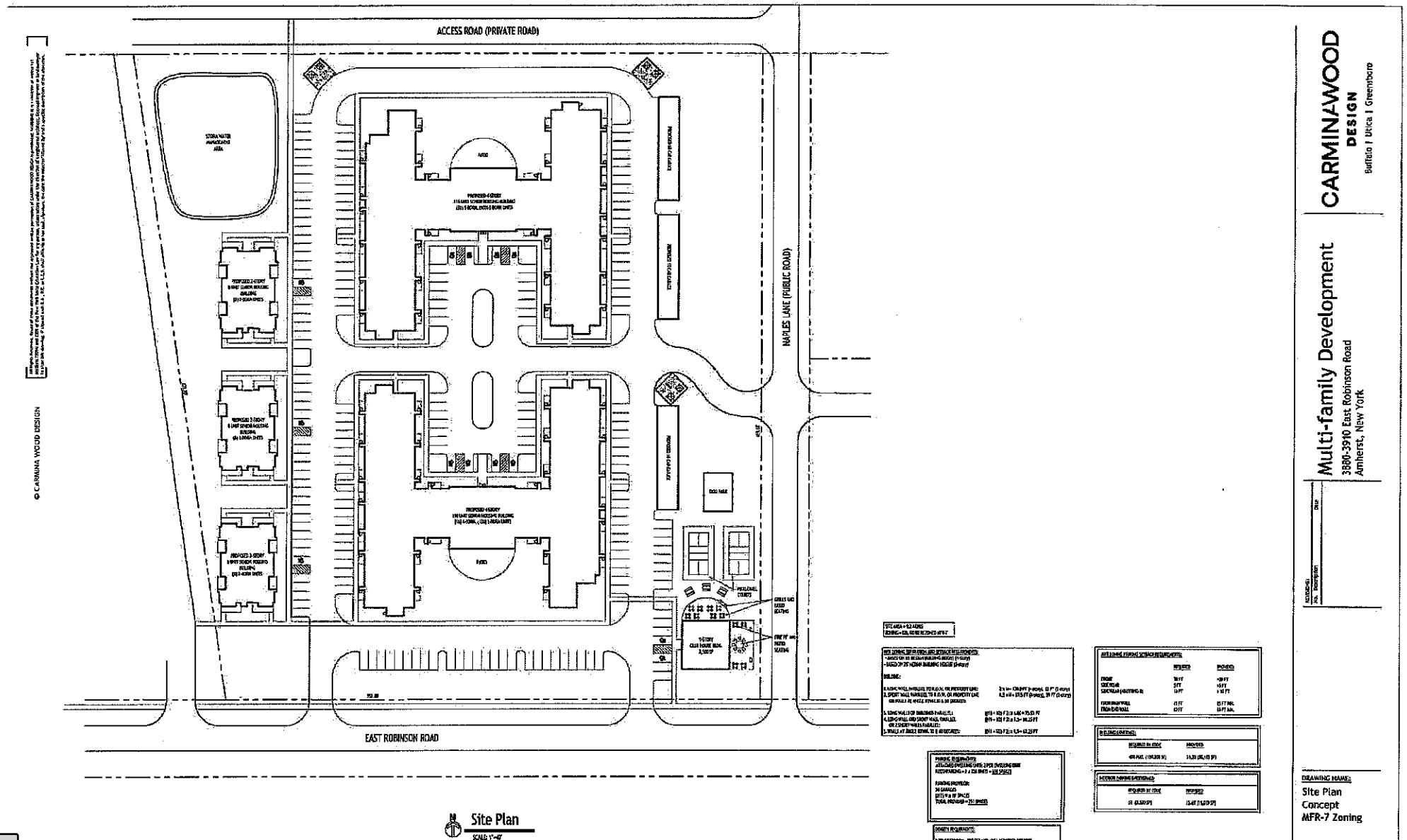
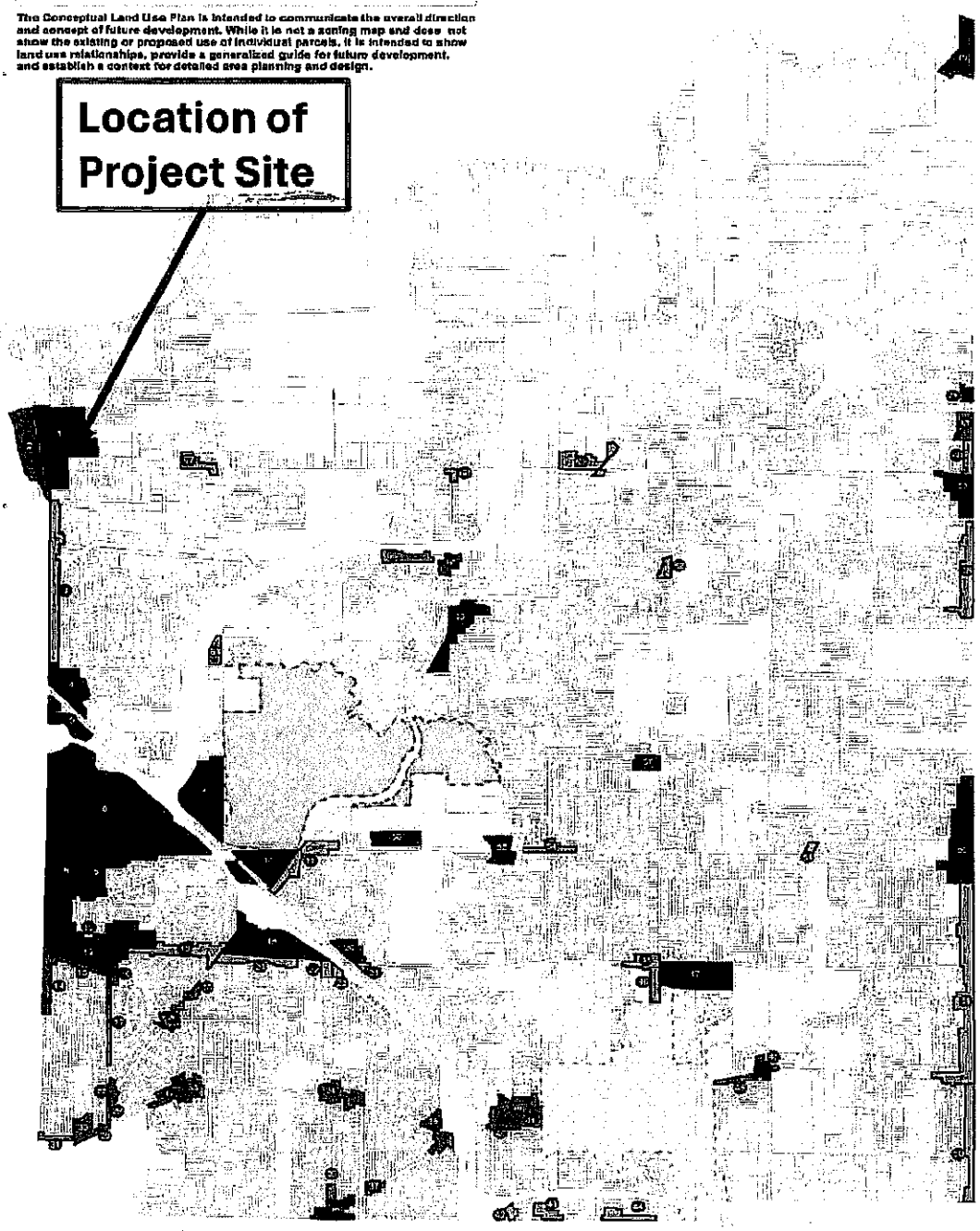

ACCESS ROAD (PRIVATE ROAD)
NAPLES LANE (PUBLIC ROAD)
EAST ROBINSON ROAD
STORM WATER MANAGEMENT AREA
PROPOSED 4-STORY 116 UNIT SENIOR HOUSING BUILDING (116 1-BDRM UNITS)
PROPOSED 2-STORY 8 UNIT SENIOR HOUSING BUILDING (8 1-BDRM UNITS)
PROPOSED 3-STORY 8 UNIT SENIOR HOUSING BUILDING (8 1-BDRM UNITS)
PROPOSED 4-STORY 116 UNIT SENIOR HOUSING BUILDING (116 1-BDRM UNITS)
PROPOSED 3-STORY 8 UNIT SENIOR HOUSING BUILDING (8 1-BDRM UNITS)
PATIO
PATIO
DOG WALK
PICKLEBALL COURTS
GRILLS AND SEATING AREAS
DRINKING FOUNTAIN WATER SEATING
1-STORY CLUB HOUSE BLDG. 2,500 SF
953.00
953.00
953.00

Exhibit 7 – Marked-Up Copy of Figure 6-A of the Comprehensive Plan

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

The Conceptual Land Use Plan is intended to communicate the overall direction and concept of future development. While it is not a zoning map and does not show the existing or proposed use of individual parcels, it is intended to show land use relationships, provide a generalized guide for future development, and establish a context for detailed area planning and design.



1. Wegmans (NFB)
2. Walgreens (NFB)
3. NFB / Ellicott Creek Strip
4. Home Depot (NFB)
5. Interspace Lane
6. Consumer Square / Ridge Lea
7. University Place
8. Boulevard Mall
9. Wegmans (Alberta)
10. Golden Triangle
11. Maple / Amherst Manor
12. Walmart (Sheridan)
13. Northtown Plaza
14. NFB Strip
15. Eggert Strip
16. Eggert / Bailey
17. Bailey Strip
18. Sheridan / Millersport Strip
19. Northtown Auto (Sheridan)
20. Sheridan / Sunrise - North Side
21. Sheridan / Sunrise - South Side
22. Sheridan / Harlem - West Side
23. Sheridan / Harlem - East Side
24. Sheridan / Getzville Strip
25. Millersport / Arcade
26. Six Corners
27. Bailey / Grover Cleveland
28. Bailey Live-Work
29. Main / Bailey
30. University Plaza
31. Kenmore Avenue
32. Eggertsville (Main / Eggert - West Side)
33. Eggertsville (Main / Eggert - East Side)
34. Snyder (Main / Harlem)
35. Harlem Strip
36. Harlem / Kensington
37. Kensington / Saratoga
38. Main / Kensington
39. West of Village - North of Main
40. West of Village - South of Main (West Side)
41. West of Village - South of Main (East Side)
42. Wehrle / South Forest
43. Wehrle / South Union
44. Wehrle / Cayuga
45. Sheridan / Hopkins
46. Evans Strip
47. Williamsville Place
48. Main Strip
49. Main / Youngs
50. Transit / Wehrle
51. Transit from Main to Maple
52. Transit / Maple
53. Maple / Ayer
54. Maple Strip
55. Maple / North Forest
56. Gun Club
57. Clearfield Plaza
58. Transit / Casey
59. Transit / North French
60. Transit / Dodge
61. Swormville
62. Hopkins / Dodge
63. Getzville Place
64. Sweet Home / Skinnerville
65. Campbell / Dodge
66. Dodge Strip
67. Sweet Home / North French
68. Campbell / North French
69. Crossplains
70. Transit / Millersport
71. Transit Strip

FIGURE 6-A

Suburban Center
Suburban Corridor
Traditional Areas
Village of Williamsville
University at Buffalo

SOURCE NOTES:

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

Map Compiled by the Town of Amherst Planning Department

Date: December 2002

N

0 0.2 0.4 0.6 0.8 1 Miles

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Exhibit 8 - Marked-Up Copy of Figure 6 of the Comprehensive Plan

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Town of Amherst
Bicentennial
Comprehensive Plan

The Conceptual Land Use Plan is intended to communicate the overall direction and concept of future development. While it is not a zoning map and does not show the existing or proposed use of individual parcels, it is intended to show land use relationships, provide a generalized guide for future development, and establish a context for detailed area planning and design.

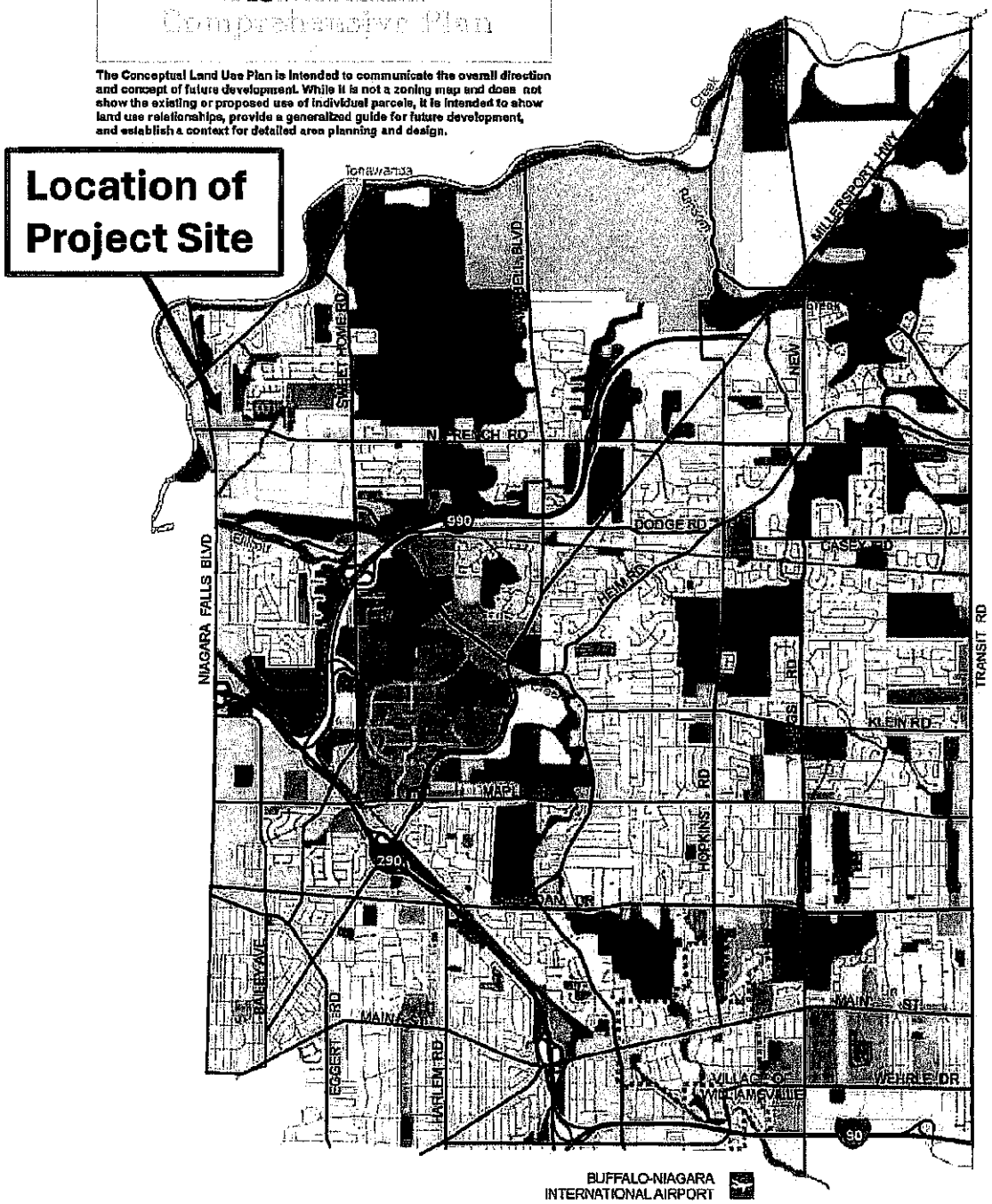


FIGURE 6

Rural Residential
Single Family Residential
Mixed Residential
Medium Residential
Commercial / Mixed Use*
Special Use Center
Commercial - Office
Industrial - Office
Community Facilities
Educational Campus
Recreation, Open Space & Greenways
Agriculture
Transportation
Surface Water
Village of Williamsville Boundary

* See Map Figure 6-A for Additional Designations

SOURCE NOTES:

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

Map Compiled by the Town of Amherst Planning Department

Date: December 2020

N

0 0.25 0.6 0.75 1 1.25
Miles

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Full Environmental Assessment Form
Part 1 - Project and Setting

Amended Part 1 of Full EAF with Page 5[a] and Attachment "1" Date: May 28, 2024

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 Senior Housing Project		
Project Location (describe, and attach a general location map): 3880 & 3910 East Robinson Road - Town of Amherst - Erie County		
Brief Description of Proposed Action (include purpose or need): The proposed project ("action") consists of the development of the parcels at 3880 and 3910 East Robinson Road (the "Project Site") as a senior housing consisting of six buildings [two 4-story buildings with 116 units each], five 2-story with 8 units each [total of 274 senior apartments for lease] as well a community building and all related site improvements. The project layout includes 255 parking spaces [including 20 garage spaces]. The proposed action has been defined broadly to include all proposed site improvements as well as all required discretionary approvals and permits needed from involved agencies including an amendment of the zoning classification of the Project Site from GB to MFR-7 by the Town of Amherst Town Board. The project purpose is to develop the Project Site for senior housing units for lease at a location with easy access to many nearby amenities including grocery stores, restaurants, etc. The project is a Type I action pursuant to SEQRA since it involves the construction of more than 250 units.		
Name of Applicant/Sponsor: MJ Peterson	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): Same as above.	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Rainbow Raquet Club 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

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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 of Project Site	April 22, 2024
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Planning Board - Site Plan Approval	To be Determined
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☑Yes ☐No	IDA - Possible PILOT - Building Dept. - Building Permits	To be Determined
e. County agencies ☑Yes ☐No	ECWA - Backflow approval, ECDOH - Sanitary sewe) & ECDPW - Highway Work Permit	To be Determined
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	NYSDEC - SPDES permit & 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? The Town has adopted an approved Local ~~Waterfront Revitalization but EAF Mapper~~ answered this question as No.] ☐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 I

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

NYS Heritage Areas:West Erie Canal Corridor

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

If Yes, identify the plan(s):

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
The Project Site is zoned General Business District ("GB").

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 Residential District Seven ("MFR-7")

C.4. Existing community services.

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

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

c. Which fire protection and emergency medical services serve the project site?
Volunteer fire department for district in which the Project Site is located.

d. What parks serve the project site?
Various parks including Nature View Park

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 units for lease.

b. a. Total acreage of the site of the proposed action? 9.44 acres
b. Total acreage to be physically disturbed? 9.44 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 9.44 acres

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

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

e. Will the proposed action be constructed in multiple phases? ☑ Yes ☐ No
i. If No, anticipated period of construction: 36 months
ii. If Yes:
- Total number of phases anticipated 2
- Anticipated commencement date of phase 1 (including demolition) 05 month 2025 year
- Anticipated completion date of final phase 10 month 2027 year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

The build-out of the senior housing project will likely consist of one of the 4-story senior housing buildings followed by construction of the other senior housing buildings. The build-out will be based on consideration of market conditions and other relevant factors.

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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				116
At completion of all phases				274

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: Storm water management

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☑ Other specify: Storm water 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: TBD 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 will be an excavation, not 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): _____

_____

[**Note:** Per its Wetland Delineation Report dated May 10, 2024, it is the professional opinion of Davey Resources Group that the 0.66 acre wetland area on the Project Site not jurisdictional due to it being isolated within the area and not connected to other waters of the United States.]

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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: 56,513 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:
- 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:
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: 56,513 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 waste

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: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

If Yes:

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

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

If Yes:

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

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

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 5.5 acres (impervious surface)

_____ Square feet or 9.44 acres (parcel size)

ii. Describe types of new point sources. Roofs, parking lots

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)?

Runoff will be directed to a private on site storm water management area, this facility will then discharge to the existing ditch along the north side of the site

- If to surface waters, identify receiving water bodies or wetlands: N/A
- 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)

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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? [See Traffic Impact Study prepared by Passero Associates dated April 15, 2024] ☐Yes ☑No

If Yes:

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

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

_____

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

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

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

_____

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

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

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

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

If Yes:

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

_____

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

_____

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

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

i. During Construction:

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

ii. During Operations:

- Monday - Friday: Not applicable [Residential Project
- Saturday: _____
- Sunday: _____
- Holidays: _____

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

If yes:

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

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:

Parking lot and building lighting, parking lot lighting will be 15' mounting height and directed downward, 75' +/- to Tops Markets which is closest structure

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

Describe:

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

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

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

If Yes:

i. Product(s) to be stored

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

iii. Generally, describe the proposed storage facilities:

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

If Yes:

i. Describe proposed treatment(s):

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

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

If Yes:

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

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

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

- Construction:
- Operation:

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

- Construction:
- Operation:

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

ii. If mix of uses, generally describe:

Mixture of uses includes large retail plazas on Niagara Falls Boulevard, office building and residential 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	3.7	5.5	+ 1.8
• Forested	1.3	0	-1.3
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	1.7	0	-1.7
• Other Describe: landscape/lawn	2.74	3.94	+ 1.2

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐Yes ☐No
If Yes,
i. Identify Facilities:

_____
_____

e. Does the project site contain an existing dam? ☐Yes ☑No
If Yes:
i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

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

_____
_____

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

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____
_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

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

_____
_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes ☑ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes ☐No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____
☐ Neither database

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

_____
_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes ☑No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____
_____

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? > 25 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:

Raynham silt loam	85 %
Lamson very fine sandy loam	15 %
	%

d. What is the average depth to the water table on the project site? Average: 12 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

[A copy of the Jurisdictional Determination issued by the USACE on January 8, 2018 is provided at Attachment "A". A new JD is being sought from the USACE.]

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

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

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

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

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

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

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

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

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

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

i. Name of aquifer: _____

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

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

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

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

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

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

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

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

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

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

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

If Yes:

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

ii. Name: _____

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 MJ Peterson Date May 29, 2024

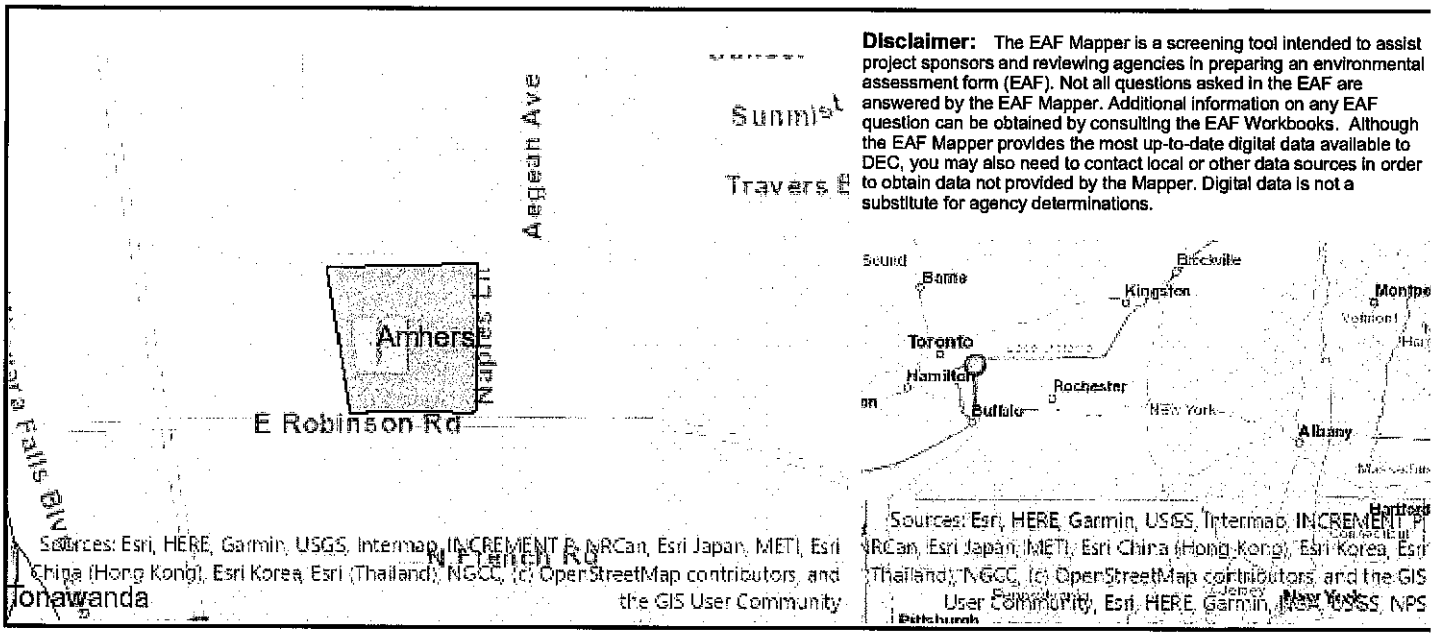
Signature Sean Hopkins Title Attorney for Project Sponsor

PRINT FORM

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

EAF Mapper Summary Report

Monday, April 15, 2024 2:36 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 - Wetlands Name]	Federal Waters
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

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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]	Yes
E.3.i. [Designated River Corridor]	No

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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
	[redacted]			[redacted]	[redacted]
		[redacted]		[redacted]	
Raynam Silt Loam	Severe	Severe	Severe	Severe	Severe
Lanmson Very Fine Sandy Loam	Moderate	Moderate	Moderate	Moderate	Moderate[redacted]

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 x Not applicable

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

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

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

5. Location and size of real property owned by petitioner within one (1) mile of subject proposal:
Not Applicable[redacted].

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

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

7. Maximum number of vehicular trips to be generated per peak hour upon completion of project [redacted]eekday P.M. Pe
Source: [redacted]tudy prepared by Passero & Associates dated April 15, 2024

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:
[redacted]800 average flow [redacted]200 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

[redacted]

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Attachment A of Part 1 of Full EAF – Jurisdictional Determination Issued by the United States Army Corps of Engineers dated January 8, 2018

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

January 8, 2018

Regulatory Branch

SUBJECT: Acceptance of Wetland Delineation, Application No. LRB-2017-00387

Mr. Pete Peterson
M.J. Peterson Co.
200 John James Audubon Parkway
Amherst, New York 14228

Dear Mr. Peterson:

This pertains to your request for a jurisdictional determination for the property located at 3910 East Robinson Road, Town of Amherst, Erie County, New York.

The Corps of Engineers regulatory responsibilities under Section 404 of the Clean Water Act (CWA) establishes jurisdiction over the discharge of dredged or fill material into waters of the United States, including wetlands.

Based upon our evaluation of the subject property, we have determined that there is no clear surface water connection or ecological continuum between the wetland on the parcel and a surface tributary system to a navigable water of the United States. Therefore, these waters are considered isolated, non-navigable, intrastate waters and not regulated under Section 404 of the Clean Water Act. Accordingly, you do not need Department of the Army authorization to commence work in these areas.

This determination will remain valid for a period of 5 years from the date of this correspondence unless new information warrants revision of the delineation before the expiration. At the end of this period, a new delineation may be required. In addition, this delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/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 United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work. I encourage you to contact the appropriate state and local governmental officials to ensure that the proposed work complies with their requirements.

Finally, this letter contains an approved JD for the subject parcel. 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 Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above determination, you must submit a

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Regulatory Branch

SUBJECT: Acceptance of Wetland Delineation, Application No. LRB-2017-00387

completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Jacob Siegrist
Regulatory Appeals Review Officer
US Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10524
Cincinnati, Ohio 45202-3222
Phone: 513-684-2699 Fax: 513-684-2460

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 March 2, 2018.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

Questions pertaining to this matter should be directed to me at 716-879-4308, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: Heather.L.Adams@usace.army.mil

Sincerely,

ADAMS.HEATHER.LYNN.1257722933

Heather Adams
Biologist

Enclosures

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: M.J. Peterson Co.	File Number: LRB-2017-00387	Date: 1/8/2018
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	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx 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. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. 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.

C: 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.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **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.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: 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.

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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. 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.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:	If you only have questions regarding the appeal process you may also contact:
Heather Adams U.S. Army Corps of Engineers 1776 Niagara Street Buffalo, New York 14207 716-879-4308 Heather.L.Adams@usace.army.mil	Jacob Siegrist Regulatory Appeals Review Officer US Army Corps of Engineers Great Lakes and Ohio River Division 550 Main Street, Room 10524 Cincinnati, Ohio 45202-3222 Phone: 513-684-2699 Fax: 513-684-2460

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.

	Date:	Telephone number:
_____ Signature of appellant or agent.		

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): January 8, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: LRB-2017-00387, 3910 East Robinson Road Property

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: New York County/parish/borough: Erie City: Amherst
Center coordinates of site (lat/long in degree decimal format): Lat. 43.03671 ° N, Long. 78.81836 ° W
Universal Transverse Mercator: 17
Name of nearest waterbody: Tonawanda Creek
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A
Name of watershed or Hydrologic Unit Code (HUC): 04120104

☑ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☐ Office (Desk) Determination. Date: *Click here to enter a date.*

☑ Field Determination. Date(s): July 10, 2017

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: *Click here to enter text.*

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. *[Required]*

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply): [1]

☐ TNWs, including territorial seas

☐ Wetlands adjacent to TNWs

☐ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs

☐ Non-RPWs that flow directly or indirectly into TNWs

☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

☐ Impoundments of jurisdictional waters

☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:
Non-wetland waters: # linear feet: # width (ft) and/or # acres.
Wetlands: # acres.

c. Limits (boundaries) of jurisdiction based on: *Choose an item.*

Elevation of established OHWM (if known): *Click here to enter text.*

2. Non-regulated waters/wetlands (check if applicable):[3]

☑ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: Wetland A (0.75-acre) was determined to be isolated. The factors at 328.3(a)(i-iii) were considered and determined there is no substantial nexus to interstate or foreign commerce. The following is a summary of the physical characteristics that were reviewed for this jurisdictional determination.

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

The entire perimeter of the wetland was walked during the July 10, 2017, site visit. The wetlands are completely surrounded by roads and development, there was no surface water outlet from the wetland and based on the topography it appears the wetland's hydrology is solely provided by precipitation and overland sheet flow from the surrounding area. It is unlikely that the wetland receives sufficient surface water to overcome the barriers of parking lots, roads, mowed yards, houses, driveways and distance to the nearest tributary, which is Tonawanda Creek, 0.4-mile to the west. Due to landscape position and soil characteristics, a shallow subsurface connection is unlikely. Therefore, the wetlands are unlikely to have a chemical nexus to the downstream TNW, the Tonawanda Creek. The wetland does not receive or maintain enough surface water of sufficient frequency, duration, or depth to sustain amphibian egg masses or aquatic insect larvae, for example. Therefore, the wetland's hydrological characteristics, combined with the distance between the wetland and the nearest conveyances, preclude the possibility of a biological nexus.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW
   Identify TNW:
   Summarize rationale supporting determination:

2. **Wetland adjacent to TNW**
   Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. **Characteristics of non-TNWs that flow directly or indirectly into TNW**

   (i) **General Area Conditions:**
   Watershed size:
   Drainage area:

   Average annual rainfall: inches
   Average annual snowfall: inches

   (ii) **Physical Characteristics:**
   (a) Relationship with TNW:
   ☐ Tributary flows directly into TNW.
   ☐ Tributary flows through tributaries before entering TNW.

   Project waters are river miles from TNW.
   Project waters are river miles from RPW.
   Project waters are aerial (straight) miles from TNW.
   Project waters are aerial (straight) miles from RPW.
   Project waters cross or serve as state boundaries. Explain:

   Identify flow route to TNW[5]:
   Tributary stream order, if known:

   (b) General Tributary Characteristics (check all that apply):
   Tributary is: ☐ Natural

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

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☐ Artificial (man-made). Explain: *Click here to enter text.*

☐ Manipulated (man-altered). Explain: *Click here to enter text.*

Tributary properties with respect to top of bank (estimate):
Average width: = feet
Average depth: = feet
Average side slopes: *Choose an item.*

Primary tributary substrate composition (check all that apply):

☐ Silts	☐ Sands	☐ Concrete
☐ Cobbles	☐ Gravel	☐ Muck
☐ Bedrock	☐ Vegetation. Type/% cover: *Click here to enter text.*	
☐ Other. Explain: *Click here to enter text.*		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: *Click here to enter text.*
Presence of run/riffle/pool complexes. Explain: *Click here to enter text.*
Tributary geometry: *Choose an item.*
Tributary gradient (approximate average slope): = %

(c) Flow:
Tributary provides for: *Choose an item.*
Estimate average number of flow events in review area/year: *Choose an item.*
Describe flow regime: *Click here to enter text.*
Other information on duration and volume: *Click here to enter text.*

Surface flow is: *Choose an item.* **Characteristics:** *Click here to enter text.*

Subsurface flow: *Choose an item.* **Explain findings:** *Click here to enter text.*
☐ Dye (or other) test performed: *Click here to enter text.*

Tributary has (check all that apply):
☐ Bed and banks
☐ OHWM[6] (check all indicators that apply):

☐ clear, natural line impressed on the bank	☐ the presence of litter and debris
☐ changes in the character of soil	☐ destruction of terrestrial vegetation
☐ shelving	☐ the presence of wrack line
☐ vegetation matted down, bent, or absent	☐ sediment sorting
☐ leaf litter disturbed or washed away	☐ scour
☐ sediment deposition	☐ multiple observed or predicted flow events
☐ water staining	☐ abrupt change in plant community *Click here to enter text.*
☐ other (list): *Click here to enter text.*	

☐ Discontinuous OHWM.[7] **Explain:** *Click here to enter text.*

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☐ High Tide Line indicated by:	☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects	☐ survey to available datum;
☐ fine shell or debris deposits (foreshore)	☐ physical markings;
☐ physical markings/characteristics	☐ vegetation lines/changes in vegetation types.
☐ tidal gauges	
☐ other (list): *Click here to enter text.*	

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: *Click here to enter text.*
Identify specific pollutants, if known:

(iv) Biological Characteristics. Channel supports (check all that apply):
☐ Riparian corridor. Characteristics (type, average width): *Click here to enter text.*
☐ Wetland fringe. Characteristics: *Click here to enter text.*
☐ Habitat for:

[6] A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7] Ibid.

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- ☐ Federally Listed species. Explain findings:
- ☐ Fish/spawn areas. Explain findings:
- ☐ Other environmentally-sensitive species. Explain findings:
- ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:
Properties:
Wetland size: acres
Wetland type. Explain:
Wetland quality. Explain:
Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:
Flow is: Explain:

Surface flow is:
Characteristics:

Subsurface flow: Explain findings:
☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:
☐ Directly abutting
☐ Not directly abutting
☐ Discrete wetland hydrologic connection. Explain:
☐ Ecological connection. Explain:
☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW
Project wetlands are river miles from TNW.
Project waters are aerial (straight) miles from TNW.
Flow is from:
Estimate approximate location of wetland as within the floodplain.

(ii) **Chemical Characteristics:**
Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:
Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**
☐ Riparian buffer. Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
☐ Habitat for:
☐ Federally Listed species. Explain findings:
☐ Fish/spawn areas. Explain findings:
☐ Other environmentally-sensitive species. Explain findings:
☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**
All wetland(s) being considered in the cumulative analysis:
Approximately ( ) acres in total are being considered in the cumulative analysis.

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For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
Y N		Y N	
Y N		Y N	
Y N		Y N	
Y N		Y N	

Summarize overall biological, chemical and physical functions being performed: *Click here to enter text.*

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: *Click here to enter text.*

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: *Click here to enter text.*

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: *Click here to enter text.*

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   - ☐ TNWs: # linear feet # width (ft), Or, # acres.
   - ☐ Wetlands adjacent to TNWs: # acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   - ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: *Click here to enter text.*.
   - ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: *Click here to enter text.*.

   Provide estimates for jurisdictional waters in the review area (check all that apply):
   - ☐ Tributary waters: # linear feet # width (ft).
   - ☐ Other non-wetland waters: # acres.
     Identify type(s) of waters: *Click here to enter text.*

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3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
   ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional waters within the review area (check all that apply):
   ☐ Tributary waters: linear feet width (ft).
   ☐ Other non-wetland waters: acres.
   Identify type(s) of waters:

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
   ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
   ☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
   ☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

   Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
   ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

   Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
   ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.[9]**
   As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
   ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
   ☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
   ☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]

☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain:
☐ Other factors. Explain:

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters:
☐ Wetlands: acres.

[8] See Footnote # 3.
[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.*

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F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☑ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - ☑ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: *Click here to enter text.*
- ☐ Other: (explain, if not covered above): *Click here to enter text.*

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).
- ☐ Lakes/ponds: # acres.
- ☐ Other non-wetland waters: # acres. List type of aquatic resource: *Click here to enter text.*.
- ☑ Wetlands: Wetland A (0.75-acre)

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).
- ☐ Lakes/ponds: # acres.
- ☐ Other non-wetland waters: # acres. List type of aquatic resource: *Click here to enter text.*.
- ☐ Wetlands: # acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☑ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: *Click here to enter text.*
- ☑ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☑ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: *Click here to enter text.*
- ☐ Corps navigable waters' study: *Click here to enter text.*
- ☐ U.S. Geological Survey Hydrologic Atlas: *Click here to enter text.*
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☑ U.S. Geological Survey map(s). Cite scale & quad name: Tonawanda East
- ☑ USDA Natural Resources Conservation Service Soil Survey. Citation: Erie County
- ☑ National wetlands inventory map(s). Cite name: USFWS
- ☐ State/Local wetland inventory map(s): *Click here to enter text.*
- ☐ FEMA/FIRM maps: *Click here to enter text.*
- ☐ 100-year Floodplain Elevation is: *Click here to enter text.* (National Geodetic Vertical Datum of 1929)
- ☑ Photographs: ☑ Aerial (Name & Date): Google Earth, various years
  - ☐ or ☐ Other (Name & Date): *Click here to enter text.*
- ☐ Previous determination(s). File no. and date of response letter: *Click here to enter text.*
- ☐ Applicable/supporting case law: *Click here to enter text.*
- ☐ Applicable/supporting scientific literature: *Click here to enter text.*
- ☐ Other information (please specify): *Click here to enter text.*

B. ADDITIONAL COMMENTS TO SUPPORT JD: *Click here to enter text.*

ADAMS.HEATHER.LYNN.1257722933 Digitally signed by ADAMS.HEATHER.LYNN.1257722933 DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, cn=USA, cn=ADAMS.HEATHER.LYNN.1257722933 Date: 2018.01.08 09:55:40 -05'00'

January 8, 2018

Heather Adams
Project Manager

Date

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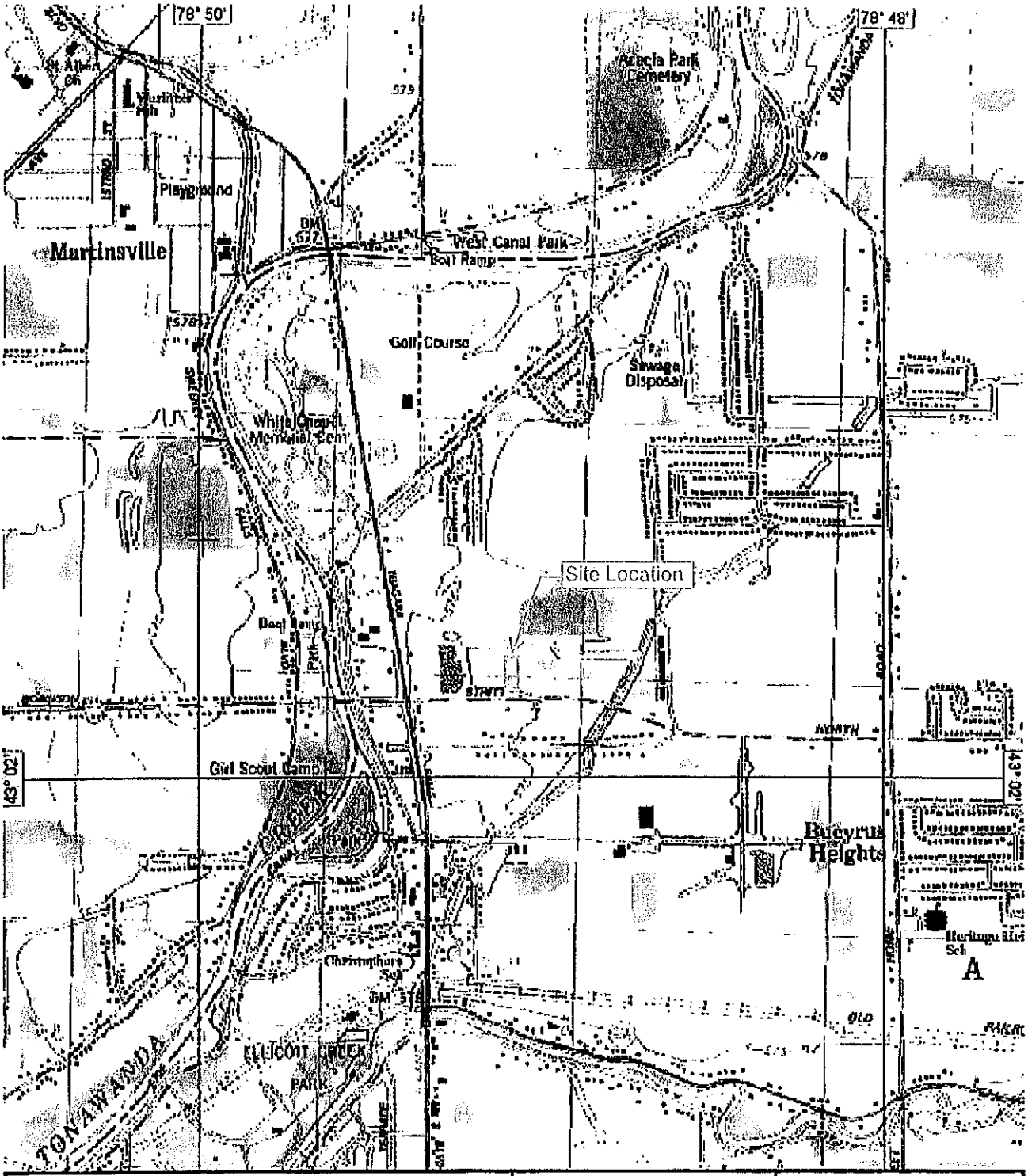


Figure 1: USGS Quadrangle Map

Tonawanda East 7.5 Minute Quadrangle

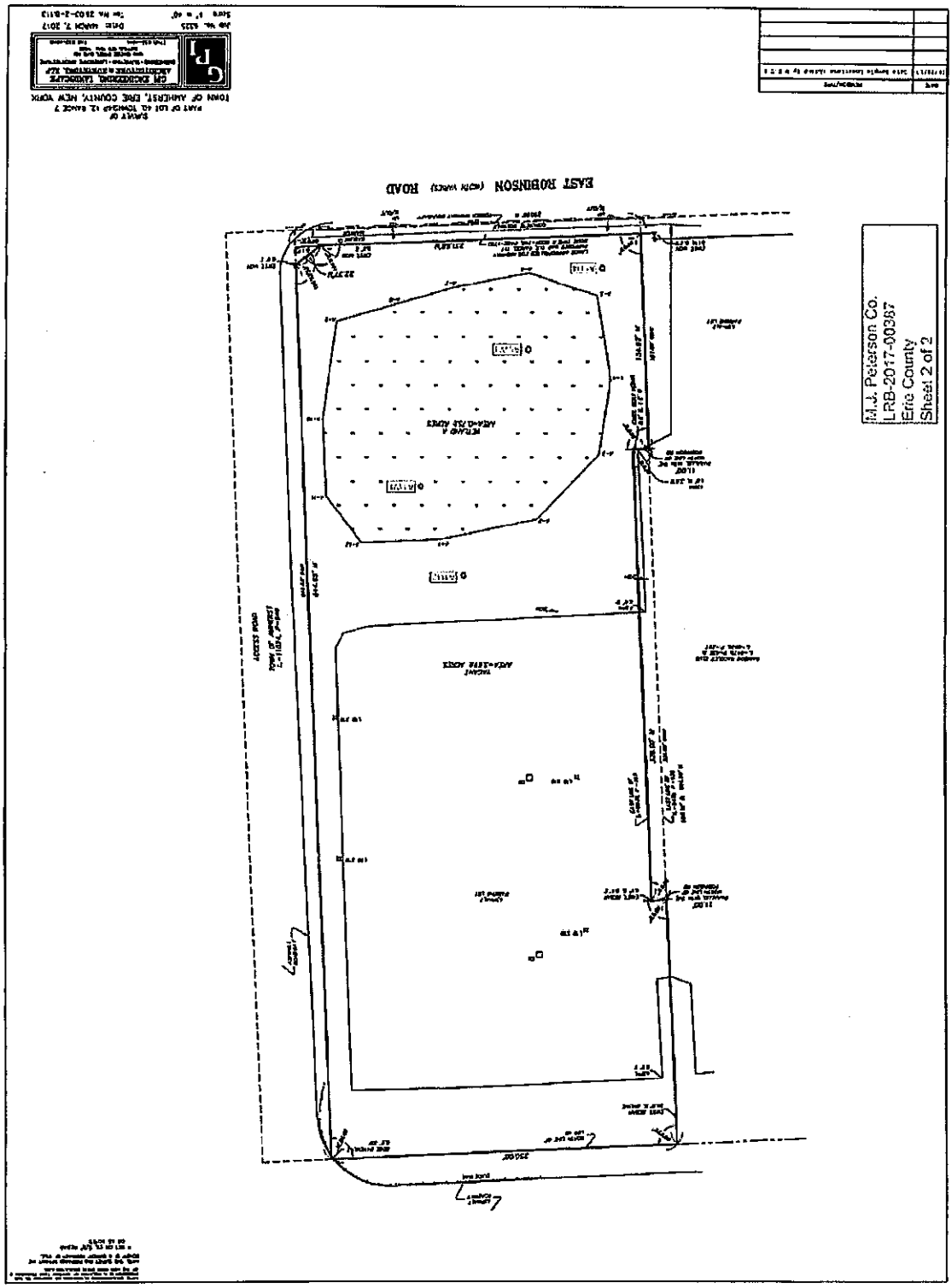
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M.J. Peterson Co.
LRB-2017-00387
Erie County
Sheet 1 of 2

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

New York State
Parks, Recreation and
Historic Preservation

KATHY HOCHUL
Governor

RANDY SIMONS
Commissioner Pro Tempore

June 14, 2024

Sean Hopkins
Partner
Hopkins, Sorgi, & McCarthy PLLC
5500 Main Street, Suite 343
Williamsville, NY 14221

Re: DEC
3880 & 3901 East Robinson Road Development
3880 E Robinson Rd, Amherst, NY 14228
24PR05306

Dear Sean Hopkins:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project.

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above. If you have any questions, please contact Sydney Snyder at the following email address:

Sydney.Snyder@parks.ny.gov

Sincerely,

R. Daniel Mackay

Deputy Commissioner for Historic Preservation
Division for Historic Preservation

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TRAFFIC IMPACT REPORT

May 15, 2024

20243815.0001

EAST ROBINSON RESIDENTIAL

TOWN OF AMHERST, NY

PREPARED FOR:
M.J. Peterson Corp.
200 John James Audubon Pkwy, Suite 300
Amherst, NY, 14228

242 West Main Street, Suite 100 | Rochester, NY 14614 | 585.325.1000 | www.passero.com
PASSERO engineering architecture

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1.0 EXECUTIVE SUMMARY

The purpose of this report is to evaluate the potential traffic impacts related to the proposed East Robinson Residential Development. Within this report, the operating characteristics of the proposed access points and impacts to the adjacent roadway network are evaluated. To define traffic impact, this analysis establishes existing baseline traffic conditions, projects background traffic flow including area growth, and determines the traffic operations that would result from the proposed project.

This report is an update of the April 2024 traffic impact report for the same project. The April 2024 report provided analysis for 232 units of senior housing (attached) and 24 units of townhomes/duplexes, whereas this report provides analysis for 232 units of senior housing (attached) and 40 units of senior housing (single family/townhome). Additionally, this report addresses feedback from the Amherst Traffic Safety Board relative to anticipated traffic distribution towards the north and the Creekwoods Neighborhood.

Project Location and Description

The project site is located at 3880-3910 East Robinson in the Town of Amherst, Erie County, NY. The project comprises the following aspects:

- **Site Status:** The site is currently undeveloped.
- **Zoning:** General Business District.
- **Site Boundary:**
  - **North:** Private access road.
  - **East:** Naple Lane.
  - **South:** East Robinson Road.
  - **West:** Tops Plaza.
- **Vicinity Land Uses:** There is a mix of land uses, including residential, commercial, and service.

The project comprises the following components:

- **Proposed Land Uses:**
  - **Senior Housing (Single Family):** 40 units within five separate buildings.
  - **Senior Housing (Multifamily):** 232 units within two separate buildings (116 units each).
- **Access:** Access to the site will be provided via new driveways along East Robinson Road with cross access onto Naples Lane. Naples Lane traffic can access Niagara Falls Boulevard via the existing traffic signal servicing Wegmans and Delta Sonic.
- **Sidewalks:** Sidewalks are planned throughout the site with connections to East Robinson Road and the private access road to the north.

The Concept Site Plan prepared by Carmina Wood Design is included at the end of this report.

Study Area

To ensure a comprehensive analysis of potential traffic impacts, a study area was selected consisting of the following intersections.

- Niagara Falls Boulevard at Delta Sonic and Wegmans
- Niagara Falls Boulevard at East Robinson Road
- East Robinson Road at Naples Lane

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Existing and Background Conditions

Passero Associates collected turning movement traffic counts on Tuesday, March 12, 2024. Traffic counts were conducted from 7:00 to 9:00 AM and 4:00 to 6:00 PM to determine peak hour traffic volumes at the study intersections. All traffic counts were collected on a typical weekday while local schools were in session. No significant adverse weather conditions impacted the traffic counts.

Background traffic volumes represent the traffic conditions during the proposed build year without development of the project. Construction of the proposed project is anticipated to reach full build-out within three years. Local municipal personnel were contacted to discuss any other specific projects that are currently approved or under construction that would generate additional traffic in the study area. No nearby projects were identified. To account for normal increases in background traffic growth, including any unforeseen developments in the study area, a growth rate of 0.5% per year was applied to the existing traffic volumes.

Conclusions and Recommendations

This Traffic Impact Report identified and evaluated the potential traffic impacts that can be expected from the proposed East Robinson Residential project. The results of this comprehensive study determined that the existing transportation network can adequately accommodate the projected traffic volumes and resulting minor impacts to study area intersections. The following sets forth the study's conclusions and recommendations:

1. The proposed project consists of constructing a mix of senior housing (232 units) and townhomes/duplexes (40 units). Access to the site will be provided via new driveways along East Robinson Road with cross access onto Naples Lane. Naples Lane traffic can access Niagara Falls Boulevard via the existing traffic signal servicing Wegmans and Delta Sonic.
2. Sidewalks are proposed throughout the site with proposed off-site connections provided to Wegmans to the north, the Tops Plaza to the west, and the existing sidewalk along East Robinson Road to the south.
3. The proposed project is expected to generate approximately 22 entering/43 exiting vehicle trips during the AM peak hour and 45 entering/35 exiting vehicle trips during the PM peak hour.
4. Section 4.4 describes the results of the crash investigation. Rear end crashes were the predominant crash type at the intersection of Niagara Falls Boulevard and East Robinson Road. Crashes of this nature are characteristic of signalized intersections with moderate to high traffic volumes. There are no recommended geometric strategies for improvement of the existing condition. This is an existing condition that, if addressed, should be undertaken by the Town and/or NYSDOT.
5. Very minor increases in delays are projected under full build conditions during the peak hours at the existing study intersections. The proposed project constitutes less than 0.89% of total peak hour traffic during either peak hour at the signalized intersections of Niagara Falls Boulevard at Delta Sonic/Wegmans and East Robinson Road. The additional traffic volumes generated by the proposed project can be accommodated. Therefore, no improvements are warranted nor recommended under full build conditions.
6. The proposed driveways are projected to operate at LOS B or better during the AM and PM peak hours. No capacity improvements are warranted nor recommended under full build conditions.

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2.0 INTRODUCTION

2.1 Study Purpose and Objectives

The purpose of this report is to evaluate the potential traffic impacts related to the proposed East Robinson Road Development. Within this report, the operating characteristics of the proposed access point and impacts to the adjacent roadway network are evaluated. Mitigating measures are identified, if needed, to minimize operational concerns. To define traffic impact, this analysis establishes existing baseline traffic conditions, projects background traffic flow including area growth, and determines the traffic operations that would result from the proposed project. All figures and supporting calculations are included at the end of this report.

2.2 Project Location

The project site is located at 3880-3910 East Robinson in the Town of Amherst, Erie County, NY. The project comprises the following aspects:

- **Site Status:** The site is currently undeveloped.
- **Zoning:** General Business District.
- **Site Boundary:**
  - **North:** Private access road.
  - **East:** Naple Lane.
  - **South:** East Robinson Road.
  - **West:** Tops Plaza.
- **Vicinity Land Uses:** There is a mix of land uses, including residential, commercial, and service.

2.3 Study Area

To ensure a comprehensive analysis of potential traffic impacts, a study area was selected consisting of the following intersections. The project site location and study area are illustrated in **Figure 1**.

- Niagara Falls Boulevard at Delta Sonic and Wegmans
- Niagara Falls Boulevard at East Robinson Road
- East Robinson Road at Naples Lane

3.0 TRANSPORTATION SETTING

3.1 Description of Study Area Roadways

The information outlined in **Table 1** provides a description of the existing roadway network within the study area. **Figure 2** illustrates the lane geometry, traffic controls at each of the study intersections, and the Annual Average Daily Traffic (AADT) volumes on the study roadways. The AADTs, in vehicles per day (vpd), reflect the most recently collected data obtained from the NYSDOT.

Functional classification of roadways is determined by the NYSDOT and the Federal Highway Administration (FHWA). Both the NYSDOT and FHWA groups roads, streets, and highways into different classes based on how they are used. This is called functional classification. Roads and streets do not work alone to move traffic. Instead, they form a network. Functional classification defines how each road or street fits into this network, how it provides access to nearby properties, and whether it is in an urban or rural area. The primary functional classifications within the study area:

- Urban Principal Arterial - Other (Class 14)

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- Urban Local (Class 19)

Table 1: *Existing Highway System*

Roadway	Class[1]	Agency[2]	Speed	Typical Cross Section[3]	AADT
Niagara Falls Boulevard (US-62)	14	NYSDOT	40 mph	4-lane w/ TWLTL	29,282 (NYSDOT 2022)
East Robinson Road (CR-299)	14	County	40 mph	4-lane w/ TWLTL	15,571 (NYSDOT 2022)
Naples Lane	19	Town	30 mph	2-lane undivided	2,900 (Passero 2024)

1. Functional Classification.
2. Roadway ownership.
3. Excludes turning lanes at intersections. TWLTL = Two-way left-turn lane.

3.2 Description of Multimodal Network

Table 2 summarizes the traffic controls, pedestrian, bicycle, and transit accommodations within the study area.

Table 2: *Multimodal Network*

Feature	Niagara Falls Blvd @ Delta Sonic and Wegmans	Niagara Falls Blvd @ East Robinson Road	East Robinson Road @ Naples Lane
Intersection Control Type	Signalized	Signalized	Unsignalized
Sidewalks	+	++	+
Crosswalks	++	++	+
Curb Ramps	++	++	+
Pedestrian Signal	++	++	Not Present
Pedestrian Actuation	++	++	Not Present
Pedestrian Countdown	++	++	Not Present
Bicycle Facilities	+	+	+
Street Lighting	++	++	+
Transit Route	Not Present	+	+

++ Present at entire intersection
+ Present at portion of intersection

3.3 Planned/Programmed Highway Improvements

There are no planned/programmed highway improvement projects in the study area.

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4.0 EXISTING CONDITIONS ANALYSIS

4.1 Peak Intervals for Analysis

Given the functional characteristics of the corridors, adjacent land uses, and the proposed land use for the project site, the peak hours selected for analysis are the weekday commuter AM and PM peak periods. The combination of site traffic and adjacent through traffic produces the greatest demand during these time periods.

4.2 Existing Traffic Volume Data

Passero Associates collected turning movement traffic counts on Tuesday, March 12, 2024. Traffic counts were conducted from 7:00-9:00 AM and 4:00 to 6:00 PM to determine peak hour traffic volumes at the study intersections. **Table 3** depicts the peak hours at each study intersection.

Table 3: *Study Intersection Peak Hours*

Intersection	AM Peak Hour	PM Peak Hour
Niagara Falls Boulevard at Delta Sonic and Wegmans	7:15-8:15 AM	4:30-5:30 PM
Niagara Falls Boulevard at East Robinson Road	7:30-8:30 AM	4:15-5:15 PM
East Robinson Road at Naples Lane	7:30-8:30 AM	4:30-5:30 PM

All traffic counts were collected on a typical weekday while local schools were in session. No significant adverse weather conditions impacted data collection. The traffic volumes were reviewed to confirm accuracy, seasonality, and relative balance between intersections. NYSDOT determines seasonality factors based on the month of the year, whether the data was taken during the week or weekend, and the factor group of the surrounding roadways, which is commuter dominated during the weekday for this project. Given the time of year the traffic counts were conducted, no seasonality adjustments were necessary. The actual differences in traffic volumes can be attributed to temporal variations in traffic volumes as well as activity related to driveways located in the segments between the study intersections. **Figure 3** illustrates the existing peak hour traffic conditions.

4.3 Field Observations

The study intersections were observed during peak intervals to assess current traffic operations. Signal timing and phasing information was obtained from the NYSDOT to determine peak hour phasing plans and phase durations during each interval at the signalized intersections of Niagara Falls Boulevard at Delta Sonic/Wegmans and East Robinson Road. This information was used to support and/or calibrate capacity analysis models described in detail later in this report.

4.4 Existing Crash Investigation

The purpose of this crash analysis is to identify inherent safety issues by studying and quantifying historical crashes at the study intersections and identifying potential crash patterns and clusters. A crash cluster is defined as an abnormal occurrence of similar crash types occurring at approximately the same location or involving the same geometric features. The severity of the crashes should also be considered. A history of crashes is an indication that further analysis is required to determine the cause(s) of the crash(es) and to identify what actions, if any, could be taken to mitigate the crashes.

Crash history data was obtained from MV-104A Police Accident Reports provided by the NYSDOT *Crash Location & Engineering Analysis & Reporting (CLEAR)* database. Intersection rates are listed as accidents (crashes) per million entering

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vehicle (Acc/MEV). This study conducted the evaluation from August 31, 2018, through August 31, 2023. A summary of the crashes that occurred at intersection locations are shown in **Table 4.**

Table 4: *Intersection Crash Rate Analysis*

Intersection	Total Crashes	Injury	ADT	Actual Crash Rate	Statewide Average Crash Rate
Niagara Falls Blvd at Delta Sonic and Wegmans	10	6	34,158 vpd	0.16	0.26
Niagara Falls Blvd at East Robinson Road	81	28	42,768 vpd	1.04	0.26
East Robinson Road at Naples Lane	3	2	17,442 vpd	0.09	0.07

The Niagara Falls Boulevard at Delta Sonic/Wegmans and East Robinson Road at Naples Lane intersections are at or below the statewide average crash rate. However, given that the Niagara Falls Boulevard at East Robinson Road intersection experienced a higher crash rate compared to statewide averages, this intersection is discussed in greater detail.

Niagara Falls Blvd at East Robinson Road

Crash Types

51% Rear End
17% Left Turn
16% Sideswipe
7% Right Angle
5% Right Turn
2% Fixed Object
1% Bike/Pedestrian

Description

There were 81 total crashes during the five-year study period. Most of the contributing factors for these crashes were 'driver inattention', 'following too closely', and 'failure to yield the right-of-way'. The frequency of rear end crashes is characteristic of signalized intersections along moderate to heavily trafficked corridors, such as Niagara Falls Boulevard. Of the 41 rear end crashes, 18 occurred in the northbound direction, 14 occurred in the southbound direction, and six occurred in the westbound direction.

Potential Improvement

Recent improvements were made to the intersection, such as installing backplates on the signal heads and converting the permissive/protected left-turn signal heads to flashing yellow. Additionally, the corridor speed limit was reduced from 45 mph to 40 mph within the past six years. There are no recommended geometric strategies. Potential operational improvement strategies may include optimizing the change and clearance intervals. This is an existing condition that, if addressed, should be led by the Town and/or NYSDOT and future applicants should not be made to bear the full expense of this improvement.

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5.0 BACKGROUND (NO BUILD) CONDITIONS

Background traffic volumes represent the traffic conditions during the proposed build year without development of the project. Construction of the proposed project is anticipated to reach full build-out within three years. The widely accepted methodology for preparing traffic impact studies requires that any projects in the study area that are currently approved and/or under construction must be considered in the traffic analysis. Projects that are contemplated but not yet approved are not included in a traffic analysis. Local municipal personnel were contacted to discuss any other specific projects that are currently approved or under construction that would generate additional traffic in the study area. No nearby projects were identified.

A review of available historical NYSDOT traffic volume data in the vicinity of the site indicates that traffic has decreased between 2010 and 2019. To account for normal increases in background traffic growth, including any unforeseen developments in the study area, a growth rate of 0.5% per year was applied to the existing traffic volumes. **Figure 4** illustrates the background traffic conditions.

6.0 PROPOSED DEVELOPMENT CONDITIONS

6.1 Project Description

The project comprises the following components:

- **Proposed Land Uses:**
  - **Senior Housing (Single Family):** 40 units within five separate buildings.
  - **Senior Housing (Multifamily):** 232 units within two separate buildings (116 units each).
- **Access:** Access to the site will be provided via new driveways along East Robinson Road with cross access onto Naples Lane. Naples Lane traffic can access Niagara Falls Boulevard via the existing traffic signal servicing Wegmans and Delta Sonic.
- **Sidewalks:** Sidewalks are planned throughout the site with connections to East Robinson Road and the private access road to the north.

6.2 Proposed Traffic Generation

The volume of traffic generated by a site is dependent on the intended land use and size of the development. Trip generation is an estimate of the number of trips generated by a specific building or land use. These trips represent the volume of traffic entering and exiting the development. *Trip Generation Manual (11th Edition)* published by the Institute of Transportation Engineers (ITE) is used as a reference for this information. The trip rate for the peak hour of the generator may or may not coincide in time or volume with the trip rate for the peak hour of adjacent street traffic. Volumes generated during the peak hour of the adjacent street traffic and proposed land use, in this case, the weekday commuter AM and PM peak hours, represent a more critical volume when analyzing the capacity of the system; those intervals will provide the basis of this analysis. **Table 5** shows the trip generation estimates during the peak hours.

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Table 5: *Site Generated Trips*

Description	Size	AM Peak Hour		PM Peak Hour	
		Enter	Exit	Enter	Exit
Senior Housing - Single Family (ITE 251)	40 units	6	13	13	9
Senior Housing - Multifamily (ITE 252)	232 units	16	30	32	26
Total Trip Generation		**22**	**43**	**45**	**35**

The proposed project is expected to generate approximately 22 entering and 43 exiting vehicle trips during the AM peak hour with 45 entering and 35 exiting vehicle trips during the PM peak hour.

6.3 Trip Distribution

The cumulative effect of site-generated traffic on the transportation network is dependent on the origins and destinations of that traffic and the location of the access drives serving the site. The proposed arrival/departure distribution of traffic generated by the proposed project is considered a function of several parameters, including:

- Employment centers using U.S. Census Data
- Nearby commercial centers
- Proximity to recreational areas
- Site driveway locations
- Existing traffic patterns
- Existing traffic conditions and controls

Figure 5 shows the anticipated trip distribution pattern percentage for the project site. The analysis assumed 7% of site traffic will travel to/from Wegmans. **Figure 6** shows the total site generated trips based on the distribution patterns.

Aside from the 7% of traffic assumed to travel to/from Wegmans/Tops, an additional 18% is assumed to travel to/from Delta Sonic (3%) and areas north (15%). These assumptions are based on existing collected traffic volumes at both Naples Lane and the Wegmans/Delta Sonic intersections and drivers potentially avoiding traveling on East Robinson due to the traffic signal at East Robinson and Niagara Falls Boulevard. Over time, site users may adjust their travel behavior and take the route with fewer delays.

6.4 Full Development Volumes

The proposed design hour traffic volumes are developed for the peak hours by combining the background traffic conditions (**Figure 4**) and the new site-generated traffic volumes (**Figure 6**) to yield the traffic volumes under full development conditions. **Figure 7** illustrates the full build traffic conditions.

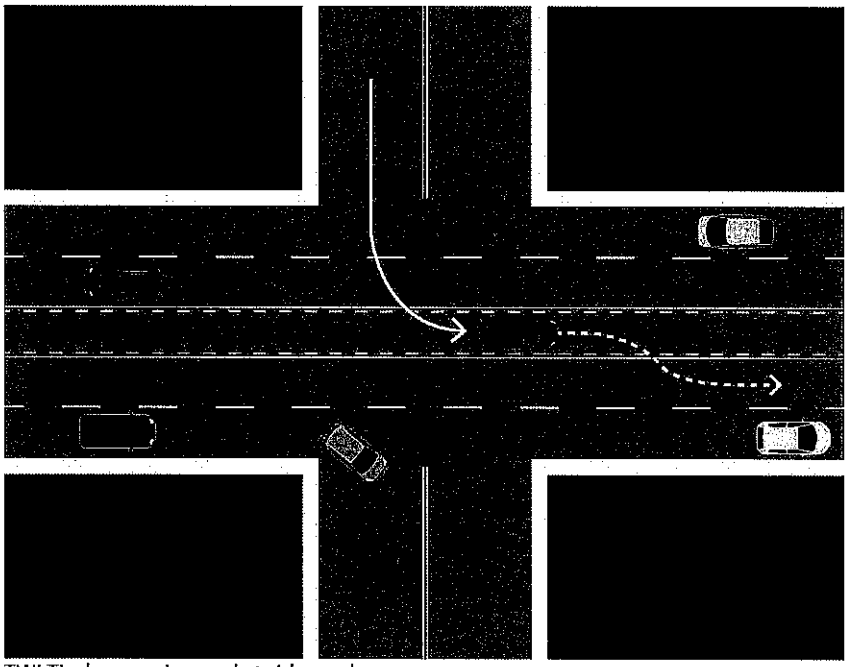
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7.0 TRAFFIC OPERATIONS AND ANALYSIS

7.1 Left-Turn Warrant Analysis

Left-turn warrants are typically based on Transportation Research Board's (TRB) *NCHRP Report 279 Intersection Channelization Design Guide*. Provisions for left-turn lane facilities should be established where traffic volumes are high enough and safety considerations are sufficient to warrant the additional lane. The left-turn warrants are based on a combination of the percentage of left-turning traffic, advancing traffic, opposing traffic, and the design speed of the major roadway (posted speed plus 5 mph) at the study intersection. In this case, there is an existing two-way left-turn lane (TWLTL) at the proposed driveways onto East Robinson Road benefiting drivers entering and exiting the site.

For example, drivers exiting the site can perform a two-stage left-turn maneuver. This can increase the number of prevailing traffic gap opportunities afforded to a driver as the driver, upon seeing an acceptable gap in traffic on the near side of the street (westbound East Robinson Road), can enter this space before proceeding into the far side traffic stream (eastbound East Robinson Road) when an acceptable gap in traffic is created. An example of this is shown in the following graphic.



TWLTL along major road at side roads.

7.2 Description of Capacity Analysis

Capacity analysis is a technique used for determining a measure of effectiveness for a section of roadway and/or intersection based on the number of vehicles during a specific time period. The measure of effectiveness used for the capacity analysis is referred to as a Level of Service (LOS). Levels of service are calculated to provide an indication of the amount of delay that a motorist experiences while traveling along a roadway or through an intersection. Since the most amount of delay to motorists usually occurs at intersections, capacity analysis focuses on intersections, as opposed to highway segments.

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The standard procedure for capacity analysis of signalized and unsignalized intersections is outlined in the *Highway Capacity Manual (HCM) 7th Edition* published by the TRB. Traffic analysis software, Synchro 12, which is based on procedures and methodologies contained in the HCM, was used to analyze operating conditions at study area intersections. The procedure yields a level of service based on the HCM as an indicator of how well intersections operate.

Six levels of service are defined for analysis purposes. They are assigned letter designations, from "A" to "F", with LOS "A" representing the conditions with little to no delay, and LOS "F" conditions with very long delays. LOS "C" or better is desirable, but LOS "D" for signalized locations and LOS "E" for unsignalized locations are generally thresholds of acceptable operation during peak periods so long as the volume to capacity ratio (v/c) is below 1.0. **Table 6** depicts level of service criteria for both signalized and unsignalized intersections.

Table 6: *Level of Service Criteria*

Level of Service	Signalized Control Delay per Vehicle (seconds)	Stop Control Delay per Vehicle (seconds)
A	< 10	< 10
B	10 – 20	10 – 15
C	20 – 35	15 – 25
D	35 – 55	25 – 35
E	55 – 80	35 – 50
F	> 80	> 50

LOS for signalized intersections is defined in terms of delay specifically, average total delay per vehicle for a 15-minute analysis period. LOS for unsignalized intersections, however, are different from a signalized intersection. The primary reason for this is driver expectation that a signalized intersection is designed to carry higher volumes than an unsignalized intersection. Unsignalized intersections are also associated with more uncertainty for users, as delays are less predictable than they are at signals.

The v/c ratio, also referred to as degree of saturation, represents the sufficiency of an intersection to accommodate the vehicular demand. A v/c ratio less than 0.85 generally indicates that adequate capacity is available, and vehicles are not expected to experience significant queues and delays. As the v/c ratio approaches 1.0, traffic flow may become unstable, and delay and queuing conditions may occur.

7.3 Capacity Analysis Results

Existing and background operating conditions during the peak study periods are evaluated to determine a basis for comparison with the projected future conditions. Future traffic conditions generated by the project are analyzed to assess the operation of the study area intersections. **Table 7** describes the capacity results for existing, background, and full development conditions. The discussion following the table summarizes capacity conditions.

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Table 7: *Capacity Analysis Results*

Intersection	2024 Existing Base Conditions				2027 Background Conditions				2027 Full Build Conditions			
	AM		PM		AM		PM		AM		PM	
1. Niagara Falls Blvd at Delta Sonic/Wegmans (S)												
EB Left - Delta Sonic	E	70.0	E	71.3	E	70.0	E	70.9	E	69.8	E	70.4
EB Thru/Right - Delta Sonic	C	28.5	E	64.5	C	28.4	E	65.0	C	28.8	E	65.9
WB Left - Wegmans	F		F		F		F		F		F	
WB Left/Thru - Wegmans	F		F		F		F		F		F	
WB Right - Wegmans	A	0.4	B	10.8	A	0.4	B	10.7	A	0.7	B	10.4
NB Left - Niagara Falls Blvd	C	24.4	C	23.9	C	26.6	C	25.9	C	26.8	C	26.5
NB Thru - Niagara Falls Blvd	A	6.6	B	17.1	A	8.6	B	17.7	A	8.9	B	18.4
NB Right - Niagara Falls Blvd	A	0.2	A	6.7	A	0.9	A	7.1	A	1.0	A	7.4
SB Left - Niagara Falls Blvd	A	5.9	B	14.1	A	6.0	B	14.7	A	6.0	B	15.0
SB Thru - Niagara Falls Blvd	B	16.7	C	28.1	B	17.1	C	29.2	B	17.2	C	29.6
SB Right - Niagara Falls Blvd	A	2.1	A	2.8	A	2.2	A	2.9	A	2.2	A	3.0
Overall LOS	**B**	**15.8**	**C**	**29.8**	**B**	**16.7**	**C**	**30.6**	**B**	**16.8**	**C**	**31.0**
v/c Ratio	**0.75**		**0.84**		**0.75**		**0.84**		**0.75**		**0.84**	
2. Niagara Falls Blvd at East Robinson Road (S)												
EB Left - East Robinson Road	D	39.1	E	63.4	D	39.0	E	63.6	D	38.9	E	63.2
EB Thru/Right - East Robinson Road	F		E	61.5	E	75.9	E	61.6	E	76.4	E	62.6
WB Left - East Robinson Road	E	59.6	D	51.5	E	64.0	D	51.4	E	70.6	D	52.4
WB Thru/Right - East Robinson Road	C	20.3	F		C	20.1	F		C	20.3	F	
NB Left - Niagara Falls Blvd	C	22.5	D	36.5	C	24.8	D	40.6	C	25.1	D	41.0
NB Thru/Right - Niagara Falls Blvd	D	39.3	D	50.6	D	46.1	D	52.1	D	47.1	D	53.6
SB Left - Niagara Falls Blvd	D	45.0	E	76.9	D	39.3	F		D	42.3	F	
SB Thru/Right - Niagara Falls Blvd	C	25.2	D	35.3	C	25.7	D	35.8	C	25.9	D	35.8
Overall LOS	**D**	**40.7**	**D**	**53.7**	**D**	**41.5**	**D**	**54.9**	**D**	**42.7**	**E**	**55.9**
v/c Ratio	**0.93**		**0.94**		**0.91**		**0.94**		**0.92**		**0.95**	
3. East Robinson Road at Westerly Site Dwy (U)												
EB Left - East Robinson Road	**N/A**		**N/A**		**N/A**		**N/A**		A	8.2	B	10.1
SB - Westerly Site Dwy									B	10.6	B	13.7
4. East Robinson Road at Easterly Site Dwy (U)												
EB Left - East Robinson Road	**N/A**		**N/A**		**N/A**		**N/A**		A	8.2	A	10.0
SB - Easterly Site Dwy									B	10.6	B	13.8
5. East Robinson Road at Naples Lane (U)												
EB Left - East Robinson Road	A	8.4	B	10.5	A	8.4	B	10.6	A	8.4	B	10.7
SB - Naples Lane	B	14.4	D	27.0	B	14.5	D	27.9	B	14.6	D	28.5

A(2.8) = Level of Service (Delay in seconds per vehicle)
(S) = Signalized; (U) = Unsignalized
NB = Northbound, SB = Southbound, EB = Eastbound, WB = Westbound
N/A = Approach does not exist and/or was not analyzed during this condition
Green shaded cells indicate low delays, yellow shaded cells indicate moderate delays, red shaded cells indicate long delays.

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

1. Niagara Falls Boulevard at Delta Sonic and Wegmans

The Niagara Falls Boulevard corridor is heavily traveled and turning movements can experience moderate to long delays during the commuting peak hours. Notably, the eastbound and westbound approaches at this intersection during both peak hours experience long delays. Existing and projected background levels of service for the westbound left and left/through movements operate at F during the AM and PM peak hours. The remaining movements generally operate at LOS an acceptable C or better. The overall LOS is B during the AM peak hour and C during the PM peak hour and remains unchanged under background conditions.

Very minor increases in delays are projected under full build conditions during the peak hours. The proposed project constitutes less than 0.63% of total peak hour traffic during either peak hour. The additional traffic volumes generated by the proposed project can be accommodated, as there is available intersection capacity. Therefore, no improvements are warranted nor recommended under full build conditions.

2. Niagara Falls Boulevard at East Robinson Road

Most movements operate at LOS D or better during both peak hours under existing conditions. The exceptions are the eastbound left (PM peak hour), eastbound through/right (AM and PM peak hour), westbound through/right (PM peak hour), and southbound left (PM peak hour). Minor signal timing changes are recommended under background conditions during the AM peak hour and consist of reallocating the green time for the eastbound and westbound left-turn movements.

Very minor increases in delays are projected under full build conditions during the peak hours. The proposed project constitutes less than 0.89% of total peak hour traffic during either peak hour. The additional traffic volumes generated by the proposed project can be accommodated. Therefore, no improvements are warranted nor recommended under full build conditions.

3. East Robinson Road at Proposed Westerly Driveway

All movements are projected to operate at LOS B or better during both peak hours. No capacity improvements are warranted nor recommended under full build conditions.

4. East Robinson Road at Proposed Easterly Driveway

All movements are projected to operate at LOS B or better during both peak hours. No capacity improvements are warranted nor recommended under full build conditions.

5. East Robinson Road at Naples Lane

All movements operate at an acceptable LOS D or better during both peak hours under existing and projected background conditions. Very minor increases in delays are projected under full build conditions during the peak hours. The additional traffic volumes generated by the proposed project can be accommodated, as there is available intersection capacity. Therefore, no improvements are warranted nor recommended under full build conditions.

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

8.0 CONCLUSIONS AND RECOMMENDATIONS

This Traffic Impact Report identified and evaluated the potential traffic impacts that can be expected from the proposed East Robinson Residential project. The results of this comprehensive study determined that the existing transportation network can adequately accommodate the projected traffic volumes and resulting minor impacts to study area intersections. The following sets forth the study's conclusions and recommendations:

1. The proposed project consists of constructing a mix of senior housing (232 units) and townhomes/duplexes (40 units). Access to the site will be provided via new driveways along East Robinson Road with cross access onto Naples Lane. Naples Lane traffic can access Niagara Falls Boulevard via the existing traffic signal servicing Wegmans and Delta Sonic.
2. Sidewalks are proposed throughout the site with proposed off-site connections provided to Wegmans to the north, the Tops Plaza to the west, and the existing sidewalk along East Robinson Road to the south.
3. The proposed project is expected to generate approximately 22 entering and 43 exiting vehicle trips during the AM peak hour with 45 entering and 35 exiting vehicle trips during the PM peak hour.
4. Section 4.4 describes the results of the crash investigation. Rear end crashes were the predominant crash type at the intersection of Niagara Falls Boulevard and East Robinson Road. Crashes of this nature are characteristic of signalized intersections with moderate to high traffic volumes. There are no recommended geometric strategies for improvement of the existing condition. This is an existing condition that, if addressed, should be undertaken by the Town and/or NYSDOT.
5. Very minor increases in delays are projected under full build conditions during the peak hours at the existing study intersections. The proposed project constitutes less than 0.89% of total peak hour traffic during either peak hour at the signalized intersections of Niagara Falls Boulevard at Delta Sonic/Wegmans and East Robinson Road. The additional traffic volumes generated by the proposed project can be accommodated. Therefore, no improvements are warranted nor recommended under full build conditions.
6. The proposed driveways are projected to operate at LOS B or better during the AM and PM peak hours. No capacity improvements are warranted nor recommended under full build conditions.

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

9.0 REFERENCES

- Synchro 12 Software. Cubic ITS. 2023.
- Highway Capacity Manual (7th Edition). Transportation Research Board (TRB). Washington, DC. 2022.
- Trip Generation Manual (11th Edition). Institute of Transportation Engineers (ITE). Washington, DC. 2021.
- Trip Generation Handbook (3rd Edition). Institute of Transportation Engineers (ITE). Washington, DC. 2017.
- OnTheMap. United States Census Bureau. 2024.
- Traffic Data Viewer. New York State Department of Transportation (NYSDOT). 2024.
- Manual on Uniform Traffic Control Devices (11th Edition). Federal Highway Administration (FHWA). 2023.
- Highway Functional Classification Concepts, Criteria, and Procedures. Federal Highway Administration (FHWA). 2023.
- Crash Location and Engineering Analysis Repository (CLEAR). New York State Department of Transportation. 2024.
- Niagara Frontier Transportation Authority (NFTA). 2024.

10.0 FIGURES

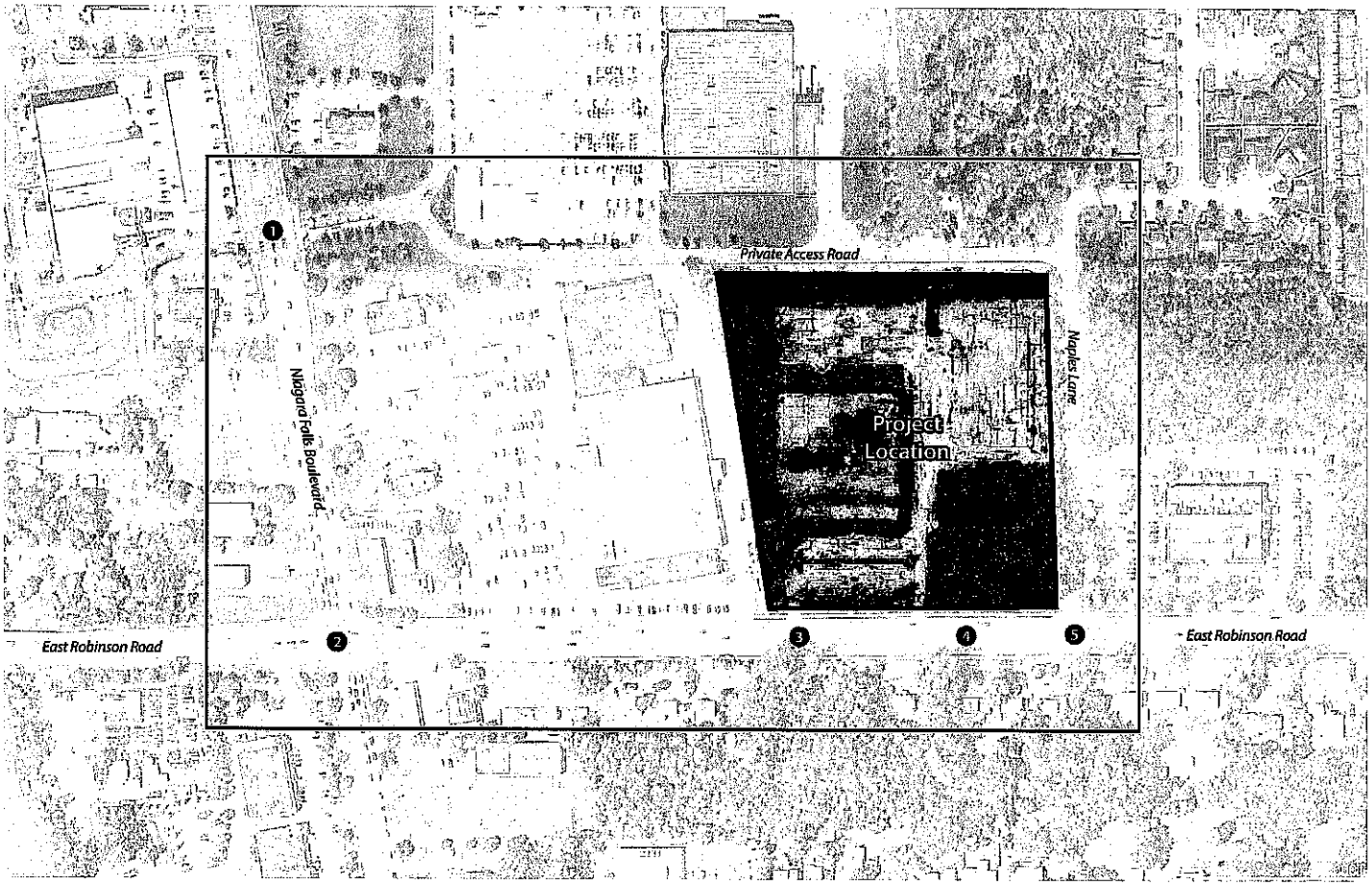
Figures 1 through 7 are included on the following pages.

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

ACCESS ROAD (PRIVATE ROAD)
HAYLES LANE (PUBLIC ROAD)
EAST ROBINSON ROAD
Site Plan
CARMINAWOOD
Multi-family Development
C-1

Figure 1

PASSERO
engineering architecture



East Robinson Residential | Town of Amherst, Erie County, NY

Site Location and Study Area

0 300 600 Feet

Key:
- # Study Intersection
- # Proposed Intersection
- Study Area

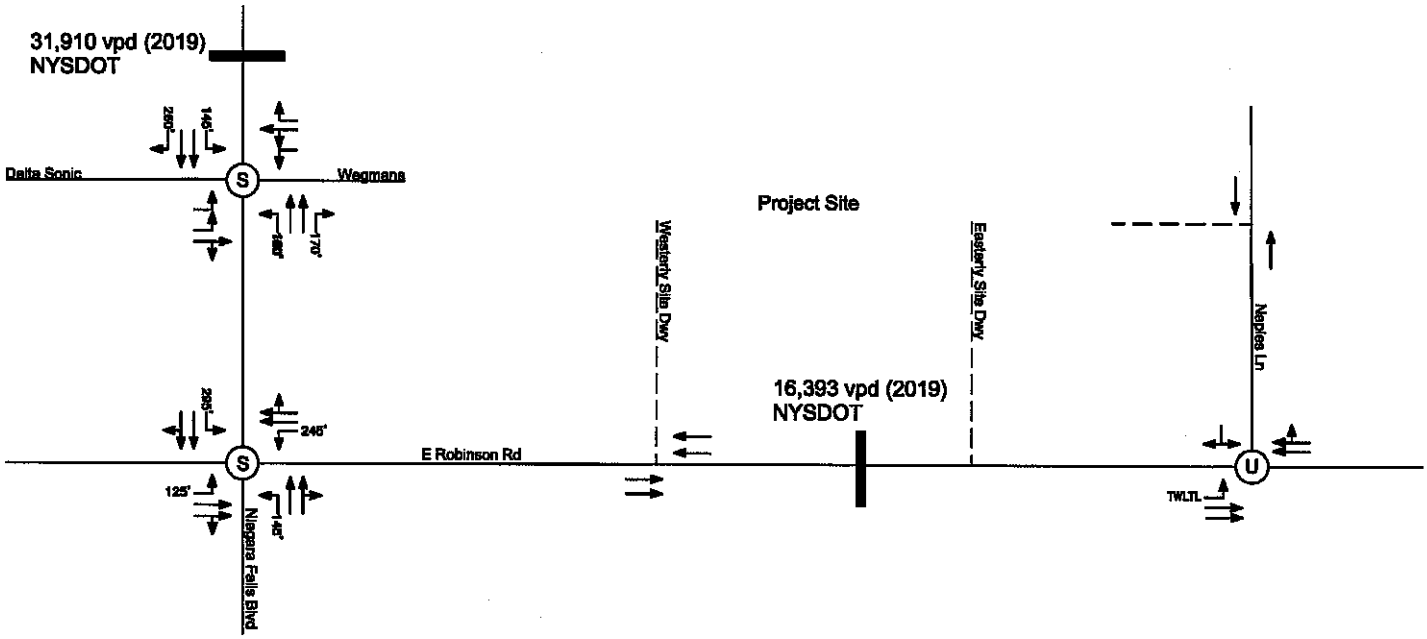
Project Number: 20243815.0001

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Figure 2

PASSERO
engineering architect

Notes:
1. All AADT volumes by those noted:
   1.1. NYSDOT = New York State Department of Transportation.
   1.2. PA = Passero
2. vpd = Vehicles per day.
3. The planned NYSDOT project will include the indicated storage lengths.



E Robinson Residential | Town of Amherst, NY

NOT TO

Lane Geometry and Intersection Control

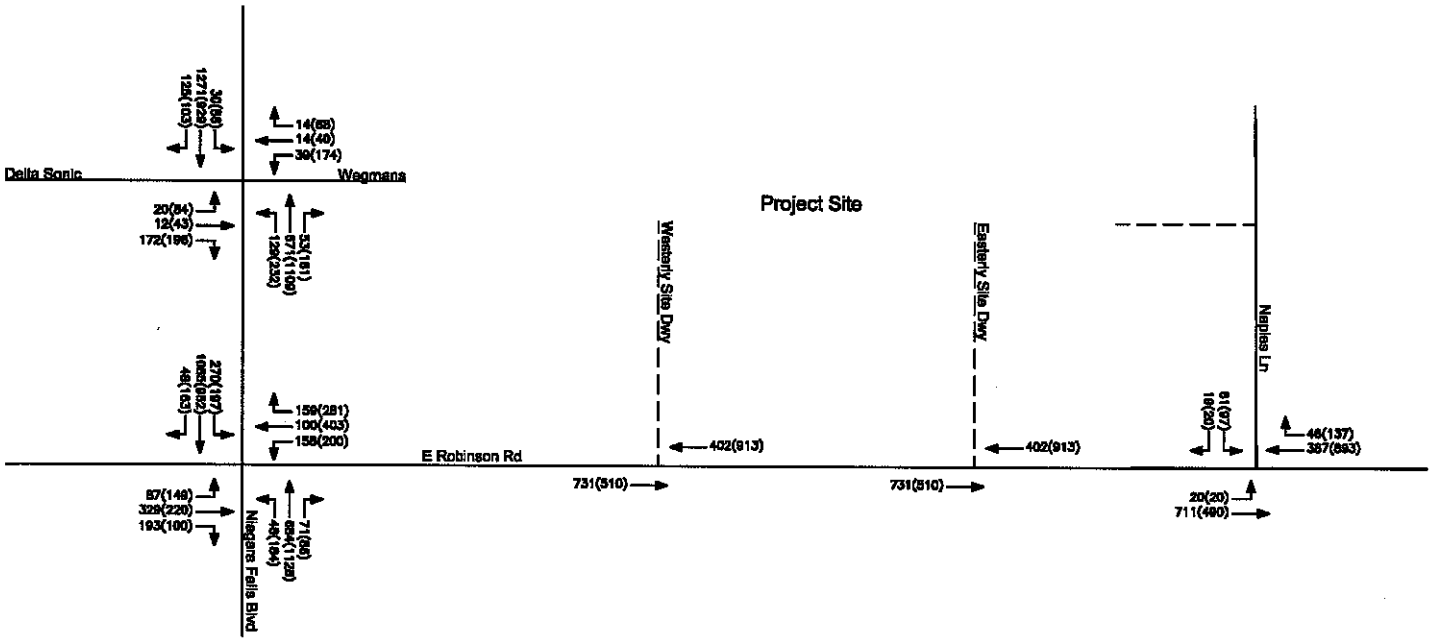
KEY:
--- Proposed Ac
U = Unsignalized
S = Signalized

Project Number: 20243748.0001

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Figure 3

PASSER
engineering architect



E Robinson Residential | Town of Amherst, NY

NOT TO

Peak Hour Volumes
2024 Existing Conditions

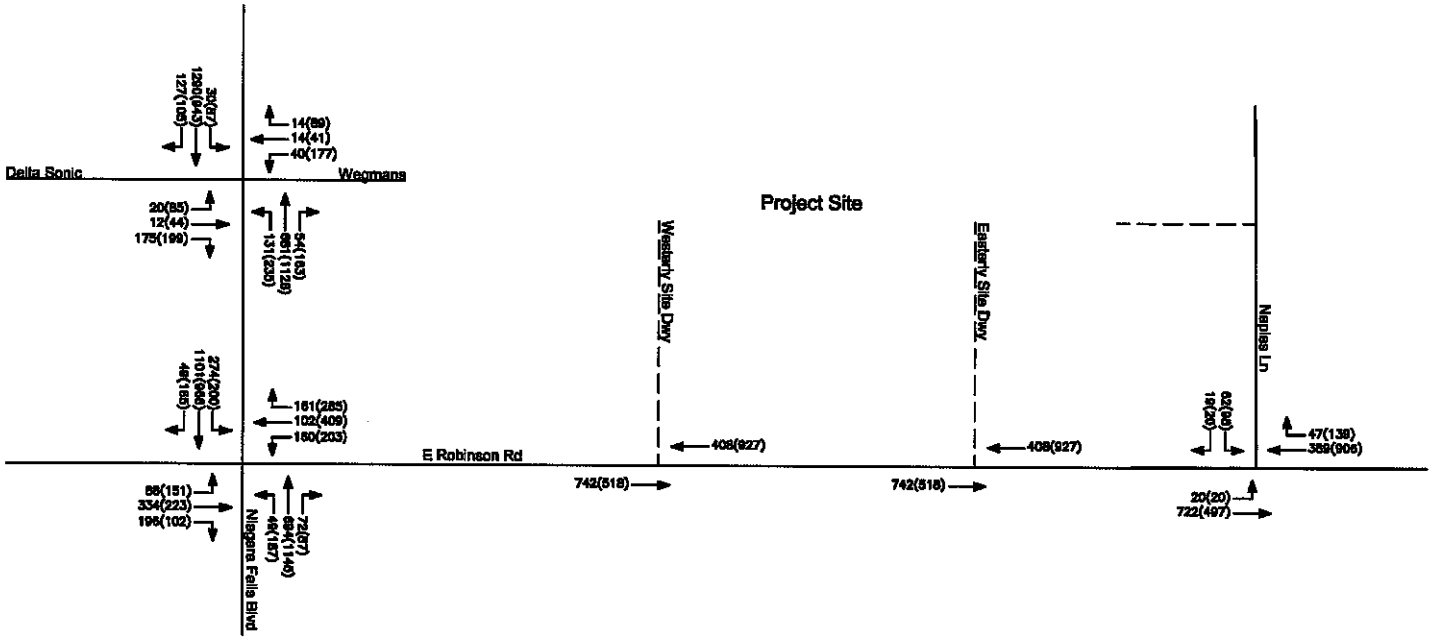
KEY:
00(00) = AM(PM)
--- Proposed A

Project Number: 2024374B.0001

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Figure 4

PASSER(
engineering architectu



E Robinson Residential | Town of Amherst, NY

NOT TO

Peak Hour Volumes
2027 Background Conditions

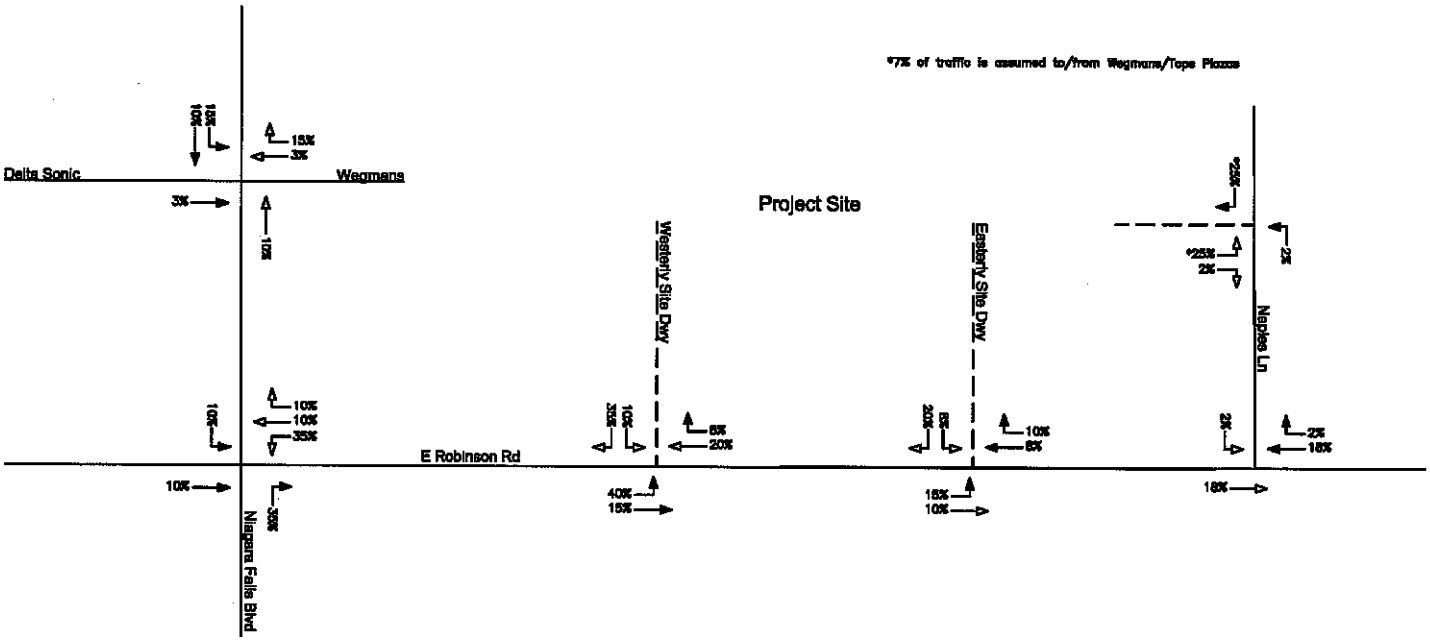
KEY:
00(00) = AM(PM)
---- Proposed A

Project Number: 20243748.0001

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Figure 5

PASSER
engineering architect



E Robinson Residential | Town of Amherst, NY

Trip Distribution

NOT TO

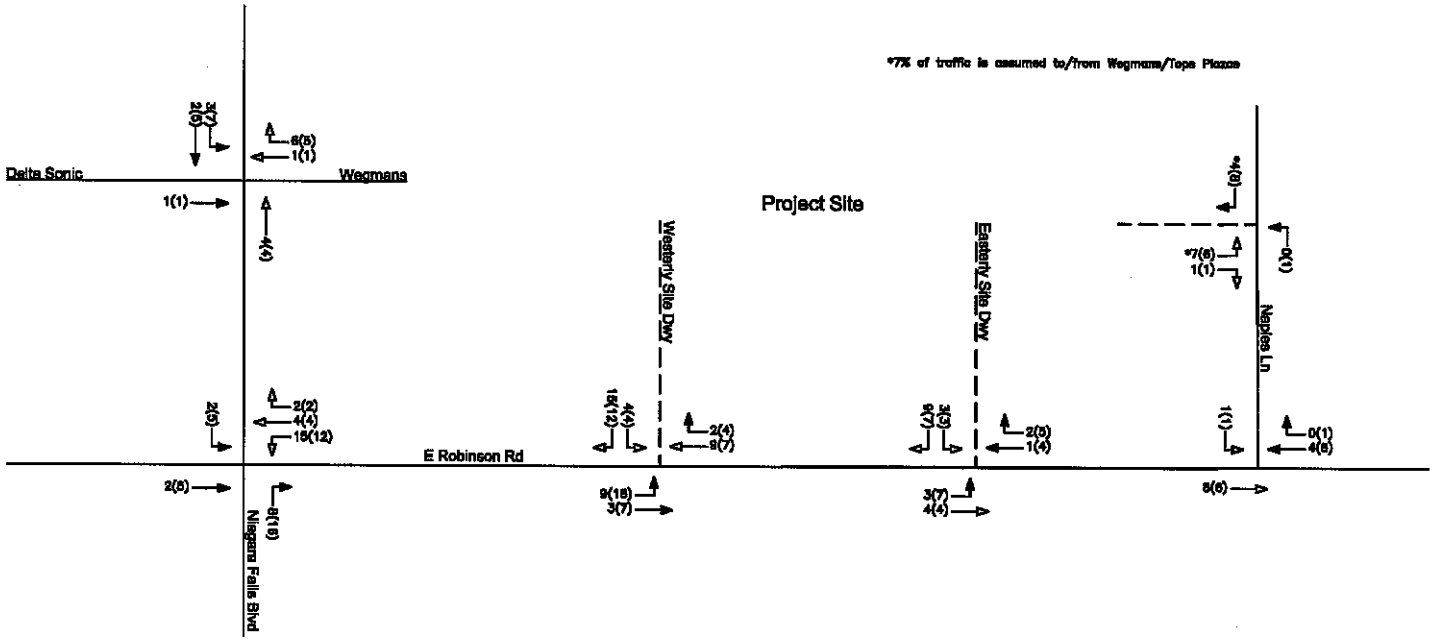
KEY:
00(00) = AM(PM)
Entering Trip
Exiting Trip
Proposed A

Project Number: 20243748.0001

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Figure 6

PASSER(
engineering architectu



E Robinson Residential | Town of Amherst, NY

NOT TO

Site Generated Trips

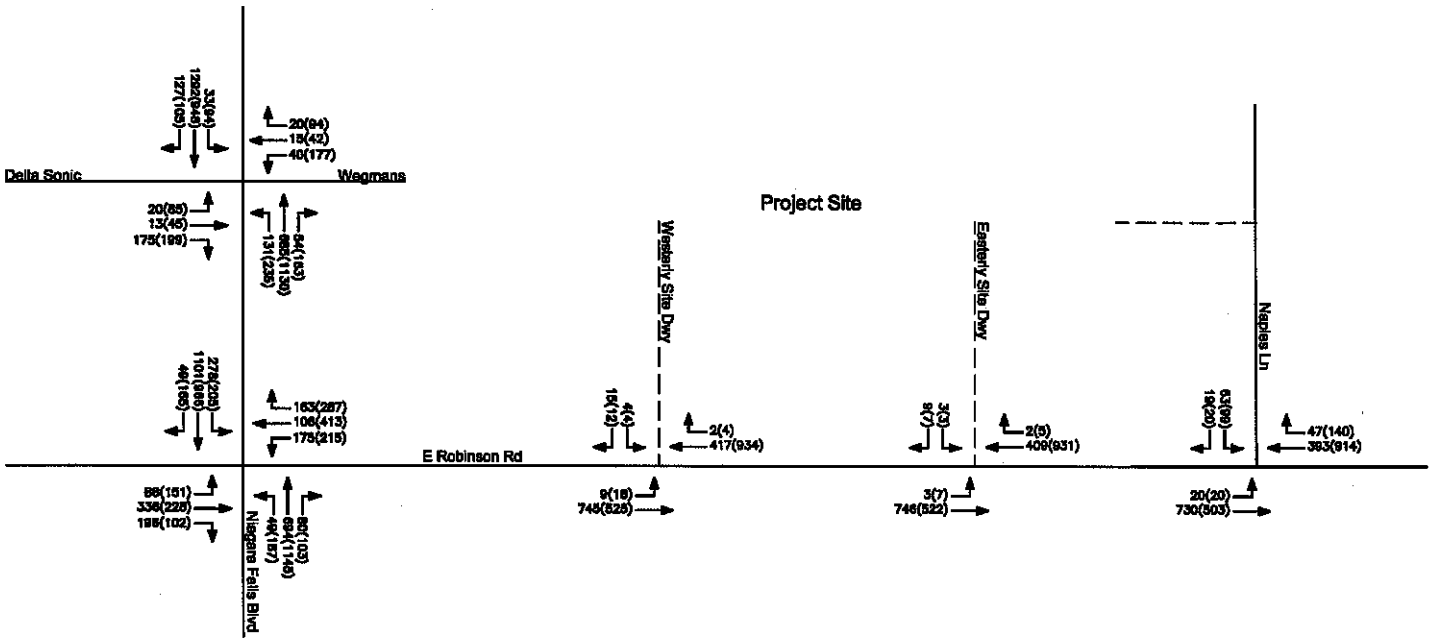
KEY:
00(00) = AM(PM)
Entering Trip
Exiting Trip
Proposed Ac

Project Number: 20243742.0001

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Figure 7

PASSER(
engineering architectu



E Robinson Residential | Town of Amherst, NY

NOT TO

Peak Hour Volumes
Full Build Conditions

KEY:
00(00) = AM(PM)
--- Proposed A

Project Number: 20243748.0001

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

APPENDICES

APPENDIX A: EXISTING TRAFFIC COUNT DATA

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Project ID: 24-400007-001
Location: Niagra Falls Blvd & Wegmans/Delta Sonic Dwy's
City: Amherst

Day: Tuesday
Date: 3/12/2024

Groups Printed - Cars, PU, Vans - Heavy Trucks

	Niagra Falls Blvd Northbound						Niagra Falls Blvd Southbound						Wegmans/Delta Sonic Dwy's Eastbound						Wegmans/Delta Sonic Dwy's Westbound						
Start Time	Left	Thru	Rgt	Uturn	Peds	App. Total	Left	Thru	Rgt	Uturn	Peds	App. Total	Left	Thru	Rgt	Uturn	Peds	App. Total	Left	Thru	Rgt	Uturn	Peds	App. Total	Int. Total
7:00 AM	31	123	14	0	0	168	7	268	34	0	0	329	4	1	29	0	1	34	3	1	1	0	0	5	536
7:15 AM	36	137	14	0	0	187	9	325	31	0	0	365	4	1	45	0	0	50	13	1	3	0	0	17	619
7:30 AM	25	175	15	0	0	215	7	373	35	0	0	415	6	2	42	0	1	50	9	4	2	0	0	15	695
7:45 AM	40	194	13	0	0	247	10	346	28	0	0	384	1	3	45	0	0	49	7	4	4	0	0	15	695
Total	132	629	56	0	0	817	33	1332	128	0	0	1493	15	7	161	0	2	183	32	10	10	0	0	52	2545
8:00 AM	28	165	11	0	0	204	4	227	31	0	0	262	9	6	40	0	0	55	10	5	5	0	0	20	541
8:15 AM	41	165	12	0	0	218	8	263	33	0	0	324	12	4	41	0	0	57	3	4	1	0	0	8	607
8:30 AM	39	135	16	0	0	190	8	270	31	0	0	309	3	7	48	0	0	58	5	7	6	0	0	18	575
8:45 AM	37	135	17	0	0	189	11	238	25	0	0	274	15	6	37	0	0	58	18	0	0	0	0	18	539
Total	145	600	56	0	0	801	31	1018	120	0	0	1169	39	23	166	0	0	228	36	16	12	0	0	64	2262
BREAK																									
4:00 PM	44	277	44	0	0	365	21	240	20	0	0	281	13	5	49	0	0	67	45	9	21	0	0	75	788
4:15 PM	68	289	43	0	0	400	20	222	26	0	0	268	14	10	40	0	0	64	40	6	17	0	0	63	795
4:30 PM	58	276	41	0	0	375	23	243	21	0	0	287	17	15	43	0	1	75	40	9	20	0	0	69	806
4:45 PM	62	260	43	0	0	365	22	233	31	0	0	286	20	11	52	0	0	83	49	10	19	0	0	78	812
Total	232	1102	171	0	0	1505	86	938	98	0	0	1122	64	41	184	0	1	289	174	34	77	0	0	285	3201
5:00 PM	57	279	36	0	0	372	24	227	27	0	0	278	22	11	50	0	0	83	46	11	29	0	0	86	819
5:15 PM	55	294	41	0	0	390	17	226	24	0	1	267	25	6	51	0	1	82	39	10	20	0	0	69	808
5:30 PM	54	281	31	0	0	366	23	221	41	0	0	285	19	8	48	0	0	75	43	9	24	0	0	76	802
5:45 PM	50	280	32	0	0	342	21	208	25	0	0	254	27	13	43	0	0	83	40	11	20	0	0	71	750
Total	216	1114	140	0	0	1470	85	882	117	0	1	1084	93	38	192	0	1	323	168	41	93	0	0	302	3179
Grand Total	725	3445	423	0	0	4593	235	4170	463	0	1	4868	211	109	703	0	4	1023	410	101	192	0	0	703	11187
Apprch %	15.8	75.0	9.2	0.0	0.0		4.8	85.7	9.5	0.0	0.0		20.6	10.7	68.7	0.0	0.4		58.3	14.4	27.3	0.0	0.0		
Total %	6.5	30.8	3.8	0.0	0.0	41.1	2.1	37.3	4.1	0.0	0.0	43.5	1.9	1.0	6.3	0.0	0.0	9.1	3.7	0.9	1.7	0.0	0.0	6.3	
Cars, PU, Vans	717	3318	414	0		4449	234	4043	461	0		4738	208	108	693	0		1009	408	99	191	0		698	10894
% Cars, PU, Vans	98.9	96.3	97.9	0.0		96.9	99.6	97.0	99.6	0.0		97.3	98.6	99.1	98.6	0.0		98.6	99.5	98.0	99.5	0.0		99.3	97.4
Heavy Trucks	8	127	9	0		144	1	127	2	0		130	3	1	10	0		14	2	2	1	0		5	293
%Heavy Trucks	1.1	3.7	2.1	0.0		3.1	0.4	3.0	0.4	0.0		2.7	1.4	0.9	1.4	0.0		1.4	0.5	2.0	0.5	0.0		0.7	2.6

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Project ID: 24-400007-001
Location: Niagra Falls Blvd & Wegmans/Delta Sonic Dwy's
City: Amherst

PEAK HOURS

Day: Tuesday
Date: 3/12/2024

AM

	Niagra Falls Blvd Northbound					Niagra Falls Blvd Southbound					Wegmans/Delta Sonic Dwy's Eastbound					Wegmans/Delta Sonic Dwy's Westbound					
Start Time	Left	Thru	Rgt	Uturn	App. Total	Left	Thru	Rgt	Uturn	App. Total	Left	Thru	Rgt	Uturn	App. Total	Left	Thru	Rgt	Uturn	App. Total	Int. Total
Peak Hour Analysis from 07:00 AM - 09:00 AM																					
Peak Hour for Entire Intersection Begins at 07:15 AM																					
7:15 AM	36	137	14	0	187	9	325	31	0	365	4	1	45	0	50	13	1	3	0	17	619
7:30 AM	25	175	15	0	215	7	373	35	0	415	6	2	42	0	50	9	4	2	0	15	695
7:45 AM	40	194	13	0	247	10	346	28	0	384	1	3	45	0	49	7	4	4	0	15	695
8:00 AM	28	165	11	0	204	4	227	31	0	262	9	6	40	0	55	10	5	5	0	20	541
Total Volume	129	671	53	0	853	30	1271	125	0	1426	20	12	172	0	204	39	14	14	0	67	2550
% App. Total	15.1	78.7	6.2	0.0	100	2.1	89.1	8.8	0.0	100	9.8	5.9	84.3	0.0	100	58.2	20.9	20.9	0.0	100	
PHF					0.863					0.859					0.927					0.838	0.917
Cars, PU, Vans	125	616	48	0	789	29	1227	125	0	1381	20	11	166	0	197	38	13	13	0	64	2431
% Cars, PU, Vans	96.9	91.8	90.6	0.0	92.5	96.7	96.5	100.0	0.0	96.8	100.0	91.7	96.5	0.0	96.6	97.4	92.9	92.9	0.0	95.5	95.3
Heavy trucks	4	55	5	0	64	1	44	0	0	45	0	1	6	0	7	1	1	1	0	3	119
%Heavy trucks	3.1	8.2	9.4	0.0	7.5	3.3	3.5	0.0	0.0	3.2	0.0	8.3	3.5	0.0	3.4	2.6	7.1	7.1	0.0	4.5	4.7

PM

	Niagra Falls Blvd Northbound					Niagra Falls Blvd Southbound					Wegmans/Delta Sonic Dwy's Eastbound					Wegmans/Delta Sonic Dwy's Westbound					
Start Time	Left	Thru	Rgt	Uturn	App. Total	Left	Thru	Rgt	Uturn	App. Total	Left	Thru	Rgt	Uturn	App. Total	Left	Thru	Rgt	Uturn	App. Total	Int. Total
Peak Hour Analysis from 04:00 PM - 08:00 PM																					
Peak Hour for Entire Intersection Begins at 04:30 PM																					
4:30 PM	58	276	41	0	375	23	243	21	0	287	17	15	43	0	75	40	9	20	0	69	806
4:45 PM	62	260	43	0	365	22	233	31	0	286	20	11	52	0	83	49	10	19	0	78	812
5:00 PM	57	279	36	0	372	24	227	27	0	278	22	11	50	0	83	46	11	29	0	86	819
5:15 PM	55	294	41	0	390	17	226	24	0	267	25	6	51	0	82	39	10	20	0	69	808
Total Volume	232	1109	161	0	1502	86	929	103	0	1118	84	43	196	0	323	174	40	88	0	302	3245
% App. Total	15.4	73.8	10.7	0.0	100	7.7	83.1	9.2	0.0	100	26.0	13.3	60.7	0.0	100	57.6	13.2	29.1	0.0	100	
PHF					0.963					0.974					0.973					0.878	0.991
Cars, PU, Vans	232	1096	160	0	1488	86	915	103	0	1104	84	43	195	0	322	174	40	88	0	302	3216
% Cars, PU, Vans	100.0	98.8	99.4	0.0	99.1	100.0	98.5	100.0	0.0	98.7	100.0	100.0	99.5	0.0	99.7	100.0	100.0	100.0	0.0	100.0	99.1
Heavy trucks	0	13	1	0	14	0	14	0	0	14	0	0	1	0	1	0	0	0	0	0	29
%Heavy trucks	0.0	1.2	0.6	0.0	0.9	0.0	1.5	0.0	0.0	1.3	0.0	0.0	0.5	0.0	0.3	0.0	0.0	0.0	0.0	0.0	0.9

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Project ID: 24-400007-002
Location: Niagra Falls Blvd & E Robinson Rd
City: Amherst

Day: Tuesday
Date: 3/12/2024

Groups Printed - Cars, PU, Vans - Heavy Trucks

	Niagra Falls Blvd Northbound						Niagra Falls Blvd Southbound						E Robinson Rd Eastbound						E Robinson Rd Westbound						
Start Time	Left	Thru	Rgt	Uturn	Peds	App. Total	Left	Thru	Rgt	Uturn	Peds	App. Total	Left	Thru	Rgt	Uturn	Peds	App. Total	Left	Thru	Rgt	Uturn	Peds	App. Total	Int. Total
7:00 AM	7	118	5	0	0	130	66	246	9	0	0	321	21	39	34	0	0	94	28	20	38	0	0	86	631
7:15 AM	11	144	15	0	0	170	73	264	15	0	0	352	21	65	46	0	0	132	30	28	31	0	0	89	743
7:30 AM	9	168	14	0	0	191	74	334	10	0	0	418	27	104	72	0	0	203	46	22	36	0	0	104	916
7:45 AM	16	196	24	0	0	236	64	309	16	0	0	389	16	79	42	0	0	137	27	25	38	0	0	90	852
Total	43	626	58	0	0	727	277	1153	50	0	0	1480	85	287	194	0	0	566	131	95	143	0	0	369	3142
8:00 AM	7	161	16	0	0	184	55	208	10	0	0	273	22	74	51	0	0	147	46	26	38	0	0	110	714
8:15 AM	16	159	17	0	0	192	77	234	12	0	0	323	22	72	28	0	0	122	39	27	47	0	0	113	750
8:30 AM	15	152	23	0	0	190	56	239	13	0	0	308	20	79	42	0	0	141	35	29	33	0	0	97	736
8:45 AM	26	158	22	0	0	206	61	224	17	0	0	302	28	66	31	0	0	125	37	37	38	0	0	112	745
Total	64	630	78	0	0	772	249	905	52	0	0	1206	92	291	152	0	0	535	157	119	156	0	0	432	2945
BREAK																									
4:00 PM	41	274	28	0	0	343	46	254	35	0	0	335	37	51	25	0	0	113	47	80	74	0	2	201	992
4:15 PM	53	299	19	0	1	371	47	225	48	0	0	320	36	61	25	0	1	122	57	87	74	0	0	218	1031
4:30 PM	40	277	22	0	1	339	49	239	34	0	0	322	39	45	25	0	1	109	53	97	62	0	0	212	982
4:45 PM	47	259	19	0	0	325	52	246	47	0	0	345	43	56	22	0	0	121	40	116	80	0	1	236	1027
Total	181	1109	88	0	2	1378	194	964	164	0	0	1322	155	213	97	0	2	465	197	380	290	0	3	867	4032
5:00 PM	44	293	26	0	2	363	49	242	34	0	0	325	31	58	28	0	2	117	50	103	65	0	0	218	1023
5:15 PM	45	274	25	0	0	344	56	237	31	0	0	324	35	54	21	0	0	110	56	101	80	0	0	237	1015
5:30 PM	37	264	23	0	0	324	41	226	39	0	0	306	38	50	18	0	0	106	49	74	66	0	0	189	925
5:45 PM	38	263	14	0	0	315	40	222	37	0	1	299	25	63	31	0	0	119	39	70	61	0	0	170	903
Total	164	1094	88	0	2	1346	186	927	141	0	1	1254	129	225	98	0	2	452	194	348	272	0	0	814	3866
Grand Total	452	3459	312	0	4	4223	906	3949	407	0	1	5262	461	1016	541	0	4	2018	679	942	861	0	3	2482	13985
Apprch %	10.7	81.9	7.4	0.0	0.1		17.2	75.0	7.7	0.0	0.0		22.8	50.3	26.8	0.0	0.2		27.4	38.0	34.7	0.0	0.1		
Total %	3.2	24.7	2.2	0.0	0.0	30.2	6.5	28.2	2.9	0.0	0.0	37.6	3.3	7.3	3.9	0.0	0.0	14.4	4.9	6.7	6.2	0.0	0.0	17.7	
Cars, PU, Vans	438	3336	291	0		4065	869	3838	401	0		5128	454	1003	523	0		1980	642	933	844	0		2419	13592
% Cars, PU, Vans	96.9	96.4	93.3	0.0		96.3	96.1	97.2	98.5	0.0		97.5	98.5	98.7	96.7	0.0		98.1	94.6	99.0	98.0	0.0		97.5	97.2
Heavy Trucks	14	123	21	0		158	17	111	6	0		134	7	13	18	0		38	37	9	17	0		63	393
%Heavy Trucks	3.1	3.6	6.7	0.0		3.7	1.9	2.8	1.5	0.0		2.5	1.5	1.3	3.3	0.0		1.9	5.4	1.0	2.0	0.0		2.5	2.8

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Project ID: 24-400007-002
Location: Niagra Falls Blvd & E Robinson Rd
City: Amherst

PEAK HOURS

Day: Tuesday
Date: 3/12/2024

AM

	Niagra Falls Blvd Northbound					Niagra Falls Blvd Southbound					E Robinson Rd Eastbound					E Robinson Rd Westbound					
Start Time	Left	Thru	Rgt	Uturn	App. Total	Left	Thru	Rgt	Uturn	App. Total	Left	Thru	Rgt	Uturn	App. Total	Left	Thru	Rgt	Uturn	App. Total	Int. Total
Peak Hour Analysis from 07:00 AM - 09:00 AM																					
Peak Hour for Entire Intersection Begins at 07:30 AM																					
7:30 AM	9	168	14	0	191	74	334	10	0	418	27	104	72	0	203	46	22	36	0	104	916
7:45 AM	16	196	24	0	236	64	309	16	0	389	16	79	42	0	137	27	25	38	0	90	852
8:00 AM	7	161	16	0	184	55	208	10	0	273	22	74	51	0	147	46	26	38	0	110	714
8:15 AM	16	159	17	0	192	77	234	12	0	323	22	72	28	0	122	39	27	47	0	113	750
Total Volume	48	684	71	0	803	270	1085	48	0	1403	87	329	193	0	609	158	100	159	0	417	3232
% App. Total	6.0	85.2	8.8	0.0	100	19.2	77.3	3.4	0.0	100	14.3	54.0	31.7	0.0	100	37.9	24.0	38.1	0.0	100	
PHF					0.851					0.839					0.750					0.923	0.882
Cars, PU, Vans	46	634	66	0	746	263	1041	45	0	1349	85	326	180	0	591	140	96	152	0	388	3074
% Cars, PU, Vans	95.8	92.7	93.0	0.0	92.9	97.4	95.9	93.8	0.0	96.2	97.7	99.1	93.3	0.0	97.0	88.6	96.0	95.6	0.0	93.0	95.1
Heavy trucks	2	50	5	0	57	7	44	3	0	54	2	3	13	0	18	18	4	7	0	29	158
%Heavy trucks	4.2	7.3	7.0	0.0	7.1	2.6	4.1	6.3	0.0	3.8	2.3	0.9	6.7	0.0	3.0	11.4	4.0	4.4	0.0	7.0	4.9

PM

	Niagra Falls Blvd Northbound					Niagra Falls Blvd Southbound					E Robinson Rd Eastbound					E Robinson Rd Westbound					
Start Time	Left	Thru	Rgt	Uturn	App. Total	Left	Thru	Rgt	Uturn	App. Total	Left	Thru	Rgt	Uturn	App. Total	Left	Thru	Rgt	Uturn	App. Total	Int. Total
Peak Hour Analysis from 04:00 PM - 06:00 PM																					
Peak Hour for Entire Intersection Begins at 04:15 PM																					
4:15 PM	53	299	19	0	371	47	225	48	0	320	36	61	25	0	122	57	87	74	0	218	1031
4:30 PM	40	277	22	0	339	49	239	34	0	322	39	45	25	0	109	53	97	62	0	212	982
4:45 PM	47	259	19	0	325	52	246	47	0	345	43	56	22	0	121	40	116	80	0	236	1027
5:00 PM	44	293	26	0	363	49	242	34	0	325	31	58	28	0	117	50	103	65	0	218	1023
Total Volume	184	1128	86	0	1398	197	952	163	0	1312	149	220	100	0	469	200	403	281	0	884	4063
% App. Total	13.2	80.7	6.2	0.0	100	15.0	72.6	12.4	0.0	100	31.8	46.9	21.3	0.0	100	22.6	45.6	31.8	0.0	100	
PHF					0.942					0.951					0.961					0.936	0.985
Cars, PU, Vans	181	1118	82	0	1381	194	941	162	0	1297	149	218	100	0	467	194	402	277	0	873	4018
% Cars, PU, Vans	98.4	99.1	95.3	0.0	98.8	98.5	98.8	99.4	0.0	98.9	100.0	99.1	100.0	0.0	99.6	97.0	99.8	98.6	0.0	98.8	98.9
Heavy trucks	3	10	4	0	17	3	11	1	0	15	0	2	0	0	2	6	1	4	0	11	45
%Heavy trucks	1.6	0.9	4.7	0.0	1.2	1.5	1.2	0.6	0.0	1.1	0.0	0.9	0.0	0.0	0.4	3.0	0.2	1.4	0.0	1.2	1.1

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Project ID: 24-400007-003
Location: Naples Ln & E Robinson Rd
City: Amherst

Day: Tuesday
Date: 3/12/2024

Groups Printed - Cars, PU, Vans - Heavy Trucks

	Naples Ln Northbound						Naples Ln Southbound						E Robinson Rd Eastbound						E Robinson Rd Westbound						
Start Time	Left	Thru	Rgt	Uturn	Peds	App. Total	Left	Thru	Rgt	Uturn	Peds	App. Total	Left	Thru	Rgt	Uturn	Peds	App. Total	Left	Thru	Rgt	Uturn	Peds	App. Total	Int. Total
7:00 AM	0	0	0	0	0	0	8	0	6	0	0	14	1	119	0	0	0	120	0	82	8	0	0	90	224
7:15 AM	0	0	0	0	0	0	19	0	6	0	0	25	3	159	0	0	0	162	0	72	13	0	0	85	272
7:30 AM	0	0	0	0	0	0	17	0	4	0	1	21	2	191	0	0	0	193	0	85	17	0	0	102	316
7:45 AM	0	0	0	0	0	0	19	0	6	0	0	25	6	191	0	0	0	197	0	98	8	0	0	106	328
Total	0	0	0	0	0	0	63	0	22	0	1	85	12	660	0	0	0	672	0	337	46	0	0	383	1140
8:00 AM	0	0	0	0	0	0	13	0	3	0	0	16	7	158	0	0	0	165	0	87	13	0	0	100	281
8:15 AM	0	0	0	0	0	0	12	0	6	0	0	18	5	171	0	0	0	176	0	113	8	0	0	121	315
8:30 AM	0	0	0	0	0	0	14	0	6	0	0	20	5	170	0	0	0	175	0	95	13	0	0	108	303
8:45 AM	0	0	0	0	0	0	9	0	8	0	0	17	8	146	0	0	0	154	0	87	8	0	0	95	266
Total	0	0	0	0	0	0	48	0	23	0	0	71	25	645	0	0	0	670	0	382	42	0	0	424	1165
BREAK																									
4:00 PM	0	0	0	0	0	0	20	0	2	0	1	22	3	126	0	0	0	129	0	200	43	0	0	243	394
4:15 PM	0	0	0	0	0	0	31	0	8	0	0	39	5	129	0	0	0	134	0	207	36	0	0	243	416
4:30 PM	0	0	0	0	1	0	26	0	7	0	0	33	3	112	0	0	0	115	0	208	33	0	0	241	389
4:45 PM	0	0	0	0	0	0	30	0	1	0	0	31	4	131	0	0	0	135	0	222	32	0	0	254	420
Total	0	0	0	0	1	0	107	0	18	0	1	125	15	498	0	0	0	513	0	837	144	0	0	981	1619
5:00 PM	0	0	0	0	1	0	20	0	6	0	0	26	10	123	0	0	0	133	0	224	41	0	0	265	424
5:15 PM	0	0	0	0	0	0	21	0	6	0	0	27	3	124	0	0	0	127	0	239	31	0	0	270	424
5:30 PM	0	0	0	0	0	0	20	0	4	0	0	24	4	114	0	0	0	118	0	171	20	0	0	191	333
5:45 PM	0	0	0	0	0	0	21	0	2	0	0	23	4	123	0	0	0	127	0	178	16	0	0	194	344
Total	0	0	0	0	1	0	82	0	18	0	0	100	21	484	0	0	0	505	0	812	108	0	0	920	1525
Grand Total	0	0	0	0	2	0	300	0	81	0	2	381	73	2287	0	0	0	2360	0	2368	340	0	0	2708	5449
Apprch %	0.0	0.0	0.0	0.0	0.0		78.7	0.0	21.3	0.0	0.5		3.1	96.9	0.0	0.0	0.0		0.0	87.4	12.6	0.0	0.0		
Total %	0.0	0.0	0.0	0.0	0.0	0.0	5.5	0.0	1.5	0.0	0.0	7.0	1.3	42.0	0.0	0.0	0.0	43.3	0.0	43.5	6.2	0.0	0.0	49.7	
Cars, PU, Vans	0	0	0	0		0	298	0	79	0		377	70	2244	0	0		2314	0	2311	337	0		2648	5339
% Cars, PU, Vans	0.0	0.0	0.0	0.0		0.0	99.3	0.0	97.5	0.0		99.0	95.9	98.1	0.0	0.0		98.1	0.0	97.6	99.1	0.0		97.8	98.0
Heavy Trucks	0	0	0	0		0	2	0	2	0		4	3	43	0	0		46	0	57	3	0		60	110
%Heavy trucks	0.0	0.0	0.0	0.0		0.0	0.7	0.0	2.5	0.0		1.0	4.1	1.9	0.0	0.0		1.9	0.0	2.4	0.9	0.0		2.2	2.0

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Project ID: 24-400007-003
Location: Naples Ln & E Robinson Rd
City: Amherst

PEAK HOURS

Day: Tuesday
Date: 3/12/2024

AM

	Naples Ln Northbound					Naples Ln Southbound					E Robinson Rd Eastbound					E Robinson Rd Westbound					
Start Time	Left	Thru	Rgt	Uturn	App. Total	Left	Thru	Rgt	Uturn	App. Total	Left	Thru	Rgt	Uturn	App. Total	Left	Thru	Rgt	Uturn	App. Total	Int. Total
Peak Hour Analysis from 07:00 AM - 09:00 AM																					
Peak Hour for Entire Intersection Begins at 07:30 AM																					
7:30 AM	0	0	0	0	0	17	0	4	0	21	2	191	0	0	193	0	85	17	0	102	316
7:45 AM	0	0	0	0	0	19	0	6	0	25	6	191	0	0	197	0	98	8	0	106	328
8:00 AM	0	0	0	0	0	13	0	3	0	16	7	158	0	0	165	0	87	13	0	100	281
8:15 AM	0	0	0	0	0	12	0	6	0	18	5	171	0	0	176	0	113	8	0	121	315
Total Volume	0	0	0	0	0	61	0	19	0	80	20	711	0	0	731	0	383	46	0	429	1240
% App. Total	0.0	0.0	0.0	0.0	0	76.3	0.0	23.8	0.0	100	2.7	97.3	0.0	0.0	100	0.0	89.3	10.7	0.0	100	
PHF										0.800					0.928					0.886	0.945
Cars, PU, Vans	0	0	0	0	0	61	0	17	0	78	19	696	0	0	715	0	360	45	0	405	1198
% Cars, PU, Vans	0.0	0.0	0.0	0.0	0.0	100.0	0.0	89.5	0.0	97.5	95.0	97.9	0.0	0.0	97.8	0.0	94.0	97.8	0.0	94.4	96.6
Heavy trucks	0	0	0	0	0	0	0	2	0	2	1	15	0	0	16	0	23	1	0	24	42
%Heavy trucks	0.0	0.0	0.0	0.0	0.0	0.0	0.0	10.5	0.0	2.5	5.0	2.1	0.0	0.0	2.2	0.0	6.0	2.2	0.0	5.6	3.4

PM

	Naples Ln Northbound					Naples Ln Southbound					E Robinson Rd Eastbound					E Robinson Rd Westbound					
Start Time	Left	Thru	Rgt	Uturn	App. Total	Left	Thru	Rgt	Uturn	App. Total	Left	Thru	Rgt	Uturn	App. Total	Left	Thru	Rgt	Uturn	App. Total	Int. Total
Peak Hour Analysis from 04:00 PM - 06:00 PM																					
Peak Hour for Entire Intersection Begins at 04:30 PM																					
4:30 PM	0	0	0	0	0	26	0	7	0	33	3	112	0	0	115	0	208	33	0	241	389
4:45 PM	0	0	0	0	0	30	0	1	0	31	4	131	0	0	135	0	222	32	0	254	420
5:00 PM	0	0	0	0	0	20	0	6	0	26	10	123	0	0	133	0	224	41	0	265	424
5:15 PM	0	0	0	0	0	21	0	6	0	27	3	124	0	0	127	0	239	31	0	270	424
Total Volume	0	0	0	0	0	97	0	20	0	117	20	490	0	0	510	0	893	137	0	1030	1657
% App. Total	0.0	0.0	0.0	0.0	0	82.9	0.0	17.1	0.0	100	3.9	96.1	0.0	0.0	100	0.0	86.7	13.3	0.0	100	
PHF										0.886					0.939					0.954	0.978
Cars, PU, Vans	0	0	0	0	0	96	0	20	0	116	20	482	0	0	502	0	884	137	0	1021	1639
% Cars, PU, Vans	0.0	0.0	0.0	0.0	0.0	99.0	0.0	100.0	0.0	99.1	100.0	98.4	0.0	0.0	98.4	0.0	99.0	100.0	0.0	99.1	98.9
Heavy trucks	0	0	0	0	0	1	0	0	0	1	0	8	0	0	8	0	9	0	0	9	18
%Heavy trucks	0.0	0.0	0.0	0.0	0.0	1.0	0.0	0.0	0.0	0.9	0.0	1.6	0.0	0.0	1.6	0.0	1.0	0.0	0.0	0.9	1.1

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

APPENDIX B: MISCELLANEOUS CALCULATIONS

East Robinson Residential
Town of Amherst, NY
Documentation of Ambient Traffic Volume Growth

Roadway	Segment starts at	Segment end at	2010	2011	2014	2016	2017	2019	Annual Growth
Niagara Falls Blvd	E Robinson Rd	Erie/Niagara Co Line	34,514			34,541		31,910	-0.87%
E Robinson Rd	Niagara Falls Blvd	N French Rd		16,729				16,393	-0.25%
E Robinson Rd	Sweent St	Erie Canal	12,281		11,563		12,309		0.03%
								Average	**-0.36%**

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

PASSERO
engineering architecture

Intersection Crash Rate Calculations
East Robinson Residential

Intersection #1: Niagara Falls Blvd at Wegmans Dwy at Delta Sonic Dwy
Date of Count: Tuesday, March 12, 2024

Number of Crashes: 10
Number of Injuries: 6
Number of Fatalities: 0
Entering Vehicles (PM): 3245
ADT: 34158
Start Date: August 31, 2018
End Date: August 31, 2023
Number of Years: 5

Intersection Type: 4 Legged
Area Type: Urban
Control Type: Signal w/ Left Turn 5 or More Lanes

$$\text{crash rate} = \frac{\text{Number of Crashes} \times 1\ \text{Million}}{\text{ADT} \times 365\ \text{Days per Year} \times \text{Number of Years}}$$

$$\text{crash rate} = \frac{10 \times 1{,}000{,}000}{34158 \times 365 \times 5}$$

	Crash Rate		Fatality Rate	Injury Rate
Study Intersection	**0.16**	**cr/mve**	**0%**	**60%**
Statewide Average*	**0.26**	**cr/mve**		

ADT = Average Daily Total vehicles entering intersection
cr/mve = crashes per million entering vehicles
* Most recent available 2019 Average Crash Rates for State Highways by Facility Type

Type	Direction: Northbound	Southbound	Eastbound	Westbound	Unknown	Totals
Left turn						0
Rear-end	3	3		1		7
Overtaking						0
Right Angle						0
Right Turn	1					1
Head On						0
Side-swipe	1	1				2
Fixed Object						0
Backing						0
Other						0
Bike/Ped						0
Animal						0
Totals	5	4	0	1	0	10

PDO	4
Injury	6
Injury + PDO	
Fatal	
NR	
Total	10

Intersection Crash Rate Calculations
East Robinson Residential

Intersection #2: Niagara Falls Blvd at East Robinson Rd
Date of Count: Tuesday, March 12, 2024

Number of Crashes: 81
Number of Injuries: 28
Number of Fatalities: 0
Entering Vehicles (PM): 4053
ADT: 42768
Start Date: August 31, 2018
End Date: August 31, 2023
Number of Years: 5

Intersection Type: 4 Legged
Area Type: Urban
Control Type: Signal w/ Left Turn 5 or More Lanes

$$\text{crash rate} = \frac{\text{Number of Crashes} \times 1\ \text{Million}}{\text{ADT} \times 365\ \text{Days per Year} \times \text{Number of Years}}$$

$$\text{crash rate} = \frac{81 \times 1{,}000{,}000}{42768 \times 365 \times 5}$$

	Crash Rate		Fatality Rate	Injury Rate
Study Intersection	**1.04**	**cr/mve**	**0%**	**35%**
Statewide Average*	**0.26**	**cr/mve**		

ADT = Average Daily Total vehicles entering intersection
cr/mve = crashes per million entering vehicles
* Most recent available 2019 Average Crash Rates for State Highways by Facility Type

Type	Direction: Northbound	Southbound	Eastbound	Westbound	Unknown	Totals
Left turn	2	5	4	2	1	14
Rear-end	18	14	2	6	1	41
Overtaking						0
Right Angle		4	1	1		6
Right Turn			2	2		4
Head On						0
Side-swipe	4	4	3	2		13
Fixed Object			1	1		2
Backing						0
Other						0
Bike/Ped		1				1
Animal						0
Totals	24	28	13	14	2	81

PDO	53
Injury	28
Injury + PDO	
Fatal	
NR	
Total	81

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

PASSERO
engineering architecture

Intersection Crash Rate Calculations
East Robinson Residential

Intersection #4:	East Robinson Rd at Naples Ln
Date of Count:	Tuesday, March 12, 2024
Number of Crashes:	3
Number of Injuries:	2
Number of Fatalities:	0
Entering Vehicles (PM):	1657
ADT:	17442
Start Date:	August 31, 2018
End Date:	August 31, 2023
Number of Years:	5
Intersection Type:	3 Legged
Area Type:	Urban
Control Type:	Sign 5 or More Lanes

$$\text{crash rate} = \frac{\text{Number of Crashes} \times 1\ \text{Million}}{\text{ADT} \times 365\ \text{Days per Year} \times \text{Number of Years}}$$

$$\text{crash rate} = \frac{3 \times 1{,}000{,}000}{17442 \times 365 \times 5}$$

	Crash Rate		Fatality Rate	Injury Rate
Study Intersection	**0.09**	**cr/mve**	**0%**	**67%**
Statewide Average*	**0.07**	**cr/mve**		

ADT = Average Daily Total vehicles entering intersection
cr/mve = crashes per million entering vehicles
* Most recent available 2019 Average Crash Rates for State Highways by Facility Type

Type	Direction: Northbound	Southbound	Eastbound	Westbound	Unknown	Totals
Left turn		1				1
Rear-end						0
Overtaking						0
Right Angle		1				1
Right Turn						0
Head On						0
Side-swipe						0
Fixed Object						0
Backing						0
Other						0
Bike/Ped						0
Animal			1			1
Totals	0	2	1	0	0	3

PDO	1
Injury	2
Injury + PDO	
Fatal	
NR	
Total	3

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Project: **East Robinson Residential**
Location: **Town of Amherst, NY**
Peak Hour: **Weekday AM**

Figure Number: 3 | 4 (Num of yrs: 3) | 5 | 6 | 7

Location Number	Intersection	2024 Collected Volumes	No Build Volumes 0.5%	Trip Generation and Distribution				Total Site Trips	Full Build Volumes
				Enter Dist. %	Exit Dist. %	Trips IN 22	Trips OUT 43		
1	Niagara Falls Boulevard at Delta Sonic / Wegmans								
	SR	125	127						127
	ST	1271	1290	10%		2		2	1292
	SL	30	30	15%		3		3	33
	WR	14	14		15%		6	6	20
	WT	14	14		3%		1	1	15
	WL	39	40						40
	NR	53	54						54
	NT	671	681		10%		4	4	685
	NL	129	131						131
	ER	172	175						175
	ET	12	12	3%		1		1	13
	EL	20	20						20
2	Niagara Falls Boulevard at East Robinson Road								
	SR	48	49						49
	ST	1085	1101						1101
	SL	270	274	10%		2		2	276
	WR	159	161		5%		2	2	163
	WT	100	102		10%		4	4	106
	WL	158	160		35%		15	15	175
	NR	71	72	35%		8		8	80
	NT	684	694						694
	NL	48	49						49
	ER	193	196						196
	ET	329	334	10%		2		2	336
	EL	87	88						88
3	Proposed Westerly Driveway at East Robinson Road								
	SR				35%		15	15	15
	ST								
	SL				10%		4	4	4
	WR			8%		2		2	2
	WT	402	408		20%		9	9	417
	WL								
	NR								
	NT								
	NL								
	ER								
	ET	731	742	15%		3		3	745
	EL			40%		9		9	9
4	Proposed Easterly Driveway at East Robinson Road								
	SR				20%		9	9	9
	ST								
	SL				8%		3	3	3
	WR			10%		2		2	2
	WT	402	408	8%		1		1	409
	WL								
	NR								
	NT								
	NL								
	ER								
	ET	731	742		10%		4	4	746
	EL			15%		3		3	3
5	Naples Lane at East Robinson Road								
	SR	19	19						19
	ST								
	SL	61	62		2%		1	1	63
	WR	46	47	2%		0		0	47
	WT	383	389	18%		4		4	393
	WL								
	NR								
	NT								
	NL								
	ER								
	ET	711	722		18%		8	8	730
	EL	20	20						20

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Project: **East Robinson Residential**
Location: **Town of Amherst, NY**
Peak Hour: **Weekday PM**

Figure Number: 3 | 4 | 5 | 6 | 7

Num of yrs: 3

Location Number	Intersection	2024 Collected Volumes	No Build Volumes 0.5%	Trip Generation and Distribution				Total Site Trips	Full Build Volumes
				Enter Dist. %	Exit Dist. %	Trips IN 45	Trips OUT 35		
1	Niagara Falls Boulevard at Delta Sonic / Wegmans								
	SR	103	105						105
	ST	929	943	10%		5		5	948
	SL	86	87	15%		7		7	94
	WR	88	89		15%		5	5	94
	WT	40	41		3%		1	1	42
	WL	174	177						177
	NR	161	163						163
	NT	1109	1126		10%		4	4	1130
	NL	232	235						235
	ER	196	199						199
	ET	43	44	3%		1		1	45
	EL	84	85						85
2	Niagara Falls Boulevard at East Robinson Road								
	SR	163	165						165
	ST	952	966						966
	SL	197	200	10%		5		5	205
	WR	281	285		5%		2	2	287
	WT	403	409		10%		4	4	413
	WL	200	203		35%		12	12	215
	NR	86	87	35%		16		16	103
	NT	1128	1145						1145
	NL	184	187						187
	ER	100	102						102
	ET	220	223	10%		5		5	228
	EL	149	151						151
3	Proposed Westerly Driveway at East Robinson Road								
	SR				35%		12	12	12
	ST								
	SL				10%		4	4	4
	WR			8%		4		4	4
	WT	913	927		20%		7	7	934
	WL								
	NR								
	NT								
	NL								
	ER								
	ET	510	518	15%		7		7	525
	EL			40%		18		18	18
4	Proposed Easterly Driveway at East Robinson Road								
	SR				20%		7	7	7
	ST								
	SL				8%		3	3	3
	WR			10%		5		5	5
	WT	913	927	8%		4		4	931
	WL								
	NR								
	NT								
	NL								
	ER								
	ET	510	518		10%		4	4	522
	EL			15%		7		7	7
5	Naples Lane at East Robinson Road								
	SR	20	20						20
	ST								
	SL	97	98		2%		1	1	99
	WR	137	139	2%		1		1	140
	WT	893	906	18%		8		8	914
	WL								
	NR								
	NT								
	NL								
	ER								
	ET	490	497		18%		6	6	503
	EL	20	20						20

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

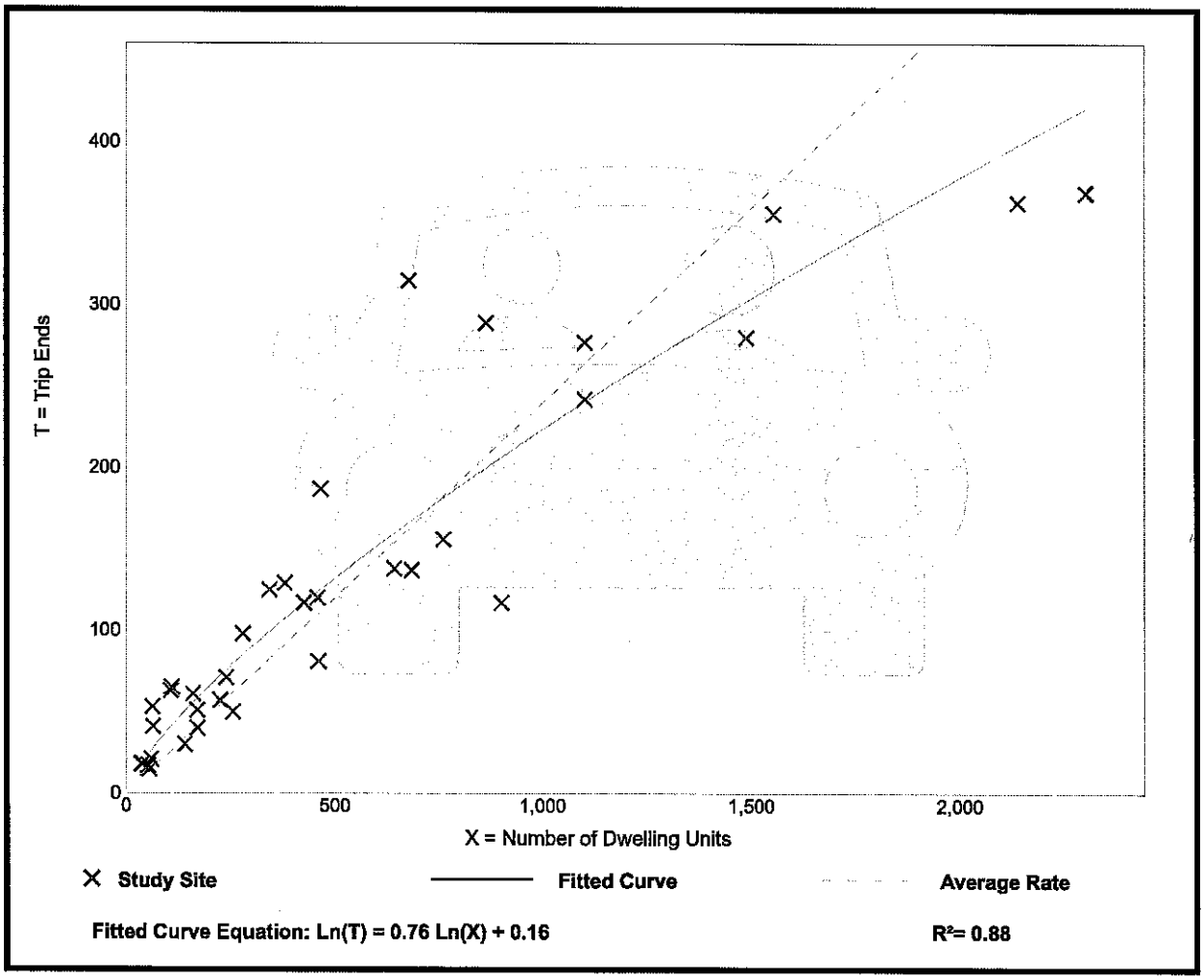
Senior Adult Housing - Single-Family
(251)

Vehicle Trip Ends vs:	**Dwelling Units**
On a:	**Weekday,**
	Peak Hour of Adjacent Street Traffic,
	One Hour Between 7 and 9 a.m.
Setting/Location:	**General Urban/Suburban**
Number of Studies:	34
Avg. Num. of Dwelling Units:	557
Directional Distribution:	33% entering, 67% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.24	0.13 - 0.84	0.10

Data Plot and Equation



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Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

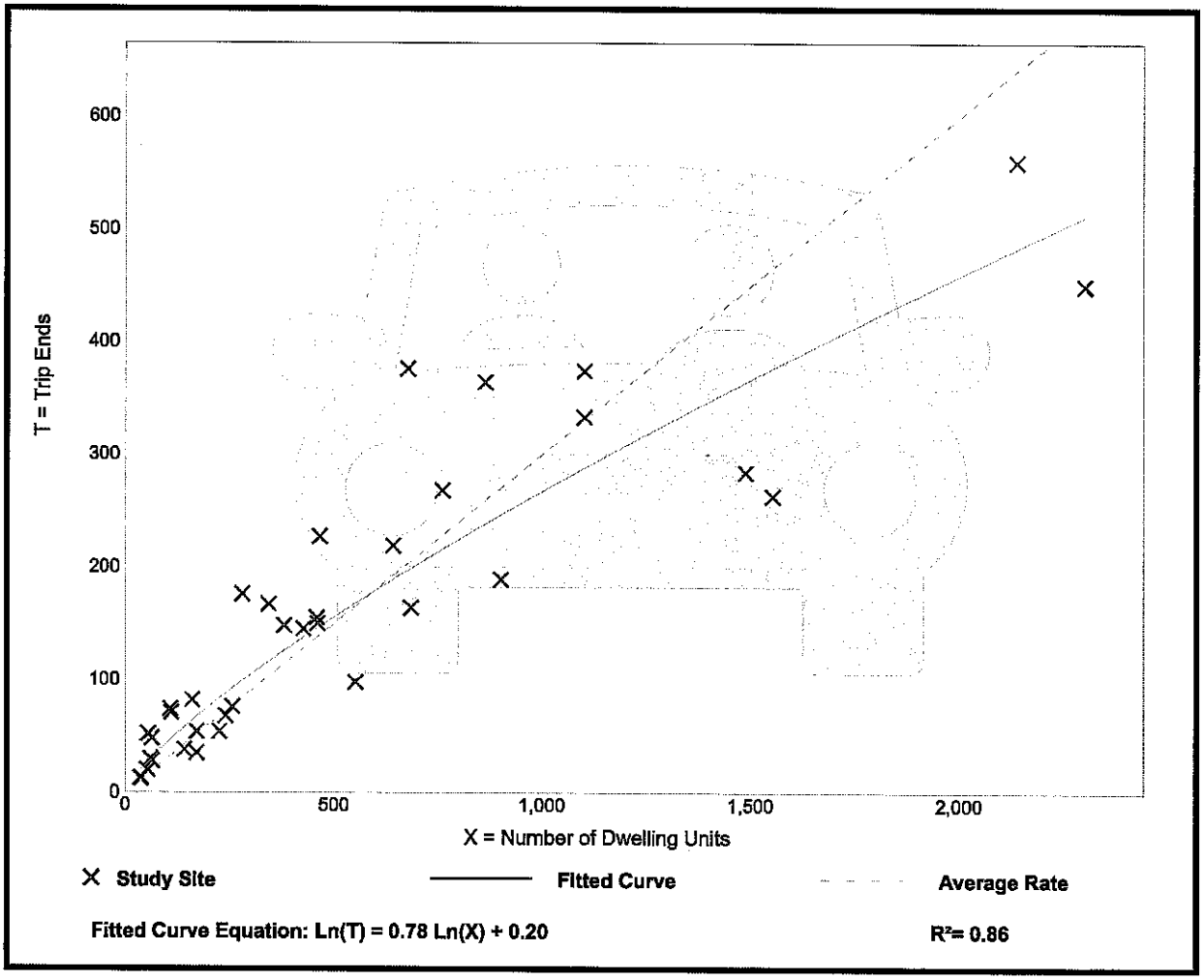
Senior Adult Housing - Single-Family
(251)

Vehicle Trip Ends vs:	**Dwelling Units**
On a:	**Weekday,**
	Peak Hour of Adjacent Street Traffic,
	One Hour Between 4 and 6 p.m.
Setting/Location:	**General Urban/Suburban**
Number of Studies:	35
Avg. Num. of Dwelling Units:	556
Directional Distribution:	61% entering, 39% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.30	0.17 - 0.95	0.12

Data Plot and Equation



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Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

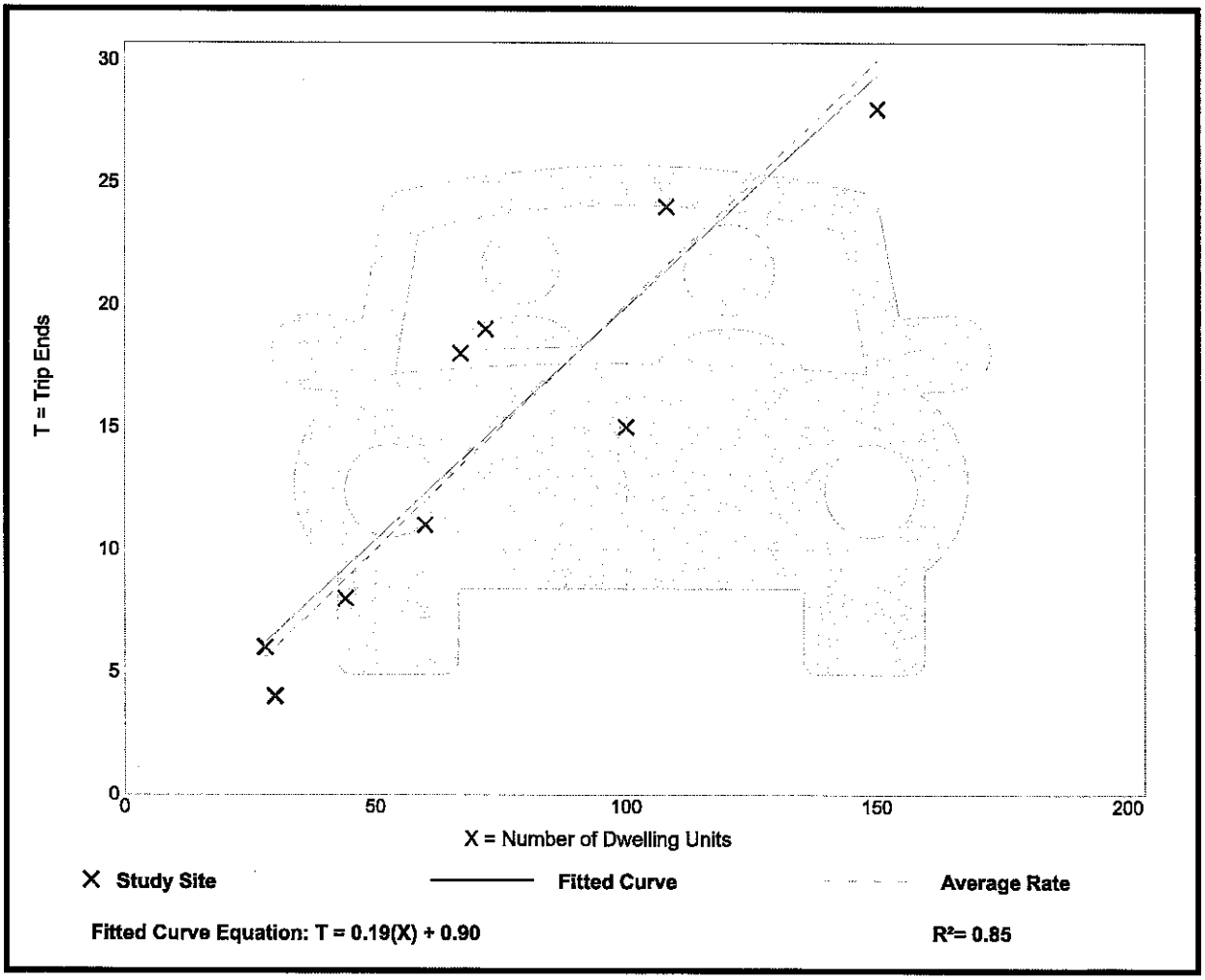
Senior Adult Housing - Multifamily
(252)

Vehicle Trip Ends vs: **Dwelling Units**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 9
Avg. Num. of Dwelling Units: 73
Directional Distribution: 34% entering, 66% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.20	0.13 - 0.27	0.04

Data Plot and Equation



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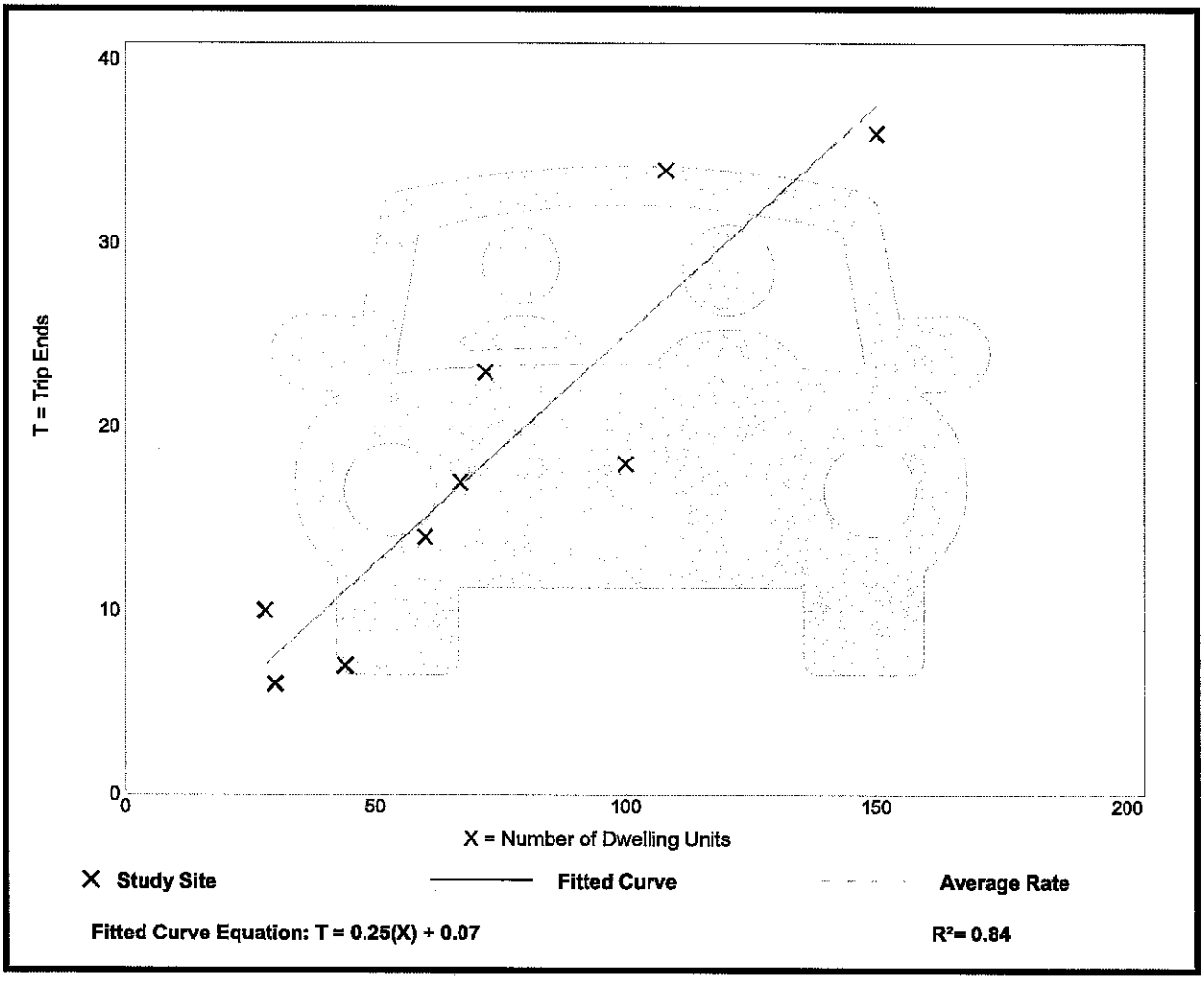
Senior Adult Housing - Multifamily
(252)

Vehicle Trip Ends vs:	**Dwelling Units**
On a:	**Weekday,**
	Peak Hour of Adjacent Street Traffic,
	One Hour Between 4 and 6 p.m.
Setting/Location:	**General Urban/Suburban**
Number of Studies:	9
Avg. Num. of Dwelling Units:	73
Directional Distribution:	56% entering, 44% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.25	0.16 - 0.36	0.06

Data Plot and Equation



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Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

APPENDIX C: LOS CALCULATIONS – EXISTING CONDITIONS

Lanes, Volumes, Timings
1: Niagara Falls Boulevard & Delta Sonic Driveway/Wegmans Driveway

2024 Existing AM
03/25/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	20	12	172	39	14	14	129	671	53	30	1271	125
Future Volume (vph)	20	12	172	39	14	14	129	671	53	30	1271	125
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	0		0	160		140	145		225
Storage Lanes	2		0	1		1	1		1	1		1
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	0.97	1.00	1.00	0.95	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00
Frt		0.860				0.850			0.850			0.850
Flt Protected	0.950			0.950	0.976		0.950			0.950		
Satd. Flow (prot)	3502	1581	0	1665	1677	1509	1752	3343	1482	1752	3505	1615
Flt Permitted	0.950			0.950	0.976		0.136			0.369		
Satd. Flow (perm)	3502	1581	0	1665	1677	1509	251	3343	1482	681	3505	1615
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		187				62			104			95
Link Speed (mph)		30			30			40			40	
Link Distance (ft)		595			761			833			999	
Travel Time (s)		13.5			17.3			14.2			17.0	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles (%)	0%	8%	3%	3%	7%	7%	3%	8%	9%	3%	3%	0%
Adj. Flow (vph)	22	13	187	42	15	15	140	729	58	33	1382	136
Shared Lane Traffic (%)				33%								
Lane Group Flow (vph)	22	200	0	28	29	15	140	729	58	33	1382	136
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		24			24			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane								Yes			Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	Split	NA		Split	NA	pm+ov	pm+pt	NA	Perm	pm+pt	NA	pm+ov
Protected Phases	4	4		8	8	1	5	2		1	6	4
Permitted Phases						8	2		2	6		6
Detector Phase	4	4		8	8	1	5	2	2	1	6	4
Switch Phase												
Minimum Initial (s)	6.0	6.0		6.0	6.0	3.0	3.0	15.0	15.0	3.0	15.0	6.0
Minimum Split (s)	35.1	35.1		40.1	40.1	11.0	11.0	34.0	34.0	11.0	34.0	35.1
Total Split (s)	35.0	35.0		40.0	40.0	25.0	25.0	60.0	60.0	25.0	60.0	35.0
Total Split (%)	21.9%	21.9%		25.0%	25.0%	15.6%	15.6%	37.5%	37.5%	15.6%	37.5%	21.9%
Maximum Green (s)	28.9	28.9		33.9	33.9	19.0	19.0	54.0	54.0	19.0	54.0	28.9
Yellow Time (s)	3.2	3.2		3.2	3.2	3.9	3.9	3.9	3.9	3.9	3.9	3.2
All-Red Time (s)	2.9	2.9		2.9	2.9	2.1	2.1	2.1	2.1	2.1	2.1	2.9
Lost Time Adjust (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	6.1	6.1		6.1	6.1	6.0	6.0	6.0	6.0	6.0	6.0	6.1
Lead/Lag						Lead	Lead	Lag	Lag	Lead	Lag	
Lead-Lag Optimize?						Yes	Yes	Yes	Yes	Yes	Yes	
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	2.7	2.7	3.0	2.7	3.0
Recall Mode	Min	Min		Min	Min	None	None	C-Max	C-Max	None	C-Max	Min

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
1: Niagara Falls Boulevard & Delta Sonic Driveway/Wegmans Driveway

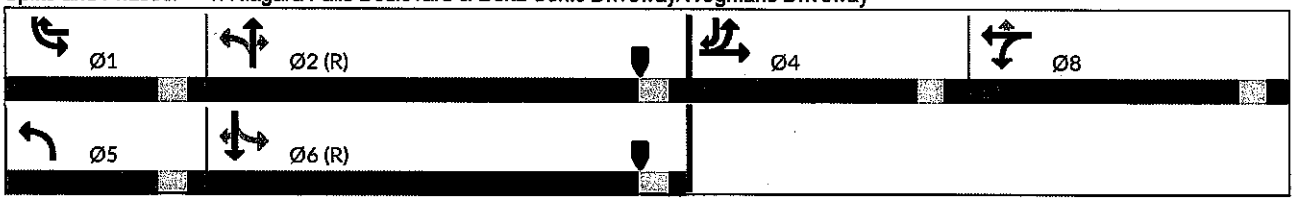
2024 Existing AM
03/25/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Walk Time (s)	7.0	7.0		7.0	7.0			7.0	7.0		7.0	7.0
Flash Dont Walk (s)	22.0	22.0		27.0	27.0			21.0	21.0		21.0	22.0
Pedestrian Calls (#/hr)	0	0		0	0			0	0		0	0
Act Effct Green (s)	9.3	9.3		8.4	8.4	20.7	122.5	114.2	114.2	114.0	107.8	123.1
Actuated g/C Ratio	0.06	0.06		0.05	0.05	0.13	0.77	0.71	0.71	0.71	0.67	0.77
v/c Ratio	0.10	0.74		0.32	0.33	0.06	0.48	0.30	0.05	0.06	0.58	0.10
Control Delay (s/veh)	70.0	28.5		82.0	82.4	0.4	24.4	6.6	0.2	5.9	16.7	2.1
Queue Delay	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay (s/veh)	70.0	28.5		82.0	82.4	0.4	24.4	6.6	0.2	5.9	16.7	2.1
LOS	E	C		F	F	A	C	A	A	A	B	A
Approach Delay (s/veh)		32.6			65.2			8.9			15.3	
Approach LOS		C			E			A			B	
Queue Length 50th (ft)	11	13		30	31	0	47	92	0	6	351	9
Queue Length 95th (ft)	26	97		67	69	0	128	133	m1	20	605	33
Internal Link Dist (ft)		515			681			753			919	
Turn Bay Length (ft)							160		140	145		225
Base Capacity (vph)	632	438		352	355	365	372	2385	1087	652	2361	1450
Starvation Cap Reductn	0	0		0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0		0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0		0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.03	0.46		0.08	0.08	0.04	0.38	0.31	0.05	0.05	0.59	0.09

Intersection Summary

Area Type: Other
Cycle Length: 160
Actuated Cycle Length: 160
Offset: 0 (0%), Referenced to phase 2:NBTL and 6:SBTL, Start of Yellow
Natural Cycle: 145
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.75
Intersection Signal Delay (s/veh): 15.8 Intersection LOS: B
Intersection Capacity Utilization 74.8% ICU Level of Service D
Analysis Period (min) 15
m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 1: Niagara Falls Boulevard & Delta Sonic Driveway/Wegmans Driveway



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
2: Niagara Falls Boulevard & East Robinson Road

2024 Existing AM
03/25/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	87	329	193	158	100	159	48	684	71	270	1085	48
Future Volume (vph)	87	329	193	158	100	159	48	684	71	270	1085	48
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	105		0	235		0	145		0	295		0
Storage Lanes	1		0	1		0	1		0	1		0
Taper Length (ft)	35			50			25			25		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95
Frt		0.945			0.908			0.986			0.994	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	3305	0	1626	3152	0	1736	3327	0	1752	3447	0
Flt Permitted	0.572			0.113			0.112			0.189		
Satd. Flow (perm)	1065	3305	0	193	3152	0	205	3327	0	349	3447	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		65			181			8			3	
Link Speed (mph)		30			40			40			40	
Link Distance (ft)		1369			1445			678			833	
Travel Time (s)		31.1			24.6			11.6			14.2	
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Heavy Vehicles (%)	2%	1%	7%	11%	4%	4%	4%	7%	7%	3%	4%	6%
Adj. Flow (vph)	99	374	219	180	114	181	55	777	81	307	1233	55
Shared Lane Traffic (%)												
Lane Group Flow (vph)	99	593	0	180	295	0	55	858	0	307	1288	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane					Yes			Yes			Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA		pm+pt	NA		pm+pt	NA		pm+pt	NA	
Protected Phases	3	8		7	4		5	2		1	6	
Permitted Phases	8			4			2			6		
Detector Phase	3	8		7	4		5	2		1	6	
Switch Phase												
Minimum Initial (s)	3.0	6.0		3.0	6.0		3.0	15.0		1.0	15.0	
Minimum Split (s)	10.1	39.1		10.1	39.1		9.6	38.6		9.5	38.6	
Total Split (s)	22.0	36.0		29.0	43.0		35.0	70.0		25.0	60.0	
Total Split (%)	13.8%	22.5%		18.1%	26.9%		21.9%	43.8%		15.6%	37.5%	
Maximum Green (s)	14.9	28.9		21.9	35.9		28.4	63.4		18.4	53.4	
Yellow Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
All-Red Time (s)	3.1	3.1		3.1	3.1		2.6	2.6		2.6	2.6	
Lost Time Adjust (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Lost Time (s)	7.1	7.1		7.1	7.1		6.6	6.6		6.6	6.6	
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	
Vehicle Extension (s)	3.0	2.7		3.0	2.7		3.0	2.7		3.0	2.7	
Recall Mode	None	None		None	None		None	C-Max		None	C-Max	

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
2: Niagara Falls Boulevard & East Robinson Road

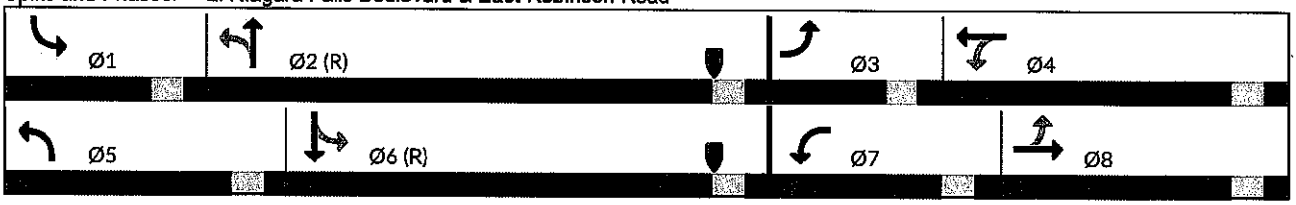
2024 Existing AM
03/25/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Walk Time (s)		7.0			7.0			7.0			7.0	
Flash Dont Walk (s)		25.0			25.0			25.0			25.0	
Pedestrian Calls (#/hr)		0			0			0			0	
Act Effct Green (s)	39.7	28.2		55.0	36.4		74.6	66.7		91.2	79.2	
Actuated g/C Ratio	0.25	0.18		0.34	0.23		0.47	0.42		0.57	0.50	
v/c Ratio	0.31	0.93		0.74	0.34		0.32	0.61		0.86	0.75	
Control Delay (s/veh)	39.1	80.0		59.6	20.3		22.5	39.3		45.0	25.2	
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Delay (s/veh)	39.1	80.0		59.6	20.3		22.5	39.3		45.0	25.2	
LOS	D	F		E	C		C	D		D	C	
Approach Delay (s/veh)		74.2			35.2			38.4			29.1	
Approach LOS		E			D			D			C	
Queue Length 50th (ft)	70	292		135	49		26	378		111	607	
Queue Length 95th (ft)	114	#384		215	92		48	441		#283	626	
Internal Link Dist (ft)		1289			1365			598			753	
Turn Bay Length (ft)	105			235			145			295		
Base Capacity (vph)	352	650		262	873		388	1391		360	1706	
Starvation Cap Reductn	0	0		0	0		0	0		0	0	
Spillback Cap Reductn	0	0		0	0		0	0		0	0	
Storage Cap Reductn	0	0		0	0		0	0		0	0	
Reduced v/c Ratio	0.28	0.91		0.69	0.34		0.14	0.62		0.85	0.75	

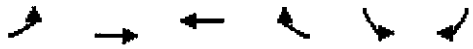
Intersection Summary

Area Type: Other
Cycle Length: 160
Actuated Cycle Length: 160
Offset: 0 (0%), Referenced to phase 2:NBTL and 6:SBTL, Start of Yellow
Natural Cycle: 110
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.93
Intersection Signal Delay (s/veh): 40.7 Intersection LOS: D
Intersection Capacity Utilization 83.0% ICU Level of Service E
Analysis Period (min) 15
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Splits and Phases: 2: Niagara Falls Boulevard & East Robinson Road



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	20	711	383	46	61	19
Future Volume (vph)	20	711	383	46	61	19
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	150			0	0	0
Storage Lanes	1			0	1	0
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	0.95	0.95	0.95	1.00	1.00
Frt			0.984		0.968	
Flt Protected	0.950				0.963	
Satd. Flow (prot)	1719	3539	3365	0	1730	0
Flt Permitted	0.950				0.963	
Satd. Flow (perm)	1719	3539	3365	0	1730	0
Link Speed (mph)		40	40		30	
Link Distance (ft)		1445	787		800	
Travel Time (s)		24.6	12.5		11.3	
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94
Heavy Vehicles (%)	5%	2%	6%	2%	0%	10%
Adj. Flow (vph)	21	756	407	49	65	20
Shared Lane Traffic (%)						
Lane Group Flow (vph)	21	756	456	0	85	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		12	12		12	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		16	16		16	
Two way Left Turn Lane		Yes	Yes			
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15			9	15	9
Sign Control		Free	Free		Stop	

Intersection Summary			
Area Type:	Other		
Control Type: Unsignalized			
Intersection Capacity Utilization 30.9%		ICU Level of Service A	
Analysis Period (min) 15			

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Intersection	
Int Delay, s/veh	1.1

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	20	711	383	46	61	19
Future Vol, veh/h	20	711	383	46	61	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	94	94	94	94	94	94
Heavy Vehicles, %	5	2	6	2	0	10
Mvmt Flow	21	756	407	49	65	20

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	456	0	-	0	853	228
Stage 1	-	-	-	-	432	-
Stage 2	-	-	-	-	421	-
Critical Hdwy	4.2	-	-	-	6.8	7.1
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.25	-	-	-	3.5	3.4
Pot Cap-1 Maneuver	1080	-	-	-	302	750
Stage 1	-	-	-	-	628	-
Stage 2	-	-	-	-	636	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1080	-	-	-	296	750
Mov Cap-2 Maneuver	-	-	-	-	421	-
Stage 1	-	-	-	-	616	-
Stage 2	-	-	-	-	636	-

Approach	EB	WB	SB
HCM Control Delay, s/v	0.23	0	14.35
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1080	-	-	-	470
HCM Lane V/C Ratio	0.02	-	-	-	0.181
HCM Control Delay (s/veh)	8.4	-	-	-	14.4
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0.1	-	-	-	0.7

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
1: Niagara Falls Boulevard & Delta Sonic Driveway/Wegmans Driveway

2024 Existing PM
03/25/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	84	43	196	174	40	88	232	1109	161	86	929	103
Future Volume (vph)	84	43	196	174	40	88	232	1109	161	86	929	103
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	0		0	160		140	145		225
Storage Lanes	2		0	1		1	1		1	1		1
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	0.97	1.00	1.00	0.95	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00
Frt		0.877				0.850			0.850			0.850
Flt Protected	0.950			0.950	0.969		0.950			0.950		
Satd. Flow (prot)	3502	1653	0	1715	1749	1615	1805	3574	1599	1805	3539	1615
Flt Permitted	0.950			0.950	0.969		0.219			0.202		
Satd. Flow (perm)	3502	1653	0	1715	1749	1615	416	3574	1599	384	3539	1615
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		113				89			92			93
Link Speed (mph)		30			30			40			40	
Link Distance (ft)		595			761			833			999	
Travel Time (s)		13.5			17.3			14.2			17.0	
Peak Hour Factor	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99
Heavy Vehicles (%)	0%	0%	1%	0%	0%	0%	0%	1%	1%	0%	2%	0%
Adj. Flow (vph)	85	43	198	176	40	89	234	1120	163	87	938	104
Shared Lane Traffic (%)				39%								
Lane Group Flow (vph)	85	241	0	107	109	89	234	1120	163	87	938	104
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		24			24			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane								Yes			Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	Split	NA		Split	NA	pm+ov	pm+pt	NA	Perm	pm+pt	NA	pm+ov
Protected Phases	4	4		8	8	1	5	2		1	6	4
Permitted Phases						8	2		2	6		6
Detector Phase	4	4		8	8	1	5	2	2	1	6	4
Switch Phase												
Minimum Initial (s)	6.0	6.0		6.0	6.0	3.0	3.0	15.0	15.0	3.0	15.0	6.0
Minimum Split (s)	35.1	35.1		40.1	40.1	11.0	11.0	34.0	34.0	11.0	34.0	35.1
Total Split (s)	40.0	40.0		40.0	40.0	30.0	35.0	70.0	70.0	30.0	65.0	40.0
Total Split (%)	22.2%	22.2%		22.2%	22.2%	16.7%	19.4%	38.9%	38.9%	16.7%	36.1%	22.2%
Maximum Green (s)	33.9	33.9		33.9	33.9	24.0	29.0	64.0	64.0	24.0	59.0	33.9
Yellow Time (s)	3.2	3.2		3.2	3.2	3.9	3.9	3.9	3.9	3.9	3.9	3.2
All-Red Time (s)	2.9	2.9		2.9	2.9	2.1	2.1	2.1	2.1	2.1	2.1	2.9
Lost Time Adjust (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	6.1	6.1		6.1	6.1	6.0	6.0	6.0	6.0	6.0	6.0	6.1
Lead/Lag						Lead	Lead	Lag	Lag	Lead	Lag	
Lead-Lag Optimize?						Yes	Yes	Yes	Yes	Yes	Yes	
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	2.7	2.7	3.0	2.7	3.0
Recall Mode	Min	Min		Min	Min	None	None	C-Max	C-Max	None	C-Max	Min

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
1: Niagara Falls Boulevard & Delta Sonic Driveway/Wegmans Driveway

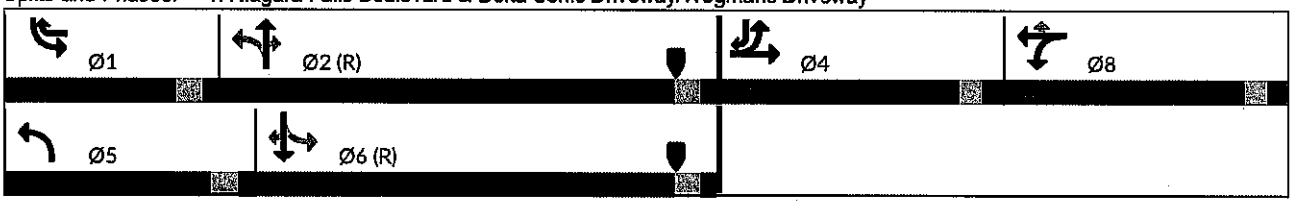
2024 Existing PM
03/25/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Walk Time (s)	7.0	7.0		7.0	7.0			7.0	7.0		7.0	7.0
Flash Dont Walk (s)	22.0	22.0		27.0	27.0			21.0	21.0		21.0	22.0
Pedestrian Calls (#/hr)	0	0		0	0			0	0		0	0
Act Effct Green (s)	20.4	20.4		16.6	16.6	32.8	124.1	108.7	108.7	110.7	100.6	127.0
Actuated g/C Ratio	0.11	0.11		0.09	0.09	0.18	0.69	0.60	0.60	0.62	0.56	0.71
v/c Ratio	0.21	0.83		0.67	0.67	0.24	0.54	0.51	0.16	0.27	0.47	0.08
Control Delay (s/veh)	71.3	64.5		99.3	98.9	10.8	23.9	16.9	6.7	14.1	28.1	2.8
Queue Delay	0.0	0.0		0.0	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.0
Total Delay (s/veh)	71.3	64.5		99.3	98.9	10.8	23.9	17.1	6.7	14.1	28.1	2.8
LOS	E	E		F	F	B	C	B	A	B	C	A
Approach Delay (s/veh)		66.3			73.4			17.1			24.7	
Approach LOS		E			E			B			C	
Queue Length 50th (ft)	47	154		131	133	0	73	237	10	31	340	4
Queue Length 95th (ft)	73	249		202	204	50	m204	351	m50	70	550	32
Internal Link Dist (ft)		515			681			753			919	
Turn Bay Length (ft)							160		140	145		225
Base Capacity (vph)	659	403		322	329	484	512	2157	1001	449	1977	1280
Starvation Cap Reductn	0	0		0	0	0	0	283	0	0	0	0
Spillback Cap Reductn	0	0		0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0		0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.13	0.60		0.33	0.33	0.18	0.46	0.60	0.16	0.19	0.47	0.08

Intersection Summary

Area Type: Other
Cycle Length: 180
Actuated Cycle Length: 180
Offset: 0 (0%), Referenced to phase 2:NBTL and 6:SBTL, Start of Yellow
Natural Cycle: 135
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.84
Intersection Signal Delay (s/veh): 29.8 Intersection LOS: C
Intersection Capacity Utilization 78.9% ICU Level of Service D
Analysis Period (min) 15
m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 1: Niagara Falls Boulevard & Delta Sonic Driveway/Wegmans Driveway



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
2: Niagara Falls Boulevard & East Robinson Road

2024 Existing PM
03/25/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	149	220	100	200	403	281	184	1128	86	197	952	163
Future Volume (vph)	149	220	100	200	403	281	184	1128	86	197	952	163
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	105		0	235		0	145		0	295		0
Storage Lanes	1		0	1		0	1		0	1		0
Taper Length (ft)	35			50			25			25		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95
Frt		0.953			0.938			0.989			0.978	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1805	3417	0	1752	3353	0	1770	3525	0	1770	3496	0
Flt Permitted	0.124			0.365			0.120			0.074		
Satd. Flow (perm)	236	3417	0	673	3353	0	224	3525	0	138	3496	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		37			89			5			11	
Link Speed (mph)		30			40			40			40	
Link Distance (ft)		1369			1445			678			833	
Travel Time (s)		31.1			24.6			11.6			14.2	
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
Heavy Vehicles (%)	0%	1%	0%	3%	1%	1%	2%	1%	5%	2%	1%	1%
Adj. Flow (vph)	152	224	102	204	411	287	188	1151	88	201	971	166
Shared Lane Traffic (%)												
Lane Group Flow (vph)	152	326	0	204	698	0	188	1239	0	201	1137	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane					Yes			Yes			Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA		pm+pt	NA		pm+pt	NA		pm+pt	NA	
Protected Phases	3	8		7	4		5	2		1	6	
Permitted Phases	8			4			2			6		
Detector Phase	3	8		7	4		5	2		1	6	
Switch Phase												
Minimum Initial (s)	3.0	6.0		3.0	6.0		3.0	15.0		1.0	15.0	
Minimum Split (s)	10.1	39.1		10.1	39.1		9.6	38.6		9.5	38.6	
Total Split (s)	35.0	45.0		35.0	45.0		35.0	65.0		35.0	65.0	
Total Split (%)	19.4%	25.0%		19.4%	25.0%		19.4%	36.1%		19.4%	36.1%	
Maximum Green (s)	27.9	37.9		27.9	37.9		28.4	58.4		28.4	58.4	
Yellow Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
All-Red Time (s)	3.1	3.1		3.1	3.1		2.6	2.6		2.6	2.6	
Lost Time Adjust (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Lost Time (s)	7.1	7.1		7.1	7.1		6.6	6.6		6.6	6.6	
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	
Vehicle Extension (s)	3.0	2.7		3.0	2.7		3.0	2.7		3.0	2.7	
Recall Mode	None	None		None	None		None	C-Max		None	C-Max	

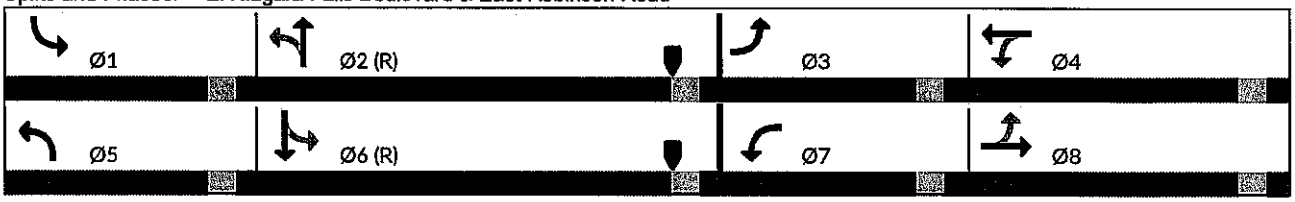
Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Walk Time (s)		7.0			7.0			7.0			7.0	
Flash Dont Walk (s)		25.0			25.0			25.0			25.0	
Pedestrian Calls (#/hr)		0			0			0			0	
Act Effct Green (s)	49.5	32.3		57.4	36.2		96.6	77.8		101.7	80.4	
Actuated g/C Ratio	0.28	0.18		0.32	0.20		0.54	0.43		0.57	0.45	
v/c Ratio	0.70	0.50		0.59	0.93		0.66	0.81		0.74	0.72	
Control Delay (s/veh)	63.4	61.5		51.5	81.6		36.5	50.6		76.9	35.3	
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Delay (s/veh)	63.4	61.5		51.5	81.6		36.5	50.6		76.9	35.3	
LOS	E	E		D	F		D	D		E	D	
Approach Delay (s/veh)		62.1			74.9			48.8			41.6	
Approach LOS		E			E			D			D	
Queue Length 50th (ft)	129	163		180	380		102	679		159	625	
Queue Length 95th (ft)	195	217		242	#487		196	#943		284	#809	
Internal Link Dist (ft)		1289			1365			598			753	
Turn Bay Length (ft)	105			235			145			295		
Base Capacity (vph)	319	748		391	776		373	1526		337	1566	
Starvation Cap Reductn	0	0		0	0		0	0		0	0	
Spillback Cap Reductn	0	0		0	0		0	0		0	0	
Storage Cap Reductn	0	0		0	0		0	0		0	0	
Reduced v/c Ratio	0.48	0.44		0.52	0.90		0.50	0.81		0.60	0.73	

Intersection Summary

Area Type: Other
Cycle Length: 180
Actuated Cycle Length: 180
Offset: 0 (0%), Referenced to phase 2:NBTL and 6:SBTL, Start of Yellow
Natural Cycle: 110
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.94
Intersection Signal Delay (s/veh): 53.7 Intersection LOS: D
Intersection Capacity Utilization 96.1% ICU Level of Service F
Analysis Period (min) 15
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

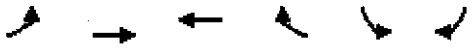
Splits and Phases: 2: Niagara Falls Boulevard & East Robinson Road



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
5: East Robinson Road & Naples Lane

2024 Existing PM
03/25/2024



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	20	490	893	137	97	20
Future Volume (vph)	20	490	893	137	97	20
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	150			0	0	0
Storage Lanes	1			0	1	0
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	0.95	0.95	0.95	1.00	1.00
Frt			0.980		0.977	
Flt Protected	0.950				0.960	
Satd. Flow (prot)	1805	3539	3507	0	1767	0
Flt Permitted	0.950				0.960	
Satd. Flow (perm)	1805	3539	3507	0	1767	0
Link Speed (mph)		40	40		30	
Link Distance (ft)		1445	787		800	
Travel Time (s)		24.6	12.5		11.3	
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98
Heavy Vehicles (%)	0%	2%	1%	0%	1%	0%
Adj. Flow (vph)	20	500	911	140	99	20
Shared Lane Traffic (%)						
Lane Group Flow (vph)	20	500	1051	0	119	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		12	12		12	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		16	16		16	
Two way Left Turn Lane		Yes	Yes			
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15			9	15	9
Sign Control		Free	Free		Stop	

Intersection Summary			
Area Type:	Other		
Control Type: Unsignalized			
Intersection Capacity Utilization 42.3%		ICU Level of Service A	
Analysis Period (min) 15			

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Intersection	
Int Delay, s/veh	2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	20	490	893	137	97	20
Future Vol, veh/h	20	490	893	137	97	20
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	98	98	98	98	98	98
Heavy Vehicles, %	0	2	1	0	1	0
Mvmt Flow	20	500	911	140	99	20

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	1051	0	-	0	1272	526
Stage 1	-	-	-	-	981	-
Stage 2	-	-	-	-	291	-
Critical Hdwy	4.1	-	-	-	6.82	6.9
Critical Hdwy Stg 1	-	-	-	-	5.82	-
Critical Hdwy Stg 2	-	-	-	-	5.82	-
Follow-up Hdwy	2.2	-	-	-	3.51	3.3
Pot Cap-1 Maneuver	670	-	-	-	161	502
Stage 1	-	-	-	-	326	-
Stage 2	-	-	-	-	736	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	670	-	-	-	156	502
Mov Cap-2 Maneuver	-	-	-	-	257	-
Stage 1	-	-	-	-	316	-
Stage 2	-	-	-	-	736	-

Approach	EB	WB	SB
HCM Control Delay, s/v	0.41	0	27.04
HCM LOS			D

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	670	-	-	-	280
HCM Lane V/C Ratio	0.03	-	-	-	0.426
HCM Control Delay (s/veh)	10.5	-	-	-	27
HCM Lane LOS	B	-	-	-	D
HCM 95th %tile Q(veh)	0.1	-	-	-	2

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

APPENDIX D: LOS CALCULATIONS – BACKGROUND CONDITIONS

Lanes, Volumes, Timings
1: Niagara Falls Boulevard & Delta Sonic Driveway/Wegmans Driveway

2027 Background AM
03/25/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	20	12	175	40	14	14	131	681	54	30	1290	127
Future Volume (vph)	20	12	175	40	14	14	131	681	54	30	1290	127
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	0		0	160		140	145		225
Storage Lanes	2		0	1		1	1		1	1		1
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	0.97	1.00	1.00	0.95	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00
Frt		0.860				0.850			0.850			0.850
Flt Protected	0.950			0.950	0.976		0.950			0.950		
Satd. Flow (prot)	3502	1581	0	1665	1677	1509	1752	3343	1482	1752	3505	1615
Flt Permitted	0.950			0.950	0.976		0.131			0.365		
Satd. Flow (perm)	3502	1581	0	1665	1677	1509	242	3343	1482	673	3505	1615
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		190				62			104			95
Link Speed (mph)		30			30			40			40	
Link Distance (ft)		595			761			833			999	
Travel Time (s)		13.5			17.3			14.2			17.0	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles (%)	0%	8%	3%	3%	7%	7%	3%	8%	9%	3%	3%	0%
Adj. Flow (vph)	22	13	190	43	15	15	142	740	59	33	1402	138
Shared Lane Traffic (%)				33%								
Lane Group Flow (vph)	22	203	0	29	29	15	142	740	59	33	1402	138
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		24			24			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane								Yes			Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	Split	NA		Split	NA	pm+ov	pm+pt	NA	Perm	pm+pt	NA	pm+ov
Protected Phases	4	4		8	8	1	5	2		1	6	4
Permitted Phases						8	2		2	6		6
Detector Phase	4	4		8	8	1	5	2	2	1	6	4
Switch Phase												
Minimum Initial (s)	6.0	6.0		6.0	6.0	3.0	3.0	15.0	15.0	3.0	15.0	6.0
Minimum Split (s)	35.1	35.1		40.1	40.1	11.0	11.0	34.0	34.0	11.0	34.0	35.1
Total Split (s)	35.0	35.0		40.0	40.0	25.0	25.0	60.0	60.0	25.0	60.0	35.0
Total Split (%)	21.9%	21.9%		25.0%	25.0%	15.6%	15.6%	37.5%	37.5%	15.6%	37.5%	21.9%
Maximum Green (s)	28.9	28.9		33.9	33.9	19.0	19.0	54.0	54.0	19.0	54.0	28.9
Yellow Time (s)	3.2	3.2		3.2	3.2	3.9	3.9	3.9	3.9	3.9	3.9	3.2
All-Red Time (s)	2.9	2.9		2.9	2.9	2.1	2.1	2.1	2.1	2.1	2.1	2.9
Lost Time Adjust (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	6.1	6.1		6.1	6.1	6.0	6.0	6.0	6.0	6.0	6.0	6.1
Lead/Lag						Lead	Lead	Lag	Lag	Lead	Lag	
Lead-Lag Optimize?						Yes	Yes	Yes	Yes	Yes	Yes	
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	2.7	2.7	3.0	2.7	3.0
Recall Mode	Min	Min		Min	Min	None	None	C-Max	C-Max	None	C-Max	Min

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
1: Niagara Falls Boulevard & Delta Sonic Driveway/Wegmans Driveway

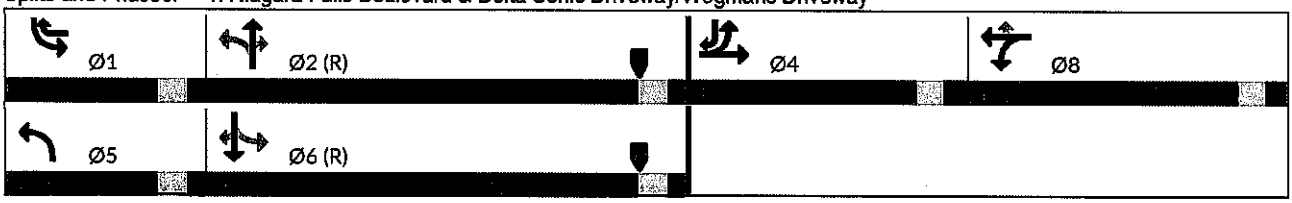
2027 Background AM
03/25/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Walk Time (s)	7.0	7.0		7.0	7.0			7.0	7.0		7.0	7.0
Flash Dont Walk (s)	22.0	22.0		27.0	27.0			21.0	21.0		21.0	22.0
Pedestrian Calls (#/hr)	0	0		0	0			0	0		0	0
Act Effct Green (s)	9.3	9.3		8.4	8.4	20.7	122.6	114.2	114.2	113.9	107.6	122.9
Actuated g/C Ratio	0.06	0.06		0.05	0.05	0.13	0.77	0.71	0.71	0.71	0.67	0.77
v/c Ratio	0.10	0.74		0.33	0.33	0.06	0.50	0.31	0.05	0.06	0.59	0.10
Control Delay (s/veh)	70.0	28.4		82.6	82.4	0.4	26.6	8.6	0.9	6.0	17.0	2.2
Queue Delay	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay (s/veh)	70.0	28.4		82.6	82.4	0.4	26.6	8.6	0.9	6.0	17.1	2.2
LOS	E	C		F	F	A	C	A	A	A	B	A
Approach Delay (s/veh)		32.5			65.7			10.9			15.6	
Approach LOS		C			E			B			B	
Queue Length 50th (ft)	11	13		31	31	0	63	94	0	6	361	9
Queue Length 95th (ft)	26	98		69	69	0	m151	186	m3	20	623	34
Internal Link Dist (ft)		515			681			753			919	
Turn Bay Length (ft)							160		140	145		225
Base Capacity (vph)	632	441		352	355	365	367	2385	1086	646	2357	1449
Starvation Cap Reductn	0	0		0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	3		0	0	0	0	0	0	0	64	0
Storage Cap Reductn	0	0		0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.03	0.46		0.08	0.08	0.04	0.39	0.31	0.05	0.05	0.61	0.10

Intersection Summary

Area Type: Other
Cycle Length: 160
Actuated Cycle Length: 160
Offset: 0 (0%), Referenced to phase 2:NBTL and 6:SBTL, Start of Yellow
Natural Cycle: 145
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.75
Intersection Signal Delay (s/veh): 16.7 Intersection LOS: B
Intersection Capacity Utilization 75.9% ICU Level of Service D
Analysis Period (min) 15
m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 1: Niagara Falls Boulevard & Delta Sonic Driveway/Wegmans Driveway



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
2: Niagara Falls Boulevard & East Robinson Road

2027 Background AM
03/25/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	88	334	196	160	102	161	49	694	72	274	1101	49
Future Volume (vph)	88	334	196	160	102	161	49	694	72	274	1101	49
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	105		0	235		0	145		0	295		0
Storage Lanes	1		0	1		0	1		0	1		0
Taper Length (ft)	35			50			25			25		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95
Frt		0.945			0.908			0.986			0.994	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	3305	0	1626	3152	0	1736	3327	0	1752	3447	0
Flt Permitted	0.569			0.110			0.115			0.163		
Satd. Flow (perm)	1060	3305	0	188	3152	0	210	3327	0	301	3447	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		66			183			7			4	
Link Speed (mph)		30			40			40			40	
Link Distance (ft)		1369			1445			678			833	
Travel Time (s)		31.1			24.6			11.6			14.2	
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Heavy Vehicles (%)	2%	1%	7%	11%	4%	4%	4%	7%	7%	3%	4%	6%
Adj. Flow (vph)	100	380	223	182	116	183	56	789	82	311	1251	56
Shared Lane Traffic (%)												
Lane Group Flow (vph)	100	603	0	182	299	0	56	871	0	311	1307	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane					Yes			Yes			Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA		pm+pt	NA		pm+pt	NA		pm+pt	NA	
Protected Phases	3	8		7	4		5	2		1	6	
Permitted Phases	8			4			2			6		
Detector Phase	3	8		7	4		5	2		1	6	
Switch Phase												
Minimum Initial (s)	3.0	6.0		3.0	6.0		3.0	15.0		1.0	15.0	
Minimum Split (s)	10.1	39.1		10.1	39.1		9.6	38.6		9.5	38.6	
Total Split (s)	20.0	38.0		27.0	45.0		18.0	60.0		35.0	77.0	
Total Split (%)	12.5%	23.8%		16.9%	28.1%		11.3%	37.5%		21.9%	48.1%	
Maximum Green (s)	12.9	30.9		19.9	37.9		11.4	53.4		28.4	70.4	
Yellow Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
All-Red Time (s)	3.1	3.1		3.1	3.1		2.6	2.6		2.6	2.6	
Lost Time Adjust (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Lost Time (s)	7.1	7.1		7.1	7.1		6.6	6.6		6.6	6.6	
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	
Vehicle Extension (s)	3.0	2.7		3.0	2.7		3.0	2.7		3.0	2.7	
Recall Mode	None	None		None	None		None	C-Max		None	C-Max	

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
2: Niagara Falls Boulevard & East Robinson Road

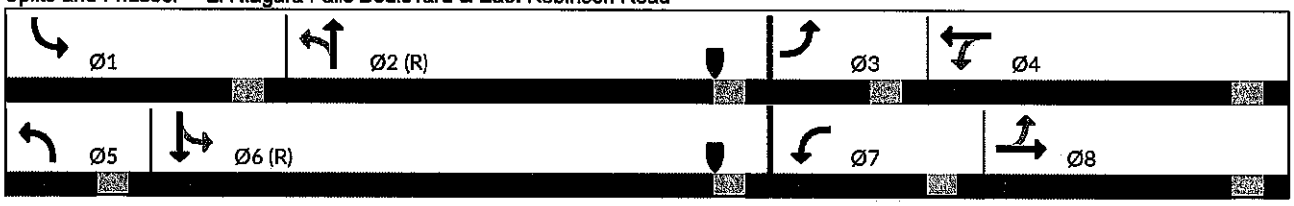
2027 Background AM
03/25/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Walk Time (s)		7.0			7.0			7.0			7.0	
Flash Dont Walk (s)		25.0			25.0			25.0			25.0	
Pedestrian Calls (#/hr)		0			0			0			0	
Act Effct Green (s)	40.5	29.3		55.2	37.0		68.9	61.0		91.0	79.0	
Actuated g/C Ratio	0.25	0.18		0.35	0.23		0.43	0.38		0.57	0.49	
v/c Ratio	0.31	0.91		0.78	0.34		0.33	0.68		0.81	0.76	
Control Delay (s/veh)	39.0	75.9		64.0	20.1		24.8	46.1		39.3	25.6	
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.1	
Total Delay (s/veh)	39.0	75.9		64.0	20.1		24.8	46.1		39.3	25.7	
LOS	D	E		E	C		C	D		D	C	
Approach Delay (s/veh)		70.7			36.7			44.8			28.3	
Approach LOS		E			D			D			C	
Queue Length 50th (ft)	71	293		137	50		26	415		114	621	
Queue Length 95th (ft)	115	#366		#232	91		48	498		232	611	
Internal Link Dist (ft)		1289			1365			598			753	
Turn Bay Length (ft)	105			235			145			295		
Base Capacity (vph)	337	691		243	893		203	1272		428	1703	
Starvation Cap Reductn	0	0		0	0		0	0		0	32	
Spillback Cap Reductn	0	0		0	0		0	0		0	0	
Storage Cap Reductn	0	0		0	0		0	0		0	0	
Reduced v/c Ratio	0.30	0.87		0.75	0.33		0.28	0.68		0.73	0.78	

Intersection Summary

Area Type: Other
Cycle Length: 160
Actuated Cycle Length: 160
Offset: 0 (0%), Referenced to phase 2:NBTL and 6:SBTL, Start of Yellow
Natural Cycle: 110
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.91
Intersection Signal Delay (s/veh): 41.5 Intersection LOS: D
Intersection Capacity Utilization 83.9% ICU Level of Service E
Analysis Period (min) 15
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Splits and Phases: 2: Niagara Falls Boulevard & East Robinson Road



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	20	722	389	47	62	19
Future Volume (vph)	20	722	389	47	62	19
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	150			0	0	0
Storage Lanes	1			0	1	0
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	0.95	0.95	0.95	1.00	1.00
Frt			0.984		0.969	
Flt Protected	0.950				0.963	
Satd. Flow (prot)	1719	3539	3365	0	1733	0
Flt Permitted	0.950				0.963	
Satd. Flow (perm)	1719	3539	3365	0	1733	0
Link Speed (mph)		40	40		30	
Link Distance (ft)		1445	787		800	
Travel Time (s)		24.6	12.5		11.3	
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94
Heavy Vehicles (%)	5%	2%	6%	2%	0%	10%
Adj. Flow (vph)	21	768	414	50	66	20
Shared Lane Traffic (%)						
Lane Group Flow (vph)	21	768	464	0	86	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		12	12		12	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		16	16		16	
Two way Left Turn Lane		Yes	Yes			
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15			9	15	9
Sign Control		Free	Free		Stop	

Intersection Summary

Area Type: Other
Control Type: Unsignalized
Intersection Capacity Utilization 31.2% ICU Level of Service A
Analysis Period (min) 15

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Intersection	
Int Delay, s/veh	1.1

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	20	722	389	47	62	19
Future Vol, veh/h	20	722	389	47	62	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	94	94	94	94	94	94
Heavy Vehicles, %	5	2	6	2	0	10
Mvmt Flow	21	768	414	50	66	20

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	464	0	-	0	865	232
Stage 1	-	-	-	-	439	-
Stage 2	-	-	-	-	427	-
Critical Hdwy	4.2	-	-	-	6.8	7.1
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.25	-	-	-	3.5	3.4
Pot Cap-1 Maneuver	1073	-	-	-	297	746
Stage 1	-	-	-	-	623	-
Stage 2	-	-	-	-	632	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1073	-	-	-	291	746
Mov Cap-2 Maneuver	-	-	-	-	416	-
Stage 1	-	-	-	-	611	-
Stage 2	-	-	-	-	632	-

Approach	EB	WB	SB
HCM Control Delay, s/v	0.23	0	14.51
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1073	-	-	-	464
HCM Lane V/C Ratio	0.02	-	-	-	0.186
HCM Control Delay (s/veh)	8.4	-	-	-	14.5
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0.1	-	-	-	0.7

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
1: Niagara Falls Boulevard & Delta Sonic Driveway/Wegmans Driveway

2027 Background PM
03/25/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	85	44	199	177	41	89	235	1126	163	87	943	105
Future Volume (vph)	85	44	199	177	41	89	235	1126	163	87	943	105
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	0		0	160		140	145		225
Storage Lanes	2		0	1		1	1		1	1		1
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	0.97	1.00	1.00	0.95	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00
Frt		0.877				0.850			0.850			0.850
Flt Protected	0.950			0.950	0.969		0.950			0.950		
Satd. Flow (prot)	3502	1653	0	1715	1749	1615	1805	3574	1599	1805	3539	1615
Flt Permitted	0.950			0.950	0.969		0.211			0.197		
Satd. Flow (perm)	3502	1653	0	1715	1749	1615	401	3574	1599	374	3539	1615
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		113				90			92			94
Link Speed (mph)		30			30			40			40	
Link Distance (ft)		595			761			833			999	
Travel Time (s)		13.5			17.3			14.2			17.0	
Peak Hour Factor	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99
Heavy Vehicles (%)	0%	0%	1%	0%	0%	0%	0%	1%	1%	0%	2%	0%
Adj. Flow (vph)	86	44	201	179	41	90	237	1137	165	88	953	106
Shared Lane Traffic (%)				39%								
Lane Group Flow (vph)	86	245	0	109	111	90	237	1137	165	88	953	106
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		24			24			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane								Yes			Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	Split	NA		Split	NA	pm+ov	pm+pt	NA	Perm	pm+pt	NA	pm+ov
Protected Phases	4	4		8	8	1	5	2		1	6	4
Permitted Phases						8	2		2	6		6
Detector Phase	4	4		8	8	1	5	2	2	1	6	4
Switch Phase												
Minimum Initial (s)	6.0	6.0		6.0	6.0	3.0	3.0	15.0	15.0	3.0	15.0	6.0
Minimum Split (s)	35.1	35.1		40.1	40.1	11.0	11.0	34.0	34.0	11.0	34.0	35.1
Total Split (s)	40.0	40.0		40.0	40.0	30.0	35.0	70.0	70.0	30.0	65.0	40.0
Total Split (%)	22.2%	22.2%		22.2%	22.2%	16.7%	19.4%	38.9%	38.9%	16.7%	36.1%	22.2%
Maximum Green (s)	33.9	33.9		33.9	33.9	24.0	29.0	64.0	64.0	24.0	59.0	33.9
Yellow Time (s)	3.2	3.2		3.2	3.2	3.9	3.9	3.9	3.9	3.9	3.9	3.2
All-Red Time (s)	2.9	2.9		2.9	2.9	2.1	2.1	2.1	2.1	2.1	2.1	2.9
Lost Time Adjust (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	6.1	6.1		6.1	6.1	6.0	6.0	6.0	6.0	6.0	6.0	6.1
Lead/Lag						Lead	Lead	Lag	Lag	Lead	Lag	
Lead-Lag Optimize?						Yes	Yes	Yes	Yes	Yes	Yes	
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	2.7	2.7	3.0	2.7	3.0
Recall Mode	Min	Min		Min	Min	None	None	C-Max	C-Max	None	C-Max	Min

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
1: Niagara Falls Boulevard & Delta Sonic Driveway/Wegmans Driveway

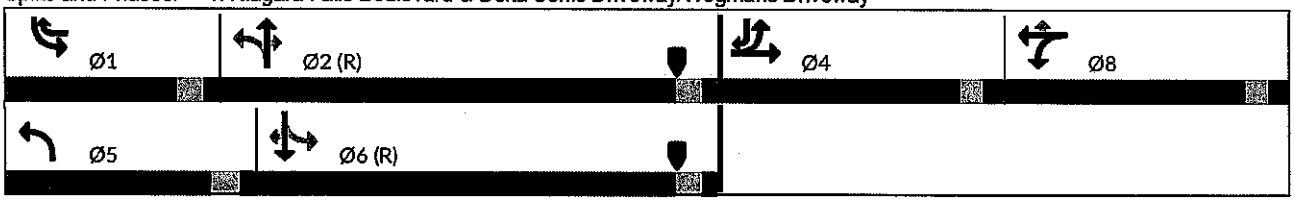
2027 Background PM
03/25/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Walk Time (s)	7.0	7.0		7.0	7.0			7.0	7.0		7.0	7.0
Flash Dont Walk (s)	22.0	22.0		27.0	27.0			21.0	21.0		21.0	22.0
Pedestrian Calls (#/hr)	0	0		0	0			0	0		0	0
Act Effct Green (s)	20.9	20.9		16.8	16.8	33.1	123.5	107.9	107.9	109.4	99.2	126.0
Actuated g/C Ratio	0.12	0.12		0.09	0.09	0.18	0.69	0.60	0.60	0.61	0.55	0.70
v/c Ratio	0.21	0.84		0.68	0.68	0.24	0.56	0.53	0.16	0.28	0.48	0.09
Control Delay (s/veh)	70.9	65.0		99.3	98.9	10.7	25.9	17.5	7.1	14.7	29.2	2.9
Queue Delay	0.0	0.0		0.0	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.0
Total Delay (s/veh)	70.9	65.0		99.3	98.9	10.7	25.9	17.7	7.1	14.7	29.2	2.9
LOS	E	E		F	F	B	C	B	A	B	C	A
Approach Delay (s/veh)		66.5			73.5			17.9			25.7	
Approach LOS		E			E			B			C	
Queue Length 50th (ft)	48	160		133	135	0	87	241	10	32	355	4
Queue Length 95th (ft)	73	253		204	208	50	m208	356	m49	71	566	33
Internal Link Dist (ft)		515			681			753			919	
Turn Bay Length (ft)							160		140	145		225
Base Capacity (vph)	659	403		322	329	487	502	2142	995	441	1950	1269
Starvation Cap Reductn	0	0		0	0	0	0	278	0	0	0	0
Spillback Cap Reductn	0	0		0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0		0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.13	0.61		0.34	0.34	0.18	0.47	0.61	0.17	0.20	0.49	0.08

Intersection Summary

Area Type: Other
Cycle Length: 180
Actuated Cycle Length: 180
Offset: 0 (0%), Referenced to phase 2:NBTL and 6:SBTL, Start of Yellow
Natural Cycle: 135
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.84
Intersection Signal Delay (s/veh): 30.6 Intersection LOS: C
Intersection Capacity Utilization 79.8% ICU Level of Service D
Analysis Period (min) 15
m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 1: Niagara Falls Boulevard & Delta Sonic Driveway/Wegmans Driveway



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
2: Niagara Falls Boulevard & East Robinson Road

2027 Background PM
03/25/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	151	223	102	203	409	285	187	1145	87	200	966	165
Future Volume (vph)	151	223	102	203	409	285	187	1145	87	200	966	165
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	105		0	235		0	145		0	295		0
Storage Lanes	1		0	1		0	1		0	1		0
Taper Length (ft)	35			50			25			25		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95
Frt		0.953			0.938			0.989			0.978	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1805	3417	0	1752	3353	0	1770	3525	0	1770	3496	0
Flt Permitted	0.123			0.359			0.111			0.067		
Satd. Flow (perm)	234	3417	0	662	3353	0	207	3525	0	125	3496	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		37			89			5			11	
Link Speed (mph)		30			40			40			40	
Link Distance (ft)		1369			1445			678			833	
Travel Time (s)		31.1			24.6			11.6			14.2	
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
Heavy Vehicles (%)	0%	1%	0%	3%	1%	1%	2%	1%	5%	2%	1%	1%
Adj. Flow (vph)	154	228	104	207	417	291	191	1168	89	204	986	168
Shared Lane Traffic (%)												
Lane Group Flow (vph)	154	332	0	207	708	0	191	1257	0	204	1154	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane					Yes			Yes			Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA		pm+pt	NA		pm+pt	NA		pm+pt	NA	
Protected Phases	3	8		7	4		5	2		1	6	
Permitted Phases	8			4			2			6		
Detector Phase	3	8		7	4		5	2		1	6	
Switch Phase												
Minimum Initial (s)	3.0	6.0		3.0	6.0		3.0	15.0		1.0	15.0	
Minimum Split (s)	10.1	39.1		10.1	39.1		9.6	38.6		9.5	38.6	
Total Split (s)	35.0	45.0		35.0	45.0		35.0	65.0		35.0	65.0	
Total Split (%)	19.4%	25.0%		19.4%	25.0%		19.4%	36.1%		19.4%	36.1%	
Maximum Green (s)	27.9	37.9		27.9	37.9		28.4	58.4		28.4	58.4	
Yellow Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
All-Red Time (s)	3.1	3.1		3.1	3.1		2.6	2.6		2.6	2.6	
Lost Time Adjust (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Lost Time (s)	7.1	7.1		7.1	7.1		6.6	6.6		6.6	6.6	
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	
Vehicle Extension (s)	3.0	2.7		3.0	2.7		3.0	2.7		3.0	2.7	
Recall Mode	None	None		None	None		None	C-Max		None	C-Max	

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
2: Niagara Falls Boulevard & East Robinson Road

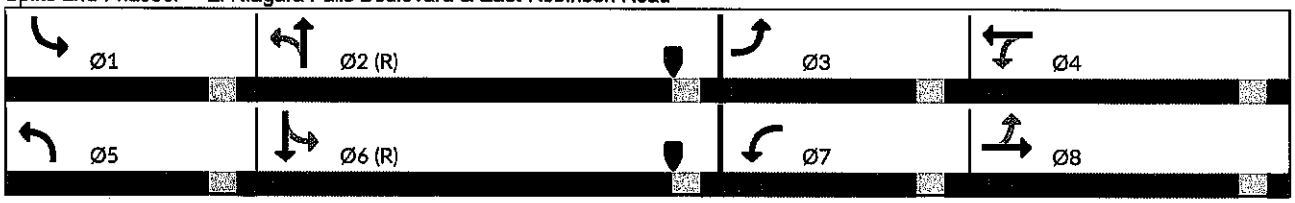
2027 Background PM
03/25/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Walk Time (s)		7.0			7.0			7.0			7.0	
Flash Dont Walk (s)		25.0			25.0			25.0			25.0	
Pedestrian Calls (#/hr)		0			0			0			0	
Act Effct Green (s)	50.0	32.6		58.0	36.6		96.2	77.1		101.0	79.5	
Actuated g/C Ratio	0.28	0.18		0.32	0.20		0.53	0.43		0.56	0.44	
v/c Ratio	0.70	0.51		0.60	0.94		0.69	0.83		0.76	0.74	
Control Delay (s/veh)	63.5	61.6		51.4	82.3		40.6	52.1		82.8	35.8	
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Delay (s/veh)	63.5	61.6		51.4	82.3		40.6	52.1		82.8	35.8	
LOS	E	E		D	F		D	D		F	D	
Approach Delay (s/veh)		62.2			75.4			50.6			42.9	
Approach LOS		E			E			D			D	
Queue Length 50th (ft)	131	166		183	387		108	698		175	642	
Queue Length 95th (ft)	198	221		246	#502		209	#969		294	#837	
Internal Link Dist (ft)		1289			1365			598			753	
Turn Bay Length (ft)	105			235			145			295		
Base Capacity (vph)	320	748		391	776		365	1512		331	1550	
Starvation Cap Reductn	0	0		0	0		0	0		0	0	
Spillback Cap Reductn	0	0		0	0		0	0		0	0	
Storage Cap Reductn	0	0		0	0		0	0		0	0	
Reduced v/c Ratio	0.48	0.44		0.53	0.91		0.52	0.83		0.62	0.74	

Intersection Summary

Area Type: Other
Cycle Length: 180
Actuated Cycle Length: 180
Offset: 0 (0%), Referenced to phase 2:NBTL and 6:SBTL, Start of Yellow
Natural Cycle: 120
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.94
Intersection Signal Delay (s/veh): 54.9 Intersection LOS: D
Intersection Capacity Utilization 97.1% ICU Level of Service F
Analysis Period (min) 15
\# 95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Splits and Phases: 2: Niagara Falls Boulevard & East Robinson Road



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	20	497	906	139	98	20
Future Volume (vph)	20	497	906	139	98	20
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	150			0	0	0
Storage Lanes	1			0	1	0
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	0.95	0.95	0.95	1.00	1.00
Frt			0.980		0.977	
Flt Protected	0.950				0.960	
Satd. Flow (prot)	1805	3539	3507	0	1767	0
Flt Permitted	0.950				0.960	
Satd. Flow (perm)	1805	3539	3507	0	1767	0
Link Speed (mph)		40	40		30	
Link Distance (ft)		1445	787		800	
Travel Time (s)		24.6	12.5		11.3	
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98
Heavy Vehicles (%)	0%	2%	1%	0%	1%	0%
Adj. Flow (vph)	20	507	924	142	100	20
Shared Lane Traffic (%)						
Lane Group Flow (vph)	20	507	1066	0	120	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		12	12		12	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		16	16		16	
Two way Left Turn Lane		Yes	Yes			
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15			9	15	9
Sign Control		Free	Free		Stop	

Intersection Summary

Area Type: Other
Control Type: Unsignalized
Intersection Capacity Utilization 42.8% ICU Level of Service A
Analysis Period (min) 15

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Intersection	
Int Delay, s/veh	2.1

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	20	497	906	139	98	20
Future Vol, veh/h	20	497	906	139	98	20
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	98	98	98	98	98	98
Heavy Vehicles, %	0	2	1	0	1	0
Mvmt Flow	20	507	924	142	100	20

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	1066	0	-	0	1290	533
Stage 1	-	-	-	-	995	-
Stage 2	-	-	-	-	294	-
Critical Hdwy	4.1	-	-	-	6.82	6.9
Critical Hdwy Stg 1	-	-	-	-	5.82	-
Critical Hdwy Stg 2	-	-	-	-	5.82	-
Follow-up Hdwy	2.2	-	-	-	3.51	3.3
Pot Cap-1 Maneuver	661	-	-	-	157	496
Stage 1	-	-	-	-	321	-
Stage 2	-	-	-	-	733	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	661	-	-	-	152	496
Mov Cap-2 Maneuver	-	-	-	-	252	-
Stage 1	-	-	-	-	311	-
Stage 2	-	-	-	-	733	-

Approach	EB	WB	SB
HCM Control Delay, s/v	0.41	0	27.85
HCM LOS			D

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	661	-	-	-	275
HCM Lane V/C Ratio	0.031	-	-	-	0.437
HCM Control Delay (s/veh)	10.6	-	-	-	27.9
HCM Lane LOS	B	-	-	-	D
HCM 95th %tile Q(veh)	0.1	-	-	-	2.1

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

APPENDIX E: LOS CALCULATIONS – FULL BUILD CONDITIONS

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
1: Niagara Falls Boulevard & Delta Sonic Driveway/Wegmans Driveway

2027 Full AM
05/14/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	20	13	175	40	15	20	131	685	54	33	1292	127
Future Volume (vph)	20	13	175	40	15	20	131	685	54	33	1292	127
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	0		0	160		140	145		225
Storage Lanes	2		0	1		1	1		1	1		1
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	0.97	1.00	1.00	0.95	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00
Frt		0.860				0.850			0.850			0.850
Flt Protected	0.950			0.950	0.977		0.950			0.950		
Satd. Flow (prot)	3502	1581	0	1665	1677	1509	1752	3343	1482	1752	3505	1615
Flt Permitted	0.950			0.950	0.977		0.130			0.362		
Satd. Flow (perm)	3502	1581	0	1665	1677	1509	240	3343	1482	668	3505	1615
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		190				62			104			95
Link Speed (mph)		30			30			40			40	
Link Distance (ft)		595			761			833			999	
Travel Time (s)		13.5			17.3			14.2			17.0	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles (%)	0%	8%	3%	3%	7%	7%	3%	8%	9%	3%	3%	0%
Adj. Flow (vph)	22	14	190	43	16	22	142	745	59	36	1404	138
Shared Lane Traffic (%)				32%								
Lane Group Flow (vph)	22	204	0	29	30	22	142	745	59	36	1404	138
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		24			24			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane								Yes			Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	Split	NA		Split	NA	pm+ov	pm+pt	NA	Perm	pm+pt	NA	pm+ov
Protected Phases	4	4		8	8	1	5	2		1	6	4
Permitted Phases						8	2		2	6		6
Detector Phase	4	4		8	8	1	5	2	2	1	6	4
Switch Phase												
Minimum Initial (s)	6.0	6.0		6.0	6.0	3.0	3.0	15.0	15.0	3.0	15.0	6.0
Minimum Split (s)	35.1	35.1		40.1	40.1	11.0	11.0	34.0	34.0	11.0	34.0	35.1
Total Split (s)	35.0	35.0		40.0	40.0	25.0	25.0	60.0	60.0	25.0	60.0	35.0
Total Split (%)	21.9%	21.9%		25.0%	25.0%	15.6%	15.6%	37.5%	37.5%	15.6%	37.5%	21.9%
Maximum Green (s)	28.9	28.9		33.9	33.9	19.0	19.0	54.0	54.0	19.0	54.0	28.9
Yellow Time (s)	3.2	3.2		3.2	3.2	3.9	3.9	3.9	3.9	3.9	3.9	3.2
All-Red Time (s)	2.9	2.9		2.9	2.9	2.1	2.1	2.1	2.1	2.1	2.1	2.9
Lost Time Adjust (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	6.1	6.1		6.1	6.1	6.0	6.0	6.0	6.0	6.0	6.0	6.1
Lead/Lag						Lead	Lead	Lag	Lag	Lead	Lag	
Lead-Lag Optimize?						Yes	Yes	Yes	Yes	Yes	Yes	
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	2.7	2.7	3.0	2.7	3.0
Recall Mode	Min	Min		Min	Min	None	None	C-Max	C-Max	None	C-Max	Min

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
1: Niagara Falls Boulevard & Delta Sonic Driveway/Wegmans Driveway

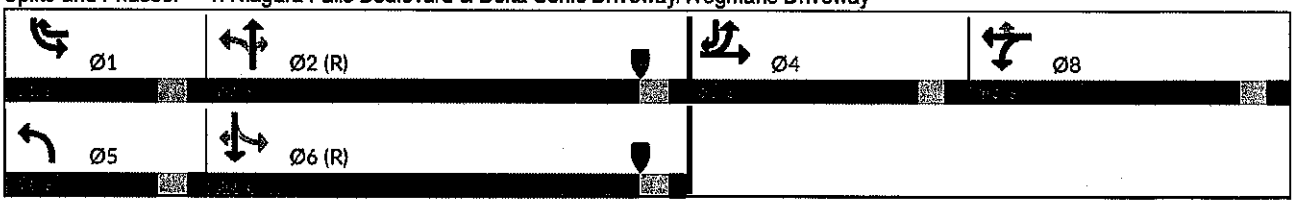
2027 Full AM
05/14/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Walk Time (s)	7.0	7.0		7.0	7.0			7.0	7.0		7.0	7.0
Flash Dont Walk (s)	22.0	22.0		27.0	27.0			21.0	21.0		21.0	22.0
Pedestrian Calls (#/hr)	0	0		0	0			0	0		0	0
Act Effct Green (s)	9.4	9.4		8.5	8.5	20.9	122.4	113.9	113.9	113.7	107.4	122.8
Actuated g/C Ratio	0.06	0.06		0.05	0.05	0.13	0.77	0.71	0.71	0.71	0.67	0.77
v/c Ratio	0.10	0.75		0.33	0.34	0.08	0.50	0.31	0.05	0.06	0.59	0.10
Control Delay (s/veh)	69.8	28.7		82.2	82.6	0.7	26.8	8.9	1.0	6.0	17.2	2.2
Queue Delay	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay (s/veh)	69.8	28.8		82.2	82.6	0.7	26.8	8.9	1.0	6.0	17.2	2.2
LOS	E	C		F	F	A	C	A	A	A	B	A
Approach Delay (s/veh)		32.8			60.3			11.2			15.7	
Approach LOS		C			E			B			B	
Queue Length 50th (ft)	11	14		31	32	0	64	95	0	7	364	9
Queue Length 95th (ft)	26	99		69	71	0	m148	191	m4	22	626	34
Internal Link Dist (ft)		515			681			753			919	
Turn Bay Length (ft)							160		140	145		225
Base Capacity (vph)	632	441		352	355	365	365	2380	1085	642	2353	1447
Starvation Cap Reductn	0	0		0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	3		0	0	0	0	0	0	0	62	0
Storage Cap Reductn	0	0		0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.03	0.47		0.08	0.08	0.06	0.39	0.31	0.05	0.06	0.61	0.10

Intersection Summary

Area Type: Other
Cycle Length: 160
Actuated Cycle Length: 160
Offset: 0 (0%), Referenced to phase 2:NBTL and 6:SBTL, Start of Yellow
Natural Cycle: 145
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.75
Intersection Signal Delay (s/veh): 16.8 Intersection LOS: B
Intersection Capacity Utilization 76.0% ICU Level of Service D
Analysis Period (min) 15
m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 1: Niagara Falls Boulevard & Delta Sonic Driveway/Wegmans Driveway



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
2: Niagara Falls Boulevard & East Robinson Road

2027 Full AM
05/14/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	88	336	196	175	106	163	49	694	80	276	1101	49
Future Volume (vph)	88	336	196	175	106	163	49	694	80	276	1101	49
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	105		0	235		0	145		0	295		0
Storage Lanes	1		0	1		0	1		0	1		0
Taper Length (ft)	35			50			25			25		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95
Frt		0.945			0.909			0.984			0.994	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	3305	0	1626	3155	0	1736	3320	0	1752	3447	0
Flt Permitted	0.566			0.110			0.114			0.155		
Satd. Flow (perm)	1054	3305	0	188	3155	0	208	3320	0	286	3447	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		65			185			8			4	
Link Speed (mph)		30			40			40			40	
Link Distance (ft)		1369			915			678			833	
Travel Time (s)		31.1			15.6			11.6			14.2	
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Heavy Vehicles (%)	2%	1%	7%	11%	4%	4%	4%	7%	7%	3%	4%	6%
Adj. Flow (vph)	100	382	223	199	120	185	56	789	91	314	1251	56
Shared Lane Traffic (%)												
Lane Group Flow (vph)	100	605	0	199	305	0	56	880	0	314	1307	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane					Yes			Yes			Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA		pm+pt	NA		pm+pt	NA		pm+pt	NA	
Protected Phases	3	8		7	4		5	2		1	6	
Permitted Phases	8			4			2			6		
Detector Phase	3	8		7	4		5	2		1	6	
Switch Phase												
Minimum Initial (s)	3.0	6.0		3.0	6.0		3.0	15.0		1.0	15.0	
Minimum Split (s)	10.1	39.1		10.1	39.1		9.6	38.6		9.5	38.6	
Total Split (s)	20.0	38.0		27.0	45.0		18.0	60.0		35.0	77.0	
Total Split (%)	12.5%	23.8%		16.9%	28.1%		11.3%	37.5%		21.9%	48.1%	
Maximum Green (s)	12.9	30.9		19.9	37.9		11.4	53.4		28.4	70.4	
Yellow Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
All-Red Time (s)	3.1	3.1		3.1	3.1		2.6	2.6		2.6	2.6	
Lost Time Adjust (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Lost Time (s)	7.1	7.1		7.1	7.1		6.6	6.6		6.6	6.6	
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	
Vehicle Extension (s)	3.0	2.7		3.0	2.7		3.0	2.7		3.0	2.7	
Recall Mode	None	None		None	None		None	C-Max		None	C-Max	

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
2: Niagara Falls Boulevard & East Robinson Road

2027 Full AM
05/14/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Walk Time (s)		7.0			7.0			7.0			7.0	
Flash Dont Walk (s)		25.0			25.0			25.0			25.0	
Pedestrian Calls (#/hr)		0			0			0			0	
Act Effct Green (s)	40.5	29.4		55.8	37.6		67.9	60.0		90.5	78.5	
Actuated g/C Ratio	0.25	0.18		0.35	0.24		0.42	0.38		0.57	0.49	
v/c Ratio	0.31	0.91		0.83	0.34		0.34	0.70		0.82	0.77	
Control Delay (s/veh)	38.9	76.4		70.6	20.3		25.1	47.1		42.3	25.8	
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.1	
Total Delay (s/veh)	38.9	76.4		70.6	20.3		25.1	47.1		42.3	25.9	
LOS	D	E		E	C		C	D		D	C	
Approach Delay (s/veh)		71.1			40.2			45.9			29.2	
Approach LOS		E			D			D			C	
Queue Length 50th (ft)	71	295		155	52		26	424		127	621	
Queue Length 95th (ft)	115	#375		#273	93		48	505		247	603	
Internal Link Dist (ft)		1289			835			598			753	
Turn Bay Length (ft)	105			235			145			295		
Base Capacity (vph)	336	690		244	897		201	1250		422	1692	
Starvation Cap Reductn	0	0		0	0		0	0		0	33	
Spillback Cap Reductn	0	0		0	0		0	0		0	0	
Storage Cap Reductn	0	0		0	0		0	0		0	0	
Reduced v/c Ratio	0.30	0.88		0.82	0.34		0.28	0.70		0.74	0.79	

Intersection Summary

Area Type: Other
Cycle Length: 160
Actuated Cycle Length: 160
Offset: 0 (0%), Referenced to phase 2:NBTL and 6:SBTL, Start of Yellow
Natural Cycle: 110
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.92
Intersection Signal Delay (s/veh): 42.7 Intersection LOS: D
Intersection Capacity Utilization 85.1% ICU Level of Service E
Analysis Period (min) 15
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Splits and Phases: 2: Niagara Falls Boulevard & East Robinson Road



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
3: East Robinson Road & Proposed Westerly Driveway

2027 Full AM
05/14/2024

Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	9	745	417	2	4	15
Future Volume (vph)	9	745	417	2	4	15
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	100			0	0	0
Storage Lanes	1			0	1	0
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	0.95	0.95	0.95	1.00	1.00
Frt			0.999		0.892	
Flt Protected	0.950				0.990	
Satd. Flow (prot)	1805	3539	3403	0	1678	0
Flt Permitted	0.950				0.990	
Satd. Flow (perm)	1805	3539	3403	0	1678	0
Link Speed (mph)		40	40		30	
Link Distance (ft)		915	280		504	
Travel Time (s)		15.6	4.8		11.5	
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94
Heavy Vehicles (%)	0%	2%	6%	0%	0%	0%
Adj. Flow (vph)	10	793	444	2	4	16
Shared Lane Traffic (%)						
Lane Group Flow (vph)	10	793	446	0	20	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		12	12		12	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		16	16		16	
Two way Left Turn Lane		Yes	Yes			
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15			9	15	9
Sign Control		Free	Free		Stop	

Intersection Summary

Area Type: Other
Control Type: Unsignalized
Intersection Capacity Utilization 30.6% ICU Level of Service A
Analysis Period (min) 15

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Intersection	
Int Delay, s/veh	0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	9	745	417	2	4	15
Future Vol, veh/h	9	745	417	2	4	15
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	100	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	94	94	94	94	94	94
Heavy Vehicles, %	0	2	6	0	0	0
Mvmt Flow	10	793	444	2	4	16

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	446	0	-	0	860	223
Stage 1	-	-	-	-	445	-
Stage 2	-	-	-	-	415	-
Critical Hdwy	4.1	-	-	-	6.8	6.9
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	1125	-	-	-	299	787
Stage 1	-	-	-	-	619	-
Stage 2	-	-	-	-	640	-
Platoon blocked, %			-	-	-	
Mov Cap-1 Maneuver	1125	-	-	-	296	787
Mov Cap-2 Maneuver	-	-	-	-	421	-
Stage 1	-	-	-	-	614	-
Stage 2	-	-	-	-	640	-

Approach	EB	WB	SB
HCM Control Delay, s/v	0.1	0	10.58
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1125	-	-	-	665
HCM Lane V/C Ratio	0.009	-	-	-	0.03
HCM Control Delay (s/veh)	8.2	-	-	-	10.6
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.1

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	3	746	409	2	3	9
Future Volume (vph)	3	746	409	2	3	9
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	100			0	0	0
Storage Lanes	1			0	1	0
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	0.95	0.95	0.95	1.00	1.00
Frt			0.999		0.896	
Flt Protected	0.950				0.989	
Satd. Flow (prot)	1805	3539	3403	0	1684	0
Flt Permitted	0.950				0.989	
Satd. Flow (perm)	1805	3539	3403	0	1684	0
Link Speed (mph)		40	40		30	
Link Distance (ft)		280	250		492	
Travel Time (s)		4.8	4.3		11.2	
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94
Heavy Vehicles (%)	0%	2%	6%	0%	0%	0%
Adj. Flow (vph)	3	794	435	2	3	10
Shared Lane Traffic (%)						
Lane Group Flow (vph)	3	794	437	0	13	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		12	12		12	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		16	16		16	
Two way Left Turn Lane		Yes	Yes			
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15			9	15	9
Sign Control		Free	Free		Stop	

Intersection Summary

Area Type: Other
Control Type: Unsignalized
Intersection Capacity Utilization 30.6% ICU Level of Service A
Analysis Period (min) 15

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Intersection	
Int Delay, s/veh	0.1

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	3	746	409	2	3	9
Future Vol, veh/h	3	746	409	2	3	9
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	100	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	94	94	94	94	94	94
Heavy Vehicles, %	0	2	6	0	0	0
Mvmt Flow	3	794	435	2	3	10

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	437	0	-	0	839	219
Stage 1	-	-	-	-	436	-
Stage 2	-	-	-	-	403	-
Critical Hdwy	4.1	-	-	-	6.8	6.9
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	1133	-	-	-	308	792
Stage 1	-	-	-	-	625	-
Stage 2	-	-	-	-	649	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1133	-	-	-	307	792
Mov Cap-2 Maneuver	-	-	-	-	430	-
Stage 1	-	-	-	-	623	-
Stage 2	-	-	-	-	649	-

Approach	EB	WB	SB
HCM Control Delay, s/v	0.03	0	10.61
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1133	-	-	-	654
HCM Lane V/C Ratio	0.003	-	-	-	0.02
HCM Control Delay (s/veh)	8.2	-	-	-	10.6
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.1

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
5: East Robinson Road & Naples Lane

2027 Full AM
05/14/2024

Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	20	730	393	47	63	19
Future Volume (vph)	20	730	393	47	63	19
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	150			0	0	0
Storage Lanes	1			0	1	0
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	0.95	0.95	0.95	1.00	1.00
Frt			0.984		0.969	
Flt Protected	0.950				0.963	
Satd. Flow (prot)	1719	3539	3365	0	1733	0
Flt Permitted	0.950				0.963	
Satd. Flow (perm)	1719	3539	3365	0	1733	0
Link Speed (mph)		40	40		30	
Link Distance (ft)		250	787		800	
Travel Time (s)		24.6	12.5		11.3	
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94
Heavy Vehicles (%)	5%	2%	6%	2%	0%	10%
Adj. Flow (vph)	21	777	418	50	67	20
Shared Lane Traffic (%)						
Lane Group Flow (vph)	21	777	468	0	87	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		12	12		12	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		16	16		16	
Two way Left Turn Lane		Yes	Yes			
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15			9	15	9
Sign Control		Free	Free		Stop	

Intersection Summary

Area Type: Other
Control Type: Unsignalized
Intersection Capacity Utilization 31.5% ICU Level of Service A
Analysis Period (min) 15

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Intersection	
Int Delay, s/veh	1.1

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	20	730	393	47	63	19
Future Vol, veh/h	20	730	393	47	63	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	94	94	94	94	94	94
Heavy Vehicles, %	5	2	6	2	0	10
Mvmt Flow	21	777	418	50	67	20

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	468	0	-	0	874	234
Stage 1	-	-	-	-	443	-
Stage 2	-	-	-	-	431	-
Critical Hdwy	4.2	-	-	-	6.8	7.1
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.25	-	-	-	3.5	3.4
Pot Cap-1 Maneuver	1069	-	-	-	293	744
Stage 1	-	-	-	-	620	-
Stage 2	-	-	-	-	629	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1069	-	-	-	287	744
Mov Cap-2 Maneuver	-	-	-	-	413	-
Stage 1	-	-	-	-	608	-
Stage 2	-	-	-	-	629	-

Approach	EB	WB	SB
HCM Control Delay, s/v	0.22	0	14.64
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1069	-	-	-	461
HCM Lane V/C Ratio	0.02	-	-	-	0.189
HCM Control Delay (s/veh)	8.4	-	-	-	14.6
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0.1	-	-	-	0.7

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
1: Niagara Falls Boulevard & Delta Sonic Driveway/Wegmans Driveway

2027 Full PM
05/14/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	85	45	199	177	42	94	235	1130	163	94	948	105
Future Volume (vph)	85	45	199	177	42	94	235	1130	163	94	948	105
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	0		0	160		140	145		225
Storage Lanes	2		0	1		1	1		1	1		1
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	0.97	1.00	1.00	0.95	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00
Frt		0.877				0.850			0.850			0.850
Flt Protected	0.950			0.950	0.970		0.950			0.950		
Satd. Flow (prot)	3502	1653	0	1715	1751	1615	1805	3574	1599	1805	3539	1615
Flt Permitted	0.950			0.950	0.970		0.208			0.192		
Satd. Flow (perm)	3502	1653	0	1715	1751	1615	395	3574	1599	365	3539	1615
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		110				95			92			93
Link Speed (mph)		30			30			40			40	
Link Distance (ft)		595			761			833			999	
Travel Time (s)		13.5			17.3			14.2			17.0	
Peak Hour Factor	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99
Heavy Vehicles (%)	0%	0%	1%	0%	0%	0%	0%	1%	1%	0%	2%	0%
Adj. Flow (vph)	86	45	201	179	42	95	237	1141	165	95	958	106
Shared Lane Traffic (%)				39%								
Lane Group Flow (vph)	86	246	0	109	112	95	237	1141	165	95	958	106
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		24			24			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane								Yes			Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	Split	NA		Split	NA	pm+ov	pm+pt	NA	Perm	pm+pt	NA	pm+ov
Protected Phases	4	4		8	8	1	5	2		1	6	4
Permitted Phases						8	2		2	6		6
Detector Phase	4	4		8	8	1	5	2	2	1	6	4
Switch Phase												
Minimum Initial (s)	6.0	6.0		6.0	6.0	3.0	3.0	15.0	15.0	3.0	15.0	6.0
Minimum Split (s)	35.1	35.1		40.1	40.1	11.0	11.0	34.0	34.0	11.0	34.0	35.1
Total Split (s)	40.0	40.0		40.0	40.0	30.0	35.0	70.0	70.0	30.0	65.0	40.0
Total Split (%)	22.2%	22.2%		22.2%	22.2%	16.7%	19.4%	38.9%	38.9%	16.7%	36.1%	22.2%
Maximum Green (s)	33.9	33.9		33.9	33.9	24.0	29.0	64.0	64.0	24.0	59.0	33.9
Yellow Time (s)	3.2	3.2		3.2	3.2	3.9	3.9	3.9	3.9	3.9	3.9	3.2
All-Red Time (s)	2.9	2.9		2.9	2.9	2.1	2.1	2.1	2.1	2.1	2.1	2.9
Lost Time Adjust (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	6.1	6.1		6.1	6.1	6.0	6.0	6.0	6.0	6.0	6.0	6.1
Lead/Lag						Lead	Lead	Lag	Lag	Lead	Lag	
Lead-Lag Optimize?						Yes	Yes	Yes	Yes	Yes	Yes	
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	2.7	2.7	3.0	2.7	3.0
Recall Mode	Min	Min		Min	Min	None	None	C-Max	C-Max	None	C-Max	Min

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
1: Niagara Falls Boulevard & Delta Sonic Driveway/Wegmans Driveway

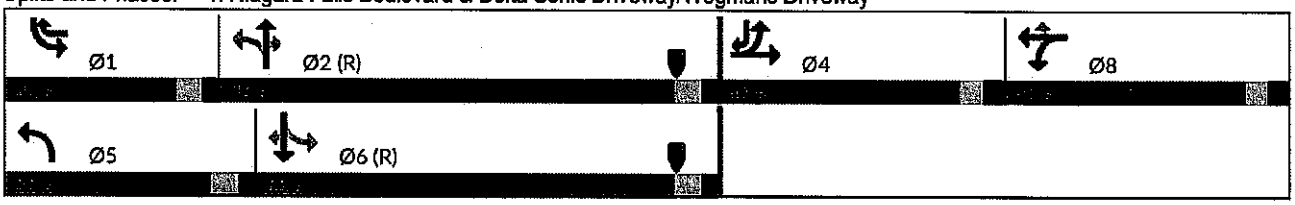
2027 Full PM
05/14/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Walk Time (s)	7.0	7.0		7.0	7.0			7.0	7.0		7.0	7.0
Flash Dont Walk (s)	22.0	22.0		27.0	27.0			21.0	21.0		21.0	22.0
Pedestrian Calls (#/hr)	0	0		0	0			0	0		0	0
Act Effct Green (s)	21.3	21.3		16.9	16.9	33.8	123.0	106.8	106.8	109.4	98.6	125.9
Actuated g/C Ratio	0.12	0.12		0.09	0.09	0.19	0.68	0.59	0.59	0.61	0.55	0.70
v/c Ratio	0.20	0.84		0.68	0.68	0.25	0.56	0.53	0.16	0.30	0.49	0.09
Control Delay (s/veh)	70.4	65.9		99.0	99.0	10.4	26.5	18.2	7.4	15.0	29.6	3.0
Queue Delay	0.0	0.0		0.0	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.0
Total Delay (s/veh)	70.4	65.9		99.0	99.0	10.4	26.5	18.4	7.4	15.0	29.6	3.0
LOS	E	E		F	F	B	C	B	A	B	C	A
Approach Delay (s/veh)		67.1			72.4			18.5			26.0	
Approach LOS		E			E			B			C	
Queue Length 50th (ft)	48	164		133	137	0	91	243	11	35	361	4
Queue Length 95th (ft)	73	258		204	209	51	m205	m357	m46	77	572	33
Internal Link Dist (ft)		515			681			753			919	
Turn Bay Length (ft)							160		140	145		225
Base Capacity (vph)	659	400		322	329	491	498	2120	985	435	1938	1264
Starvation Cap Reductn	0	0		0	0	0	0	274	0	0	0	0
Spillback Cap Reductn	0	0		0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0		0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.13	0.62		0.34	0.34	0.19	0.48	0.62	0.17	0.22	0.49	0.08

Intersection Summary

Area Type: Other
Cycle Length: 180
Actuated Cycle Length: 180
Offset: 0 (0%), Referenced to phase 2:NBTL and 6:SBTL, Start of Yellow
Natural Cycle: 135
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.84
Intersection Signal Delay (s/veh): 31.0 Intersection LOS: C
Intersection Capacity Utilization 80.0% ICU Level of Service D
Analysis Period (min) 15
m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 1: Niagara Falls Boulevard & Delta Sonic Driveway/Wegmans Driveway



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
2: Niagara Falls Boulevard & East Robinson Road

2027 Full PM
05/14/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	151	228	102	215	413	287	187	1145	103	205	966	165
Future Volume (vph)	151	228	102	215	413	287	187	1145	103	205	966	165
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	105		0	235		0	145		0	295		0
Storage Lanes	1		0	1		0	1		0	1		0
Taper Length (ft)	35			50			25			25		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95	1.00	0.95	0.95
Frt		0.954			0.938			0.988			0.978	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1805	3420	0	1752	3353	0	1770	3520	0	1770	3496	0
Flt Permitted	0.125			0.344			0.111			0.059		
Satd. Flow (perm)	238	3420	0	635	3353	0	207	3520	0	110	3496	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		36			88			6			11	
Link Speed (mph)		30			40			40			40	
Link Distance (ft)		1369			905			678			833	
Travel Time (s)		31.1			15.4			11.6			14.2	
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
Heavy Vehicles (%)	0%	1%	0%	3%	1%	1%	2%	1%	5%	2%	1%	1%
Adj. Flow (vph)	154	233	104	219	421	293	191	1168	105	209	986	168
Shared Lane Traffic (%)												
Lane Group Flow (vph)	154	337	0	219	714	0	191	1273	0	209	1154	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane					Yes			Yes			Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA		pm+pt	NA		pm+pt	NA		pm+pt	NA	
Protected Phases	3	8		7	4		5	2		1	6	
Permitted Phases	8			4			2			6		
Detector Phase	3	8		7	4		5	2		1	6	
Switch Phase												
Minimum Initial (s)	3.0	6.0		3.0	6.0		3.0	15.0		1.0	15.0	
Minimum Split (s)	10.1	39.1		10.1	39.1		9.6	38.6		9.5	38.6	
Total Split (s)	35.0	45.0		35.0	45.0		35.0	65.0		35.0	65.0	
Total Split (%)	19.4%	25.0%		19.4%	25.0%		19.4%	36.1%		19.4%	36.1%	
Maximum Green (s)	27.9	37.9		27.9	37.9		28.4	58.4		28.4	58.4	
Yellow Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
All-Red Time (s)	3.1	3.1		3.1	3.1		2.6	2.6		2.6	2.6	
Lost Time Adjust (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Lost Time (s)	7.1	7.1		7.1	7.1		6.6	6.6		6.6	6.6	
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	
Vehicle Extension (s)	3.0	2.7		3.0	2.7		3.0	2.7		3.0	2.7	
Recall Mode	None	None		None	None		None	C-Max		None	C-Max	

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
2: Niagara Falls Boulevard & East Robinson Road

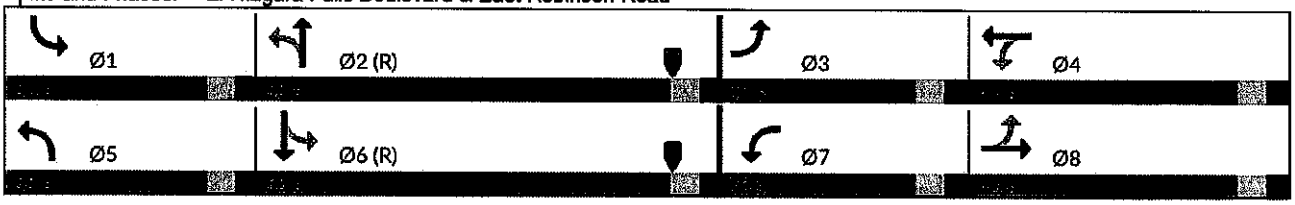
2027 Full PM
05/14/2024

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Walk Time (s)		7.0			7.0			7.0			7.0	
Flash Dont Walk (s)		25.0			25.0			25.0			25.0	
Pedestrian Calls (#/hr)		0			0			0			0	
Act Effct Green (s)	49.5	32.1		59.1	36.8		95.5	76.4		101.1	79.2	
Actuated g/C Ratio	0.28	0.18		0.33	0.20		0.53	0.42		0.56	0.44	
v/c Ratio	0.70	0.52		0.63	0.94		0.69	0.85		0.79	0.74	
Control Delay (s/veh)	63.2	62.6		52.4	82.9		41.0	53.6		89.6	35.8	
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Total Delay (s/veh)	63.2	62.6		52.4	82.9		41.0	53.6		89.6	35.8	
LOS	E	E		D	F		D	D		F	D	
Approach Delay (s/veh)		62.9			75.8			52.0			44.1	
Approach LOS		E			E			D			D	
Queue Length 50th (ft)	131	171		194	393		109	716		190	642	
Queue Length 95th (ft)	197	226		258	#511		210	#993		310	#840	
Internal Link Dist (ft)		1289			825			598			753	
Turn Bay Length (ft)	105			235			145			295		
Base Capacity (vph)	320	748		387	775		364	1497		325	1544	
Starvation Cap Reductn	0	0		0	0		0	0		0	0	
Spillback Cap Reductn	0	0		0	0		0	0		0	0	
Storage Cap Reductn	0	0		0	0		0	0		0	0	
Reduced v/c Ratio	0.48	0.45		0.57	0.92		0.52	0.85		0.64	0.75	

Intersection Summary

Area Type: Other
Cycle Length: 180
Actuated Cycle Length: 180
Offset: 0 (0%), Referenced to phase 2:NBTL and 6:SBTL, Start of Yellow
Natural Cycle: 120
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.95
Intersection Signal Delay (s/veh): 55.9 Intersection LOS: E
Intersection Capacity Utilization 98.1% ICU Level of Service F
Analysis Period (min) 15
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

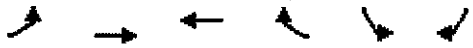
Splits and Phases: 2: Niagara Falls Boulevard & East Robinson Road



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
3: East Robinson Road & Proposed Westerly Driveway

2027 Full PM
05/14/2024



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	18	525	934	4	4	12
Future Volume (vph)	18	525	934	4	4	12
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	100			0	0	0
Storage Lanes	1			0	1	0
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	0.95	0.95	0.95	1.00	1.00
Frt			0.999		0.899	
Flt Protected	0.950				0.988	
Satd. Flow (prot)	1805	3539	3571	0	1688	0
Flt Permitted	0.950				0.988	
Satd. Flow (perm)	1805	3539	3571	0	1688	0
Link Speed (mph)		40	40		30	
Link Distance (ft)		905	280		727	
Travel Time (s)		15.4	4.8		16.5	
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98
Heavy Vehicles (%)	0%	2%	1%	0%	0%	0%
Adj. Flow (vph)	18	536	953	4	4	12
Shared Lane Traffic (%)						
Lane Group Flow (vph)	18	536	957	0	16	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		24	24		12	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		16	16		16	
Two way Left Turn Lane		Yes	Yes			
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15			9	15	9
Sign Control		Free	Free		Stop	

Intersection Summary

Area Type: Other
Control Type: Unsignalized
Intersection Capacity Utilization 35.9% ICU Level of Service A
Analysis Period (min) 15

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Intersection	
Int Delay, s/veh	0.3

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	18	525	934	4	4	12
Future Vol, veh/h	18	525	934	4	4	12
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	100	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	98	98	98	98	98	98
Heavy Vehicles, %	0	2	1	0	0	0
Mvmt Flow	18	536	953	4	4	12

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	957	0	-	0	1260	479
Stage 1	-	-	-	-	955	-
Stage 2	-	-	-	-	305	-
Critical Hdwy	4.1	-	-	-	6.8	6.9
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	727	-	-	-	165	539
Stage 1	-	-	-	-	339	-
Stage 2	-	-	-	-	727	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	727	-	-	-	161	539
Mov Cap-2 Maneuver	-	-	-	-	266	-
Stage 1	-	-	-	-	330	-
Stage 2	-	-	-	-	727	-

Approach	EB	WB	SB
HCM Control Delay, s/v	0.33	0	13.73
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	727	-	-	-	429
HCM Lane V/C Ratio	0.025	-	-	-	0.038
HCM Control Delay (s/veh)	10.1	-	-	-	13.7
HCM Lane LOS	B	-	-	-	B
HCM 95th %tile Q(veh)	0.1	-	-	-	0.1

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lanes, Volumes, Timings
4: East Robinson Road & Proposed Easterly Driveway

2027 Full PM
05/14/2024

Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	7	522	931	5	3	7
Future Volume (vph)	7	522	931	5	3	7
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	100			0	0	0
Storage Lanes	1			0	1	0
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	0.95	0.95	0.95	1.00	1.00
Frt			0.999		0.905	
Flt Protected	0.950				0.985	
Satd. Flow (prot)	1805	3539	3571	0	1694	0
Flt Permitted	0.950				0.985	
Satd. Flow (perm)	1805	3539	3571	0	1694	0
Link Speed (mph)		40	40		30	
Link Distance (ft)		280	260		717	
Travel Time (s)		4.8	4.4		16.3	
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98
Heavy Vehicles (%)	0%	2%	1%	0%	0%	0%
Adj. Flow (vph)	7	533	950	5	3	7
Shared Lane Traffic (%)						
Lane Group Flow (vph)	7	533	955	0	10	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		12	12		12	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		16	16		16	
Two way Left Turn Lane		Yes	Yes			
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15			9	15	9
Sign Control		Free	Free		Stop	

Intersection Summary

Area Type: Other
Control Type: Unsignalized
Intersection Capacity Utilization 35.9% ICU Level of Service A
Analysis Period (min) 15

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Intersection	
Int Delay, s/veh	0.1

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	7	522	931	5	3	7
Future Vol, veh/h	7	522	931	5	3	7
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	100	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	98	98	98	98	98	98
Heavy Vehicles, %	0	2	1	0	0	0
Mvmt Flow	7	533	950	5	3	7

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	955	0	-	0	1233	478
Stage 1	-	-	-	-	953	-
Stage 2	-	-	-	-	281	-
Critical Hdwy	4.1	-	-	-	6.8	6.9
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	728	-	-	-	172	539
Stage 1	-	-	-	-	340	-
Stage 2	-	-	-	-	748	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	728	-	-	-	170	539
Mov Cap-2 Maneuver	-	-	-	-	273	-
Stage 1	-	-	-	-	337	-
Stage 2	-	-	-	-	748	-

Approach	EB	WB	SB
HCM Control Delay, s/v	0.13	0	13.84
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	728	-	-	-	417
HCM Lane V/C Ratio	0.01	-	-	-	0.024
HCM Control Delay (s/veh)	10	-	-	-	13.8
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.1

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	20	503	914	140	99	20
Future Volume (vph)	20	503	914	140	99	20
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	150			0	0	0
Storage Lanes	1			0	1	0
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	0.95	0.95	0.95	1.00	1.00
Frt			0.980		0.978	
Flt Protected	0.950				0.960	
Satd. Flow (prot)	1805	3539	3507	0	1769	0
Flt Permitted	0.950				0.960	
Satd. Flow (perm)	1805	3539	3507	0	1769	0
Link Speed (mph)		40	40		30	
Link Distance (ft)		260	787		800	
Travel Time (s)		24.6	12.5		11.3	
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98
Heavy Vehicles (%)	0%	2%	1%	0%	1%	0%
Adj. Flow (vph)	20	513	933	143	101	20
Shared Lane Traffic (%)						
Lane Group Flow (vph)	20	513	1076	0	121	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		12	12		12	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		16	16		16	
Two way Left Turn Lane		Yes	Yes			
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15			9	15	9
Sign Control		Free	Free		Stop	

Intersection Summary

Area Type: Other
Control Type: Unsignalized
Intersection Capacity Utilization 43.1% ICU Level of Service A
Analysis Period (min) 15

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Intersection	
Int Delay, s/veh	2.1

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	20	503	914	140	99	20
Future Vol, veh/h	20	503	914	140	99	20
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	98	98	98	98	98	98
Heavy Vehicles, %	0	2	1	0	1	0
Mvmt Flow	20	513	933	143	101	20

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	1076	0	-	0	1302	538
Stage 1	-	-	-	-	1004	-
Stage 2	-	-	-	-	297	-
Critical Hdwy	4.1	-	-	-	6.82	6.9
Critical Hdwy Stg 1	-	-	-	-	5.82	-
Critical Hdwy Stg 2	-	-	-	-	5.82	-
Follow-up Hdwy	2.2	-	-	-	3.51	3.3
Pot Cap-1 Maneuver	656	-	-	-	154	493
Stage 1	-	-	-	-	317	-
Stage 2	-	-	-	-	730	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	656	-	-	-	149	493
Mov Cap-2 Maneuver	-	-	-	-	250	-
Stage 1	-	-	-	-	307	-
Stage 2	-	-	-	-	730	-

Approach	EB	WB	SB
HCM Control Delay, s/v	0.41	0	28.46
HCM LOS			D

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	656	-	-	-	272
HCM Lane V/C Ratio	0.031	-	-	-	0.446
HCM Control Delay (s/veh)	10.7	-	-	-	28.5
HCM Lane LOS	B	-	-	-	D
HCM 95th %tile Q(veh)	0.1	-	-	-	2.2

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

January 8, 2018

Regulatory Branch

SUBJECT: Acceptance of Wetland Delineation, Application No. LRB-2017-00387

Mr. Pete Peterson
M.J. Peterson Co.
200 John James Audubon Parkway
Amherst, New York 14228

Dear Mr. Peterson:

This pertains to your request for a jurisdictional determination for the property located at 3910 East Robinson Road, Town of Amherst, Erie County, New York.

The Corps of Engineers regulatory responsibilities under Section 404 of the Clean Water Act (CWA) establishes jurisdiction over the discharge of dredged or fill material into waters of the United States, including wetlands.

Based upon our evaluation of the subject property, we have determined that there is no clear surface water connection or ecological continuum between the wetland on the parcel and a surface tributary system to a navigable water of the United States. Therefore, these waters are considered isolated, non-navigable, intrastate waters and not regulated under Section 404 of the Clean Water Act. Accordingly, you do not need Department of the Army authorization to commence work in these areas.

This determination will remain valid for a period of 5 years from the date of this correspondence unless new information warrants revision of the delineation before the expiration. At the end of this period, a new delineation may be required. In addition, this delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/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 United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work. I encourage you to contact the appropriate state and local governmental officials to ensure that the proposed work complies with their requirements.

Finally, this letter contains an approved JD for the subject parcel. 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 Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above determination, you must submit a

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Regulatory Branch

SUBJECT: Acceptance of Wetland Delineation, Application No. LRB-2017-00387

completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Jacob Siegrist
Regulatory Appeals Review Officer
US Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10524
Cincinnati, Ohio 45202-3222
Phone: 513-684-2699 Fax: 513-684-2460

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 March 2, 2018.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

Questions pertaining to this matter should be directed to me at 716-879-4308, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: Heather.L.Adams@usace.army.mil

Sincerely,

ADAMS.HEATHER.LYNN.1257722933 Digitally signed by ADAMS.HEATHER.LYNN.1257722933 Date: 2018.01.08 11:41:14 -05'00'

Heather Adams
Biologist

Enclosures

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: M.J. Peterson Co.	File Number: LRB-2017-00387	Date: 1/8/2018
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	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx 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. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. 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.

C: 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.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **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.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: 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.

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. 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.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:	If you only have questions regarding the appeal process you may also contact:
Heather Adams U.S. Army Corps of Engineers 1776 Niagara Street Buffalo, New York 14207 716-879-4308 Heather.L.Adams@usace.army.mil	Jacob Siegrist Regulatory Appeals Review Officer US Army Corps of Engineers Great Lakes and Ohio River Division 550 Main Street, Room 10524 Cincinnati, Ohio 45202-3222 Phone: 513-684-2699 Fax: 513-684-2460

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.

	Date:	Telephone number:
_____ Signature of appellant or agent.		

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): January 8, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: LRB-2017-00387, 3910 East Robinson Road Property

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: New York County/parish/borough: Erie City: Amherst
Center coordinates of site (lat/long in degree decimal format): Lat. 43.03671 ° N, Long. 78.81836 ° W
Universal Transverse Mercator: 17
Name of nearest waterbody: Tonawanda Creek
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A
Name of watershed or Hydrologic Unit Code (HUC): 04120104

☑ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☐ Office (Desk) Determination. Date: *Click here to enter a date*

☑ Field Determination. Date(s): July 10, 2017

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. *[Required]*

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: *Click here to enter text.*

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. *[Required]*

1. Waters of the U.S.
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]

☐ TNWs, including territorial seas

☐ Wetlands adjacent to TNWs

☐ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs

☐ Non-RPWs that flow directly or indirectly into TNWs

☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

☐ Impoundments of jurisdictional waters

☐ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
   Non-wetland waters: - linear feet: - width (ft) and/or - acres.
   Wetlands: - acres.

   c. **Limits (boundaries) of jurisdiction** based on: *Choose an item.*

   Elevation of established OHWM (if known): *Click here to enter text.*

2. Non-regulated waters/wetlands (check if applicable):[3]

☑ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: Wetland A (0.75-acre) was determined to be isolated. The factors at 328.3(a)(i-iii) were considered and determined there is no substantial nexus to interstate or foreign commerce. The following is a summary of the physical characteristics that were reviewed for this jurisdictional determination.

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

The entire perimeter of the wetland was walked during the July 10, 2017, site visit. The wetlands are completely surrounded by roads and development, there was no surface water outlet from the wetland and based on the topography it appears the wetland's hydrology is solely provided by precipitation and overland sheet flow from the surrounding area. It is unlikely that the wetland receives sufficient surface water to overcome the barriers of parking lots, roads, mowed yards, houses, driveways and distance to the nearest tributary, which is Tonawanda Creek, 0.4-mile to the west. Due to landscape position and soil characteristics, a shallow subsurface connection is unlikely. Therefore, the wetlands are unlikely to have a chemical nexus to the downstream TNW, the Tonawanda Creek. The wetland does not receive or maintain enough surface water of sufficient frequency, duration, or depth to sustain amphibian egg masses or aquatic insect larvae, for example. Therefore, the wetland's hydrological characteristics, combined with the distance between the wetland and the nearest conveyances, preclude the possibility of a biological nexus.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW
   Identify TNW:
   Summarize rationale supporting determination:

2. **Wetland adjacent to TNW**
   Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. **Characteristics of non-TNWs that flow directly or indirectly into TNW**

   (i) **General Area Conditions:**
   Watershed size:
   Drainage area:

   Average annual rainfall: inches
   Average annual snowfall: inches

   (ii) **Physical Characteristics:**
   (a) Relationship with TNW:
   ☐ Tributary flows directly into TNW.
   ☐ Tributary flows through tributaries before entering TNW.

   Project waters are river miles from TNW.
   Project waters are river miles from RPW.
   Project waters are aerial (straight) miles from TNW.
   Project waters are aerial (straight) miles from RPW.
   Project waters cross or serve as state boundaries. Explain:

   Identify flow route to TNW[5]:
   Tributary stream order, if known:

   (b) General Tributary Characteristics (check all that apply):
   Tributary is: ☐ Natural

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

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☐ Artificial (man-made). Explain: *Click here to enter text.*

☐ Manipulated (man-altered). Explain: *Click here to enter text.*

Tributary properties with respect to top of bank (estimate):
Average width: ▫ feet
Average depth: ▫ feet
Average side slopes: *Choose an item.*

Primary tributary substrate composition (check all that apply):

☐ Silts	☐ Sands	☐ Concrete
☐ Cobbles	☐ Gravel	☐ Muck
☐ Bedrock	☐ Vegetation. Type/% cover: *Click here to enter text.*	
☐ Other. Explain: *Click here to enter text.*		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: *Click here to enter text.*
Presence of run/riffle/pool complexes. Explain: *Click here to enter text.*
Tributary geometry: *Choose an item.*
Tributary gradient (approximate average slope): ▫ %

(c) Flow:
Tributary provides for: *Choose an item.*
Estimate average number of flow events in review area/year: *Choose an item.*
Describe flow regime: *Click here to enter text.*
Other information on duration and volume: *Click here to enter text.*

Surface flow is: *Choose an item.* Characteristics: *Click here to enter text.*

Subsurface flow: *Choose an item.* Explain findings: *Click here to enter text.*
☐ Dye (or other) test performed: *Click here to enter text.*

Tributary has (check all that apply):
☐ Bed and banks
☐ OHWM[6] (check all indicators that apply):

☐ clear, natural line impressed on the bank	☐ the presence of litter and debris
☐ changes in the character of soil	☐ destruction of terrestrial vegetation
☐ shelving	☐ the presence of wrack line
☐ vegetation matted down, bent, or absent	☐ sediment sorting
☐ leaf litter disturbed or washed away	☐ scour
☐ sediment deposition	☐ multiple observed or predicted flow events
☐ water staining	☐ abrupt change in plant community *Click here to enter text.*
☐ other (list): *Click here to enter text.*	

☐ Discontinuous OHWM.[7] Explain: *Click here to enter text.*

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☐ High Tide Line indicated by:	☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects	☐ survey to available datum;
☐ fine shell or debris deposits (foreshore)	☐ physical markings;
☐ physical markings/characteristics	☐ vegetation lines/changes in vegetation types.
☐ tidal gauges	
☐ other (list): *Click here to enter text.*	

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: *Click here to enter text.*
Identify specific pollutants, if known:

(iv) Biological Characteristics. Channel supports (check all that apply):
☐ Riparian corridor. Characteristics (type, average width): *Click here to enter text.*
☐ Wetland fringe. Characteristics: *Click here to enter text.*
☐ Habitat for:

[6] A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7] Ibid.

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- ☐ Federally Listed species. Explain findings:
- ☐ Fish/spawn areas. Explain findings:
- ☐ Other environmentally-sensitive species. Explain findings:
- ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:
Properties:
Wetland size: acres
Wetland type. Explain:
Wetland quality. Explain:
Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:
Flow is: Explain:

Surface flow is:
Characteristics:

Subsurface flow: Explain findings:
☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:
☐ Directly abutting
☐ Not directly abutting
☐ Discrete wetland hydrologic connection. Explain:
☐ Ecological connection. Explain:
☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW
Project wetlands are river miles from TNW.
Project waters are aerial (straight) miles from TNW.
Flow is from:
Estimate approximate location of wetland as within the floodplain.

(ii) **Chemical Characteristics:**
Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:
Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**
☐ Riparian buffer. Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
☐ Habitat for:
☐ Federally Listed species. Explain findings:
☐ Fish/spawn areas. Explain findings:
☐ Other environmentally-sensitive species. Explain findings:
☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**
All wetland(s) being considered in the cumulative analysis:
Approximately ( ) acres in total are being considered in the cumulative analysis.

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For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
Y/N		Y/N	
Y/N		Y/N	
Y/N		Y/N	
Y/N		Y/N	

Summarize overall biological, chemical and physical functions being performed: *Click here to enter text.*

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: *Click here to enter text.*

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: *Click here to enter text.*

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: *Click here to enter text.*

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   - ☐ TNWs: _ linear feet _ width (ft), Or, _ acres.
   - ☐ Wetlands adjacent to TNWs: _ acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   - ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: *Click here to enter text.*.
   - ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: *Click here to enter text.*.

   Provide estimates for jurisdictional waters in the review area (check all that apply):
   - ☐ Tributary waters: _ linear feet _ width (ft).
   - ☐ Other non-wetland waters: _ acres.
     Identify type(s) of waters: *Click here to enter text.*

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3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
   ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional waters within the review area (check all that apply):
   ☐ Tributary waters: linear feet width (ft).
   ☐ Other non-wetland waters: acres.
   Identify type(s) of waters:

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
   ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
   ☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
   ☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

   Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
   ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

   Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
   ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.[9]**
   As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
   ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
   ☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
   ☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]

☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain:
☐ Other factors. Explain:

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters:
☐ Wetlands: acres.

[8] See Footnote # 3.
[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.*

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F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☑ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - ☑ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: *Click here to enter text.*
- ☐ Other: (explain, if not covered above): *Click here to enter text.*

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).
- ☐ Lakes/ponds: # acres.
- ☐ Other non-wetland waters: # acres. List type of aquatic resource: *Click here to enter text.*.
- ☑ Wetlands: Wetland A (0.75-acre)

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).
- ☐ Lakes/ponds: # acres.
- ☐ Other non-wetland waters: # acres. List type of aquatic resource: *Click here to enter text.*.
- ☐ Wetlands: # acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☑ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: *Click here to enter text.*
- ☑ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☑ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: *Click here to enter text.*
- ☐ Corps navigable waters' study: *Click here to enter text.*
- ☐ U.S. Geological Survey Hydrologic Atlas: *Click here to enter text.*
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☑ U.S. Geological Survey map(s). Cite scale & quad name: Tonawanda East
- ☑ USDA Natural Resources Conservation Service Soil Survey. Citation: Erie County
- ☑ National wetlands inventory map(s). Cite name: USFWS
- ☐ State/Local wetland inventory map(s): *Click here to enter text.*
- ☐ FEMA/FIRM maps: *Click here to enter text.*
- ☐ 100-year Floodplain Elevation is: *Click here to enter text.* (National Geodectic Vertical Datum of 1929)
- ☑ Photographs: ☑ Aerial (Name & Date): Google Earth, various years
  - ☐ or ☐ Other (Name & Date): *Click here to enter text.*
- ☐ Previous determination(s). File no. and date of response letter: *Click here to enter text.*
- ☐ Applicable/supporting case law: *Click here to enter text.*
- ☐ Applicable/supporting scientific literature: *Click here to enter text.*
- ☐ Other information (please specify): *Click here to enter text.*

B. ADDITIONAL COMMENTS TO SUPPORT JD: *Click here to enter text.*

ADAMS.HEATHER.LYNN.1257722933 Digitally signed by ADAMS.HEATHER.LYNN.1257722933 DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USA, cn=ADAMS.HEATHER.LYNN.1257722933 Date: 2018.01.08 09:55:43 -05'00'

January 8, 2018

Heather Adams
Project Manager

Date

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

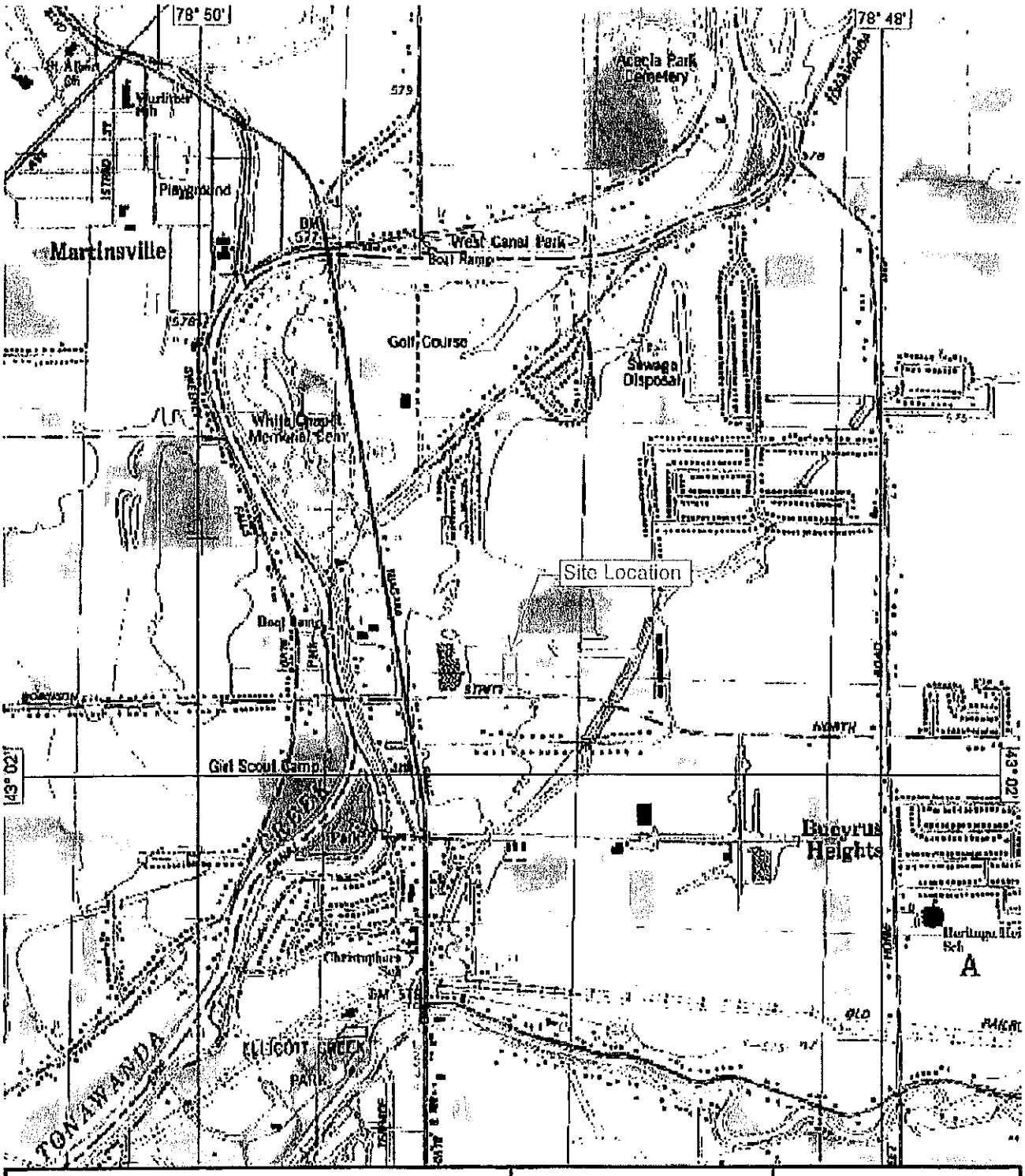


Figure 1: USGS Quadrangle Map

Tonawanda East 7.5 Minute Quadrangle

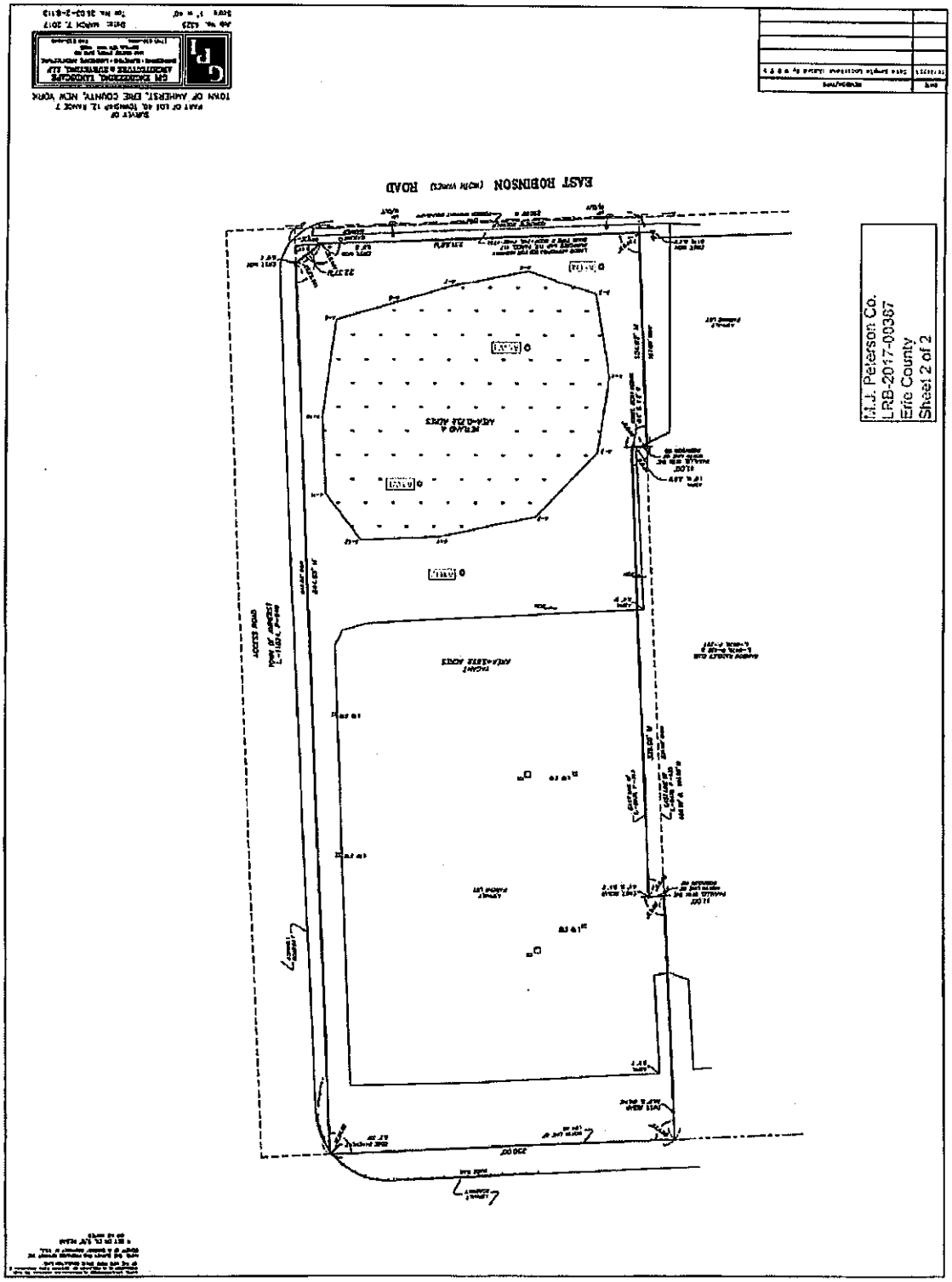
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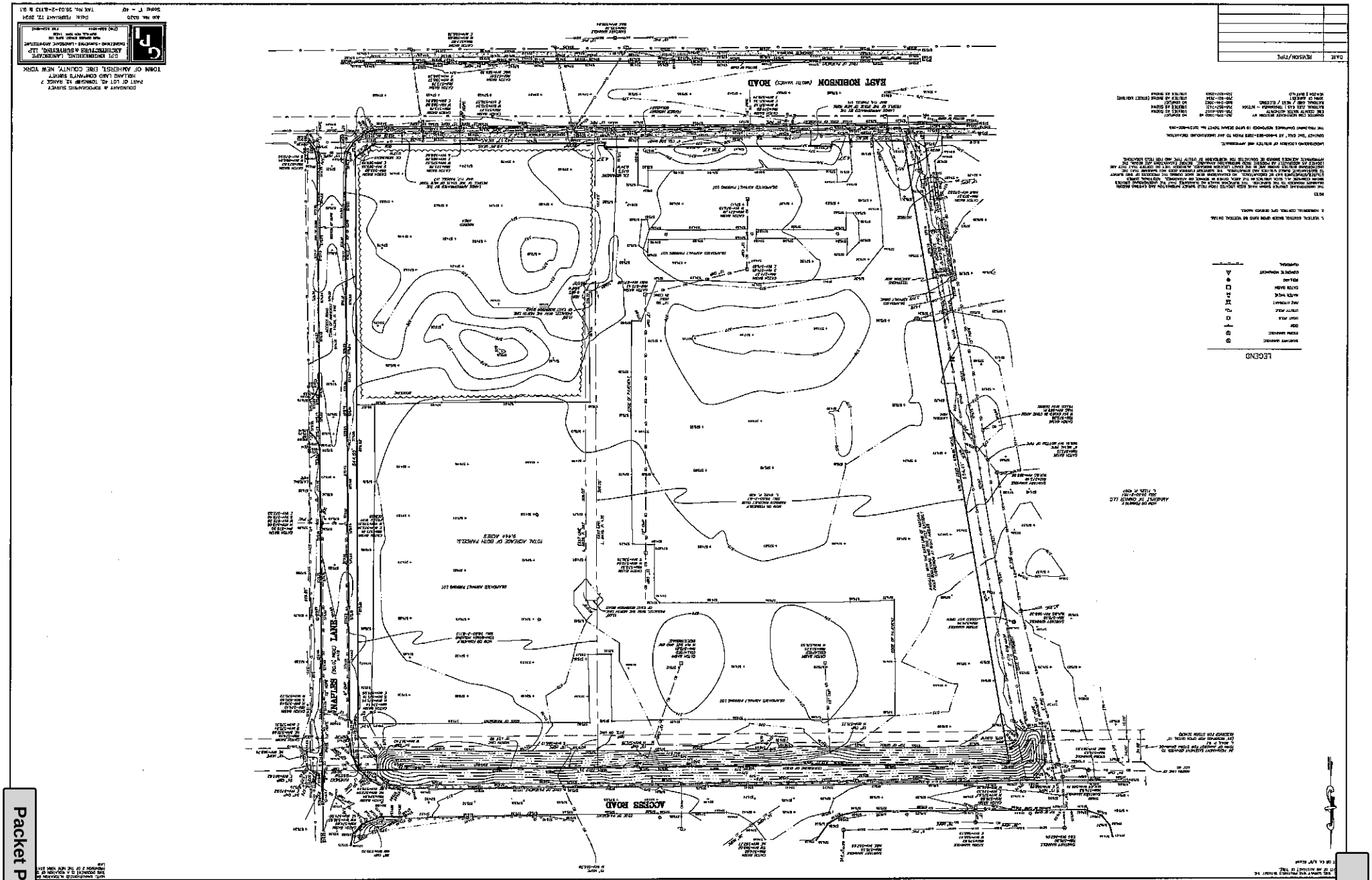
M.J. Peterson Co.
LRB-2017-00387
Erie County
Sheet 1 of 2

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

© CARMINA WOOD DESIGN



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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
JUL 03 2024
TOWN OF AMHERST
PLANNING DEPT.

MEMORANDUM

June 24, 2024

TO: Daniel Ulatowski, Principal Planner
~~Vaishali Reberholt~~, Assistant Town Engineer
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)

FROM: Scott Marshall, Principal Planner

SUBJECT: REQUEST TO REZONE 9.44± ACRES OF LAND FROM **GENERAL BUSINESS DISTRIC (GB)** TO **MULTI-FAMILY RESIDENTIAL DISTRICT SEVEN (MFR-7), Z-2024-02;** PROPERTY LOCATED AT **3880 & 3910 EAST ROBINSON ROAD.** RAINBOW RACQUET CLUB, PETITIONER.

Traffic Impact Report:
Received May 28, 2024

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).

Print Name: Chris Schregel

Signature: _____ **Date:** 7/3/24

SM/JQ/ac
X:\Current_Planning\Files\Rezonings\2024\Z-2024-02_(3880_&_3910_East_Robinson_Rd)_2024\Z-2024-02_TIS_Transmittal_062424.doc
cc: Jeff Burroughs, Town Engineer
Scott Marshall
Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221
Christopher Wood, Carmina Wood Design, 487 Main St. #500, Buffalo, NY 14203
Victor L. Peterson III, M.J. Peterson Corp., 431 Delaware Avenue, Buffalo, NY 14202

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

Note: Please complete and send one copy with attachments to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202. Retain a copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.: ZR-24-368

Received: 4/23/2024

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action 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 [ ] Time 6:30 PM Location 5583 Main St Williamsville

3. Action is before: [X] Legislative Body [ ] Board of Appeals [X] Planning Board

4. Action consists of: [ ] New Ordinance [X] Rezone/Map Change [ ] Ordinance Amendment
   [ ] Site Plan [ ] Variance [ ] Special Use Permit [ ] Other

5. Location of Property: [ ] Entire Municipality [X] Specific as follows: 3880-3910 East Robinson Road

6. Referral required as Site is within 500'of: [ ] State or County Property/Institution [ ] Municipal Boundary [ ] Farm Operation located in an Agricultural District
   [ ] Expressway [X] County Road [ ] State Highway [ ] Proposed State or County Road, Property, Building/ Institution, Drainageway

7. Proposed change or use: Rezone 9.4 ac. of Land from GB to Multi Family Residential District 7 to allow for a potential 256 Unit Senior Apt. Development

8. Other remarks: (ID#, SBL#, etc.) 26.03-2-9.1 + 26.03-2-8,113 Z-2024-02

9. Submitted by: Scott A. Marshall, Principal Planner Date: April 23 2024

Mailing Address: Town of Amherst Planning Department, 5583 Main Street, Williamsville, NY 14221

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 4/23/2024. 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. [X] No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning: Dan M. Hall Date: 7/5/2024

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

MEMORANDUM

June 24, 2024

TO: Daniel Ulatowski, Principal Planner
Vaishali Reberholt, Assistant Town Engineer

FROM: SM Scott Marshall, Principal Planner

SUBJECT: REQUEST TO REZONE 9.44± ACRES OF LAND FROM **GENERAL BUSINESS DISTRIC (GB)** TO **MULTI-FAMILY RESIDENTIAL DISTRICT SEVEN (MFR-7)**, **Z-2024-02**; PROPERTY LOCATED AT **3880 & 3910 EAST ROBINSON ROAD**. RAINBOW RACQUET CLUB, PETITIONER.

Downstream Sanitary Sewer Capacity Analysis Report:
Received May 28, 2024

REVIEW:

Do you agree with all statements made? Yes

If you do not, briefly state why: _____

General comments relative to your agency interests: DSCA will be reviewed in detail during site plan review. No immediate concerns.

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).

Print Name: Vaishali Reberholt, PE

Signature: _____ **Date:** 7/2/24

SM/JQ/ac
X:\Current_Planning\Files\Rezonings\2024\Z-2024-02_(3880_&_3910_East_Robinson_Rd)_2024\Z-2024-02_DSCA_Transmittal_062424.doc
cc: Jeff Burroughs, Town Engineer
Scott Marshall
Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221
Christopher Wood, Carmina Wood Design, 487 Main St. #500, Buffalo, NY 14203
Victor L. Peterson III, M.J. Peterson Corp., 431 Delaware Avenue, Buffalo, NY 14202

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

MEMORANDUM

April 23, 2024

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Emily Murphy, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberholt, Assistant Town Engineer
Steven Floss, Highway Superintendent/ Eric Blocher, General Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Krista Halt, Senior Fire Inspector (c/o Bldg)
Martin Polowy, Town Attorney (Local Law Only)
Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP, David.Hall@erie.gov
Sweet Home School District, mginestre@sweethomeschools.org
NYSDEC, Dep.r9@dec.ny.gov
ECDPW – Highways, Garrett.hacker@erie.gov
NYSOPRHP, Erik.Kulleseid@parks.ny.gov
ACAC, dcopeland@roadrunner.com
AIDA, dmingoia@amherstida.com

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 9.44± ACRES OF LAND FROM **GENERAL BUSINESS DISTRIC (GB)** TO **MULTI-FAMILY RESIDENTIAL DISTRICT SEVEN (MFR-7), Z-2024-02**; PROPERTY LOCATED AT **3880 & 3910 EAST ROBINSON ROAD**. RAINBOW RACQUET CLUB, PETITIONER.

REVIEW:

Do you agree with all statements made? I SUPPORT THE REZONING REQUEST.

If you do not, briefly state why: _____

General comments relative to your agency interests: SEE ATTACHED

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: Daniel J. Ulatowski **Date:** 6/17/2024

DU/SM/bf DANIEL J. ULATOWSKI - ZEO

X:\Current_Planning\Files\Rezonings\2024\Z-2024-02_(3880_&_3910_East_Robinson_Rd)_2024\Z-2024-02_Transmittal_042324.doc

cc: Scott Marshall, Principal Planner
Jeff Burroughs, Town Engineer
Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221
Christopher Wood, Carmina Wood Design, 487 Main St. #500, Buffalo, NY 14203
Victor L. Peterson III, M.J. Peterson Corp., 431 Delaware Avenue, Buffalo, NY 14202

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard, Alt
Planning Director

Daniel J. Ulatowski, Alt
Assistant Planning Direc

MEMORANDUM June 17, 2024

To: File

From: Daniel J. Ulatowski, AICP, Assistant Planning Director/ZEO

Re: 3880 & 3910 East Robinson Road
Rezoning Request GB to MFR-7 (Z-2024-02)

The subject 9.44 +/- acre site was previously developed while maintaining a sizable forest community (1.5 acres) with an isolated wetland (see attached historical imagery). The developer's concept plan fails to recognize the value of such natural resources as it plans to remove all of the resource (see concept plan overlaid on aerial imagery).

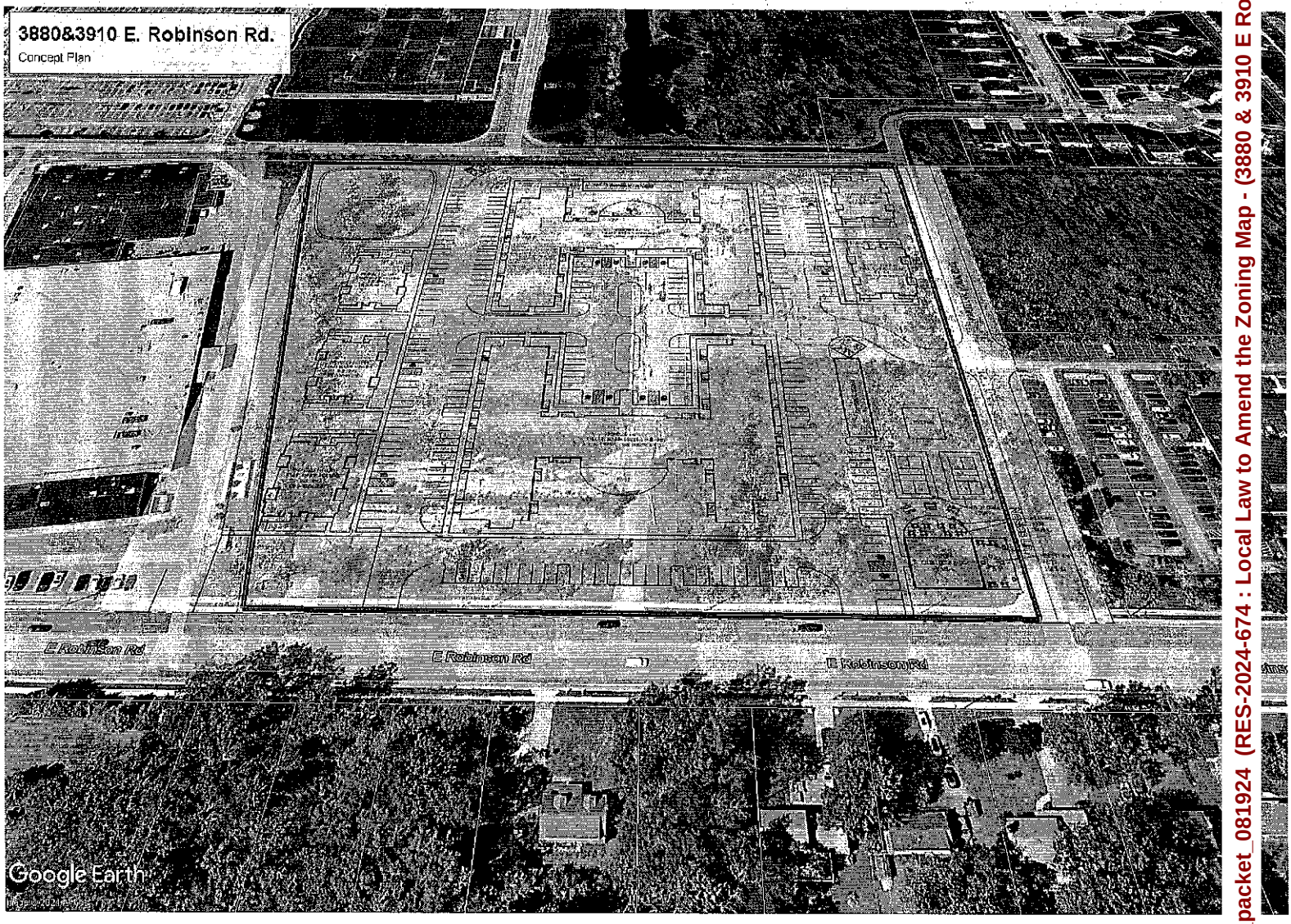
At time of site plan review a forest community study must be provided to ascertain the local ecological significance of the forest and the isolated wetland. The Town Board may want to consider a rezoning condition to limit the total destruction of the natural resource as planned, allowing for the developer to modify his/her concept plan to retain a significant portion of the forest community and wetland; and incorporate some of the natural resources into a natural amenity space to support its planned resident community amenities.

DU/du
X:\Zoning_Officer\Zoning Verification Letters\ZEO review_3880_3910 East Robinson_rezoning _Z-2024-02.docx

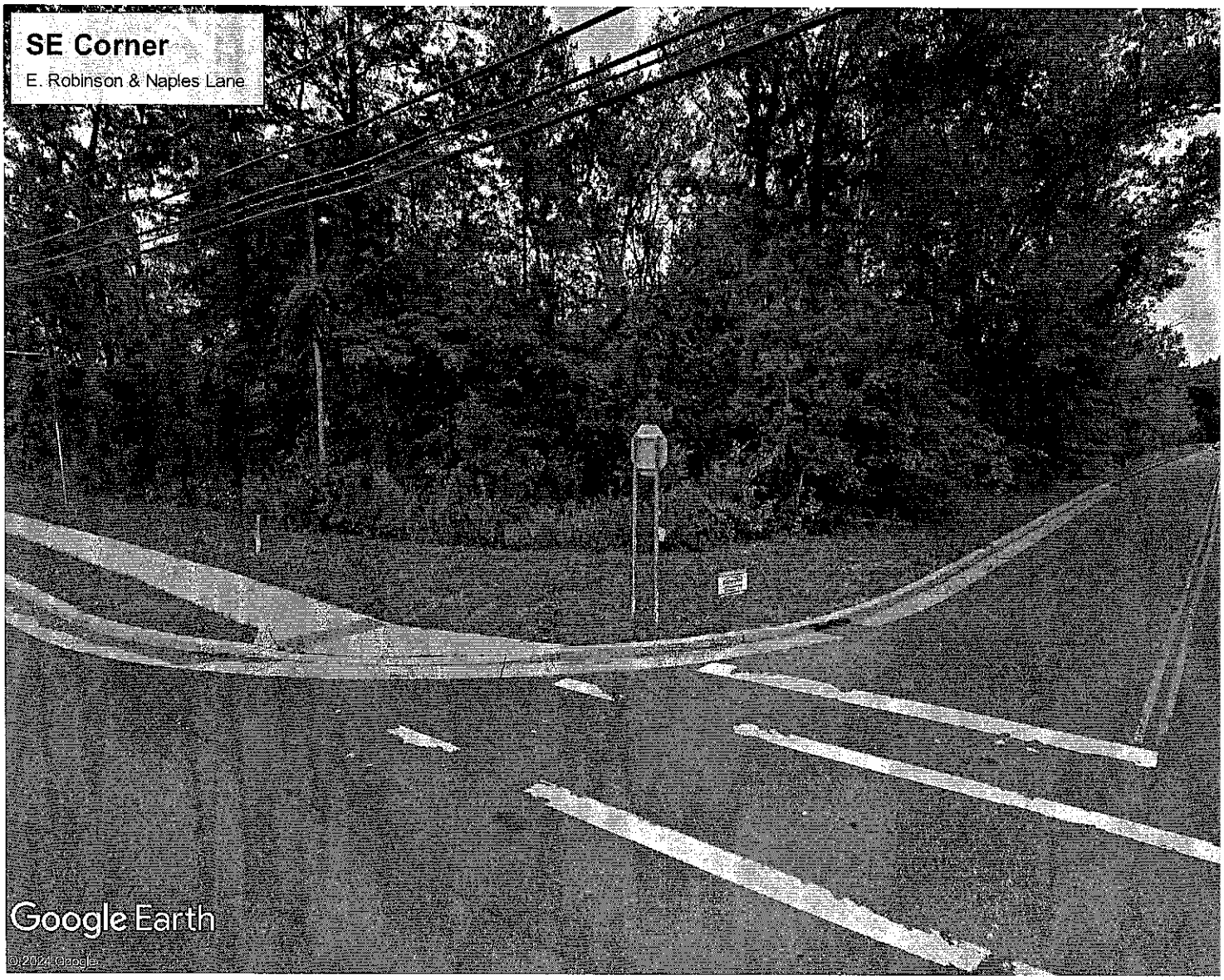
Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))



Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Naples Ln
viewing south to E. Robinson Rd
Google Earth

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

MEMORANDUM

June 24, 2024

TO: Daniel Ulatowski, Principal Planner
Douglas Gesel, Supervising Code Enforcement Officer, Building Department

FROM: SM Scott Marshall, Principal Planner

SUBJECT: REQUEST TO REZONE 9.44± ACRES OF LAND FROM **GENERAL BUSINESS DISTRIC (GB)** TO **MULTI-FAMILY RESIDENTIAL DISTRICT SEVEN (MFR-7), Z-2024-02**; PROPERTY LOCATED AT **3880 & 3910 EAST ROBINSON ROAD**. RAINBOW RACQUET CLUB, PETITIONER.

Cultural Resource Investigation Report & No Impact Determination Letter:
Received June 20, 2024

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).

Print Name: Doug Gesel

Signature: Doug Gesel **Date:** 6/25/24

SM/JQ/ac
X:\Current_Planning\Files\Rezonings\2024\Z-2024-02_(3880_&_3910_East_Robinson_Rd)_2024\Z-2024-02_Rev_Transmittal_062424.doc
cc: Jeff Burroughs, Town Engineer
Scott Marshall
Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221
Christopher Wood, Carmina Wood Design, 487 Main St. #500, Buffalo, NY 14203
Victor L. Peterson III, M.J. Peterson Corp., 431 Delaware Avenue, Buffalo, NY 14202

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9
700 Delaware Avenue, Buffalo, NY 14209
P: (716) 851-7165 | F: (716) 851-7168
www.dec.ny.gov

May 20, 2024

SENT VIA EMAIL

Scott Marshall, Principal Planner
Town of Amherst Planning Department
5583 Main Street
Williamsville, New York 14221

Dear Scott Marshall:

SEQR LEAD AGENCY DESIGNATION
3880 & 3910 East Robinson Rd. Rezoning
Town of Amherst, Erie County

NYSDEC has reviewed the Town of Amherst request for Lead Agency status on the above referenced project. The Department agrees that the Town should act as the SEQR Lead Agency since the environmental impacts of the proposal are primarily of local significance.

1. Since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-20-001, as well as information on how to electronically submit the eNOI form, is available on the NYSDEC's website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the NYSDEC's website at www.dec.ny.gov/chemical/8468.html.

   The Town of Amherst is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principal executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the eNOI to receive NYSDEC approval before construction commences.

2. This proposed project requires a sanitary sewer connection that is designed to convey 2,500 gallons/day or more of municipal sewage and is therefore considered a sanitary sewer extension. The Erie Health Department, 503 Kensington Avenue, Buffalo, New York 14214, telephone: 716/961-6800, which acts as our agent, will be the approving agency.

NEW YORK STATE | Department of Environmental Conservation

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

A detailed Downstream Sewer Capacity Analysis must be performed and submitted for the project as part of the Project's Engineering Report. Recent wet weather flow monitoring data and proposed new development flow should be analyzed relative to theoretical capacity at key nodes in the downstream sewer system and at pump stations (if any) to determine if capacity exists.

Recent wet weather system flow data can consist of:

- Comprehensive information from recent Sanitary Sewer System Evaluation Studies, or

- Wet weather data collected at (minimum of 3) key downstream nodes specified by the municipality.

    - This dated information can consist of instantaneous flow measurements or continuous flow or sewer depth measurements obtained during significant wet weather events, preferably during high groundwater conditions. Peak sewer flow recording methods are an acceptable method to collect this information.
    - Depth or flow measurements should continue until a significant wet weather event occurs, but would not have to extend beyond three months. A significant wet weather event is considered to be a daily rainfall amount of ½" or greater.

The Downstream Sewer Capacity Analysis must also contain a narrative and a detailed map showing the downstream routing of sewers from the proposed project site to the Wastewater Treatment Plant. Line sizes, theoretical capacity and pump stations must be identified and included in the analysis.

This Downstream Sewer Capacity Analysis, as well as any required infiltration and inflow (I/I) rehabilitation offset work at a 4:1 ratio, should be part of the Project's Engineering Report. These items must be received as part of a complete sanitary sewer extension plan submission. The Town of Amherst shall coordinate the information contained in this submission. If adequate capacity is not available, the sewer extension will not be approved until an acceptable remediation plan is developed.

3. It was noted on the Federal Emergency Management Agency's (FEMA) FIRM Map No. 36029C0062H that the site is located within the designated 100-year floodplain. The proposed project should be designed in accordance with all applicable local municipal laws for flood damage reduction.

4. The project site was noted to be located in an archaeologically sensitive area based on information obtained through the Cultural Resource Information System (CRIS) on the New York State Office of Parks, Recreation and Historic Preservation's (OPRHP) website at https://cris.parks.ny.gov/. As part of the SEQR process, this concern should be evaluated, unless it can be verified by appropriate documentation that the site has been significantly disturbed in a way that would destroy potential artifacts.

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

Please recognize that normal agricultural activities, such as plowing, would not constitute such land disturbance. If there are any questions regarding this, contact OPRHP (telephone: 518/237-8643).

5. The project area may include federally regulated wetlands based on a review of the National Wetlands Inventory wetland mapping. The project sponsor should consult with the United States Army Corps of Engineers (USACE), telephone: 716/879-4330, concerning USACE regulatory jurisdiction to determine if the project will impact federally regulated wetlands or require any other approval from that agency. If federal wetlands are involved, USACE may require the project sponsor to obtain a Section 401 Water Quality Certification (WQC) from NYSDEC. More information related to this requirement can be found on NYSDEC's website at https://dec.ny.gov/regulatory/permits-licenses/waterways-coastlines-wetlands/protection-of-waters-program#Water_Quality_Certification.

Thank you for providing this office the opportunity to review this proposal. If you have any questions, please feel free to contact Lisa Connors of my staff at 716/851-7165 or lisa.connors@dec.ny.gov.

Sincerely,

Lisa M. Czechowicz

Lisa M. Czechowicz
Regional Permit Administrator

LDC/slr

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

May 17, 2024

Rainbow Racquet Club
c/o Sean W. Hopkins, Esq.
5500 Main Street, Suite 343
Williamsville, New York 14221

SUBJECT:	Rezoning Application Review	**Z-2024-02**
	Request:	Rezone 9.44± acres from GB to MFR-7
	Property located at:	**3880 & 3910 East Robinson Road**
	Application received:	April 22, 2024
	Wetland Report received:	May 14, 2024
	Representative:	Carmina Wood Design

Dear Mr. Hopkins,

Please consider the following comments:

1. The concept plan provided as part of the application is being used for informational purposes only. This departments review is not to be construed as endorsement or approval of the concept plan or that it complies with the requirements of §203 or §204 of Town Code.

2. The following items on the Environmental Assessment Form should be corrected or completed:
   - B.a. check the yes box
   - B.h. check the yes box for wetland jurisdiction.
   - C.2.a. correct the answer to yes.
   - C.2.b. correct the answer to no.
   - C.3.c.*i.* provide answer for proposed zoning district.
   - C.4.a. provide answer.
   - C.4.b. provide answer.
   - D.2.b. potential federal wetlands on the property, check yes and answer remaining questions if applicable in this section.

3. The subject site is located within an archaeologically sensitive area. An archaeological assessment will be required prior to the Planning Board making a SEQR determination.

4. A jurisdictional determination based upon the Wetland Report received on May 14, 2024 must be provided prior to any future site disturbance or construction.

5. Note that any other SEQR-related issues raised during the review process for this rezoning must be addressed prior to action by the Planning Board.

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

6. Provide an 8½ " x 11" reduction of any revised concept plan **and an electronic version** of any revised plans or information submitted for review.

This is a review only and does not constitute approval of the Rezoning Request. Should you have questions regarding this correspondence, please contact Scott A. Marshall, Principal Planner at smarshall@amherst.ny.us.

Very truly yours,

Scott A. Marshall
Principal Planner

DH/SM/bf
X:\Current_Planning\Files\Rezonings\2024\Z-2024-02_(3880_&_3910_East_Robinson_Rd)_2024\Z-2024-02_Pln_Dpt_Rvw_05102024.docx

cc: Chris Wood, Carmina Wood Design, 487 Main St., Ste. 500, Buffalo, NY 14203
Victor L. Peterson III, MJ Peterson, 200 John James Audubon Pkwy., Ste. 300, Amherst, NY 14228

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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 Direct

RECEIVED
APR 25 2024
TOWN OF AMHERST
BUILDING DEPT

MEMORANDUM April 23, 2024

RECEIVED
MAY 16 2024
TOWN OF AMHERST
PLANNING DEPT.

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Emily Murphy, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberholt, Assistant Town Engineer
Steven Floss, Highway Superintendent/ Eric Blocher, General Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Krista Halt, Senior Fire Inspector (c/o Bldg)
Martin Polowy, Town Attorney (Local Law Only)
Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP, David.Hall@erie.gov
Sweet Home School District, mginestre@sweethomeschools.org
NYSDEC, Dep.r9@dec.ny.gov
ECDPW – Highways, Garrett.hacker@erie.gov
NYSOPRHP, Erik.Kulleseid@parks.ny.gov
ACAC, dcopeland@roadrunner.com
AIDA, dmingoia@amherstida.com

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 9.44± ACRES OF LAND FROM **GENERAL BUSINESS DISTRIC (GB)** TO **MULTI-FAMILY RESIDENTIAL DISTRICT SEVEN (MFR-7), Z-2024-02**; PROPERTY LOCATED **AT 3880 & 3910 EAST ROBINSON ROAD**. RAINBOW RACQUET CLUB, PETITIONER.

REVIEW:

Do you agree with all statements made? No objections.

If you do not, briefly state why: _____

General comments relative to your agency interests: _____

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

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

Signature: Krista Halt **Date:** 5/16/24

DU/SM/bf
X:\Current_Planning\Files\Rezonings\2024\Z-2024-02_(3880_&_3910_East_Robinson_Rd)_2024\Z-2024-02_Transmittal_042324.doc
cc: Scott Marshall, Principal Planner
Jeff Burroughs, Town Engineer
Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221
Christopher Wood, Carmina Wood Design, 487 Main St. #500, Buffalo, NY 14203
Victor L. Peterson III, M.J. Peterson Corp., 431 Delaware Avenue, Buffalo, NY 14202

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

RECEIVED
MAY 14 2024
TOWN OF AMHERST

MEMORANDUM

May 9, 2024

RECEIVED
MAY 10 2024
TOWN ATTORNEY

TO: Tim Koller, Deputy Town Clerk
Daniel J. Ulatowski, AICP, Zoning Enforcement Officer
Emily Murphy, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Vaishali Reberholt, Assistant Town Engineer
Steven Floss, Highway Superintendent/ Eric Blocher, General Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Krista Halt, Senior Fire Inspector (c/o Bldg)
Martin Polowy, Town Attorney (Local Law Only)
Nora Robshaw, Right-of-Way Agent
Integrated Review Coordinator, ECDEP, David.Hall@erie.gov
Sweet Home School District, mginestre@sweethomeschools.org
NYSDEC, Dep.r9@dec.ny.gov
ECDPW – Highways, Garrett.hacker@erie.gov
NYSOPRHP, Erik.Kulleseid@parks.ny.gov
ACAC, dcopeland@roadrunner.com
AIDA, dmingoia@amherstida.com

FROM: Scott Marshall, Principal Planner

SUBJECT: REQUEST TO REZONE 9.44± ACRES OF LAND FROM **GENERAL BUSINESS DISTRIC (GB)** TO **MULTI-FAMILY RESIDENTIAL DISTRICT SEVEN (MFR-7), Z-2024-02**; PROPERTY LOCATED AT **3880 & 3910 EAST ROBINSON ROAD**. RAINBOW RACQUET CLUB, PETITIONER.

REVISED CONCEPT PLAN:
Received May 8, 2024

REVIEW:

Do you agree with all statements made? _____

If you do not, briefly state why: _____

_____

General comments relative to your agency interests: No comments

_____

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:** 5-13-24

SM/bf
X:\Current_Planning\Files\Rezonings\2024\Z-2024-02_(3880_&_3910_East_Robinson_Rd)_2024\Z-2024-02_Rev_Transmittal_050924.doc
cc: Scott Marshall, Principal Planner
Jeff Burroughs, Town Engineer
Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221
Christopher Wood, Carmina Wood Design, 487 Main St. #500, Buffalo, NY 14203
Victor L. Peterson III, M.J. Peterson Corp., 431 Delaware Avenue, Buffalo, NY 14202

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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: May 14, 2024

SUBJECT: Request to Rezone 9.44±Acres of Land from General Business District (GB) to Multi-Family Residential District Seven (MFR-7) Z-2024-02
Property Location: **3880 & 3910 E. Robinson Road**
Petitioner: **Rainbow Racquet Club**

Assessor agrees with all statements

cc: Sean Hopkins, 5500 Main St., Ste. 343, Williamsville, NY 14221
Christopher Wood, Carmina Wood Design, 487 Main St., #500, Buffalo, NY 14203
Victor L. Peterson III, M.J. Peterson Corp., 431 Delaware Ave., Buffalo, NY 14202

Attachment: Z-2024-02_TB_packet_081924 (RES-2024-674 : Local Law to Amend the Zoning Map - (3880 & 3910 E Robinson Road, Z-2024-02))

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Councilmembers
Initiated by: **Jacqualine Berger**
Co-Sponsored by:

DOC ID: 29334 **RESOLUTION 2024-701** **ADOPTED**

9/11 Commemorative Committee Appointments

WHEREAS, after the tragic events of September 11, 2001, the Town of Amherst created a 9/11 Commemoration Committee to plan, organize and conduct an annual ceremony to remember those lost; and

WHEREAS, the membership for this committee is unlimited; and

WHEREAS, the 9/11 Commemoration Committee currently has a Board of six (6) members, who shall continue to serve until their term of appointment expires, as follows:

Susan Grelick, Chair, term concludes 12/31/2025
Karen Eckert, Member, term concludes 12/31/2025
Patrice Fischer, Member, term concludes 12/31/2025
Steve DiPasquale, Member, term concludes 12/31/2025
Mary Kate O'Connell, Member, term concludes 12/31/2025; and

WHEREAS, other members representing the Town of Amherst include liaison Francina Spoth, Town Clerk, Captain Charles Persons, Amherst Police Department representative, Brandon Peters, Emergency Services representative, Mary-Diana Pouli, Director of Youth & Recreation and Dominic Creamer, Highway Department.

WHEREAS, resident and former Parks and Recreation employee, Kathy Kaminski, instrumental in the initiation of the 9/11 Memorial Grove, has expressed interest in serving on the 9/11 Commemoration Committee; and

WHEREAS, Amherst Town resident Larry Taber has expressed interest in serving on the 9/11 Commemoration Committee; and

WHEREAS, Leigh Macadlo, who lost a brother in the Towers in NYC, has expressed interest in being a member of the 9/11 Commemoration Committee.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board appoints Kathy Kaminski, Leigh Macadlo, and Larry Taber to the 9-11 Commemoration Committee, for a term to conclude December 31, 2025.

9/3/2024
Consent

FINANCIAL IMPACT:

None

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

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 29355 **RESOLUTION 2024-702** **ROLL CALL VOTE (ADOPTED)**

Facility Improvements - Facilities Study of BNHV (Bond Resolution - $250,000)

AGENDA ITEM : SEPTEMBER 3RD, 2024

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Interim Town Attorney**

DATE: **August 28, 2024**

RE: **Facility Improvements - Facilities Study of BNHV**
2024-2029 C.I.P. - Project F-17
Bond Resolution - $250,000

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

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

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

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

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

Thank you.

SAA:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(*w/attachments*, **Agenda Item - September 3, 2024**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dale Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Daniel J. Rizzo, Project Manager (*w/attachments*)
Anne Dafchik, AIA, NCARB, Architect (*w/attachments*)

9/3/2024

A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0. A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved via Roll Call vote 4-0.

FINANCIAL IMPACT:

Bond Resolution - $250,000

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

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

MEMORANDUM August 20, 2024

TO: Daniel Rizzo, Director of Facilities

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

RE: SEQR Classification – Facilities Study of BNHV
2024-2029 C.I.P. Project F-17

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(c)(27). 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)\08_20_2024_F-17_Facilities Study of BNHV.docx

cc: Samuel Alba, Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: SEQR F-17 (RES-2024-702 : Facility Improvements - Facilities Study of BNHV (Bond Resolution - $250,000))

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the

County of Erie, New York

September 3, 2024

* * *

A regular meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, was held at the Town Hall, 5583 Main Street, Williamsville, New York, on September 3, 2024.

There were present:	Hon. Brian J. Kulpa, Supervisor; and
Board members:	Jacqualine Berger, Councilwoman Angela Marinucci, Councilwoman Shawn Lavin, Councilman Michael R. Szukala, Councilman
There were absent:	
Also present:	Francina J. Spoth, Town Clerk

* * *

_____ offered the following resolution and moved its adoption:

Attachment: CertBondReso (RES-2024-702 : Facility Improvements - Facilities Study of BNHV (Bond Resolution - $250,000))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED SEPTEMBER 3, 2024, AUTHORIZING THE PLANNING COSTS FOR FACILITY IMPROVEMENTS AT BUFFALO-NIAGARA HERITAGE VILLAGE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $250,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $250,000 TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF AMHERST, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Amherst, in the County of Erie, New York (herein called the "Town"), is hereby authorized to undertake the planning for facility improvements at Buffalo-Niagara Heritage Village as described in the map, plan and report dated August 2024 and prepared by the Town Facilities Department (2024-2029 Capital Improvement Program Project F-17). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $250,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of $250,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of $250,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Attachment: CertBondReso (RES-2024-702 : Facility Improvements - Facilities Study of BNHV (Bond Resolution - $250,000))

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the specific object or purpose for which said bonds are authorized to be issued, within the limitations of Section Sections 11.00 a. 62(2nd) of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds, and any notes in anticipation thereof to mature in such year, and (b) the payment of interest to be due and payable in such year.

Attachment: CertBondReso (RES-2024-702 : Facility Improvements - Facilities Study of BNHV (Bond Resolution - $250,000))

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the

Attachment: CertBondReso (RES-2024-702 : Facility Improvements - Facilities Study of BNHV (Bond Resolution - $250,000))

"Amherst Bee," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

The adoption of the foregoing resolution was seconded by _____and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

****

Attachment: CertBondReso (RES-2024-702 : Facility Improvements - Facilities Study of BNHV (Bond Resolution - $250,000))

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Amherst duly called and held on September 3, 2024, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this _____day of September, 2024.

(SEAL)

_____
Town Clerk

Attachment: CertBondReso (RES-2024-702 : Facility Improvements - Facilities Study of BNHV (Bond Resolution - $250,000))

Town of Amherst

Facilities Department

2024 – 2029 Capital Improvement Projects
Facility Improvements
F-17 Facilities Study of BNHV

MAP, PLAN & REPORT

August 2024

Contents:

• Background
• Location
• Project Description and Improvements
• Project Justification
• Anticipated Project Schedule
• Financial Summary
• Taxation Summary
• Town of Amherst SEQR Determination

Prepared by:
Town of Amherst
Facilities Department
5583 Main Street, Williamsville, NY 14221
(716) 631 – 7080 | (716) 631 – 7109

Attachment: MPR 2024 F-17 BNHV Records Storage Study (RES-2024-702 : Facility Improvements - Facilities Study of BNHV (Bond Resolution -

Background

The Buffalo Niagara Heritage Village (BNHV), located at 3755 Tonawanda Creek Road, is a 35-acre campus which is home to ten (10) historical buildings built in the 19th century. While displaying the history of the Niagara-Frontier, the Shaw Building located on the property has also acted as records storage for select Town of Amherst municipal records. As the Town continues to grow, the need for records storage space continues expand, as well as the need for space to display the history of the area. The Shaw Exhibit Building currently functions primarily as a museum and exhibit space, is also home to offices, conference rooms, event space and a historical collections room. Based on a 2021 study of the Town's records storage and management, it was recommended that the Town of Amherst consider a plan for a new Amherst Records Center, which would reduce operating costs, improve efficiencies, better secure inactive records, protect confidential records and better enable disposal of records which are past their legal retention period. The Shaw Building was not originally designed for a museum function, but is a viable option for a future Records Center.

The Town of Amherst has identified Project "**F-17** Facilities Study of BNHV" as a 2024 project to study the feasibility of converting the Shaw building into a Town Records Center, while also considering new or renovated space **on-site** to house the current BNHV Museum and Collections. The study was added to the 2024-2029 CIP via Resolution 2024-540 on June 24, 2024.

12.A.1.a

Town of Amherst **Amended 2024-2029 Capital Improvement Program** **June 24, 2024**

Project ID	Project Title/Description	Funding Source	2024 (1000's)	2025 (1000's)	2026 (1000's)	2027 (1000's)	2028 (1000's)	2029 (1000's)		Total Cost 2024-2029
S-19	Tonawanda Creek Grinder Pump Forcemain Ext.	LG				650				$650,000
F-1	Facilities Vehicles	LA	150	150	100					$400,000
F-2	Town Parking Lot Paving	LA		100	100	100	100	100		$500,000
F-3	Town Parking Lot Sealing & Striping	LA		100	100	100	100	100		$500,000
F-4	Museum Contract Improvements	LA								
F-5	Annual Masonry Restoration / Brick Re-Pointing	LA		75	75	85	95	95		$425,000
F-6	Town-Wide Arc Flash Study	LA			160	180				$340,000
F-7	Town Hall and 30 S. Cayuga Renovations	LA	100	200	80	80	200	200		$860,000
F-8	5005 Sheridan Roof Restoration	LA		504						$504,000
F-9	Senior Center Improvements	LA								
F-10	Senior Center Roof System Improvements	LA			750					$750,000
F-11	Harlem Road Community Center HVAC Controls Repl.	LA		375						$375,000
F-12	Harlem Road Community Center Auditorium Restoration	LA F/S		100 400						$500,000
F-13	Harlem Road Community Center Building Impr.	LA			75	75	75	75		$300,000
F-14	Highway Building Improvements	LD		1,000	1,000	1,000	1,000	1,000		$5,000,000
F-15	Engineering Department Building Improvements	LA				200	200			$400,000
F-16	Shaw Building Improvements	LA			150	150	150	150		$600,000
F-17	Facilities Study of BNHV and Oakwood	LA	250							$250,000
H-1	Vac Truck	LH								
H-2	Paving	LD	1,000	1,000	1,000	1,000	1,000	1,000		$6,000,000
H-3	Town-Wide Road Striping	LD	50	100	100	100	100	100		$550,000
H-4	Town-Wide Curbing Repair	LD		100						$100,000
H-5	Town-Wide Guide Rail Replacement	LD		50		50		50		$150,000
H-6	Town-Wide Repair of Park Structures	LA		100	100	100	100	100		$500,000
H-7	Town-Wide Tree Maintenance	LB	100							$100,000
H-8	Various Signal Upgrades	LA	150							$150,000
H-9	Reconstruction of the Town Bike Path	LA		100	100	100	100	100		$500,000
H-10	Reconstruction of Burroughs Drive	LA		650						$650,000
H-11	Highway Fuel System Upgrades	LD						600		$600,000
IT-1	Enterprise System	LA								
P-1	Comprehensive Planning	LA	100							$100,000
P-2	Youngs Road Extension - Casey to N. French	LD								
PO-1	APD Detective & Record Bureau Improvements	LA				355				$355,000
PO-2	Town-Wide Centralized Security Improvements	LA	50	50	50	50	50	50		$300,000
PO-3	APD Building Improvements	LA				150	150	150		$450,000
PO-4	Police Court & Maintenance Garage Roof Impr.	LA			395					$395,000
PO-5	Police HVAC System Improvements Phase 5	LA			450					$450,000
PO-6	Police Dispatch Expansion	F/S		750						$750,000

Attachment: CIP Amendment 6-24-2024 (RES-2024-540 : Amend 2024-2029 Capital Improvement Program)

Attachment: MPR 2024 F-17 BNHV Records Storage Study (RES-2024-702 : Facility Improvements - Facilities Study of BNHV (Bond Resolution -

Location

The parcel is located at 3755 Tonawanda Creek Rd, Amherst NY 14228. SBL: 4.00-1-1.



Figure 1 - Project Location, Buffalo-Niagara Heritage Village



Figure 2 – Building on Site, Buffalo-Niagara Heritage Village

Attachment: MPR 2024 F-17 BNHV Records Storage Study (RES-2024-702 : Facility Improvements - Facilities Study of BNHV (Bond Resolution -

Project Description and Improvements

The project at Buffalo-Niagara Heritage Village includes the following scope of work:

- Part 1: Conversion of Shaw Building to Municipal Records Storage
  - A study to convert the existing 28,000 SF Shaw Building into a Municipal Records Storage building.
- Part 2: Museum Relocation Feasibility Study
  - Identify and evaluate potential on-site locations for the museum, including the possibility of renovating/adding to the existing structure or construction of a new facility.

Any remaining funds will be used for design and implementation of proposed changes.

Project Justification

After a review of the Town of Amherst records management it was recommended that the Town centralize its records into a singular location, creating a Records Center.

- The creation of a Records Center for the storage of municipal records will reduce operating costs, improve efficiency, and prevent unauthorized access.
- The conversion of the main building into a records center will displace the museum exhibits currently occupying the Shaw Building. A Relocation Feasibility Study will explore options for renovating/adding on or proposing a new facility on the site.

Maintaining Town records is essential for legal documentation and historical preservation. These records protect property rights, support public services, and provide a framework for informed decision-making in planning and development.

Anticipated Project Schedule

Bond Action:	September 2024
Study:	Starting Fall 2024, anticipated end date February 2025.

Financial Summary

The Town of Amherst identified funding in the approved 2024-2029 Capital Improvement Program under Project F-17, for a total of $250,000. The funds have been identified as a General Fund Bond with a 5-year PPU.

	F-17 BNHV Study
Construction	$0
Design	$248,750
Legal / Admin	$1,250
TOTAL	**$250,000**

Attachment: MPR 2024 F-17 BNHV Records Storage Study (RES-2024-702 : Facility Improvements - Facilities Study of BNHV (Bond Resolution -

Taxation Summary

Total Bond Amount	$250,000 (General Fund)
Bond Term	5 Years
Annual Tax Impact	$0.0032 per $1,000 AV at 100% Equalization
Typical Property Impact	$0.9705 per $300,000 AV at 100% Equalization

Town of Amherst SEQR Determination

Please see attached memo from the Amherst Planning Department.

Attachment: MPR 2024 F-17 BNHV Records Storage Study (RES-2024-702 : Facility Improvements - Facilities Study of BNHV (Bond Resolution -

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

MEMORANDUM August 20, 2024

TO: Daniel Rizzo, Director of Facilities

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director

RE: SEQR Classification – Facilities Study of BNHV
2024-2029 C.I.P. Project F-17

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(c)(27). 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)\08_20_2024_F-17_Facilities Study of BNHV.docx

cc: Samuel Alba, Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: MPR 2024 F-17 BNHV Records Storage Study (RES-2024-702 : Facility Improvements - Facilities Study of BNHV (Bond Resolution -

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 29371 **RESOLUTION 2024-703** **ADOPTED**

Dedication of John James Audubon Parkway Extension (CRS #5038)

AGENDA ITEM : SEPTEMBER 3RD, 2024

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Interim Town Attorney**

DATE: **August 28, 2024**

RE: **Road Dedication - John James Audubon Parkway Extension CRS #5038**

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

WHEREAS, the Town of Amherst, by its Supervisor, Brian J. Kulpa, and its Town Board, accepts the dedication of the road known as John James Audubon Parkway Extension, as more fully detailed in the attached Deed between Amherst NY Properties KP56, LLC and the Town of Amherst; and

WHEREAS, by its acceptance of the road known as John James Audubon Parkway Extension, the Town of Amherst has formally accepted ownership and control of the extended section of the John James Audubon Parkway as a road that exists within the highway system in the Town of Amherst;

RESOLVED, that the Town Board authorizes the Supervisor to execute the attached Deed and all other documents to effectuate this dedication.

SAA:NMB:hs
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item - September 3, 2024**)
Steven E. Floss, Highway Superintendent (*w/o attachment*)

9/3/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

FINANCIAL IMPACT:

A5010.02724 - $1.00

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

Record & Return to:
Town of Amherst Town Attorney's Office
5583 Main Street
Williamsville, NY 14221

THIS INDENTURE

Made the ___ day of _____, 2024 between **AMHERST NY PROPERTIES KP6, LLC**, a limited liability company organized under the laws of the State of Delaware, having its office at 1301 S. Capital of Texas Highway, Building B – Suite 201, Austin, Texas 78746, party of the first part and **TOWN OF AMHERST**, having its principal office at 5583 Main Street, Williamsville, New York 14221, party of the second part.

WITNESSETH, That the said party of the first part, in consideration of the sum of One and No More ($1.00 and No More) Dollars, lawful money of the United States, paid by the said party of the second part, does hereby grant and release unto the said party of the second part, its successors and assigns forever, the premises described on **Schedule "A"** attached hereto, and as depicted on survey prepared by GPI Engineering, Landscape Architecture & Surveying, LLP redated August 22,2024 Job No. 2013062-Road Ded, and attached hereto as Schedule "B".

THIS CONVEYANCE is made and given for the purpose of conveying said street for use as a public highway.

SUBJECT TO easements, restrictions and rights of way of record, if any.

TOGETHER with the appurtenances; and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD, the above granted premises unto the said party of the second part, its successors and assigns forever.

AND, the party of the first part does covenant with the said party of the second part as follows:

THAT the party of the second part shall quietly enjoy the said premises.

THAT the grantor, in compliance with Section 13 of the Lien Law, will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that the grantor will apply same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

THAT the said party of the first part will forever warrant title to said premises.

THAT THIS CONVEYANCE is not all or substantially all of the property of the party of the first part and is made in the regular course of business actually conducted by the party of the first part.

[REMAINDER OF PAGE LEFT INENTIONALLY BLANK
SIGNATURE(S) ON FOLLOWING PAGE]

Attachment: JJAudExt.Deed-08272024093946 (RES-2024-703 : Dedication of John James Audubon Parkway Extension (CRS #5038))

IN WITNESS WHEREOF, the party of the first part has caused these presents to be signed by its duly authorized officer this _____ day of _____, 2024.

AMHERST NY PROPERTIES KP6, LLC

By: _____
Name: _____
Title: _____

STATE OF _____)
ss:
COUNTY OF _____)

On this _____ day of _____ in the year 2024, before me, the undersigned, a notary public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

Attachment: JJAudExt.Deed-08272024093946 (RES-2024-703 : Dedication of John James Audubon Parkway Extension (CRS #5038))

SCHEDULE A

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Amherst, County of Erie and State of New York, being part of Lots 70 and 76, Township 12, Range 7 of the Holland Land Company's survey, bounded and described as follows:

COMMENCING at the southwest corner of lands conveyed to CIMINELLI MUIR WOODS LLC by deed recorded in the Erie County Clerk's Office in Liber 11307 of deeds at page 4915, said southwest corner also being a point on the northerly line of the Lockport Expressway Section II;

THENCE along said northerly line the following two (2) courses and distances:

1) Northeasterly along a curve to the right having a radius of 6848.00 feet, an arc distance of 320.18 feet to a point of tangency;
2) N 75°02'22" E, a distance of 903.15 feet to the POINT OR PLACE OF BEGINNING.

THENCE through lands conveyed to Ciminelli Muir Woods LLC by deed recorded in the Erie County Clerk's Office in Liber 11307 of deeds at page 4915, the following fifteen (15) courses and distances:

1) N 14°57'38" W, a distance of 43.11 feet to a point;
2) N 32°17'15" E, a distance of 40.01 feet to a point;
3) N 15°55'54" W, a distance of 241.05 feet to a point of curvature;
4) Northwesterly along a curve to the left having a radius of 60.00 feet, an arc distance of 93.19 feet to a point;
5) N 14°17'50" W, a distance of 60.00 feet to a point on a curve;
6) Northeasterly along a curve to the left having a radius of 60.00 feet, an arc distance of 93.94 feet to a point, said curve having a chord bearing of N 30°13'15" E and chord distance of 84.64 feet;
7) N 75°59'10" E, a distance of 60.00 feet to a point;
8) Southeasterly along a curve to the left having a radius of 60.00 feet, an arc distance of 93.59 feet, said curve having a chord bearing of S 59°19'17" E and chord distance of 84.38 feet, to a point of tangency;
9) N 76°27'34" E, a distance of 13.07 feet to a point;
10) S 14°08'19" E, a distance of 60.00 feet to a point;
11) S 75°59'49" W, a distance of 10.91' to a point of curvature;
12) Southwesterly along a curve to the left having a radius of 60.00 feet, an arc distance of 96.27 feet to a point of tangency;
13) S 15°55'54" E, a distance of 226.72 feet to a point;
14) S 58°37'36" E, a distance of 52.08 feet to a point;
15) S 19°51'29" E, a distance of 59.50 feet to a point on the northerly line of the Lockport Expressway Section II;

Attachment: JJAudExt.Deed-08272024093946 (RES-2024-703 : Dedication of John James Audubon Parkway Extension (CRS #5038))

THENCE S 89°19'05" W along said northerly line, a distance of 65.19 feet to a point;
THENCE S 75°02'22" W along said northerly line, a distance of 67.07 feet to the POINT OR PLACE OF BEGINNING.

Attachment: JJAudExt.Deed-08272024093946 (RES-2024-703 : Dedication of John James Audubon Parkway Extension (CRS #5038))

SCHEDULE B

Attachment: JJAudExt.Deed-08272024093946 (RES-2024-703 : Dedication of John James Audubon Parkway Extension (CRS #5038))

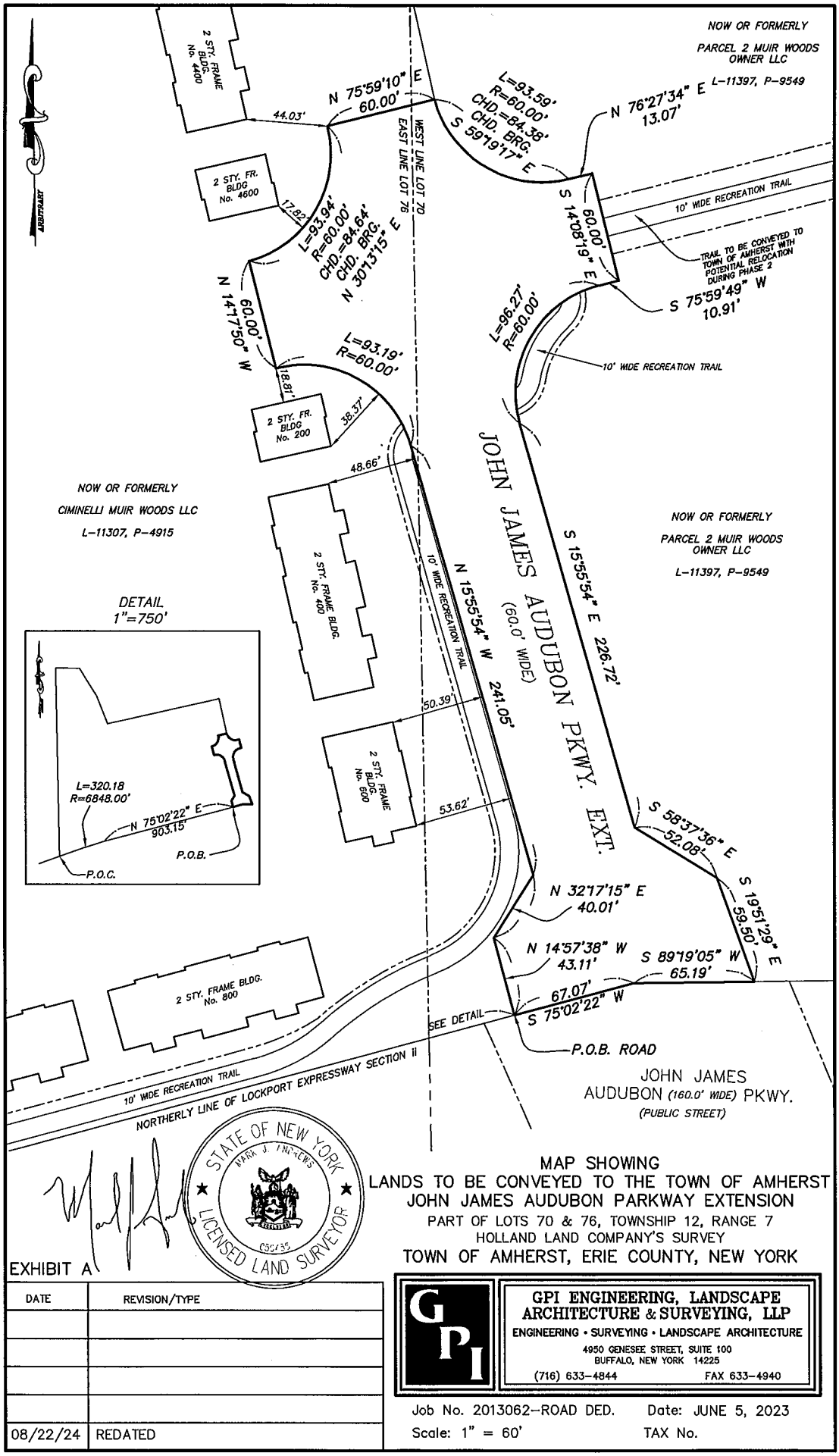


EXHIBIT A

MAP SHOWING
LANDS TO BE CONVEYED TO THE TOWN OF AMHERST
JOHN JAMES AUDUBON PARKWAY EXTENSION
PART OF LOTS 70 & 76, TOWNSHIP 12, RANGE 7
HOLLAND LAND COMPANY'S SURVEY
TOWN OF AMHERST, ERIE COUNTY, NEW YORK

DATE	REVISION/TYPE
08/22/24	REDATED

GPI ENGINEERING, LANDSCAPE ARCHITECTURE & SURVEYING, LLP
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE
4950 GENESEE STREET, SUITE 100
BUFFALO, NEW YORK 14225
(716) 633-4844 FAX 633-4940

Job No. 2013062-ROAD DED. Date: JUNE 5, 2023
Scale: 1" = 60' TAX No.

Attachment: JJAudExt.Deed-08272024093946 (RES-2024-703 : Dedication of John James Audubon Parkway Extension (CRS #5038))

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Town Attorney
Initiated by: **Nicole M. Burroughs**
Co-Sponsored by:

DOC ID: 29366 **RESOLUTION 2024-704** **ADOPTED**

Permanent Easement and ROW Agreement for Drainage (167 Wyeth Drive - Mistretta) (CRS #5035)

AGENDA ITEM : SEPTEMBER 3RD, 2024

TO: **Town Board**

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

DATE: **August 28, 2024**

RE: **Permanent Easement and Right-of-Way Agreement For Drainage**
Mistretta - 167 Wyeth Drive, Getzville
CRS #5035

Kindly adopt a resolution authorizing the Supervisor to execute the attached Easement and Right-of-Way Agreement pending successful completion of the Contract Routing System (CRS).

The Highway and Engineering Departments have reviewed and approved the agreement.

Thank you.

NMB:hs
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item - September 3, 2024**)
Steven E. Floss, Highway Superintendent (*w/attachment)*
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachment)*

9/3/2024
Consent

FINANCIAL IMPACT:

None for the purposes of this resolution.

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

Attachment: Mistretta.167Wyeth-08282024090543 (RES-2024-704 : Permanent Easement and ROW Agreement for Drainage (167 Wyeth Drive -

PERMANENT EASEMENT & RIGHT OF WAY AGREEMENT FOR DRAINAGE

THIS INDENTURE made this _____day of_____, 2024 by and between Paul John Mistretta and Heather Lynn Mistretta residing at 167 Wyeth Drive Getzville, New York 14068 and more particularly described as S.B.L. No. 41.19-1-6, the parties of the First Part and the Town of Amherst, a municipal corporation of the State of the New York, having its principal office in the Amherst Municipal Building, 5583 Main Street, Williamsville, New York 14221, party of the Second Part,

WITNESSETH:

That the party of the first part, for and in consideration of the sum of One and no more Dollars ($1.00 and no more) lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by the party of the Second Part, the receipt of which is hereby acknowledged, DOES HEREBY GRANT, BARGAIN, SELL, CONVEY, TRANSFER, DELIVER AND RELEASE to the said party of the Second Part, a ten (10) foot wide permanent easement and right-of-way for Drainage purposes, on, over, under, through, across and along the northerly 10 feet of the premises a distance of 130 feet +/- for the purpose of constructing, maintaining, using, operating, repairing, reconstructing, replacing, renewing and inspecting, said public drainage facility and appurtenances, as the party of the Second Part may deem necessary or desirable, including ingress and egress with personnel, vehicles and machinery from the highway right of way and through and across the property located at 167 Wyeth Drive, in the Town of Amherst, County of Erie and State of New York, (S.B.L. No. 41.19-1-6).

The party of the Second Part shall have free ingress and egress to the above-mentioned permanent easement and right-of-way for all of the purposes of the permanent easement and right-of-way.

The parties each further agree that this permanent easement and right-of-way amends any prior such easement, permanent or otherwise, as relates to that portion of the land running along the northerly line of title while not affecting, amending nor changing any other existing permanent easement and right-of-way granted to the Party of the Second Part.

RESERVING, HOWEVER, to the party of the First Part the use of the permanent easement and right-of-way except for the erection of buildings, fences or other structures or the planting of trees or shrubs on the permanent easement of right-of-way, provided the use shall not, in the opinion of the party of the

Second Part, interfere with the rights granted herein including the right **TO HAVE AND TO HOLD** the permanent easement and right-of-way herein granted unto the party of the Second Part, its successors and/or assigns, including all installation and appurtenances forever;

NOW THEREFOR, the parties covenant and agree as follows:

FIRST: That the party of the First Part hereby releases the Town of Amherst from encumbrances and all claims for damage, from whatsoever cause, incidental to the exercise of any of the rights herein granted at any time hereafter.

SECOND: The party of the Second Part agrees that the property of the Party of the First part shall be reasonably restored to an as like condition as it existed prior to construction, repair and/or reconstruction. All other maintenance including lawn cutting, tree cutting and/or removal or the like shall not be the responsibility of the Party of the First Part.

THIRD: That the party of the First Part does hereby covenant with the Town of Amherst that he is lawfully seized and possessed of the real property described above, that he has a good and lawful right to convey it, and any part thereof, including the rights conveyed by this instrument, and that he will forever warrant and defend the title thereto against claims of all persons whomsoever.

FOURTH: That the party of the First Part will execute or procure any further necessary assurances of title to the permanent easement and right-of-way.

FIFTH: That the party of the Second Part shall quietly enjoy the permanent easement and right-of-way.

If more than one person joins in the execution of this permanent easement and right-of-way or if the grantor be of the feminine sex or be a corporation, the relative words herein shall read as if written in the plural number, or in the feminine or neuter gender, as the case may be; and if more than one party joins in the execution of this instrument, the covenants and agreement hereof shall be their joint and several obligations.

Mistretta, Paul John and Heather Lynn
Permanent Easement and Right-of-Way Agreement for Drainage
TBA : 9.3.2024

Attachment: Mistretta.167Wyeth-08282024090543 (RES-2024-704 : Permanent Easement and ROW Agreement for Drainage (167 Wyeth Drive -

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above written.

TOWN OF AMHERST

By:_____
Brian J. Kulpa
Supervisor

PROPERTY OWNERS

By: Paul Mistretta
Paul John Mistretta

By: Heather Mistretta
Heather Lynn Mistretta

Approved as to Content

By:_____
Steven E. Floss
Highway Superintendent

Approved as to Form

By:_____
Jeffrey S. Burroughs, P.E.
Town Engineer

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:

On the _____ day of _____, in the year 2024, before me, the undersigned, personally appeared Brian J. Kulpa, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.

_____
NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:

On the 22nd day of August, in the year 2024, before me, the undersigned, personally appeared Paul John Mistretta, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.

Robin A. Scheider
NOTARY PUBLIC

Mistretta, Paul John and Heather Lynn
Permanent Easement and Right-of-Way Agreement for Drainage
TBA : 9-3-2024

ROBIN A. SCHEIDER
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN NIAGARA COUNTY
My Commission Expires May 12, 2027

01SC5074606

Attachment: Mistretta.167Wyeth-08282024090543 (RES-2024-704 : Permanent Easement and ROW Agreement for Drainage (167 Wyeth Drive -

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:

On the 19th day of August, in the year 2024, before me, the undersigned, personally appeared Heather Lynn Mistretta, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument

Erin M. Durante
NOTARY PUBLIC

ERIN MARIE DURANTE
Notary Public - State of New York
No. 01DU6193591
Qualified in Erie County
My Commission Expires 1/13, 2025

Mistretta, Paul John and Heather Lynn
Permanent Easement and Right-of-Way Agreement for Drainage
TBA : 9.3.2024

Attachment: Mistretta.167Wyeth-08282024090543 (RES-2024-704 : Permanent Easement and ROW Agreement for Drainage (167 Wyeth Drive -

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above written.

TOWN OF AMHERST

By:_____
Brian J. Kulpa
Supervisor

PROPERTY OWNERS

By: Paul Mistretta
Paul John Mistretta

By: Heather Mistretta
Heather Lynn Mistretta

Approved as to Content

By: Steven E. Floss
Steven E. Floss
Highway Superintendent

Approved as to Form

By:_____
Jeffrey S. Burroughs, P.E.
Town Engineer

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:

On the _____ day of _____, in the year 2024, before me, the undersigned, personally appeared Brian J. Kulpa, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.

_____
NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:

On the 22nd day of August, in the year 2024, before me, the undersigned, personally appeared Paul John Mistretta, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.

Robin A. Scheider
NOTARY PUBLIC

Mistretta, Paul John and Heather Lynn
Permanent Easement and Right-of-Way Agreement for Drainage
TBA: 9.3.2024

ROBIN A. SCHEIDER
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN NIAGARA COUNTY
My Commission Expires May 12, 2027

01SC5074606

Attachment: Mistretta.167Wyeth-08282024090543 (RES-2024-704 : Permanent Easement and ROW Agreement for Drainage (167 Wyeth Drive -

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above written.

TOWN OF AMHERST

By:_____
Brian J. Kulpa
Supervisor

PROPERTY OWNERS

By: Paul Mistretta
Paul John Mistretta

By: Heather Mistretta
Heather Lynn Mistretta

Approved as to Content

By:_____
Steven E. Floss
Highway Superintendent

Approved as to Form

By:_____
Jeffrey S. Burroughs, P.E.
Town Engineer

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:

On the _____ day of _____, in the year 2024, before me, the undersigned, personally appeared Brian J. Kulpa, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.

_____
NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:

On the 22nd day of August, in the year 2024, before me, the undersigned, personally appeared Paul John Mistretta, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.

_____
NOTARY PUBLIC

ROBIN A. SCHEIDER
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN NIAGARA COUNTY
My Commission Expires May 12, 2027

Mistretta, Paul John and Heather Lynn
Permanent Easement and Right-of-Way Agreement for Drainage
TBA : 9.3.2024

01SC5071606

Attachment: Mistretta.167Wyeth-08282024090543 (RES-2024-704 : Permanent Easement and ROW Agreement for Drainage (167 Wyeth Drive -

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 29356 **RESOLUTION 2024-705** **ADOPTED**

Settlement of Article 7 Matter - Target #1011 V. Town of Amherst

AGENDA ITEM : SEPTEMBER 3, 2024

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Interim Town Attorney**

DATE: **August 28, 2024**

RE: **Settlement of Article 7 Matter**
Target #1011 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 Judgment; and

(2) Authorizing Interim Town Attorney Samuel A. Alba, Esq. to sign the attached Consent Order and Judgment as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : September 3, 2024**)
Emily Murphy, Town Assessor

9/3/2024
Consent

FINANCIAL IMPACT:

Assessment

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

File 0042-0025

At a Special Condemnation and Tax Certiorari Term of the Supreme Court of the State of New York, held in and for the County of Erie, Buffalo, New York, on the day of , 20 .

P R E S E N T :

HON. DANIEL J. FURLONG,
Justice

In the Matter of

TARGET #1011,

Petitioner,

-against-

THE BOARD OF ASSESSORS AND/OR THE ASSESSOR OF THE TOWN OF AMHERST AND THE BOARD OF ASSESSMENT REVIEW,

Respondents.

And

WILLIAMSVILLE CENTRAL SCHOOL DISTRICT,

Respondent-Intervenor.

CONSENT ORDER & JUDGMENT

Index No. 810276/2024

Assessment Year 2024

Item No.: 57.13-5-3

The above Petitioner having heretofore served and filed the Petition and Notice to review the tax assessment fixed by the Town of Amherst for the assessment year 2024, and upon certain real property constituting the following assessment parcel and designated as Tax Map No. 57.13-5-3, on the official Assessment Map of the Town of Amherst, and

The issues of these proceedings having duly come on for trial at an IAS Term of this Court, and the petitioner having appeared by WARREN M. DUBITSKY, ESQ., of HERMAN KATZ LLP, and the respondents having appeared by SAMUEL A. ALBA, ESQ., Senior Deputy Attorney for the Town of Amherst, and the respondent-intervenor having appeared by MICHAEL B. RISMAN, ESQ. of HODGSON RUSS LLP, and the parties having made their settlement, it is

Attachment: 0042-0025 - Target #1011 v. T-Amherst (RES-2024-705 : Settlement of Article 7 Matter - Target #1011 V. Town of Amherst)

ORDERED, that the assessments on the above-referenced property be and the same are hereby reduced, corrected and fixed for the assessment year as follows:

Section 57.13, Block 5, Lot 3

ASSESSMENT YEAR	COUNTY/ TOWN TAX YEAR	SCHOOL TAX YEAR	ORIGINAL ASSESSMENT	REDUCTION	FINAL ASSESSMENT
2024	2025	2024/25	$10,200,000	$200,000	$10,000,000

and so reduced and confirmed, it is further

ORDERED, ADJUDGED AND DECREED that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessments and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said rolls, opposite said entries, that the same have been corrected by the authority of this Order, and it is further

ORDERED AND DIRECTED, that should the assessment roll not be corrected prior to disbursement of the tax bill, Petitioner will pay the taxes owed on the uncorrected tax bill and the Town of Amherst will refund overpayment pursuant to §726 of the Real Property Tax Law of the State of New York; except that in the event the refund of taxes is paid either within thirty (30) days from the date of payment of the uncorrected tax bill, or sixty (60) days from the date of service of a copy of this judgment with Notice of Entry, together with proof of payment of taxes, on the Town of Lancaster and the various taxing authorities, whichever is later, then interest is waived; and it is further

ORDERED AND DIRECTED, that should the assessment roll not be corrected prior to disbursement of the school tax bill, Petitioner will pay the taxes owed on the uncorrected

Attachment: 0042-0025 - Target #1011 v. T-Amherst (RES-2024-705 : Settlement of Article 7 Matter - Target #1011 V. Town of Amherst)

school tax bill and the Town of Amherst will promptly forward the allocated school tax to the Williamsville Central School District. In the case of over payment of an uncorrected school tax bill, the Williamsville Central School District will directly and timely refund any overpayment of the school tax pursuant to §726 of the Real Property Tax Law of the State of New York; except that in the event the refund of school taxes is paid either within thirty (30) days from the date of payment of the uncorrected tax bill, or sixty (60) days from the date of service of a copy of this judgment with Notice of Entry, together with proof of payment of taxes, on the Town of Lancaster and the various taxing authorities, whichever is later, then interest is waived; and it is further

ORDERED AND DIRECTED, that all tax refunds are to be paid with interest pursuant to §726 of the Real Property Tax Law of the State of New York; except that in the event the refund of taxes is paid within sixty (60) days from the date of service of a copy of this judgment with Notice of Entry, then interest is waived; together with the amounts of interest and penalties, if any, paid on the excess of any of the aforesaid taxes by reason of delinquent payment, and it is further

ORDERED AND DIRECTED, that all tax refunds hereinabove directed to be made by respondent, the Town of Amherst, and/or any of the various taxing authorities, be made by check or draft payable to the order of HERMAN KATZ LLP, as attorneys for the petitioner, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law §475, and it is further

ORDERED AND DIRECTED, that the terms of R.P.T.L. §727 shall apply to this settlement with respect to the 2025, 2026 and 2027 assessments years, and it is further

Attachment: 0042-0025 - Target #1011 v. T-Amherst (RES-2024-705 : Settlement of Article 7 Matter - Target #1011 V. Town of Amherst)

ORDERED, that this Order hereby constitutes and represents full settlement of each of the tax review proceedings herein, and there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order, the above-entitled proceedings be and the same are settled and discontinued.

E N T E R,

_____

J.S.C.

SIGNING AND ENTRY OF THE WITHIN ORDER IS HEREBY CONSENTED TO:

_____

By: SAMUEL A. ALBA, ESQ.
Senior Deputy Attorney, Town of Amherst
Attorney for Respondents
5583 Main Street
Williamsville, NY 14221
(716) 631-7030

HERMAN KATZ LLP
Attorneys for Petitioner



_____

By: WARREN M. DUBITSKY, ESQ.
538 Broadhollow Road, Suite 307
Melville, NY 11747
(631) 501-5011

HODGSON RUSS LLP
Attorneys for Respondent-Intervenor

_____

BY: MICHAEL B. RISMAN, ESQ.
140 Pearl Street, Suite 100
Buffalo, NY 14202
(716) 848-1291

Attachment: 0042-0025 - Target #1011 v. T-Amherst (RES-2024-705 : Settlement of Article 7 Matter - Target #1011 V. Town of Amherst)

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 29345 **RESOLUTION 2024-706** **ADOPTED**

Fireworks Display - the Country Club of Buffalo

Request for fireworks permit on September 7, 2024, approximately between 9PM and 10PM at The Country Club of Buffalo, 250 Youngs Road with the following conditions:

1. That the spectators, parking areas and dwellings be 280 feet from the fireworks discharge location for vertical mortars. (max. 4 inch shells)
2. That one (1) 5-lb. ABC fire extinguisher, with a current inspection tag, is located at the firing site with a qualified operator. Additional extinguishers maybe required depending on site layout.
3. That the trajectory of shells shall not come within 25 feet of overhead objects.
4. That the actual shooters listed on the application be present at the site or a substitute shooters list must be submitted five (5) or more days prior to the event. Submitted shooters are Mark Mongeon and possibly others.
5. Display shall follow NFPA 1123-2018 & IFC 2020.
6. Crowds over 1000 people require a crowd managers as per the International Fire Code.
7. If you would like to start the display earlier than the time proposed you must call 689-1212 before starting to be approved by our office.
8. The Amherst Town Board shall designate a time when the Fireworks display must conclude.

9/3/2024
Consent

FINANCIAL IMPACT:

Income for The Town

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

TOWN OF AMHERST
BUILDING DEPARTMENT
ERIE COUNTY, NEW YORK
5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221

PHONE: (716) 631-7080
FAX: (716) 631-7192

BRIAN P. ANDRZEJEWSKI,
Commissioner of Building

Memorandum

DATE: August 21, 2024

TO: Francina Spoth, Town Clerk

FROM: Bryan W. Parnell, Senior Fire Inspector

RE: Fireworks Display – The Country Club of Buffalo 250 Youngs Rd

DATE & TIME: Saturday September 7, 2024 @ between 9-10 PM

All items required on the application appear to be in order. Therefore, we hereby recommend the approval of this application with the following conditions.

1) That the Spectators, parking areas and dwellings be 280 feet from the fireworks discharge location for vertical mortars. (max. 4 inch shells)
2) That one (1) 5-lb. ABC fire extinguisher, with a current inspection tag, is located at the firing site with a qualified operator. Additional extinguishers maybe required depending on site layout.
3) That the trajectory of shells shall not come within 25 feet of overhead objects.
4) That the actual shooters listed on the application be present at the site or a substitute shooters list be submitted five (5) or more days prior to the event. Submitted shooters Mark Mongeon.and possibly others.
5) Display shall follow NFPA 1123-2018 & IFC 2020.
6) Crowds over 1000 people require a crowd managers as per the International Fire Code.
7) If you would like to start the display earlier than the time proposed you must call 716-689-1212 before starting to be approved by our office.
8) The Amherst Town Board shall designate a time when the Fireworks display must conclude.

Bryan W. Parnell

Senior Fire Inspector
Fire Safety Division

Attachment: Sept 7th CCB-08232024105426 (RES-2024-706 : Fireworks Display - the Country Club of Buffalo)

TOWN OF AMHERST
BUILDING DEPARTMENT
DIVISION OF FIRE SAFETY
5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
(716) 631-7142

FIRE PREVENTION / OPERATING PERMIT

APPLICATION DATE	DATE ISSUED	EXPIRATION DATE	PERMIT NUMBER
08/21/2024	08/21/2024	02/21/2025	FP-2024-0053

APPLICANT	ADDRESS	PHONE NUMBER
SKYLIGHTERS OF WNY	3362 BAKER RD.. ORCHARD PARK	716-903-3291

LOCATION OF ACTIVITY: Country Club of Buffalo - (SITE) 250-309 Youngs Rd, Amherst, NY

THE ABOVE NAMED INDIVIDUAL/BUSINESS HEREBY MAKES APPLICATION TO CONDUCT THE FOLLOWING ACTIVITY PER CHAPTER 83 OF THE BUILDING CONSTRUCTION ADMINISTRATION CODE OF THE TOWN OF AMHERST AND FOR THE KEEPING, STORAGE, OCCUPANCY USE, SALE, HANDLING, OR MANUFACTURE OF THE FOLLOWING. (STATE QUANTITIES NORMALLY TO BE STORED, HOW STORED, OR USED GIVING AMOUNTS FOR EACH KIND OR CATEGORY.)

Fireworks Display
September 7, 2024 at approx 9 till 10 PM
Must comply with IFC and NFPA
4 inch shell max (280 Foot Clearance)
Fire extinguishers required
Amherst Town Board shall set a time for display to conclude

IN ACCORDANCE WITH THE FIRE PREVENTION CODE OR NFPA SECTION(S):

APPROVED BY FIRE OFFICIAL	DATE	FEE PAID
[signature]	08/21/2024	150.00

THIS PERMIT MUST BE POSTED ON THE ABOVE MENTIONED PREMISES

STATEMENT

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION, THAT THE INFORMATION GIVEN IS CORRECT, AND THAT I AM THE OWNER OR DULY AUTHORIZED TO ACT IN THE OWNER'S BEHALF AND AS SUCH HEREBY AGREE TO COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE FIRE PREVENTION CODE.

[signature] Signature

[signature] Title

DO NOT WRITE BELOW THIS LINE

COMMENTS:

APPROVED BY FIRE OFFICIAL DATE

WHERE APPLICABLE - SEPARATE PERMITS ARE REQUIRED FOR BUILDING CONSTRUCTION ACTIVITY INCLUDING ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS.

Attachment: Sept 7th CCB-08232024105426 (RES-2024-706 : Fireworks Display - the Country Club of Buffalo)

APPLICATION FOR FIREWORKS DISPLAY

The undersigned hereby make application to the Town Board of the Town of Amherst to acquire a license pursuant to Chapter 68 (Amusements) of the Code of the Town of Amherst for the public display of fireworks in the Town of Amherst, Erie County, New York.

1. Name of individual/company sponsoring the display and the names of the persons to be in charge of the firing of the display:
   The Country Club of Buffalo
   Skylighters of New York, LLC
2. Date & time at which display is to be held: 9/7/24 9-10pm
3. Exact location of display: 250 Youngs Rd, Williamsville, NY 14221
4. Age, experience and physical characteristics of individuals who are to discharge fireworks:
   Mark Mongeon, 50+yrs old, 15+yrs ex, white male
   Any of All Skylighters Employee 18+yrs old
5. Number and kind of fireworks to be discharged:
   4" max Shells
6. Manner and place of storage of these fireworks prior to the display:
   Brought to the site the day of
7. Attach a diagram of the grounds on which the fireworks display is to be held. This diagram shows the point at which the fireworks are to be discharged, the location of all buildings, highways, and other lines of communications in addition to the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone lines and other overhead obstructions.
8. This application must be accompanied by a bond or policy of public liability insurance with a limit of $3,000,000 for personal injuries, a limit of $1,000,000 for property damage, and proof of Worker's Compensation Insurance.
9. This application for a Fire Prevention Operating Permit (Code 52) must be accompanied by a check in the amount of $~~100.00~~ 150 payable to the "Town of Amherst".

Date: 8/8/24

Matthew Straw (Skylighters of NY, LLC)
(Company, Corporation or Individual)

Applicant Signature

State of New York)
County of Erie)
Town of Amherst)

Sworn before me this 8th day of August in the year 2024
Mary Reinhardt
Notary Public

Mary Reinhardt
Notary Public, State of New York
Reg. No. 01RE6395690
Qualified in Erie County County
Commission Expires July 29, 2027

Attachment: Sept 7th CCB-08232024105426 (RES-2024-706 : Fireworks Display - the Country Club of Buffalo)


Untitled Map
Write a description for your map.
Legend
ALDI
Feature 1
Feature 2
Feature 3
Main-Transit Fire Department Station 2
The Country Club of Buffalo
Main-Transit Fire Department Station 2
Shoreacre Dr
Peek 'n Peak Steakhouse Cab, Buffalo, NY
Vet Now Urgent Care
ALDI
Wells & Rolls
Lockport Rd
Transit Rd
B Well Massage & Esthetics
Freedom Care CPAP - Buffalo
Spa 400
Youngs Rd
International Dr
The Country Club of Buffalo
The Country Club of Buffalo
Country Club-Buffalo Maintenance
Youngs Rd
Google Earth
N
700 ft

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 8/8/2024

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 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
Acrisure, LLC dba Britton Gallagher & Associates
One Cleveland Center, Floor 30
1375 East 9th Street
Cleveland OH 44114

CONTACT NAME:
PHONE (A/C, No, Ext): 216-658-7100 **FAX (A/C, No):** 216-658-7101
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Everest National Insurance Company	10120
INSURER B : Axis Surplus Insurance Company	26620
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED 7847
Skylighters of New York LLC
PO Box 1357
Orchard Park NY 14127

COVERAGES **CERTIFICATE NUMBER:** 1156249845 **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 INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY			SIBGLD0258-231	12/5/2023	12/5/2024	EACH OCCURRENCE	$ 1,000,000
	X COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 500,000
	CLAIMS-MADE X OCCUR						MED EXP (Any one person)	$
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG	$ 2,000,000
	POLICY X PRO-JECT LOC							$
A	AUTOMOBILE LIABILITY			SIBCA00022-231	12/5/2023	12/5/2024	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	X ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS / X NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
B	UMBRELLA LIAB X OCCUR			P-001-000058657-08	12/5/2023	12/5/2024	EACH OCCURRENCE	$ 4,000,000
	X EXCESS LIAB CLAIMS-MADE						AGGREGATE	$ 4,000,000
	DED RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATU-TORY LIMITS / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N N / A						E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.
Display Date: 9/7/24
Location: 250 Youngs Rd.
Additional Insured: The Country Club of Buffalo and Town of Amherst

CERTIFICATE HOLDER
The Country Club of Buffalo
250 Youngs Rd.
Williamsville NY 14221

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Attachment: Sept 7th CCB-08232024105426 (RES-2024-706 : Fireworks Display - the Country Club of Buffalo)

SH-862 (3/22)
DIVISION OF SAFETY HEALTH
LICENSE AND CERTIFICATE UNIT
STATE OFFICE CAMPUS, BLDG. 12
ALBANY, NY 12226

WE ARE YOUR DOL
NEW YORK STATE | Department of Labor

Expires: 6/30/2025
THIS LICENSE MUST BE POSTE
IN YOUR PLACE OF BUSINESS

License No. D-5799

LICENSE TO DEAL IN OR MANUFACTURE EXPLOSIVES

Skylighters of New York, LLC
5495 Rice Rd
Boston, NY 14025
Matthew T Shaw

is hereby licensed to deal in or manufacture explosives in compliance with the requirements of the Labor Law and Industrial Code Rules. Any change in the conditions under which this license is granted may cause it to be revoked.

Every person selling, delivering or giving away any explosives must keep at the principal place of business within the state, a record of each transaction, including:

1) the NAME or TYPE and QUANTITY of explosives SOLD, DELIVERED or GIVEN. Note: No license is needed to purchase smokeless powder, or black powder and quantity is not exceeding five pounds for use in firing antique firearms or artifacts or replicas thereof. However, dealers MUST post all such transactions on the "Dealer-Manufacturer Report of Explosives Transactions".

2) the DATE OF EACH SALE, DELIVERY or GIFT.

3) the NAME, LICENSE NUMBER, and BUSINESS ADDRESS of the purchaser, donee, or person to whom the explosives were delivered and the firm, if any, represented by such person.

4) the NAME, ADDRESS, and LICENSE NUMBER of the person TAKING THE EXPLOSIVES AWAY from the seller or donor.

Amy Phillips, Director
FOR THE COMMISSIONER OF LABOR

SH-862 (5-98)

Attachment: Sept 7th CCB-08232024105426 (RES-2024-706 : Fireworks Display - the Country Club of Buffalo)

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Federal Explosives License/Permit
(18 U.S.C. Chapter 40)

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53. See "WARNINGS" and "NOTICES" on reverse.

Direct ATF Correspondence To: ATF - Chief, FELC 244 Needy Road Martinsburg, WV 25405-9431	License/Permit Number: **6-NY-029-51-7C-01005**
Chief, Federal Explosives Licensing Center (FELC) Mama Howard	Expiration Date: **March 1, 2027**

Name
SKYLIGHTERS OF NEW YORK LLC

Premises Address (Changes? Notify the FELC at least 10 days before the move.)
5495 RICE ROAD
BOSTON, NY 14025-

Type of License or Permit
51-IMPORTER OF EXPLOSIVES

Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Licensee Permittee Responsible Person Signature _____ Position Title _____

Printed Name _____ Date _____

Mailing Address (Changes? Notify the FELC of any changes.)

SKYLIGHTERS OF NEW YORK LLC
PO BOX 1357
ORCHARD PARK, NY 14127-

ATF Form 5400.14/5400.15 Part
Revised September 2011

Previous Edition is Obsolete SKYLIGHTERS OF NEW YORK LLC 5495 RICE ROAD BOSTON 6-NY-029-51-7C-01005 March 1 2027 51-IMPORTER OF EXPLOSIVES

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352
Fax Number: (304) 616-4401
E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

Change of Address *(27 CFR 555.54(a)(1)).* Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. **(The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended licens or permit to the Director of Industry Operations for denial in accordance with § 555.54.)**

Right of Succession *(27 CFR 555.59).* (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spou or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee fo benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license permit for for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

Cut Here ✂

Federal Explosives License/Permit (FEL) Information Card

License/Permit Name: **SKYLIGHTERS OF NEW YORK LLC**

Business Name:

License/Permit Number: **6-NY-029-51-7C-01005**

License/Permit Type: **51-IMPORTER OF EXPLOSIVES**

Expiration: **March 1, 2027**

Please Note: Not Valid for the Sale or Other Disposition of Explosives.

Attachment: Sept 7th CCB-082320241054 26 (RES-2024-706 : Fireworks Display - the Country Club of Buffalo)

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Federal Explosives Licensing Center (FELC)
www.atf.gov

Federal Explosives Licensing Center
244 Needy Road
Martinsburg, West Virginia 25405
telephone: (877)283-3352 fax: (304)616-4401

07/10/2024

NOTICE OF CLEARANCE

for individuals transporting, shipping, receiving, or possessing explosive materials.

ISSUED TO: SKYLIGHTERS OF NEW YORK LLC

NOTICE DATE: 07/10/2024

Federal Explosives license/permit no.: 6-NY-029-51-7C-01005
Expiration Date: March 1, 2027
Explosives License/Permit Type: 51-IMPORTER OF EXPLOSIVES

EXPIRATION DATE: This Notice expires when superseded by a newer Notice which will list all current responsible persons and employee possessors, or when the license or permit expires - whichever comes first.

❶ WARNING. Only those individuals listed below as RESPONSIBLE PERSONS and EMPLOYEE POSSESSORS with a background clearance status of "CLEARED" or "PENDING" are authorized to transport, ship, receive, or possess explosive materials in the course of employment with you.

❷ "DENIED" STATUS. If an employee possessor has a background clearance status of "DENIED", you MUST take immediate steps to remove the employee from a position requiring the transporting, shipping, receiving, or possessing of explosive materials. Also, if the employee has been listed as a person authorized to accept delivery of explosive materials, you MUST remove the employee from such list and immediately, and in no event later than the second business day after such change, notify distributors of such change, as stated in 27 CFR 555.33(a).

❸ CHANGE IN RESPONSIBLE PERSONS. You MUST report any change in responsible persons to the Chief, Federal Explosives Licensing Center, within 30 days of the change and new responsible persons MUST include "appropriate identifying information" as defined in 27 CFR 555.11. Fingerprints and photos are NOT required, however they will be required upon renewal of the license or permit.

❹ CHANGE OF EMPLOYEES. You MUST report any change of employee/possessors to the Chief, FELC, within 30 days. Reports relating to newly hired employees must be submitted on ATF Form 5400.28 for EACH employee.

Premises Address: 5495 RICE ROAD
BOSTON, NY 14025

Mailing Address:
SKYLIGHTERS OF NEW YORK LLC
PO BOX 1357
ORCHARD PARK, NY 14127

This 'Notice of Clearance' is provided to you as required by 18 U.S.C. 843(h) and MUST be retained as part of your permanent records and be made available for examination or inspection by ATF officers as required by 27 CFR 555.121. If you receive a Notice subsequent to this Notice, this Notice will no longer be valid.

In accordance with 27 CFR 555.33, Background Checks and Clearances, and 27 CFR 555.57, Change of Control, Change in Responsible Persons, and Change of Employees, ATF's Federal Explosives Licensing Center (FELC) has conducted background checks on the individual(s) you identified as a responsible person(s) and an employee/possessor(s) on your application, or reported after the issuance of your license/permit.

The following is a SUMMARY of the results of the background checks conducted on the individuals you reported as responsible persons and employee/possessors. ATF will be notifying ALL individuals listed on this document of their respective status by separate letter mailed to their residence address.

PLEASE BE ADVISED THAT IT IS UNLAWFUL FOR ANY PERSON REFLECTING A STATUS OF "DENIED" TO TRANSPORT, SHIP, RECEIVE, OR POSSESS EXPLOSIVE MATERIALS.

Please carefully review this Notice to ensure that all the information is accurate. If this Notice is incorrect, please return the Notice to the Chief, FELC, with a statement showing the nature of the error(s). The Chief, FELC, shall correct the error, and return a corrected Notice.

Number of RESPONSIBLE PERSON(S) : 1
Number of EMPLOYEE POSSESSOR(S): 67

LAST NAME, First Name, Middle Name	Clearance Status
RESPONSIBLE PERSONS:	1
0001 SHAW, MATTHEW THOMAS	Cleared
EMPLOYEE POSSESSORS:	67
0001 ADAMSKI, CHARLES EDWARD	Cleared
0002 ANDERSON, ANTON FRED III	Cleared
0003 ARONESENO, DOMINIC JAMES	Cleared
0004 ARONESENO, GERALD A JR	Cleared

continued

LAST NAME, First Name, Middle Name	Clearance Status
0005 BENNETT, JENNIFER LEE	Cleared
0006 BRODFUEHRER, RONALD KEIL	Cleared
0007 BRUSCANI, MARK ANTHONY	Cleared
0008 BUDDENHAGEN, JON ERIC	Cleared
0009 BURANICH, THOMAS MICHAEL	Cleared
0010 BURKLEY, KEVIN DONALD	Cleared
0011 CHISLOM, DANIEL REED JR	Cleared
0012 CHISLOM, MELISSA MARIA	Cleared
0013 CLARK, CHRISTOPHER THOMAS	Cleared
0014 CRABB, CODY THOMAS	Cleared
0015 DONOVAN, WILLIAM DAVID	Cleared

Attachment: Sept 7th CCB-08232024105426 (RES-2024-706 : Fireworks Display - the Country Club of Buffalo)

NOTICE OF CLEARANCE

07/10/2024

for individuals transporting, shipping, receiving, or possessing explosive materials.

NOTICE DATE: 07/10/2024

EXPIRATION DATE: This Notice expires when superseded by a newer Notice which will list all current responsible persons and employee possessors, or when the license or permit expires - whichever comes first.

This 'Notice of Clearance' is issued to: SKYLIGHTERS OF NEW YORK LLC
Federal Explosives license/permit no.: 6-NY-029-51-7C-01005
Explosives License/Permit Type : 51-IMPORTER OF EXPLOSIVES
Expiration Date : March 1, 2027

5495 RICE ROAD
BOSTON, NY 14025

continued from previous page

	LAST NAME, First Name, Middle Name	Clearance Status
0016	DREJAS, FRANK JOSEPH	Cleared
0017	GAVIN, DAKOTA JAMES	Cleared
0018	HAINES, MARK LEE	Cleared
0019	HARTLOFF, JESSE LEE	Cleared
0020	HARTLOFF, KEITH CLAYTON	Cleared
0021	HEINRICH, HELAMAN SAMUEL	Cleared
0022	HEINZ, STEVEN CHARLES	Cleared
0023	KINGSTON, KEVIN MICHAEL	Cleared
0024	KIRSOP, WILLIAM RUSSEL JR	Cleared
0025	KLINE, EVAN J	Cleared
0026	KOWTUN, KATHLEEN ANN	Cleared
0027	KOWTUN, VLADIMIR WALLY	Cleared
0028	LAGOWSKI, ANTHONY ALEXANDER SR	Cleared
0029	LEO, NICHOLAS ROBERT	Cleared
0030	LEO, ROBERT THOMAS	Cleared
0031	MORRIS, DAVID PERRY	Cleared
0032	NIEFERGOLD, JACK JOSEPH	Cleared
0033	NOWICKI, DANIEL PAUL	Cleared
0034	NOWICKI, TIMOTHY J	Cleared
0035	OSINSKI, NASH MICHAEL	Cleared
0036	RICOTTA, PHILIP MATTHEW	Cleared
0037	ROLL, JAY ANTHONY	Cleared
0038	ROLL, WENDY LESLIE	Cleared
0039	SANTARELLI, BRETT ROCCO WILLIAM	Cleared
0040	SCHREIBER, ERIC DAVID	Cleared
0041	SCHUMAKER, RON CHARLES	Cleared
0042	SCHURR, GREGG WALTER	Cleared
0043	SIETESKI, DAVID PAUL	Cleared
0044	SMITH, DEBORAH A	Cleared
0045	SMITH, JEFFERY RICHARD	Cleared
0046	SWAVY, ALEXANDER JOHN	Cleared
0047	SZRAMA, CODY JOSEPH	Cleared
0048	USIAK, PATRICK JAMES	Cleared
0049	WHITMAN, JULIE FRANCIS	Cleared
0050	HARTLOFF, JERRY RUSSEL	Pending
0051	HILL, DANIEL G	Pending
0052	HIRIG, EDWARD ROBERT	Pending
0053	ISAKSEN, KRISTIN ESTHER	Pending
0054	JONES, MARK RONALD	Pending
0055	KARCHER, MARK DONALD	Pending
0056	KRUEGER, JOSEPH DELL	Pending
0057	MARRELLI, RICK J	Pending
0058	MCCALL, CHRISTOPHER GEORGE	Pending
0059	MONGEON, MARK JOSEPH	Pending
0060	NEWELL, DALE ROBERT	Pending
0061	NUGENT, RANDOLPH STEPHEN	Pending
0062	PENKSA, THOMAS FRANK	Pending
0063	PIM, DAVID FRANCES	Pending
0064	ROSENBERG, JOSHUA CAIN	Pending
0065	ROSENBERG, TIMOTHY CAIN	Pending
0066	SHAW, MICHAEL LAWRENCE	Pending
0067	SMITH, MICHAEL EDWARD	Pending

Attachment: Sept 7th CCB-08232024105426 (RES-2024-706 : Fireworks Display - the Country Club of Buffalo)

NYSIF
New York State Insurance Fund

PO Box 66699, Albany, NY 12206
| nysif.com

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

^^^^^^ 383857391
SKYLIGHTERS OF NEW YORK LLC
PO BOX 1357
ORCHARD PARK NY 14127

SCAN TO VALIDATE
AND SUBSCRIBE

POLICYHOLDER	CERTIFICATE HOLDER
SKYLIGHTERS OF NEW YORK LLC PO BOX 1357 ORCHARD PARK NY 14127	TOWN OF AMHERST 5583 MAIN STREET WILLIAMSVILLE NY 14221

POLICY NUMBER	CERTIFICATE NUMBER	POLICY PERIOD	DATE
B2174 989-0	978939	12/07/2023 TO 12/07/2024	7/19/2024

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 2174 989-0, 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 POLICY DOES NOT COVER THE SOLE PROPRIETOR, PARTNERS AND/OR MEMBERS OF A LIMITED LIABILITY COMPANY.

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: 868679470

U-26.3

Attachment: Sept 7th CCB-08232024105426 (RES-2024-706 : Fireworks Display - the Country Club of Buffalo)

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF INSURANCE COVERAGE
DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by Disability and Paid Family Leave Benefits Carrier or Licensed Insurance Agent of that Carrier

1a. Legal Name & Address of Insured (use street address only) SKYLIGHTERS OF NEW YORK LLC PO BOX 1357 ORCHARD PARK, NY 14127	1b. Business Telephone Number of Insured (716) 903-3291
Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)*	1c. Federal Employer Identification Number of Insured or Social Security Number 383857391
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 **New York State Insurance Fund (NYSIF)** 3b. Policy Number of Entity Listed in Box "1a" DBL 6128 06 - 1 3c. Policy effective period 12/02/2023 to 12/02/2024

4. Policy provides the following benefits:

- ☒ A. Both disability and paid family leave benefits
- ☐ B. Disability benefits only
- ☐ C. Paid family leave benefits only

5. Policy covers:

- ☒ 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 7/19/2024 By Kristin Markwica

(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number (866) 697-4332 Name and Title **Kristin Markwica, Head of Disability Insurance Unit**

IMPORTANT: If Box 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier,this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be mailed for completion to the Workers' Compensation Board, DB Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4C or 5B of Part 1 has been checked)

State of New York
Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law with respect to all of his/her employees.

Date Signed _____ By _____

(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number _____ Name and Title _____

Please Note: *Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1.* ***Insurance brokers are NOT authorized to issue this form.***

DB-120.1 (10-17)

Certificate Number 799231

Attachment: Sept 7th CCB-08232024105426 (RES-2024-706 : Fireworks Display - the Country Club of Buffalo)

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 New York State Disability and Paid Family Leave Benefits Law. The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Worker's 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 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 NYS Disability and/or Paid Family Leave Benefits Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Disability and Paid Family Leave Benefits Law.

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: Sept 7th CCB-08232024105426 (RES-2024-706 : Fireworks Display - the Country Club of Buffalo)

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Comptroller
Initiated by: **Daryl Bramer**
Co-Sponsored by:

DOC ID: 29357 **RESOLUTION 2024-707** **ADOPTED**

Budget Transfer and Amendments

For September 3, 2024 Town Board Agenda

To: Town Board
From: Office of Town Comptroller
Date: 08/28/2024
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:***
A3641.1000 Emerg Serv- Personal Svcs $129,078.41	A3649.1000 ARPA- Personal Svcs $876,969.82
A3641.1000 Longevity $4,150.00	A3649.1300 Longevity $4,150.00
A3641.1853 Sick Leave Incentive $148.02	A3649.1853 Sick Leave Incentive $148.02
A3641.2130 Computer Equip $1,981.95	A3649.2130 Computer Equip $1,981.95
A3641.2290 2-Way Radio Equip $1,000.00	A3649.2290 2-Way Radio Equip $1,000.00
A3641.2450 Public Safety Equip $1,911.60	A3649.2450 Public Safety Equip $1,911.60
A3641.4010 Office Supplies $702.89	A3649.4010 Office Supplies $702.89
A3641.4025 Print/Adv/Lease $506.09	A3649.4025 Print/Adv/Lease $506.09
A3641.4060 Telephone $832.14	A3649.4060 Telephone $832.14
A3641.4310 Gas & Oil $1,263.57	A3649.4310 Gas & Oil $1,263.57
A3641.4410 Public Safety & Med Supply $1,000.00	A3649.4410 Public Safety $1,000.00
A3641.8010 State Retirement $7,431.86	A3649.8010 State Retirement $7,431.86
A3641.8030 FICA $9,829.32	A3649.8030 FICA $67,043.01
A3641.8050 Hos & Med Ins $34,334.93	A3649.8050 Hos & Med Ins $34,334.93
A3641.8051 Dental $569.70	A3649.8051 Dental $569.70
A3641.8052 Vision $154.42	A3649.8052 Vision $154.42
A3121.1000 Police- Personal Services $747,891.41	
A3121.8030 Police - FICA $57,213.69	
To transfer funds to recognize revenue loss for ARPA.	
G9916.2600 Plant 16- Other $78,430.96	G9916.4923 HVAC $78,430.96
Requested per department.	
A1990.4000 Contingency $9,820.00	A7550.4150 Celebrations $9,820.00
To transfer funds to cover CRS# 5005 approved on 8/19/2024 Town Board meeting.	
A7140.4350 Chemicals $1,500.00	A7143.2500 Recreation Equip $10,820.00
A7143.4350 Chemicals $2,500.00	
A7145.4110 Contractual $5,520.00	
A7145.4121 Accreditation Expense $1,300.00	
Requested per department.	
A1345.1000 Finance - Personal Services $4,180.25	A1345.2100 Furniture $4,500
A1345.8030 Finance - FICA $319.75	
To transfer funds in Finance / Contract Compliance to cover CRS# 5020 and #5021.	

BUDGET AMENDMENTS - 2024

INCREASE:	***INCREASE:***
A3649.04589 ARPA- Federal Aid $24,959.00	A3649.2150 Bldg Improv & Equip $24,959.00
To recognize P.O. #2400458 and 2400482.	
N2350.02785 Ton Rehab- PI $13,050.00	N2350.4000 Contractual $13,050.00
N2353.02785 Ton Admin- PI $1,450.00	N2353.4003 10% Admin $1,450.00
To recognize Community Development program income from 154 Lyndale, Tonawanda.	
N2344.02785 Cheek Housing- PI $6,750.00	N2344.4000 Contractual $6,750.00
N2349.02785 Cheek Admin- PI $750.00	N2349.4003 10% Admin $750.00
To recognize Community Development program income from 70 Gierlach, Cheektowaga.	
KP0001.02401 Capital Fund - Interest Earnings $59,993.90	KP0001.9000 Interfund Transfers $59,993.90
To recognize interest earnings in KP Fund for 2nd qtr. 2024 and increase interfund transfers for transfer into debt reserve.	

9/3/2024
Consent

FINANCIAL IMPACT:

See descriptions.

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

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 29347 **RESOLUTION 2024-708** **ADOPTED**

Industrial and Commercial Supplies and Equipment NYS OGS Contract PC69879 - CRS #5022

WHEREAS, the Town of Amherst currently has a contract with W.W. Grainger through Sourcewell, which is a multiple award contract; and

WHEREAS, the NYS Office of the State Comptroller has given guidance that cooperative contracts which were awarded to multiple vendors do not meet NY State bidding requirements and should not be used;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance Department to replace the W.W. Grainger contract through Sourcewell (CRS #3921) with the NY State OGS contract (CRS #5022), in order to adhere to the OSC guidance; and

BE IT FURTHER RESOLVED, that Town Board authorizes the Supervisor to sign the contract with W.W. Grainger; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the reasons described above.

9/3/2024
Consent

FINANCIAL IMPACT:

Town Wide; Various Accounts; Amount TBD

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

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 W.W. Grainger, Inc. and the Town of Amherst permitting the Town of Amherst to participate in the OGS Contract PC69879 contract (Award 23262, Group 39000- Industrial and Commercial Supplies and Equipment), valid through March 21, 2028.

Agreed to and Accepted by:

W.W. GRAINGER, INC.

By: _____
Signature

Calitha Patterson
Printed name

Sr. Govt Sales Manager
Title

Date: 8/21/2024

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Attachment: Grainger CRS (RES-2024-708 : Industrial and Commercial Supplies and Equipment NYS OGS Contract PC69879 - CRS #5022)

CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY) 12/26/2023

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
Aon Risk Services Central, Inc.
Chicago IL Office
200 East Randolph
Chicago IL 60601 USA

CONTACT NAME:
PHONE (A/C. No. Ext): (866) 283-7122 **FAX (A/C. No.):** (800) 363-0105
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A:	XL Specialty Insurance Co	37885
INSURER B:	Greenwich Insurance Company	22322
INSURER C:	National Fire & Marine Ins Co	20079
INSURER D:		
INSURER E:		
INSURER F:		

INSURED
W.W. Grainger, Inc. and its subsidiaries, affiliates and divisions (see attached addendum for Named Insureds)
100 Grainger Parkway
Lake Forest IL 60045 USA

COVERAGES **CERTIFICATE NUMBER:** 570103203309 **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. **Limits shown are as requested**

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
B	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC OTHER:	Y		RGD3001890	01/01/2024	01/01/2025	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$10,000,000 $10,000,000 Excluded $10,000,000 $10,000,000 $10,000,000
B	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY HIRED AUTOS ONLY SCHEDULED AUTOS NON-OWNED AUTOS ONLY			RAD9438255	01/01/2024	01/01/2025	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$2,000,000
C	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED X RETENTION			42RLO32612002 SIR applies per policy terms & conditions	01/01/2024	01/01/2025	EACH OCCURRENCE AGGREGATE Products/Completed O	$5,000,000 $5,000,000 $5,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N: N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		RWD3001887 AOS	01/01/2024	01/01/2025	X PER STATUTE OTH-ER	
A				RWR3001888 DE & WI	01/01/2024	01/01/2025	E.L. EACH ACCIDENT E.L. DISEASE-EA EMPLOYEE E.L. DISEASE-POLICY LIMIT	$1,000,000 $1,000,000 $1,000,000
A	Excess Workers Compensation			RWE9435541 OH & WA SIR applies per policy terms & conditions	01/01/2024	01/01/2025	EL Each Accident EL Disease - Policy EL Disease - Ea Emp	$1,000,000 $1,000,000 $1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The General Liability policy is endorsed with a blanket Additional Insured endorsement per attached CG 20 26 12 19 endorsement with respect to General Liability policy, where required by written contract.

CERTIFICATE HOLDER

W.W. Grainger, Inc. and Its
Subsidiaries, Affiliates and Divisions
100 Grainger Parkway
Lake Forest IL 60045 USA

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

Aon Risk Services Central, Inc.

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Attachment: Grainger CRS (RES-2024-708 : Industrial and Commercial Supplies and Equipment NYS OGS Contract PC69879 - CRS #5022)

AGENCY CUSTOMER ID: 10768055
LOC #:

ADDITIONAL REMARKS SCHEDULE

AGENCY	NAMED INSURED
Aon Risk Services Central, Inc.	W.W. Grainger, Inc. and its
POLICY NUMBER	
See Certificate Number: 570103203309	
CARRIER / NAIC CODE	EFFECTIVE DATE:
See Certificate Number: 570103203309	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: ACORD 25 **FORM TITLE:** Certificate of Liability Insurance

Named Insureds

including Zoro Tools, Inc. and Fabory U.S.A., Ltd.

Attachment: Grainger CRS (RES-2024-708 : Industrial and Commercial Supplies and Equipment NYS OGS Contract PC69879 - CRS #5022)

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POLICY NUMBER: RGD3001890

COMMERCIAL GENERAL LIABILITY
CG 20 26 12 19

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):
Any person or organization where required by written contract provided that such contract was executed prior to the date of loss.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. **Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or

2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and

2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or

2. Available under the applicable limits of insurance;

whichever is less.

This endorsement shall not increase the applicable limits of insurance.

Attachment: Grainger CRS (RES-2024-708 : Industrial and Commercial Supplies and Equipment NYS OGS Contract PC69879 - CRS #5022)

© Insurance Services Office, Inc., 2018

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name & Address of Insured (use street address only) W.W. Grainger, Inc. 100 Grainger Parkway Lake Forest, IL 6004572 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 (847) 535-1090 1c NYS Unemployment Insurance Employer Registration Number of Insured 50-74786 1d Federal Employer Identification Number of Insured or Social Security Number 36-1150280
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst 5583 Main St. Williamsville, NY 14221	3a Name of Insurance Carrier XL Specialty Insurance Company. 3b Policy Number of Entity Listed in Box "1a" RWD3001887 3c Policy effective period 01/01/2024 to 01/01/2025 3d 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.**

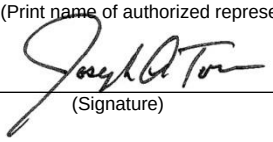
This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

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: Joseph Tocco
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by:  01/31/2024
(Signature) (Date)

Title: Chief Executive Officer

Telephone Number of authorized representative or licensed agent of insurance carrier: 212-915-6815

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: Grainger CRS (RES-2024-708 : Industrial and Commercial Supplies and Equipment NYS OGS Contract PC69879 - CRS #5022)

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 an permit for or in connection with any work involving the employment of employees in a hazardous employment define 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 th chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, howeve shall be construed as creating any liability on the part of such state or municipal department, board, commission c 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 int any contract for or in connection with any work involving the employment of employees in a hazardous employmer defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, sha not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactor to the chair, that compensation for all employees has been secured as provided by this chapter.

Attachment: Grainger CRS (RES-2024-708 : Industrial and Commercial Supplies and Equipment NYS OGS Contract PC69879 - CRS #5022)

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)

W.W. Grainger, Inc.
100 Grainger Parkway
Lake Forest, IL 60045

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

36-1150280

2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)

Town of Amherst
5583 Main St
Williamsville NY 14221

3a. Name of Insurance Carrier

The Prudential Insurance Company of America

3b. Policy Number of Entity Listed in Box 1a

CG-43976-NY - NAIC # 68241

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 in

Date Signed December 18, 2023 By _____

(Signature of insurance carrier's authorized representative or NYS licensed insurance agent of that insurance carrier)

Telephone Number 215-658-7318 Name and Title Ron Tyler - Statutory Disability Coordinator

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: Grainger CRS (RES-2024-708 : Industrial and Commercial Supplies and Equipment NYS OGS Contract PC69879 - CRS #5022)

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: Grainger CRS (RES-2024-708 : Industrial and Commercial Supplies and Equipment NYS OGS Contract PC69879 - CRS #5022)

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 29332 **RESOLUTION 2024-709** **ADOPTED**

Award Bid #2024031 Liquid Sodium Bisulfite - CRS #5010

WHEREAS, the Contract Compliance and Administration Department received bids on August 8, 2024 for Liquid Sodium Bisulfite; and

WHEREAS, the bid process resulted in responses from seven (7) 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 a twelve-month contract to PVS Chemical Solutions, Inc.; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with PVS Chemical Solutions, Inc..

9/3/2024
Consent

FINANCIAL IMPACT:

G9916-4820; Amount TBD

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

Bid #2024031 Liquid Sodium Bisulfite																	
Low Bidder			Vendor Name:	JCI Jones		Holland Company		PVS Chemical		Alexander Chemical		Slack Chemical		Thatcher Company		Sodrox Chemicals	
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	Unit Price	Total Price
1	12,500*	GAL	Liquid Sodium Bisulfite Solution Fixed pricing to supply Liquid Sodium Bisulfite Solution as per specificatoiins within this bid document **6-Month Contract**	$2.18	$27,250.00	$3.28	$41,000.00	$2.15	$26,875.00	$4.02	$50,250.00	$2.943	$36,787.50	$2.26	$28,250.00	$2.127	$26,587.50
1A	25,000*	GAL	Liquid Sodium Bisulfite Solution Fixed pricing to supply Liquid Sodium Bisulfite Solution as per specificatoiins within this bid document **12-Month Contract**	$2.58	$64,500.00	$3.28	$82,000.00	$2.15	$53,750.00	$4.02	$100,500.00	$2.943	$73,575.00	$2.26	$56,500.00	$2.227	$55,675.00
1B	50,000*	GAL	Liquid Sodium Bisulfite Solution Fixed pricing to supply Liquid Sodium Bisulfite Solution as per specificatoiins within this bid document **24-Month Contract**	NO BID	NO BID	$3.39	$169,500.00	$2.35	$117,500.00	NO BID	NO BID		NO BID	$2.37	$118,500.00	NO BID	NO BID
			***The quantities listed are estimates; actual quantities will be dependent on usage.**														
			NO ADDITIONAL CHARGES WILL BE ALLOWED														
NOTES:																	
JCI Jones included a page titled "Bid Exceptions".																	

Attachment: Bid Tab Liquid Sodium Bisulfite (RES-2024-709 : Award Bid #2024031 Liquid Sodium

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 29351 **RESOLUTION 2024-710** **ADOPTED**

Award Bid #2024032 Sharples DS 706 Centrifuge Rebuild - CRS #5028

WHEREAS, the Contract Compliance and Administration Department received bids on August 1, 2024 for Sharples DS 706 Centrifuge Rebuild; and

WHEREAS, the bid process resulted in responses from four (4) 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 Sentrimax Centrifuges NE LTD; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with Sentrimax Centrifuges NE LTD; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the fact that WPCF only has 1 working centrifuge and the repairs are urgent.

9/3/2024
Consent

FINANCIAL IMPACT:

Items 1-4: KP2027-4972; Amount NTE $355,855.41

Items 5-7: G9916-4960; Amount TBD

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

Bid #2024032 Sharples DS 706 Centrifuge Rebuild											
Low Bidder			Vendor Name:	Alfa Laval		Centrifuge Systems		Sentrimax Centrifuges		Franzenburg, LLC	
Item #	Qty	U/M		Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
			Bid Items 1A, 1B, 1C, 1D - Base Bid								
1A-1	2	EA	Shipping of 1 Unit (Including Return to TOA)	$3,000.00	$6,000.00	$9,000.00	$18,000.00	$3,500.00	$7,000.00	$5,100.00	$10,200.00
1A-2	1	EA	Shipping of 2 Units (Including Return to	$3,000.00	$3,000.00	$10,000.00	$10,000.00	$4,000.00	$4,000.00	$6,100.00	$6,100.00
1B	2	EA	Disassemble, Clean & Inspect	$9,882.00	$19,764.00	$10,000.00	$20,000.00	$8,000.00	$16,000.00	$8,500.00	$17,000.00
1C	2	EA	Supply and Replace Bearings, Seals, etc.	$23,120.00	$46,240.00	$28,000.00	$56,000.00	$15,500.00	$31,000.00	$15,500.00	$31,000.00
1D	2	EA	Reassembly	$19,050.00	$38,100.00	$14,500.00	$29,000.00	$11,000.00	$22,000.00	$8,500.00	$17,000.00
			Total Price for Bid Items 1A-1 and 1B-1D		**$110,104.00**		**$123,000.00**		**$76,000.00**		**$75,200.00**
			Total Price for Bid Items 1A-2 and 1B-1D		**$107,104.00**		**$115,000.00**		**$73,000.00**		**$71,100.00**
			Bid Items 2A thru 2V – Anticipated Work								
2A	2	EA	Bowl Assembly	$765.00	$1,530.00	$2,600.00	$5,200.00	$1,500.00	$3,000.00	N/A	N/A
2B	2	EA	Bowl Front Hub Assembly	$3,000.00	$6,000.00	$8,600.00	$17,200.00	$2,000.00	$4,000.00	$1,200.00	$2,400.00
2C	2	EA	Repair Bowl Rear Hub	$3,000.00	$6,000.00	$7,500.00	$15,000.00	$3,000.00	$6,000.00	$1,200.00	$2,400.00
2D	2	EA	Rear Hub Wear Insert	$7,643.75	$15,287.50	$5,100.00	$10,200.00	$8,200.00	$16,400.00	$651.08	$1,302.16
2E	2	EA	Machine Bowl Shell	$1,500.00	$3,000.00	$2,500.00	$5,000.00	$2,200.00	$4,400.00	$1,500.00	$3,000.00
2F	2	EA	Replace Bowl Liner	$6,282.50	$12,565.00	$4,500.00	$9,000.00	$5,100.00	$10,200.00	$9,875.00	$19,750.00
2G	2	EA	Replace Bowl Seal Liner	$4,125.00	$8,250.00	$1,500.00	$3,000.00	$3,500.00	$7,000.00	$1,700.00	$3,400.00
2H	2	EA	Repair Two Front Pillow Block Covers	$648.00	$1,296.00	$2,200.00	$4,400.00	$1,500.00	$3,000.00	$3,200.00	$6,400.00
2I	2	EA	Replace Front Bowl	$438.00	$876.00	$1,200.00	$2,400.00	$1,200.00	$2,400.00	$3,020.00	$6,040.00
2J	2	EA	Repair Two Rear Pillow Block Covers	$648.00	$1,296.00	$1,500.00	$3,000.00	$1,500.00	$3,000.00	$3,200.00	$6,400.00
2K	2	EA	Replace Rear Bowl	$438.00	$876.00	$1,200.00	$2,400.00	$1,500.00	$3,000.00	$4,500.00	$9,000.00
2L	2	EA	Replace Conveyor Tiles	$5,616.25	$11,232.50	$3,200.00	$6,400.00	$3,000.00	$6,000.00	$47.00	$94.00
2M	2	EA	Replace Accelerator Screw	$73.00	$146.00	$150.00	$300.00	$7,500.00	$15,000.00	$2,300.00	$4,600.00
2N	2	EA	Replace Front Conveyor Bearing Hub Sleeve	$3,813.75	$7,627.50	$2,800.00	$5,600.00	$6,000.00	$12,000.00	$2,875.00	$5,750.00
2O	2	EA	Replace Feed Zone Liner	$12,097.50	$24,195.00	$6,500.00	$13,000.00	$4,700.00	$9,400.00	$2,488.20	$4,976.40
2P	2	EA	Replace Spline Shaft	$12,097.00	$24,194.00	$2,600.00	$5,200.00	$9,800.00	$19,600.00	$7,200.00	$14,400.00
2Q	2	EA	Replace Gearbox Adapter	$13,510.00	$27,020.00	$6,800.00	$13,600.00	$10,500.00	$21,000.00	$6,225.00	$12,450.00
2U	2	EA	Replace 1st Stage Gear Shafts	$8,094.00	$16,188.00	$2,200.00	$4,400.00	$1,300.00	$2,600.00	$1,899.00	$3,798.00
2V	2	EA	Replace 2nd Stage Gear Shafts	$8,054.00	$16,108.00	$2,600.00	$5,200.00	$1,700.00	$3,400.00	$1,899.00	$3,798.00
			Total Price for Bid Items 2A thru 2V		**$183,687.50**		**$130,500.00**		**$151,400.00**		**$109,958.56**
			Bid Items 3 thru 8 - Additional Pricing								
3	1	EA	Replacement Parts Pricing Totals		$109,701.12		$203,994.00		$127,375.41		$76,668.70
4	8	HR	Additional Shop Labor Charge - Hourly	$162.00	$1,296.00	$130.00	$1,040.00	$135.00	$1,080.00	$110.00	$880.00
5	1	DAY	On-Site Tech Support – Per Day	$2,204.00	$2,204.00	$2,500.00	$2,500.00	$2,390.00	$2,390.00	$1,280.00	$1,280.00
6	1	DAY	On-Site Service / Labor – Per Day	$2,204.00	$2,204.00	$2,500.00	$2,500.00	$2,390.00	$2,390.00	$1,280.00	$1,280.00
7	$5,000	%	% Markup over the awarded vendor's cost. This would be for the TOA purchase of parts, materials and components not contained within this bid document. ($5,000 x % Mark Up = TOA Total Cost)	10%	$5,500.00	10%	$5,500.00	15%	$5,750.00	10%	$5,500.00
			Total Price for Bid Items 3 thru 7		**$120,905.12**		**$215,534.00**		**$138,985.41**		**$85,608.70**
8	1	EA	Discount percentage on line items 1B through 2V for a second rotating assembly to be rebuilt at the same time, rather than at a later date.	0%	$0.00	5%	($11,775.00)	0%	$0.00	2%	($3,499.17)
			TOTAL BID PRICE (2 UNITS SEPARATELY)		**$414,696.62**		**$469,034.00**		**$366,385.41**		**$270,767.26**
			TOTAL BID PRICE (2 UNITS TOGETHER)		**$411,696.62**		**$449,259.00**		**$363,385.41**		**$263,168.09**
			NO ADDITIONAL COSTS WILL BE CONSIDERED								

NOTES:

Alfa Laval: Item #5 & 6: Unit Price was entered as $2,040 and Total Cost was entered as $2,204. Confirmed with Alfa Laval that the correct rate is $2,204.

Centrifuge Systems, LLC DBA Centrisys: Did not fill in Item #1D, however the total is more and would indicate that line should total $29,000. Confirmed with Centrisys 8/8 that this assumption is correct. Missing cost for one replacement part.

Sentrimax Centrifuges: Total Bid Price calculation on the Sentrimax bid sheet is incorrect, they only added up lines 3 thru 8, omitting 1&2. Total above is correct.

Frazenburg LLC: Item #1A-1 - Did not multiply times quantity of 2. Item #1B: Did not multiply times quantity of 2. Did not fill in line item 2A. Did not fill in line item 3, but did confirm via email that the total on page 12 of $76,668.70 is correct. Also confirmed via email that line items 1A-1 and 1B were not multiplied by qty 2. Bid is disqualified for not providing price of line item 2A.

Attachment: Bid Analysis Sharples DS 706 Centrifuge Rebuild (RES-2024-710 : Award Bid #2024032 Sharples DS 706 Centrifuge Rebuild - CRS

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 29352 **RESOLUTION 2024-711** **ADOPTED**

Award Bid #2024035 Refrigerant for Northtown Ice Center - CRS #5029

WHEREAS, the Contract Compliance and Administration Department received bids on August 29, 2024 for Refrigerant for the Northtown Ice Center; and

WHEREAS, the bid process resulted in responses from 4 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 Swipe Resources, LLC; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with Swipe Resources, LLC; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the fact that the Northtown Ice Center will be putting ice in on the Feature Rink and Rink #1 for the start of the upcoming season on September 9th, and do not have enough R-22 to adequately support these rinks.

9/3/2024
Consent

FINANCIAL IMPACT:

A7253-4220; $29,038.80

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

Bid #2024035 Refrigerant for the Northtown Ice Center											
Low Bidder			Vendor Name:	Swipe Resources LLC		Christopher Frenci		Perfect Resource Group		Hudson Technologies	
Item #	QTY	U/M		Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	40	Each	R-22 refrigerant in 30 lb. cylinders	$725.97	$29,038.80	$750.00	$30,000.00	$778.00	$31,120.00	$875.00	$35,000.00
2	40	Each	Cylinder Deposit (if applicable)	$0.00	$0.00	N/A	N/A		$0.00	N/A	N/A
			OR								
3	10	Cylinder	R-22 refrigerant in 125 lb. cylinders	$3,083.70	$30,837.00	NO BID	NO BID	$3,687.00	$36,870.00	$3,500.00	$35,000.00
4	10	Cylinder	Cylinder Deposit (if applicable)	$250.00	$2,500.00	NO BID	NO BID	$500.00	$5,000.00	$500.00	$5,000.00
					$33,337.00				$41,870.00		$40,000.00
			NO ADDITIONAL CHARGES WILL BE ALLOWED								

Attachment: Bid Analysis Refrigerant for Northtown Ice Center (RES-2024-711 : Award Bid #2024035

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29373 **RESOLUTION 2024-712** **ADOPTED**

NYSERDA Clean Energy Communities Program - $10,000 Grant Electric Vehicle Charging Station at Royal Park CRS #5032

The Town of Amherst has been awarded a $10,000 grant from the Clean Energy Community Program. The funds have been paid in full by NYSERDA. According to the grant application, the Town will use these funds for the installation of an EV Charging Station at Royal Park, as part of the ongoing construction project.

The purpose of this Town Board action is to designate these grant funds in the Town's Contract Routing System under KP2350-03098, identified as "NYSERDA GRANT."

This request is pending the successful completion of the contract review procedure. Thank you for considering this request.

9/3/2024
Consent

FINANCIAL IMPACT:

The purpose of this Town Board action is to designate these grant funds in the Town's Contract Routing System under KP2350-03098,

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

Schregel, Chris

From: NYSERDA No Reply <no-reply@nyserda.ny.gov>
Sent: Monday, July 15, 2024 2:11 PM
To: Schregel, Chris
Cc: proposals@nyserda.ny.gov
Subject: Clean Energy Communities Program - Proposal Submitted

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.

Re: NYSERDA Solicitation Clean Energy Communities Program

Dear Christopher,

Thank you for submitting a proposal for Clean Energy Communities Program solicitation.

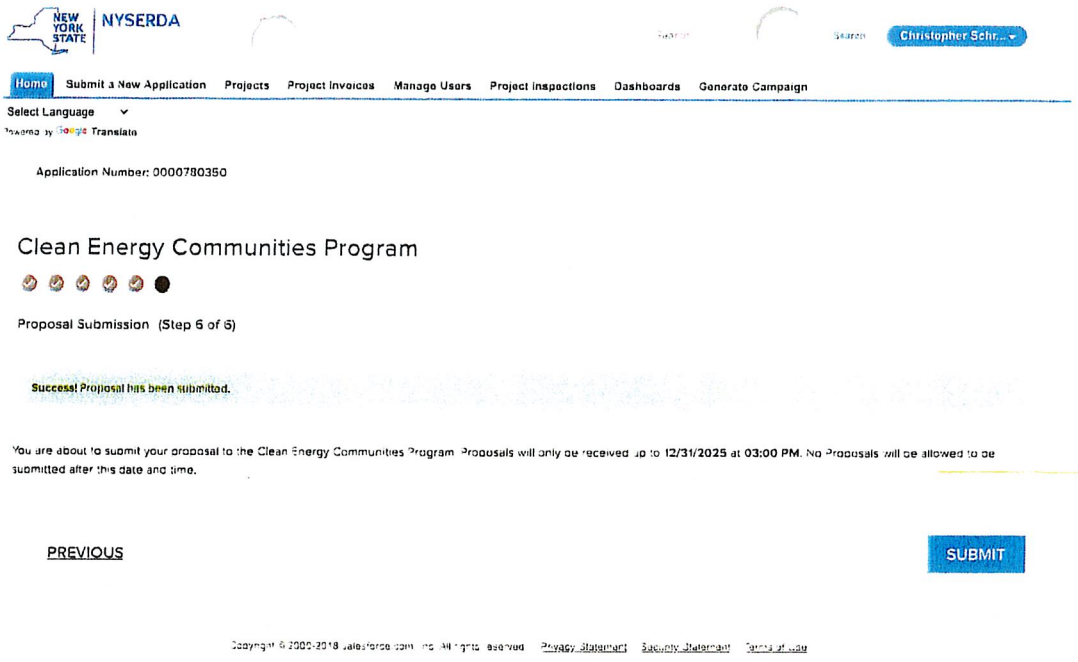
Please contact Clean Energy Communities at cec@nyserda.ny.gov if you have any questions regarding your submission.

Thank you.

NYSERDA

Do not reply to this email. This inbox is not monitored.

Attachment: NYSERDA Clean Energy (RES-2024-712 : NYSERDA Clean Energy Communities Program CRS #5032)



Attachment: NYSERDA Clean Energy (RES-2024-712 : NYSERDA Clean Energy Communities Program CRS #5032)

NEW YORK STATE OF OPPORTUNITY. | NYSERDA

Clean Energy Communities Program

Application Number - 0000780350

Proposal Title - Royal Park EV Station

Primary Company Contacts

Company Name:	Town of Amherst
Tax identification type:	EIN
Employer Identification Number (EIN):	166002157
Is this entity tax exempt?	Yes
DUNS Number:	
Address:	1100 N Forest Rd, Williamsville, NY, 14221

Name	Email	Title	Phone	Role	Primary
Christopher Schregel	cschregel@amherst.ny.us	Principal Engineer Assistant	(716) 631-7154	Proposer	Yes

Proposal Information

Proposal Title	Royal Park EV Station
Proposed Proposal Category	Direct to Voucher (funding under $30,000)
Proposer Company Information	Town of Amherst, New York
Proposal Description	Installation of a Lvl. 2 dual port EV Charger Station (networked) at a Municipal Town Park

Checklist Questions

Do you accept all Terms & Conditions in the Sample Agreement?	Yes
Do you wish to have any information submitted in your proposal package treated as proprietary or confidential trade secret information?	No
Does your proposal contain Minority or Women-Owned Business enterprises as subcontractor?	
Does your proposal contain certified Service-Disabled Veteran-Owned Business Enterprises as Subcontractors?	
Is other public funding pending/awarded on this and/or very similar topic (prior and/or competing proposals)?	

Attachment: NYSERDA Clean Energy (RES-2024-712 : NYSERDA Clean Energy Communities Program CRS #5032)

Prior and/or competing proposals su .ed?	
Previous NYSERDA Contracts awarded?	
Will this grant be funding a Solar project?	No
Will this grant be funding a LED Street Lights project?	No
Will this grant be funding an EV Charging Station(s) project?	Yes
Will this grant be funding an Electric Vehicle(s) project?	No
Will this grant be funding a Building Upgrade(s) project?	No

Disclosure of Prior Findings of Non-Responsibility

Has any Governmental Entity made a finding of non-responsibility regarding the Individual or Entity seeking to enter the Procurement Contract in the last five years?	No
Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named Individual or Entity due to the intentional provision of false or incomplete information?	No

Proposal Budget Information

Proposed NYSERDA Funding	$10,000.00
Proposed Cost Share	$15,000.00
Proposed Total Cost	$25,000.00

CERTIFICATION STATEMENT

☐ By checking this box and clicking Continue:

I certify that the above information, and all information submitted in connection with State Finance Law §139-j and §139-k, is complete, true, and accurate, that I have read and reviewed the Standard Terms and Conditions set forth in the attached Sample Agreement and that I accept all terms unless otherwise noted herein, and that the proposal requirements noted have been completed and are enclosed;

I affirm that I understand and will comply with NYSERDA's procedures under §139-j(3) and §139-j(6)(b) of the State Finance Law;

I affirm that my company has a written sexual harassment prevention policy addressing sexual harassment in the workplace and provides annual sexual harassment training to all employees.

I understand that this proposal may be disqualified if the solicitation requirements are not met; and I am authorized to commit my organization to this proposal.

Attachment: NYSERDA Clean Energy (RES-2024-712 : NYSERDA Clean Energy Communities Program CRS #5032)

NYSERDA Clean Energy Communities Program (PON 3298)

Clean Energy Communities Grant Application

Version 7

Municipalities may be eligible to apply for more than one grant award through NYSERDA's Clean Energy Communities program.

Separate grant applications must be submitted for each award

Clean Energy Communities grant funds must be used for new work. If the proposed work was completed prior to contract signing, it is not eligible.

Step 1 - Connect with a Clean Energy Communities Coordinator

Clean Energy Communities Coordinators are trained to help Applicants develop the best possible grant application. They provide guidance and can help facilitate brainstorming, project selection, and application development. Coordinators are available to assist municipalities, but they do not make program decisions or participate in evaluating grant applications. Responsibility for the content of the grant application, the decision to submit, and the project outcome rests with the municipality, not the Coordinator. Please read the Clean Energy Communities Guidance Document and Program Opportunity Notice prior to completing this application. This application is only to be used by municipalities submitting a grant application for CEC 3.0. Municipalities who intend to submit an application for a Leadership Round grant award should refer to the instructions in the PON.

Electronic grant applications must be submitted as an Excel document. In the event that the Applicant is not able to submit in Excel format, please address questions to the Designated Contacts identified in the PON.

Click here to connect with a Clean Energy Communities Coordinator

Click here to access the Clean Energy Communities Guidance Document

Step 2 - Fill out some basic information. Fields highlighted in red throughout the application are required fields.

Muncipality's Information

Municipality Name	Town of Amherst
County	Erie
Region	Western New York
NYSERDA CEC Grant Amount from the email	$10,000

Chief Elected Official

Name	Jacqualine Berger
Title	Councilmember
Telephone #	(716) 631-7013
Email	jberger@amherst.ny.us

Applicant - Primary Contact Person

Name	Chris Schregel
Title	Project Manager
Telephone #	(716) 631 - 7154
Email	cschregel@amherst.ny.us

Applicant - Secondary Contact Person

Name	Jacqualine Berger
Title	Councilmember
Telephone #	(716) 631-7013
Email	jberger@amherst.ny.us

Attachment: NYSERDA Clean Energy (RES-2024-712 : NYSERDA Clean Energy Communities Program CRS #5032)

	Official Municipality Address		Fax Number and Website	
Street Address	5583 Main Street	Fax #	716-631-7222	
City / State / Zip code	Williamsville, NY 14221	Municipal Website	www.amherst.ny.us	

Application Pathway 1 - Does total requested funding from NYSERDA equal $5,000 or less?

If the NYSERDA CEC Grant Amount from the email above is $5,000 or less, please describe the clean energy project, program, or initiative the Applicant plans to support using this funding. Please include details on the specific use of the funds including the type of equipment to be purchased, quantities, number of units, the issues/opportunities to be addressed, and expected outcomes. Applicants applying for $5,000 or less do not have to complete additional steps in this application.

Application Pathway 2 - Does total requested funding from NYSERDA equal an amount greater than $5,000 but less than or equal to $30,000?

For grant awards where the total requested funding from NYSERDA (including any possible Disadvantaged Community Bonus funding) is greater than $5,000 but less than or equal to $30,000, the Applicant must propose a specific clean energy project from any of the below pre-approved project types for funding. **If the Applicant proposes a pre-approved project type consisting of "Building Energy Study Upgrades" that are requesting a CEC Energy Study or a "Custom Project," the Applicant must submit under the "Pre-Approved with Contract" or "Custom with Contract" drop-downs respectively, in Salesforce; this kind of proposal will result in a contract with NYSERDA. If the Applicant proposes a pre-approved project type other than a "Building Energy Study Upgrades" that are requesting a CEC Energy Study or a "Custom Project", the Applicant is not required to enter into a contract with NYSERDA and upon application approval will be paid directly. Applicants that fit this criteria should submit under the "Direct to Voucher" drop-down in Salesforce.** The Applicants project may consist of one component or a combination of components. Applicants submitting through this Application Pathway must submit the required documentation as outlined in each tab at the point of application.

Complete all relevant blue tabs at the bottom of this sheet

START HERE | Solar | Road EVs | Non-Road EVs | Charging Stations | LED Street Lights | Building Energy Study Upgrades | Building Heat Pumps | Building Clean Energy Sol. | Landscaping Equipment | FlexTech | Custom Project | Project Summary

Applicants will be required to submit this completed document, letter of commitment, and any other required documents as electronic files using NYSERDA's Salesforce Project Portal. By submitting the application the Applicant attests to complying with the performance requirements defined for each type in the corresponding project tab.

Attachment: NYSERDA Clean Energy (RES-2024-712 : NYSERDA Clean Energy Communities Program CRS #5032)

Application Pathway 3 - Does the total requested funding from NYSERDA equal an amount greater than $30,000?

For grant awards where the total requested funding is greater than $30,000 (including any possible Disadvantaged Community Bonus funding), the Applicant must propose a specific clean energy project from any of the below pre-approved project types for funding. The Applicant's project may consist of one component or a combination of components. If the Applicant's proposal includes a "Custom Project", the grant application will be reviewed by a scoring committee and this process may take longer to complete. If the Applicant's project consists of pre-approved project types only, the approval process is likely much quicker.

Complete all relevant blue tabs at the bottom of this sheet



The Applicant will be required to submit this completed document, letter of commitment, and any other required documents as electronic files using NYSERDA's Salesforce Project Portal. By submitting the application the Applicant attests to complying with the performance requirements defined for each type in the corresponding project tab.

Disadvantaged Community Bonus Funding Opportunities.

Any grant over $5,000 with a project component located in a Disadvantaged Community (DAC) may be eligible for a bonus grant of 50% of grant funding allocated to it. To access a bonus grant, 100% or more of the allocated component award amount shall be used for a project component that is located within a New York State Disadvantaged Community in the applying jurisdiction. A project location lookup tool is available at www.nyserda.ny.gov/ny/disadvantaged-communities and eligibility is subject to NYSERDA verification.

How to Submit:

The **Grant Application Completeness Scorecard** on the **Project Summary Tab** identifies issues that need to be addressed before the application is ready to submit. The application is not complete until the Overall Completeness Score shows as "COMPLETE". This scorecard will update automatically as the Applicant completes the different tabs in the application. Scroll down to the bottom of each blue tab to access a unique Completeness Scorecard for each project type in this application. Any application that is submitted with an Overall Completeness Score of "INCOMPLETE" will be rejected. Once the application is showing "COMPLETE" status, submit the application and letter of commitment associated with the correct submittal option, as listed below, at www.nyserda.ny.gov/cec.

- Option 1 - Direct to Voucher (funding under $30,000)
  - -Includes projects $5,000 and under that follow Application Pathway 1
  - -Includes projects greater than $5,000 and less than or equal to $30,000 that follow Application Pathway 2 and do not require a contract.
- Option 2 – Pre-approved with Contract
  - -Includes projects great than $5,000 and less than or equal to $30,000 that follow Application Pathway 2 and are requesting a CEC Energy Study.
  - -Includes all projects greater than $30,000 that follow Application Pathway 3 that are submitted under the pre-approved tabs of the grant application.
- Option 3 – Custom with Contract
  - -Includes any project that are not identified in the pre-approved application (excluding $5,000 grants)
  - -Projects must be submitted as "Custom with Contract" in Salesforce if any component of the project is considered custom.

Click here to access the Apply for Grants page

Pre-Approved Project Type

Electric Vehicle Charging Stations

Does the proposal include the purchase and installation of one or more electric vehicle charging stations?

Answer: **Yes**

Applicants that respond "No" should leave this page **blank** and proceed to the next pre-approved project type tab.

Applicants that respond "Yes" should scroll down and complete all applicable sections of this tab including answering each question and completing all shaded boxes. This tab includes requirements for this project type that will carry over into the contract with NYSERDA, if applicable. Below is also a description of submittal requirements for documents Applicants will need to submit both at time of application if requested grant funding is greater than $5,000 and less than or equal to $30,000.

Tip: Explore eligibility for other charging station grants and incentives like NYSDEC's ZEV program or NYSERDA's Charge Ready Program. Because program rules prevent the Applicant from receiving funds from both CEC and these other programs, by applying to these other programs for charging stations, the Applicant might be able to free up CEC funds to use for other project types.

Project Requirements

- Electric vehicle charging stations shall consist of Level 2 charging ports with SAE J1772 connectors or direct current (DC) fast charge ports with both a CHAdeMO and SAE J1772 Combo connectors.
- Networked charging stations have a small monthly fee and allow for controlled access, data collection, and charging customers for use. It is not a requirement that the charging station be networked.
- The equipment shall be owned by the municipality. A site host agreement is required if the municipality does not own the land on which the charging station will be installed.
- Charging Stations receiving funding from NYSDEC's ZEV program or NYSERDA's Charge Ready Program are not eligible for funding under the CEC grant program and vice versa.
- Charging stations shall be fully installed and operational to receive final grant payment. The equipment shall be in continuous use by the municipality for a period of at least four (4) years.
- Not more than $10,000 of NYSERDA payments shall be paid per charging port for Networked Level 2 stations. For Non-Networked Level 2 stations, no more than $4,000 per charging port shall be paid. For DC fast charge stations, not more than $60,000 per charging port shall be paid.
- NYSERDA will only pay for the cost of the project, after incentives, and reserves the right to withhold payments until confirmed.

Project Details

These details will help NYSERDA understand the scope of the project and to ensure it meets all program requirements. These details will carry over into the applicant's contract with NYSERDA.

Q: Grants $30,000 and Less: Has the Applicant received a price quote or estimate for the proposed charging station (s) including installation?
Grants over $30,000: Will the Applicant receive a price quote or estimate for the proposed charging station (s) including installation?

A: **Yes**

Q: Are all locations are either owned by the municipality, or (for those that aren't), a site host agreement has been, or will be, obtained?

A: **Yes**

Q: Has the Applicant investigated the availability of incentives for charging stations outside of the Clean Energy Communities program?

A: **Yes**

Provide details on the proposed charging stations.

Click here to access a Disadvantaged Community project location lookup tool

Attachment: NYSERDA Clean Energy (RES-2024-712 : NYSERDA Clean Energy Communities Program CRS #5032)

Pre-Approved Project Type

Electric Vehicle Charging Stations

Location Name	Address / City / State / Zip	Is the Address in a Dis-advantaged Community?	Charging Station Type	No. of Ports	Total Project Cost	Applicant's Contribution	Estimated funding from other sources	NYSERDA CEC Grant Funds Requested	Funds Requested per Port	Estimated Construction Start Date	Estimated Installation Complete Date
Royal Park Sports Complex	187 Royal PKWY W., Williamsville, NY 14221	No	**Networked Level 2 Charging Station**	2	$ 25,000.00	$ 2,400.00	$ 12,600.00	$10,000.00	$5,000.00	9/9/2024	3/21/2025
								$0.00	$0.00		
								$0.00	$0.00		
								$0.00	$0.00		
								$0.00	$0.00		
								$0.00	$0.00		
								$0.00	$0.00		

What to Submit at Time of Application

Only applicable for grant applications that are asking for less than or equal to $30,000 in total funding

- ☑ A quote or estimate for the proposed charging stations including installation.
- ☐ A draft site host agreement if the municipality does not own the land on which the charging station will be installed.

Charging Stations Project Summary

This summary is auto-populated based on values entered into this application form. These values roll up to the Proposal Summary tab.

	Energy Metrics*
Efficiency MWh Savings annual	0.00
Natural Gas MMBtu Savings annual	0.00
Fuel Oil MMBtu Savings annual	0.00
Propane MMBtu Savings annual	0.00
Renewable MW Generation annual	0.00
Renewable MWh Generation annual	0.00
Gasoline MMBtu Savings annual	60.97
Diesel MMBtu Savings annual	0.00
Beneficial Electrification MWh annual	-2.52
MTCO2e annual	3.11

	CEC Grant Funds Requested
Funds Requested	$10,000
Project Cost	$25,000

CEC Grant Dollars per Ton of CO2

$3,219

* Energy metrics are automatically calculated based on the estimated electricity use of the charging station, the equivalent number of miles an electric vehicle could drive using that quantity of electricity, and the gasoline consumption of a conventional vehicle driving that same number of miles. This calculation is a function of several assumptions including that 3.5 percent of time each charging port will be connected with a vehicle drawing power, capacity per port is 4kW on average, a conventional gasoline vehicle having an average fuel economy of 18.1 miles per gallon, electric vehicles getting 3.5 mi/kWh, and the NYSERDA emission factor for electricity of 1103 lbs/MWh and oil of 162.9 lbs/MMBTU.

Attachment: NYSERDA Clean Energy (RES-2024-712 : NYSERDA Clean Energy Communities Program CRS #5032)

NYSERDA Clean Energy Communities Program (PON 3298)

Clean Energy Communities Grant Project Summary

Town of Amherst

This summary is auto-populated based on values entered into the other tabs in this grant application workbook.

CEC111416

Grant Application Completeness Check

COMPLETE

Scroll down for more detail

Proposed Proposal Category

Pre-Approved

Community Information

Municipality Name	Town of Amherst
County	Erie
Region	Western New York
CEC Number	CEC111416

Primary Contact Person

Name	Chris Schregel
Title	Project Manager
Telephone #	(716) 631 - 7154
Email	cschregel@amherst.ny.us

Energy Metrics

Efficiency MWh Savings annual	0.00
Natural Gas MMBtu Savings annual	0.00
Fuel Oil MMBtu Savings annual	0.00
Propane MMBtu Savings annual	0.00
Renewable MW Generation annual	0.00
Renewable MWh Generation annual	0.00
Gasoline MMBtu Savings annual	60.97
Diesel MMBtu Savings annual	0.00
Beneficial Electrification MWh annual	-2.52
MTCO2e annual	3.11
CEC Dollars per MTCO2e annual	$ 3,219.06
Contract Start Date*: (Sub 30 days)	8/10/2024
Contract End Date**:	9/17/2025

Funding

CEC Grant Amount	$ 10,000.00
Disadvantaged Community Bonus Grant	$ -
Total Funds Requested less DAC Bonus	$ 10,000.00
Total Funds Requested Incl. DAC Bonus	$ 10,000.00

Funding Components

Solar	$ -
Road Electric Vehicles	$ -
Non-Road Electric Vehicles	$ -
Charging Stations	$ 10,000.00
LED Street Lights	$ -
Clean Energy Communities (CEC) Building Upgrades	$ -
Building Heat Pumps	$ -
Building NYPA Clean Energy Solutions	$ -
Landscaping Equipment	$ -
FlexTech	$ -
Custom Project	$ -

This cost will be deducted from the contract amount.

* Contract Start Date is the earliest project start date from all the blue tabs, minus 30 days.

** Contract End Date is the latest project completion date from all the blue tabs plus 180

Attachment: NYSERDA Clean Energy (RES-2024-712 : NYSERDA Clean Energy Communities Program CRS #5032)

TOWN OF AMHERST

Erie County, New York

SUPERVISOR
Brian J. Kulpa
716-631-7032

DEPUTY SUPERVISOR/ COUNCILMEMBER
Jacqualine G. Berger

COUNCILMEMBERS
Shawn A. Lavin
Michael Szukala
Angela Marinucci

July 5, 2024

NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

Dear NYSERDA CEC Reviewers,

I am writing to express my full support for the Town of Amherst's submission for the 1-Star Designation Clean Energy Communities grant through the New York State Energy Research and Development Authority (NYSERDA) Clean Energy Communities program.

If awarded this grant funding, the Town of Amherst will be able to implement electric vehicle charging stations at Royal Park to reduce greenhouse gas emissions and contribute to New York's clean energy goals.

The planned improvements of Royal Park with the addition of electric vehicle charging stations will benefit the surrounding community and environment. I also make it a priority to share successful project outcomes with peers and by doing so, I hope to inspire other building owners and communities to undertake similar initiatives to reduce greenhouse gas emissions.

This project would be of great service to Amherst residents in providing environmental benefits and supporting the Town's development. I fully support the Town's application to NYSERDA and I look forward to this project getting started.

Sincerely,

Jacqualine Berger

Jacqualine Berger
Councilmember

Attachment: NYSERDA Clean Energy (RES-2024-712 : NYSERDA Clean Energy Communities Program CRS #5032)

ROYAL PARK EV STATION - COST ESTIMATE

Grant Application #00078035; T. of Amherst, NY

7/15/2024

Item	Description	Unit	Unit Cost	Qty.	Cost	Funding
1	CHARGEPOINT LVL 2 EV CHARGER, CT4021	EA	$ 7,871.00	1	$ 7,871.00	NYSERDA
	Dual output, gateway option, bollard unit - 208/240V @30A with Cord Management & SAE-J1772 Ports					
2	PREPAID COMMERICAL CLOUD PLAN	PER YEAR	$ 703.20	5	$ 3,516.00	NYSERDA/AMHERST
3	INITIAL STATION ACTIVATION	EA	$ 350.00	1	$ 350.00	AMHERST
	ChargePoint activation and network onboarding					
4	BOLLARD CONCRETE MOUNTING KIT	EA	$ 77.00	1	$ 77.00	AMHERST
5	SITE AMENTITIES	LS	$ 600.00	1	$ 586.00	AMHERST
	Signage, curb stops, pavement striping, etc.					
6	ELECTRICAL MAKE-READY	LS	$ 12,600.00	1	$ 12,600.00	National Grid Make-Ready
	Purchase and install materials, conduit, fittings, wire, connectors; Install circuit breakers sized accordingly in newly installed panel					
				TOTAL PROJECT COST	$ 25,000.00	

Attachment: NYSERDA Clean Energy (RES-2024-712 : NYSERDA Clean Energy Communities Program CRS #5032)

ENERGY SOLUTIONS

LED Energy Solutions, LLC
63 Park Club Lane Suite 1,
Buffalo, NY 14221
Info@ledenergyusa.com

QUOTE NO. 229334

ADDRESS	QUOTE DATE (VALID FOR 30 DAYS)
Town of Amherst Engineering Dept Chris Schregel, Project Manager 1100 N. Forest Rd Williamsville, NY 14221	7/15/2024

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
1	ChargePoint Level 2 Dual-Port CT4021	$7,871	$7,871
1	Bollard Concrete Mounting Kit	$77	$77
1	5-Year ChargePoint Commercial Cloud Plan Network & Assure Warranty Plan Bundle	$3,516	$3,516
1	Initial Station Activation	$350	$350

SUBTOTAL	$11,814
SALES TAX	N/A
TOTAL DUE	$11,814

We thank you for your business!

Attachment: NYSERDA Clean Energy (RES-2024-712 : NYSERDA Clean Energy Communities Program CRS #5032)

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Highway
Initiated by: **Stephen Bryan**
Co-Sponsored by:

DOC ID: 29346 **RESOLUTION 2024-713** **ADOPTED**

Filtrec Vehicle Rotary Two Post Lift - CRS #5023

NOW THEREFORE BE IT RESOLVED, the Town Board authorizes the purchase of one (1) Vehicle Rotary Two Post Lift.

The purchase is from FILTREC CORPORATION, 5440 Lockwood Road, Auburn, NY 13021 for $16,600.85 under Town of Amherst, Highway Department, Resolution #2021-73 with maturity date 08/22/2025.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to sign this purchase. This purchase is subject to the Contract Routing System (CRS #5023) and the approval of the Town Attorney.

9/3/2024
Consent

FINANCIAL IMPACT:

D5130 : 2600

$16,600.85

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

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29342 **RESOLUTION 2024-714** **ADOPTED**

Director of Senior Services/Senior Services

Please appoint a Director of Senior Services to the Senior Services Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective September 4, 2024 at an annual salary of $108,425.70, Grade 4, Step J of the Exempt Department Head Salary Schedule for Melissa Abel.

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

9/3/2024
Consent

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

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29343 **RESOLUTION 2024-715** **ADOPTED**

Refuse Control Officer/Refuse Control-Highway Department

Please appoint a Refuse Control Officer to the Refuse Control - Highway Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective September 4, 2024 at an annual salary of $57,713, Grade 13, Step C for James Turton.

This is a promotion for an employee currently serving as Motor Equipment Operator.

9/3/2024
Consent

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

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 29378 **RESOLUTION 2024-716** **ADOPTED**

Request for Public Hearing Local Law to Amend §204 of Town Code - Subdivision Regulations

Please schedule a public hearing for October 1, 2024 to permit the Planning Department to present an amendment to the Town Code, Section 204, amending the Subdivision Regulations.

9/3/2024
Consent

FINANCIAL IMPACT:

None

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

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 29348 **RESOLUTION 2024-717** **ADOPTED**

To Authorize the Planning Department to Expend Funds from the Trust Account for the Veterans Memorial Consistent with Town Board Resolution RES-2011-871 for the Purpose of Engraving the Names of Veterans on the Veterans Memorial

WHEREAS, the Town of Amherst Town Board established the Town of Amherst Veterans Memorial in 2011, and

WHEREAS, the names of Veterans are engraved on the Memorial at the request of veterans or their families, and a fee of $200 is charged per name that includes $143 for engraving with the remaining amount deposited into a Trust Account for repairs and maintenance, and

WHEREAS, currently the Town of Amherst received 51 applications for names to be added to the Memorial this year, and

WHEREAS, the Town of Amherst has Leon Komm and Sons under contract to engrave the names of the Veterans and complete stone and masonry service maintenance at $143 per hour in 2024, now

THEREFORE BE IT RESOLVED, that the Amherst Town Board hereby authorizes the Planning Department not to exceed $10,000.00 for the current fiscal year from the Veterans Memorial Trust Account T-4017-4002 for the purpose of engraving veterans names on the Amherst Veterans Memorial.

9/3/2024
Consent

FINANCIAL IMPACT:

The proposed expenditures will have no fiscal impact to the Town as the funds have or will have been deposited into Trust Account T-4017-4002 prior to the engraving. Each name will cost no more than $143.00 to engrave in 2024 and the cost for repairs is $143 per hour as per the contract with Leon Komm and Sons (CRS #2592 / RES 2021-0458). The expenditures should not exceed $10,000 for the current fiscal year.

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

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 29375 **RESOLUTION 2024-718** **ADOPTED**

Travel & Training Request Precision Rifle Training Course

TOWN BOARD AGENDA ITEM : SEPTEMBER 3, 2024

TO: **Town Board**

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

RE: **Travel & Training Request**
Precision Rifle Training Course

Kindly adopt a Resolution authorizing three (3) ERT Officers to attend the above entitled training course. This course is being held in Finger, TN from September 8, 2024 through September 13, 2024. The cost for this training and travel is approximately $10,225.38.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: September 3, 2024)**

9/3/2024
Consent

FINANCIAL IMPACT:

A 3132 .4040: $3,3350.38

A 3132 .4120: $6,875.00

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

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ Travel in New York State and under $750 - Department Head Approval

☐ Travel in New York State $750 and over - Department Head Approval and Town Board Approval

☒ Travel out of New York State - Department Head Approval and Town Board Approval

NAME	Employee #	Department	Phone Number
[redacted]		Police	716-689-1311

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
Sept 8, 2024	Sept. 13, 2024	Finger, TN	Precision Rifle Training Course

Expenses	Estimated	Budget A/C #	Actual
Transportation: Rental Car	$390.00	A3132.4040	
Mileage @ $0.67 gas	$150.00	"	
Tolls			
Parking			
Local Transportation (bus/taxi)			
Plane/Rail/Bus	$1586.88	A3132.4040	
Lodging:			
1 # nights @ $ 250.00	$250.00	"	
Meals:			
IRS Per Diem Per Day:			
1 1st & Last Day of Travel @ 75% $44.25	$265.50	"	
12 # Breakfasts @ $ 13.00	$156.00	"	
12 # Lunches @ $ 15.00	$180.00	"	
12 # Dinners @ $ 26.00	$312.00	"	
12 # Incidentals @ $ 5.00	$60.00	"	
Registration/Conference Fee	$5,175.00	A3132.4120	
Other Ammo 1500rounds	$1700.00	A3132.4120	
Subtotal	$10,225.38		N/A
Contingency - 10% of subtotal or $200	$1,022.538		N/A
TOTAL	$11,247.92		

Request Approved By:

Department Head Signature

Date

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

Employee Signature Date

Print Employee Name

Reimbursement Approved By:

Department Head Signature Date

Town Board :

Town Board Resolution & Date

Complete Shaded Area
For Expense Reimbursement

X:\Policies and Procedures\Travel\Travel Expense Reimbursement 2024

Attachment: TravelRequestFormPrecisionRifleTraining 9.3.2024 (RES-2024-718 : Travel & Training Request: Precision Rifle Training Course)

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Youth & Recreation
Initiated by: **Mary Diana Pouli**
Co-Sponsored by:

DOC ID: 29353 **RESOLUTION 2024-719** **ADOPTED**

Child Day Care Services Agreement - CRS #5033

Authorize the Supervisor to sign an agreement between the Town of Amherst (Youth & Recreation Department) and Erie County Department of Social Services allowing the town to receive reimbursement for the provision of child day care services for the 2024-2025 school year, pending successful completion of the contract routing process.

9/3/2024
Consent

FINANCIAL IMPACT:

A 7145.02070: revenue TBD

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

County of Erie
Contract No.: DC 2534
Contract Period: 09/01/24 – 08/31/25
Comptroller's No.: 24-3578-SW
Tax ID No.: X 16-6002157

AGREEMENT

BY AND BETWEEN

THE COUNTY OF ERIE THROUGH
THE ERIE COUNTY DEPARTMENT
OF SOCIAL SERVICES

AND

TOWN OF AMHERST
YOUTH BOARD

FOR THE PURCHASE OF

Child Day Care Services

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

CONTRACT FOR PURCHASE OF CHILD DAY CARE SERVICE

This Contract (also referred to as Agreement) is made as of the date of the last signature affixed hereto, by and between the County of Erie through the Erie County Department of Social Services, hereinafter "the Department", with offices at 95 Franklin Street, Buffalo, New York 14202, and **Town of Amherst Youth Board** hereinafter "the Contractor" with offices located at **4255 Harlem Road Amherst, NY 14226, 5005 Sheridan Drive Williamsville, NY 14221, 730 Hopkins Road Williamsville, NY 14221 and 220 Northpointe Parkway Amherst, NY 14228.**

WITNESSETH:

WHEREAS, the Department is authorized pursuant to section 410 of the Social Services Law of the State of New York to provide subsidized Child Day Care Services at public expense for eligible children pursuant to criteria established by the New York State Office of Children and Family Services, hereinafter "NYSOCFS" and

WHEREAS, the Contractor herein is authorized to provide Child Day Care Services pursuant to a registration issued by the NYSOCFS; and

WHEREAS, the Department believes in the importance of education and early intervention in the early development of its youngest residents. The contract is encouraged to make every effort possible to provide developmental screenings and quality educational opportunities for the children in their care. The Department also recommends the Contractor to take advantage of available resources in an effort to prepare the child for their formal educational experiences; and

WHEREAS, it is both administratively and economically feasible for the Department to contract for these services, and

NOW, THEREFORE, the parties hereto do covenant and agree as follows:

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

1. **ACCOUNTABILITY**

The Contractor shall be fully accountable for its performance hereunder and agrees for itself, its officers and its employees to answer under oath all questions relevant to the performance thereof and to any transaction, act or omission in connection therewith if called before any judicial, county, state or federal agency empowered to investigate the Contract or its performance.

2. **AMENDMENT**

This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

In the event of any conflict between the terms of this Agreement and the terms of any schedule or attachment hereto, it is understood that the terms of this Agreement shall be controlling with respect to any interpretation of the meaning and intent of the parties.

3. **ASSIGNMENT**

The Contractor shall not delegate any duties or assign any of its rights under this Agreement without the prior express written consent of the County. The Contractor shall not subcontract any part of the Services without the written consent of the County, subject to any necessary legal approvals. Any purported delegation of duties, assignment of rights or subcontracting of Work under this Agreement without the prior express written consent of the County is void. All subcontracts that have received such prior written consent shall provide that subcontractors are subject to all terms and conditions set forth in this Agreement. It is recognized and understood by the Contractor that for the purposes of this

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

Agreement, all Services performed by a County-approved subcontractor shall be deemed Work performed by the Contractor and the Contractor shall insure that such subcontracted work is subject to the material terms and conditions of this Agreement.

4. **BACKGROUND CHECKS**

The Contractor shall comply with all requirements of the New York State Office of Children and Family Services (OCFS) relative to the new comprehensive background checks, as required by the Child Care and Development Block Grant Act (CCDBG) and New York Social Services Law, effective September 25, 2019.

Said compliance includes timely completion and submission of the OCFS-6000 packet, and any additional forms described therein as required for your day care center. Background check will include fingerprinting of all owners, operators, employees, teachers and volunteers in your day care center. Once individuals complete the screening required under CCDBG and they are approved for their roles, the approval is valid for up to five (5) years unless they cease work in any program for more than 180 days, or a new issue emerges in their background check.

For questions regarding the OCFS required background checks, or instructions for completing same, please contact your OCFS Licensor. Additional information can also be found at https://ocfs.ny.gov/programs/childcare/ccdbg/.

5. **CONFIDENTIALITY**

The Contractor represents and agrees to safeguard the confidentiality of all information utilized by or in the possession of the Contractor under this Contract where such information is subject to Federal and State confidentiality statutes and regulations. Any breach of confidentiality by the Contractor, its agents or representatives pursuant to said statutes or regulations shall be cause for immediate termination of this Contract.

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

6. **CONTRACTOR RESPONSIBILITIES**

a. The Contractor undertakes and agrees to furnish Child Day Care Services to the Department in accordance with the terms of its State-issued registration and in compliance with all pertinent statutes, regulations and standards thereto.

b. The Contractor shall complete and retain for a period of six (6) years, in an accessible, chronologically organized and legible manner, signed Child Day Care agreements covering each child enrolled for Child Day Care Services. These agreements shall include the following:

i. Child Day Care rate;

ii. Method of payment;

iii. List of services to be provided;

iv. Full or part-time care.

Records of daily Child Day Care attendance and transportation service for these same children are also subject to this requirement.

c. **Contractor shall participate in the NYS Child Care Time and Attendance (CCTA) automated attendance module upon implementation of the system in March 2011 and thereafter. The automated attendance module of CCTA is a web-based system and requires the contractor to have access to a personal computer (PC) with internet capacity. The contractor shall provide educational activities for the children in care and participate in professional development as outlined in the OCFS regulations.**

d. The total payment by the Department and, if applicable, the fee paid by the parent of the child, shall not exceed the negotiated final child day care rate contained in the Schedule of Maximum Reimbursement Rates attached hereto and made a part

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

hereof, Appendix A, and shall constitute payment in full for child day care services rendered under this Contract.

e. The cost of transportation is included in the negotiated final rate and shall be provided to a child under this Contract to the same extent that it is provided to other purchasers of equal care.

f. Payments made under this Contract shall not exceed the actual cost of such care and shall not exceed the amount to be charged to other purchasers of equal care.

g. The Contractor shall timely submit its claims for **payment through CCTA attendance submittal** or on a voucher or other forms satisfactory to the Department for the purpose of this Contract. The Contractor shall be responsible for requesting, in writing, a voucher authorizing payment within **ninety (90) days** from the beginning of service delivery **date** in a given case, if such a voucher has not been received by that date. The Department shall in no event be legally responsible for the payment for any services provided where the Contractor has not requested, in writing, **(attendance or voucher submission) payment for services within ninety (90) days of the beginning of the service dates.** When the Contractor has received a voucher authorizing payment the Contractor shall review it and return it to the Department for payment as soon as possible. The Department shall in no event be legally responsible for the payment for any services provided where the Contractor returned said voucher to the **Department later than ninety (90) days after the issuance** of said voucher. The Department shall in no event be legally responsible to adjust a payment already made where the Contractor has not requested, in writing, an adjustment to that payment within ninety (90) days of the date that payment was issued by the Department.

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

7. **DEPARTMENT RESPONSIBILITIES**

a. The total payment by the Department and, if applicable, the fee paid by the parent of the child, shall not exceed the negotiated final child day care rate contained in the Schedule of Maximum Reimbursement Rates and shall constitute payment in full for child day care services rendered under this Contract.

b. The Department may conduct periodic unscheduled or scheduled on-site reviews of the Contractor's Child Day Care facilities, programs and records as deemed necessary. The purpose of these on-site reviews is to make certain that facilities identified in the contract meet the minimum standards for operation as defined in Part 400 of Title 18 of the "Official compilation of Codes, Rules and Regulations of the State of New York", and to ensure that all records are accurate, chronologically organized, legible and up to date. The Department need not give the Contractor prior notice of said review.

c. The cost of transportation is included in the negotiated final rate and shall be provided to a child under this Contract to the same extent as to other purchasers of care.

8. **EXECUTIVE ORDER**

The Agency shall comply with Executive Order 13 (2014), and agrees to complete the Certificate collectively attached hereto and made a part hereof. The Agency shall make such records available, upon request, to the County's Division of Equal Employment Opportunity for review. The County shall have the right, upon reasonable notice and at reasonable times, to inspect the books and records of the Agency, its offices and facilities, for the purpose of verifying information supplied in the Erie County Equal Pay Certification and for any other purpose reasonably related to confirming the Agency's

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

compliance with Erie County Executive Order No. 13 (2014). Notwithstanding the termination provisions contained herein, violation of the provisions of Executive Order 13 (2014), may constitute grounds for determining that the Agency is not qualified to participate in future county contracts.

9. **EXECUTORY CLAUSE**

The contract is executory only to the extent of monies available to the Department for the performance hereof and appropriated therefore and no liability on account thereof shall be incurred by the Department beyond the monies available and appropriated for the purpose thereof.

In addition, the parties recognize and acknowledge that the obligations of the County under this Agreement are subject to annual appropriations by the Erie County Legislature. Therefore, this Agreement shall be deemed executory only to the extent of the monies appropriated and available. The County shall have no liability under this Agreement beyond funds appropriated and available for payment pursuant to this Agreement. The parties understand and intend that the obligation of the County hereunder shall constitute a current expense of the County and shall not in any way be construed to be a debt of the County in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the County, nor shall anything contained in this Agreement constitute a pledge of the general tax revenues, funds or moneys of the County. The County shall pay amounts due under this Agreement exclusively from legally available funds appropriated for this purpose. The County shall retain the right, upon the occurrence of the adoption of any County Budget by the County Legislature during the term of this Agreement or any amendments thereto, and for a reasonable period of time after such adoption(s), to conduct an analysis of the impacts of

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

any such County Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates set forth herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice.

This Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice.

10. **GOVERNING LAW**

This Agreement may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. This Agreement shall be construed and enforced in accordance with the laws of the State of New York. In addition, the parties hereby agree that any cause of action arising out of this Agreement shall be brought in the County of Erie.

If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable, the remainder of the terms and provisions of this Agreement shall in no way be affected, impaired, or invalidated, and to the extent permitted

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

by applicable law, any such term, or provision shall be restricted in applicability or reformed to the minimum extent required for such to be enforceable. This provision shall be interpreted and enforced to give effect to the original written intent of the parties prior to the determination of such invalidity or unenforceability.

11. **HEADINGS**

The headings used in this Agreement are for convenience of the parties only and shall not be considered in interpreting the meaning of any provisions of this Agreement.

[THIS SPACE INTENTIONALLY LEFT BLANK]

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

*4255 Harlem Rd.

12. **HOLIDAY CLOSINGS/HOURS/CENTER INFORMATION**

a. **Closings: (Check all that apply)**

☐ OPEN ALL HOLIDAYS

☒ NEW YEAR'S EVE ☒ MEMORIAL DAY ☒ VETERAN'S DAY
☒ NEW YEAR'S DAY

☒ M.L. KING DAY ☒ INDEPENDENCE DAY ☒ THANKSGIVING
☒ & DAY AFTER

☒ GOOD FRIDAY ☒ LABOR DAY ☒ CHRISTMAS EVE
☒ CHRISTMAS DAY

☒ PRESIDENTS DAY ☒ COLUMBUS DAY ☒ ELECTION DAY

☒ OTHER (Please Specify) Juneteenth

b. **Hours of Operation**

2:00 to 6:00pm ☒ Weekdays ☐ Weekends

c. **Capacity** 110

10:30am-6pm on school half days

d. **Transportation** ☐ Yes ☒ No

e. **Ages** 5-11

f. **Contact Phone Number** (716) 631-7208

g. **Director's Name** Marcelle A. Simpson

Contact's Name and Phone # Naomi Sosnowski (716) 631-7132 x 7511

Email Address nsosnowski@amherst.ny.us

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

* 5005 Sheridan Dr.

12. **HOLIDAY CLOSINGS/HOURS/CENTER INFORMATION**

a. **Closings: (Check all that apply)**

☐ OPEN ALL HOLIDAYS

☒ NEW YEAR'S EVE ☒ MEMORIAL DAY ☒ VETERAN'S DAY
☒ NEW YEAR'S DAY

☒ M.L. KING DAY ☒ INDEPENDENCE DAY ☒ THANKSGIVING
☒ & DAY AFTER

☒ GOOD FRIDAY ☒ LABOR DAY ☒ CHRISTMAS EVE
☒ CHRISTMAS DAY

☒ PRESIDENTS DAY ☒ COLUMBUS DAY ☒ ELECTION DAY

☒ OTHER (Please Specify) Juneteenth

b. **Hours of Operation**

2:00 to 6:00pm ☒ Weekdays ☐ Weekends

c. **Capacity** 65

d. **Transportation** ☐ Yes ☒ No

10:30am-6:00pm on school half days

e. **Ages** 5-11

f. **Contact Phone Number** (716) 633-8117

g. **Director's Name** Andrew J. Sember

Contact's Name and Phone # Naomi Sosnowski (716) 631-7132 x7511

Email Address nsosnowski@amherst.ny.us

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

*730 Hopkins Rd.

12. **HOLIDAY CLOSINGS/HOURS/CENTER INFORMATION**

a. **Closings: (Check all that apply)**

☐ OPEN ALL HOLIDAYS

☒ NEW YEAR'S EVE ☒ MEMORIAL DAY ☒ VETERAN'S DAY
☒ NEW YEAR'S DAY

☒ M.L. KING DAY ☒ INDEPENDENCE DAY ☒ THANKSGIVING
☒ & DAY AFTER

☒ GOOD FRIDAY ☒ LABOR DAY ☒ CHRISTMAS EVE
☒ CHRISTMAS DAY

☒ PRESIDENTS DAY ☒ COLUMBUS DAY ☒ ELECTION DAY

☒ OTHER (Please Specify) Juneteenth

b. **Hours of Operation**

2:00 to 6:00 pm ☐ Weekdays ☐ Weekends

c. **Capacity** 44

d. **Transportation** ☐ Yes ☒ No

e. **Ages** 5-11

f. **Contact Phone Number** (716) 689-1404

g. **Director's Name** Jennifer Reed

Contact's Name and Phone # Naomi Sosnowski (716) 631-7132 x7511

Email Address nsosnowski@amherst.ny.us

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

* 220 Northpointe Parkway

12. **HOLIDAY CLOSINGS/HOURS/CENTER INFORMATION**

a. **Closings: (Check all that apply)**

☐ **OPEN ALL HOLIDAYS**

☒ **NEW YEAR'S EVE** ☒ **MEMORIAL DAY** ☒ **VETERAN'S DAY**
☒ **NEW YEAR'S DAY**

☒ **M.L. KING DAY** ☒ **INDEPENDENCE DAY** ☒ **THANKSGIVING**
☒ **& DAY AFTER**

☒ **GOOD FRIDAY** ☒ **LABOR DAY** ☒ **CHRISTMAS EVE**
☒ **CHRISTMAS DAY**

☒ **PRESIDENTS DAY** ☒ **COLUMBUS DAY** ☒ **ELECTION DAY**

☒ **OTHER (Please Specify)** Juneteenth

b. **Hours of Operation**

2:00 **to** 6:00pm ☒ **Weekdays** ☐ **Weekends**

c. **Capacity** 44

10:30 am to 6:00pm on school half days

d. **Transportation** ☐ **Yes** ☒ **No**

e. **Ages** 5-11

f. **Contact Phone Number** (716) 609-7025

g. **Director's Name** Susan Mohney

Contact's Name and Phone # Naomi Sosnowski (716) 631-7132 x 7511

Email Address nsosnowski@amherst.ny.us

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

13. **INDEMNIFICATION**

The Contractor agrees:

a. that except for the amount, if any, of damage contributed to, caused by, or resulting from the negligence of the County, the Contractor shall indemnify and hold harmless the County and New York State, their officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Contractor or third parties under the direction or control of the Contractor; and

b. to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto.

14. **INDEPENDENT CONTRACTOR**

The Contractor and the County agree that the Contractor and its officers, employees, agents, contractors, subcontractors, and/or consultants are independent contractors and not employees of the County or any department, agency, or unit thereof. In accordance with their status as independent contractors, the Contractor covenants and agrees that neither the Contractor nor any of its officers, employees, agents, contractors, subcontractors and/or consultants will hold themselves out as, or claim to be, officers or employees of the County or any department, agency or unit thereof, and that it will not by reason thereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the State of New York or the Department, including but not limited to Worker's Compensation coverage or retirement membership or credits.

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

15. **INSURANCE**

The Contractor agrees to procure and to maintain in force, for the duration of this Contract, such insurance naming the County of Erie as an additional insured, as is determined appropriate by the Department for the purpose of this Contract. Such coverage must be identified and entered upon the County Standard Insurance Certificate or its acceptable substitute and signed by the Contractor's insurance company, agent or broker, which shall be subject to approval by the County Department of Law and upon approval, shall be attached to and become part of the Contract.

16. **LAWS APPLICABLE**

The Contractor agrees to comply, at its own expense, with the provisions of all applicable local, state and federal laws, rules and regulations. The Contractor shall further comply, at its own expense, with all applicable rules, regulations and licensing requirements pertaining to its professional status and that of its employees, partners, associates, subcontractors and other employed to render the Services hereunder.

17. **MBE/WBE PARTICIPATION**

Pursuant to County of Erie Local Law No. 9, it is the goal of the County to use its best efforts to encourage, promote and increase the participation of business enterprises owned and controlled by persons of color or women in contracts and projects funded by all Departments of the County. **The Contractor agrees to complete the questionnaire attached hereto and forming a part hereof entitled Business Enterprises Owned and Controlled by Persons of Color or Women.**

18. **NON-DISCRIMINATION**

The Contractor expressly agrees that neither it nor any contractor, subcontractor, employee, or any other person acting on its behalf shall discriminate against or intimidate any

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

employee or other individual on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status or any other status protected by New York State or Federal laws during the term of or in connection with this Agreement.

19. **NON-REIMBURSABLE SERVICES**

The Contractor certifies that the services being contracted are not otherwise available from the Contractor on a non-reimbursable basis.

20. **PAYMENT**

Except as otherwise expressly stated in this Agreement, no payment shall be made by the County to the Contractor for out-of-pocket expenses or disbursements made in connection with the services rendered or the work to be performed hereunder.

Any and all requests for payment to be made shall be submitted by the Contractor in the manner described by the Department. In no event shall final payment be made to the Contractor prior to completion of all Work and the approval of same by the Commissioner. The Contractor shall, at no additional charge, furnish all labor, services, materials, tools, equipment and other appliances necessary to complete the Services, unless specific additional charges are expressly permitted under this Agreement.

21. **PAYMENT FOR TEMPORARY ABSENCE:**

Pursuant to 18 NYCRR§415.6 (b), effective October 6, 2023, the Department shall pay the Contractor for childcare services for children who are temporarily absent from the Contractor:

a. 80 absences per State fiscal year (April 1st-March 31st) regardless of the reason for the temporary absence.

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

b. The Contractor shall timely submit claims to the Department on such forms and in such manner as the Department prescribes.

c. The Contractor certifies that it requires the parents whose child care costs are not paid by or subsidized by the Department to make payments for days when their children are absent from care.

d. be open and available to provide care on the day the child is absent.

22. **PROGRAM CLOSURES**

The Department shall allow for reimbursement of up to twenty (20) program closure days per Fiscal year if the closure is due to an allowable reason as defined in 18 NYCRR 415.6 (c). Effective February 13, 2024, 18 NYCRR section 415.6 (c) has been amended to also allow programs that are licensed, registered, or permitted to be reimbursed for up to two (2) program closure days per state fiscal year for full-day professional development training related to state or federally mandated training topics, to be included in the total twenty (20) program closure days.

23. **PREVAILING AGREEMENT**

In the event of any conflict between this Agreement/Contract (or any portion thereof) and any other Agreement/Contract between the Contractor and their customer, now existing or hereafter entered into, the terms of this Agreement/Contract shall prevail, take precedent and supersede the conflicting term(s) of the Agreement/Contract between the Contractor and their customer.

24. **PROCUREMENT**

This is a procurement contract with Erie County through the Erie County Department of Social Services, paid for in whole or in part with Federal funds. The vendor is not

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

considered to be a subrecipient of Federal assistance funds for the purpose of OMB Circular A-128 and A-133.

25. **RECORDS**

a. The Contractor agrees to keep and upon request, make available to the Department, the Erie County Comptroller, the NYSOCFS and Federal personnel when Federal funds are being utilized, any and all books, records, documents, and other evidence and records of the funds paid to it and the services performed by it hereunder.

b. The Contractor agrees to collect statistical data of a fiscal nature on a regular basis and to make fiscal statistical reports at a time prescribed by and on forms furnished by the Department.

c. The Contractor agrees to retain any and all books, records and other documents relevant to this Contract for six (6) years after the final payment for said services and said materials shall be subject to audit at any time during said six (6) year period.

26. **TERM**

a. **This Contract shall run from the first day of September 2024 through the last day of August 2025.**

b. The parties hereto agree to renegotiate this Contract in the event that the Department of Health and Human Services, and/or the NYSOCFS issue new or revised requirements to the Department as a condition for receiving continued Federal and/or State reimbursement.

c. This Contract is deemed executory only to the extent that monies are available to the Department and NYSOCFS in the year for the performance thereof and

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

appropriated therefore and the Department and/or the NYSOCFS shall incur no other liability on account of the Contract.

27. **TERMINATION**

a. This Contract may be terminated at any time by the Department, without notice, upon discovery of Contractor's non-performance or other breach of this Contract.

b. Either party may terminate this Contract for other cause or reason upon thirty (30) days prior written notice to the other.

28. **WAIVER**

Failure of the County to insist, in any one or more instances, upon strict performance of any term or condition herein contained shall not be deemed a waiver or relinquishment of such term or condition, but the same shall remain in full force and effect. Acceptance by the County of any Work or the payment of any fee or reimbursement due hereunder with knowledge of a breach of any term or condition hereof, shall not be deemed a waiver of any such breach and no waiver by the County of any provision hereof shall be implied.

[END TEXT]

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

IN WITNESS whereof, the parties have executed this Contract on the day and year last written below.

APPROVED AS TO CONTENT:

_____
ECDSS Program Area

DATE: _____

APPROVED AS TO FORM:
ECDSS Office of Counsel

_____
ECDSS Attorney

DATE: _____

FOR THE CONTRACTOR: X _____
Signature

TITLE: X Town Supervisor

STATE OF NEW YORK)
COUNTY OF ERIE)

On this ____ day of _____, 20___, before me personally came _____, to me known, who, being duly sworn, did depose and say that (s)he resides in _____; that (s)he is an (the) _____of the corporation described in and which executed the foregoing instrument; that (s)he knew the seal of said corporation; that the seal affixed to said instrument was such corporate seal; that it was affixed by order of the Board of Directors of said corporation; and that (s)he signed (her) his name thereto by like order.

X _____
NOTARY PUBLIC

FOR THE DEPARTMENT OF SOCIAL SERVICES:

_____
ACTING COMMISSIONER
Date_____

FOR THE COUNTY OF ERIE:

_____
MARK POLONCARZ / LISA CHIMERA
County Executive / Deputy County Executive

Date_____

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

APPENDIX A

SCHEDULE OF MAXIMUM REIMBURSEMENT RATES UNDER THIS CONTRACT

AGE	MAXIMUM RATE (Erie)	PROVIDER'S RATE	NEGOTIATED FINAL RATE (To be completed by Social Services)
Weekly Rate: (30 hours or more per week)			
0 - 1.5	340.00	N/A	
1.5 - 2	320.00	N/A	
2 - 3	320.00	N/A	
3 - 5	300.00	175.00	
6 - 12	265.00	175.00	
Daily Rate: (6 or more hours per day)			
0 - 1.5	70.00	N/A	
1.5 - 2	68.00	N/A	
2 - 3	68.00	N/A	
3 - 5	64.00	35.00	
6 - 12	57.00	35.00	
Part Day Rate: (less than 6 hours per day)			
0 - 1.5	47.00	N/A	
1.5 - 2	45.00	N/A	
2 - 3	45.00	N/A	
3 - 5	43.00	17.50	
6 - 12	38.00	17.50	

We are unable to accept the contract if additional information is included on Appendix A, other than the requested rates.
REGULATION 415.6 Payments made under this contract shall not exceed the actual cost of such care and shall not exceed the amount to be charged to other purchasers of equal care. The Contractor shall impose no fees other than those specified in the Contract.
IF YOU PROVIDE A DISCOUNT FOR MULTIPLE CHILDREN IN THE SAME FAMLY, ENTER PERCENTAGE OF DISCOUNT HERE ___%. PLEASE NOTE: IF YOU OFFER MULTIPLE PERCENTAGES FOR MULTIPLE CHILDREN, DSS WILL CALCULATE RATE USING HIGHEST PERCENTAGE OF DISCOUNT, AS CCTA IS ONLY ABLE TO ACCEPT ONE DISCOUNT LEVEL RATES ARE CONTINGENT UPON AVAILABILTY OF FUNDS. Reference: NYS Code Rules and Regulations

NAME OF PROVIDER: X Town of Amherst Youth Board

ECDSS Negotiated Rates By:_____ **Date**_____
Print Name_____ **Title:**_____

Rev 06/2022

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

Erie County Equal Pay Certification

In order to comply with Executive Order 13 dated November 6, 2014, we hereby certify that we are in compliance with federal law, including the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, Federal Executive Order 11246 of September 24, 1965 and New York State Labor Law Section 194 (together "Equal Pay Law"). We understand that this certification is a material component of this contract. Violation of the provisions of Executive Order 13, which is attached hereto and made a part hereof, can constitute grounds for the immediate termination of this contract and may constitute grounds for determining that a bidder is not qualified to participate in future county contracts.

We have evaluated wages and benefits to ensure compliance with the Federal Equal Pay Law. We certify that we have not been the subject of an adverse finding under the Equal Pay Law within the previous five years and, in the alternative, if we were the subject of an adverse finding under the Equal Pay Law within the previous five years, we have annexed a detailed description of the finding(s). In addition, we have annexed a detailed description of any currently pending claims under the Equal Pay Law in which we are involved.

X _____

Signature

Verification

STATE OF _____)
COUNTY OF _____) SS:

X A)

_____, being duly sworn, states he or she is the owner of (or a partner in) _____, and is making the foregoing Certification and that the statements and representations made in the Certification are true to his or her own knowledge.

OR

X B)

_____, being duly sworn, states that he or she is the _____ (Title of Corporate Officer), of _____ (Name of Corporation), the enterprise making the foregoing Certification, that he or she has read the Certification and knows its contents, that the statements and representations made in the Certification are true to his or her own knowledge, and that the Certification is made at the direction of the Board of Directors of the Corporation.

Sworn to before me this _____
day of _____, 20___

X _____

Notary Signature

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

QUESTIONNAIRE REGARDING BUSINESS ENTERPRISES OWNED AND CONTROLLED BY WOMEN OR PERSONS OF COLOR

As part of the County's program to encourage the meaningful and significant participation of business enterprises owned and controlled by persons of color or women in County contracts, completion of this form is required.

A "business enterprise owned and controlled by women or persons of color" means a business enterprise, including a sole proprietorship, limited liability partnership, partnership, limited liability corporation, or corporation, that either:

1. Meets the following requirements:

   a. Is at least 51% owned by one or more persons of color or women;
   b. Is an enterprise in which such ownership by persons of color or women is real, substantial and continuing;
   c. In an enterprise in which such ownership interest by persons of color or women has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; and
   d. Is an enterprise authorized to do business in this state which is independently owned and operated.

2. Is a business enterprise certified as a minority business enterprise ("MBE") or women business enterprise ("WBE") pursuant to Article 15-a of the New York State Executive Law and the implementing regulations, 9 York Code of Rules and Regulations subtitle N Part 540 et seq., **OR**

3. Is a business enterprise certified as a small disadvantaged business concern pursuant to the Small Business Act, 15 U.S.C. 631 et seq., and the relevant provisions of the Code of Federal Regulations as amended.

Please note that the term "persons of color" as used in this form, means a United States citizen or permanent resident alien who is and can demonstrate membership of one of the following groups:

   a. Black persons having origins in any of the Black African racial groups;
   b. Hispanic persons of Mexican, Puerto Rico, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin regardless of race;
   c. Native American or Alaskan native persons having origins in any of the original peoples of North America; or
   d. Asian or Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

1. Are you a business enterprise owned and controlled by women or persons of color in accordance with the standards listed above?

_X_ No

_____ Yes*

*IMPORTANT: If you answered "yes" above, please indicate if you possess certification by New York State and/or the Federal government.

_____ No, I do not have government certification.

_____ Yes, I have government certification (must attach certificate).

2. If you answered "yes" above, please check off below whether your business enterprise is owned and controlled by women, persons of color, or both.

_____ Women

_____ Persons of Color (*please check off below all that apply*)

_____ Black persons having origins in any of the Black African racial groups

_____ Hispanic persons of Mexican, Puerto Rico, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin regardless of race

_____ Native American or Alaskan native persons having origins in any of the original peoples of North America

_____ Asian or Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands

Name of Business Enterprise: X Town of Amherst Youth Board

Address: X 1615 Amherst Manor Drive
Williamsville, NY 14221

Signature: X _____

X _____ _____

Notary Public Date

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

DAY CARE REQUEST FOR WAIVER OF AUTOMOBILE INSURANCE COVERAGE

STATE OF NEW YORK:
COUNTY OF ERIE: SS:

X Brian J. Kulpa, being duly sworn, deposes and says that:
Town of Amherst

1. Your deponent is the owner/operator of a Day Care Center known as X Amherst Youth Board, which is located at X 1615 Amherst Manor Dr. Williamsville, NY 14221
Town of Amherst

2. ~~Your deponent~~ has entered into a contract with the County of Erie, through the Erie County Department of Social Services, for the provision of day care services. Insurance Requirements of that contract are that an automobile policy of insurance be obtained by the Day Care Center; that certain limits of automobile insurance be obtained and maintained; that the County of Erie appear as an additional named insured on the automobile policy; and that the County of Erie be defended and held harmless in the event of any and all claims arising from an "automobile" claim.
Town of Amherst

3. ~~Your deponent~~ states that the Day Care Center, known as X Amherst Youth Board as part of its operations, does not and will not transport children in its care, for any reason whatsoever.

4. Since the children in the care of the aforementioned Day Care Center are not and will not be transported by the Center, a request is hereby made that the requirements of automobile insurance coverage be waived for this contract year.
Town of Amherst

5. ~~Your deponent~~ agrees and understands that if the waiver is granted by the County of Erie, and if a child or children is (are) transported in contravention of these assertions to the contrary, then your deponent will be personally liable and responsible for any and all personal and/or property damages incurred as a result of said transportation.
Town of Amherst

6. Furthermore, ~~your deponent~~ agrees to provide a full and complete defense and indemnification to the County of Erie, in the event that any child or children being transported by the Day Care Center is (are) injured in any way, and a claim arises for that injury.
Town of Amherst

7. Finally, ~~your deponent~~ agrees and understands that the defense and indemnification requirements described herein are personal and are in addition to any defense and indemnification which may be provided by the Day Care Center itself.

8. This statement is made with the knowledge that the County of Erie, through the Erie County Department of Social Services, will rely upon the statements made herein in the decision to either grant or deny this request for a Waiver of the Requirement of Automobile Insurance Coverage.

By: X _____
Supervisor, (Signature) Town of Amherst

Sworn to before me this _____
day of _____, 20____.

Notary Public X _____

Attachment: Erie County DSS Childcare (RES-2024-719 : Child Day Care Services Agreement - CRS #5033)

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Youth & Recreation
Initiated by: **Mary Diana Pouli**
Co-Sponsored by:

DOC ID: 29354 **RESOLUTION 2024-720** **ADOPTED**

Notice of Award - Year 5 CRS #5034

Authorize the Town of Amherst (Youth & Recreation Department) to accept a grant from the U.S. Department of Health and Human Services to assist the Amherst Youth & Community Coalition in preventing substance use/abuse in our community, pending successful completion of the contract routing process.

9/3/2024
Consent

FINANCIAL IMPACT:

A 7145.04389: $103,864.00 in revenue

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award

Award# 5 NH28CE003025-05-00
FAIN# NH28CE003025
Federal Award Date: 07/19/2024

Recipient Information

1. Recipient Name
TOWN OF AMHERST
5583 Main St
AMHERST YOUTH AND RECREATION DEPARTMENT
Williamsville, NY 14221-5488

2. Congressional District of Recipient
26

3. Payment System Identifier (ID)
1166002157A1

4. Employer Identification Number (EIN)
166002157

5. Data Universal Numbering System (DUNS)
029491128

6. Recipient's Unique Entity Identifier (UEI)
MJEDFWH39XQ8

7. Project Director or Principal Investigator
MARY-DIANA POULI
MPOULI@AMHERST.NY.US
716-631-7132

8. Authorized Official
Mr. Brian Kulpa
Town Supervisor
bkulpa@amherst.ny.us
7166317302

Federal Agency Information
CDC Office of Financial Resources

9. Awarding Agency Contact Information
Kevin Heath
Grants Management Specialist
YFU6@cdc.gov
770-4881-120

10.Program Official Contact Information
Afra Hussain
Program Officer
pyg3@cdc.gov
573-526-5196

Federal Award Information

11. Award Number
5 NH28CE003025-05-00

12. Unique Federal Award Identification Number (FAIN)
NH28CE003025

13. Statutory Authority
Drug-Free Communities Act, 21 USC 1531 et seq.,P.L.105-20

14. Federal Award Project Title
AMHERST TASK FORCE FOR HEALTHY COMMUNITY*HEALTHY YOUTH

15. Assistance Listing Number
93.276

16. Assistance Listing Program Title
Drug-Free Communities Support Program Grants

17. Award Action Type
Non-Competing Continuation

18. Is the Award R&D?
No

Summary Federal Award Financial Information

19.	**Budget Period Start Date** 09/30/2024 **- End Date** 09/29/2025	
20.	**Total Amount of Federal Funds Obligated by this Action**	$103,864.
	20a. Direct Cost Amount	$103,864.
	20b. Indirect Cost Amount	$0.
21.	Authorized Carryover	$0.
22.	Offset	$0.
23.	Total Amount of Federal Funds Obligated this budget period	$0.
24.	**Total Approved Cost Sharing or Matching, where applicable**	$162,356.
25.	**Total Federal and Non-Federal Approved this Budget Period**	$266,220.
26.	**Period of Performance Start Date** 12/31/2020 **- End Date** 09/29/2025	
27.	Total Amount of the Federal Award including Approved Cost Sharing or Matching this Period of Performance	$1,213,264.

28. Authorized Treatment of Program Income
ADDITIONAL COSTS

29. Grants Management Officer – Signature
Ms. Stephanie Latham
Team Lead, Grants Management Officer

30. Remarks

Attachment: Notice of Award - DFC Year 5 (RES-2024-720 : Notice of Award - Year 5 CRS #5034)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award

Award# 5 NH28CE003025-05-00
FAIN# NH28CE003025
Federal Award Date: 07/19/2024

Recipient Information

Recipient Name
TOWN OF AMHERST
5583 Main St
AMHERST YOUTH AND RECREATION DEPARTMENT
Williamsville, NY 14221-5488

Congressional District of Recipient
26

Payment Account Number and Type
1166002157A1

Employer Identification Number (EIN) Data
166002157

Universal Numbering System (DUNS)
029491128

Recipient's Unique Entity Identifier (UEI)
MJEDFWH39XQ8

31. Assistance Type
Cooperative Agreement

32. Type of Award
Other

33. Approved Budget
(Excludes Direct Assistance)

I. Financial Assistance from the Federal Awarding Agency Only
II. Total project costs including grant funds and all other financial participation

a. Salaries and Wages	$31,024.00
b. Fringe Benefits	$1,832.00
c. Total Personnel Costs	$32,856.00
d. Equipment	$0.00
e. Supplies	$8,558.00
f. Travel	$10,800.00
g. Construction	$0.00
h. Other	$650.00
i. Contractual	$51,000.00
j. TOTAL DIRECT COSTS	$103,864.00
k. INDIRECT COSTS	$0.00
l. TOTAL APPROVED BUDGET	$103,864.00
m. Federal Share	$103,864.00
n. Non-Federal Share	$162,356.00

34. Accounting Classification Codes

FY-ACCOUNT NO.	DOCUMENT NO.	ADMINISTRATIVE CODE	OBJECT CLASS	CFDA NO.	AMT ACTION FINANCIAL ASSISTANCE	APPROPRIATION
4-9390JXS	21NH28CE003025	CE	41.51	93.276	$103,864.00	75-24-0943

Attachment: Notice of Award - DFC Year 5 (RES-2024-720 : Notice of Award - Year 5 CRS #5034)

DEPARTMENT OF HEALTH AND HUMAN SERVICES Notice of Award

Centers for Disease Control and Prevention

Award# 5 NH28CE003025-05-00
FAIN# NH28CE003025
Federal Award Date: 07/19/2024

Direct Assistance

BUDGET CATEGORIES	PREVIOUS AMOUNT (A)	AMOUNT THIS ACTION (B)	TOTAL (A + B)
Personnel	$0.00	$0.00	$0.00
Fringe Benefits	$0.00	$0.00	$0.00
Travel	$0.00	$0.00	$0.00
Equipment	$0.00	$0.00	$0.00
Supplies	$0.00	$0.00	$0.00
Contractual	$0.00	$0.00	$0.00
Construction	$0.00	$0.00	$0.00
Other	$0.00	$0.00	$0.00
Total	$0.00	$0.00	$0.00

Attachment: Notice of Award - DFC Year 5 (RES-2024-720 : Notice of Award - Year 5 CRS #5034)

AWARD ATTACHMENTS

TOWN OF AMHERST 5 NH28CE003025-05-00

1. Terms

Attachment: Notice of Award - DFC Year 5 (RES-2024-720 : Notice of Award - Year 5 CRS #5034)

Budget Period: 10
Fiscal Agent Name: Town of Amherst
Coalition Name: Amherst Youth & Community Coalition

AWARD INFORMATION

Incorporation: In addition to the federal laws, regulations, policies, and CDC General Terms and Conditions for Non-research awards at https://www.cdc.gov/grants/federal-regulations-policies/index.html, the Centers for Disease Control and Prevention (CDC) hereby incorporates Notice of Funding Opportunity (NOFO) number **CE20-2003**, entitled **Drug-Free Communities (DFC) Support Program**, and application dated March 13, 2024, as may be amended, which are hereby made a part of this Non-research award, hereinafter referred to as the Notice of Award (NOA).

Total Approved Funding is included in Summary Federal Award Financial Information on page 1 of the NOA. All future year funding will be based on satisfactory programmatic progress and the availability of funds.

The federal award amount is subject to adjustment based on total allowable costs incurred and/or the value of any third party in-kind contribution when applicable.

Note: Refer to the Payment Information section for Payment Management System (PMS) subaccount information.

Financial Assistance Mechanism: Grant

Key Personnel: In addition to the Principal Investigator/Project Director identified in this Notice of Award, the application and work plan included individuals considered key personnel. In accordance 45 CFR Part 75.308, the recipient must request prior approval from CDC to change the following individual/position:

Mary-Diana Pouli-Principal Investigator/Project Director
Anne Rohrer-Project Coordinator
Brian Kulpa-Authorized Representative or Business Official

Expanded Authority: The recipient is permitted the following expanded authority in the administration of the award.

☒ Carryover of unobligated balances from one budget period to a subsequent budget period. Unobligated funds may be used for purposes within the scope of the project as originally approved. Recipients will report use, or intended use, of carried over unobligated funds in Section 12 “Remarks” of the annual Federal Financial Report. If the GMO determines that some or all of the unobligated funds are not necessary to complete the project, the GMO may restrict the recipient’s authority to automatically carry over unobligated balances in the future, use the balance to reduce or offset CDC funding for a subsequent budget period, or use a combination of these actions.

FUNDING RESTRICTIONS AND LIMITATIONS

Unallowable Cost: The following item of cost has been added to the DFC Funding Restrictions.

Attachment: Notice of Award - DFC Year 5 (RES-2024-720 : Notice of Award - Year 5 CRS #5034)

All other terms and conditions issued with the original award remain in effect throughout the budget period unless otherwise changed, in writing, by the Grants Management Officer.

- **Vaping Detection Devices**: DFC funds may not be used for Vaping Detection Devices.

Indirect Costs:

Indirect costs are not applicable to this award.

Missing Contractual/Consultant Elements – The contract(s)/consultant(s) listed below is/are **not** approved and the recipient may not begin the contract until Period of Performance, Scope of Work, Itemized Budget and Justification, Name of Contractor, Method of Selection, Method of Accountability are provided via GrantSolutions as a Notification of Contractor or Consultant and GMO approval is provided via Notice of Award.

Dr. Daniel Webb
Various (Creative Development/Website/Social Media)
Various (Advertising)

Matching Funds Requirement: The required level of non-federal participation for the Drug Free Communities Grant Program is listed below:.

Grant Year	Matching Requirement
1-6	100%
7-8	125%
9-10	150%

Matching is generally calculated on the basis of the federal award amount and is comprised of recipient contributions proposed to support anticipated costs of the project during a specific budget period (confirmation of the existence of funding is supplied by the recipient via their Federal Financial Report). The recipient must be able to account separately for stewardship of the federal funding and for any required matching; it is subject to monitoring, oversight, and audit. The recipient may not use matching expenditures to count toward any Maintaining State Funding requirement.

When a recipient requests a carryover of unobligated funds from prior year(s), matching funds equal to the new requirement must be on record in the CDC grant file, or the recipient must provide evidence with the carryover request.

REPORTING REQUIREMENTS

DFC Progress Report:
In addition to the CDC Annual Performance/Progress Report (APR) which also serves as the non-competing continuation application, all DFC Recipients are required to submit a DFC Progress Report in August of the current calendar year (e.g. August 2024). The CDC program office will be in communication about the exact date. The report must be submitted through the DFC Me system (https://dfcme.ondcp.eop.gov/). For more information on the DFC Me system, please contact the DFC National Evaluation Team at dfc_evaluators@icf.com .

Attachment: Notice of Award - DFC Year 5 (RES-2024-720 : Notice of Award - Year 5 CRS #5034)

Core Measures Data
DFC recipients are required to provide core measures data every two years, via the DFC Me system, on the following core measures for alcohol, tobacco, marijuana, and (illicit) use of prescription drugs for three grades (6th-12th) with a recommended combination of at least one middle school grade and at least one high school grade:

1. Past 30-day use
2. Perception of risk or harm
3. Perception of parental disapproval of use
4. Perception of peer disapproval of use

Year 6 Recipients
Year 6 recipients who received continuous funding between Years 5 and 6 will remain on the core measure reporting schedule established in the first five years of DFC funding.

Year 6 recipients who have not had sequential years of DFC funding will need to speak with the DFC National Evaluation Team to determine when to report core measures. Please contact the DFC National Evaluation Team at dfc_evaluators@icf.com for more information.

PROGRAM OR FUNDING GENERAL REQUIREMENTS

Key Personnel Requirements: The following are updates to the DFC Key Personnel Requirements. All other terms and conditions issued with the original award remain in effect throughout the budget period unless otherwise changed, in writing, by the Grants Management Officer.

Authorized Organization Representative (AOR)
- The AOR must not be the same person as the project coordinator.

Program Director or Principal Investigator (PD/PI)
- The PI/PD is no longer required to be an employee of the recipient organization.

Award Expectations and Noncompliance: We can take corrective actions if your performance is poor. This means CDC may impose other enforcement actions in accordance with 45 CFR 75.371-Remedies for Noncompliance.

PAYMENT INFORMATION

Payment Management System Subaccount: Funds awarded in support of approved activities have been obligated in a subaccount in the PMS, herein identified as the "P Account". Funds must be used in support of approved activities in the NOFO and the approved application.

The grant document number identified beginning on the bottom of Page 2 of the Notice of Award must be known in order to draw down funds.

Attachment: Notice of Award - DFC Year 5 (RES-2024-720 : Notice of Award - Year 5 CRS #5034)

CLOSEOUT REQUIREMENTS

Standard closeout reporting requirements are identified in the General Terms and Conditions, which are published on the CDC website at https://www.cdc.gov/grants/federal-regulations-policies/index.html.

Attachment: Notice of Award - DFC Year 5 (RES-2024-720 : Notice of Award - Year 5 CRS #5034)

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Youth & Recreation
Initiated by: **Mary Diana Pouli**
Co-Sponsored by:

DOC ID: 29374 **RESOLUTION 2024-721** **ADOPTED**

Energy Efficient Lighting Systems (Part 2) - CRS #5039

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 in the Northtown Center parking lots, pending satisfactory completion of the contract routing process.

9/3/2024
Consent

FINANCIAL IMPACT:

A 7253.03826: $15,090.00

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

LightUp 2024

UNY Electric Commercial and Industrial Program

National Grid is pleased to offer a bonus incentive for your project under the National Grid application number 15653378.

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 $2,530.00 in additional incentive for grand total incentive to be paid of $15,090.00.

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.

Attachment: Northtown Center at Amherst Ice Rink Phase 2 CR w LightUp (RES-2024-721 : Energy Efficient Lighting Systems (Part 2) - CRS

nationalgrid

Energy Initiative

Energy Efficient Lighting Systems

Attachment: Northtown Center at Amherst Ice Rink Phase 2 CR w LightUp (RES-2024-721 : Energy Efficient Lighting Systems (Part 2) - CRS

Customer Report: TOWN OF AMHERST
Application No: 15653378
Report Date: 07-31-2024
Report Version: Proposed

Customer Information

Customer Name:	**TOWN OF AMHERST**	Facility Name:	**NORTHTOWN CENTER AT AMHERST ICE RINK PHASE 2**
Billing Acct No:	**643720101**	Street Address:	**1615 Amherst Manor Dr**
Contact Person:	**John Aguglia**	City:	**Williamsville**
Telephone:	**716-631-7132**	State:	**New York**
Email Address:		Zip:	**14221**

Savings Summary		Incentive Summary	
Gross Annual kWh Savings	**65,078 kWh**	**Authorized Incentive:**	**$12,650**
Estimated Customer Cost per kWh	**0.1**	**Total Cost of Installed Measures:**	**$26,000**
Annual Electric Cost Savings	**$6,508**	**Simple Payback**	**4.0 years**
CO2 Savings (lbs)*	**71,585.8**	**Simple Payback with Incentive**	**2.05 years**
		Total Incentive	**$12,650**

Application Date:	**July 29, 2024**
Expected Completion Date:	**January 25, 2025**
Proposed Incentive Recipient:	**CUSTOMER**

*CO2 savings is based

Customer Report: TOWN OF AMHERST
Application No: 15653378 **Report Date:** 07-31-2024

Summary of Planned Efficiency Measures

ECM Plan Version: Proposed
Version Create Date: 07-30-2024

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	Authori Incent
1	HPS400	High Pressure Sodium, (1) 400W lamp	46	87CP	FLED142	LED Fixture, 142W	46	275	$12,65
								Lighting System Totals:	**$12,65**

Recycling Requested: Yes_____ No_____

Attachment: Northtown Center at Amherst Ice Rink Phase 2 CR w LightUp (RES-2024-721 : Energy Efficient Lighting Systems (Part 2) - CRS

Customer Report: TOWN OF AMHERST

Application No: 15653378

Report Date: 07-31-2024

Facility Detail

ECM Plan Version: Proposed

Version Create Date: 07-30-2024

Installation site: Parking Lot

Measure Category	Existing/ Proposed	Measure Code	Device Code	Device Description	Device Quantity	Annual Hours of Operation
Lighting System	Existing	__	HPS400	High Pressure Sodium, (1) 400W lamp	46	___
	Proposed	87CP	FLED142	LED Fixture, 142W	46	4380

Attachment: Northtown Center at Amherst Ice Rink Phase 2 CR w LightUp (RES-2024-721 : Energy Efficient Lighting Systems (Part 2) - CRS

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 analysis.
(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 Incentive, the Customer agrees to provide access and in 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 the Program Administrator ma

obligation to issue Incentives or any Incentive 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, including reasonable attorneys' fees and costs incurred 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 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 go working order and condition; ensuring that the equipment is of the manufacture, design specifications, size and capacity selected by th Customer and that the same is properly install and suitable for the Customer's purposes; and determining if work was properly performed.

(d) The Customer agrees and acknowledges th the Program Administrator is not a manufactu 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 th Program Administrator performing evaluation and/or determining eligibility, demand reduction, or energy savings in connection wit the Program provided that the Program Administrator requires that the Customer's energy use information is kept confidential an used only for the purposes of evaluation and/o determining eligibility, demand reduction, or energy savings in connection with the Progran The Customer further grants to the Program Administrator the right to use and reference th Customer's participation in the Program and tl 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 thi 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, includin the receipt of the Incentive, may be taxable by the federal, state, and/or local government. Th Customer is responsible for declaring and pay 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 authoriz the utility's sharing of the participant-custome 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, in limited to, aggregated and anonymized whole

building, building or subsets 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: Northtown Center at Amherst Ice Rink Phase 2 CR w LightUp (RES-2024-721 : Energy Efficient Lighting Systems (Part 2) - CRS

Energy Initiative
Lighting Pre-Installation Site Inspection Form

Customer Report: TOWN OF AMHERST
Billing Acct No: 643720101
Application No 15653378
Report Date: 07-31-2024

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: Northtown Center at Amherst Ice Rink Phase 2 CR w LightUp (RES-2024-721 : Energy Efficient Lighting Systems (Part 2) - CRS

Energy Initiative

Lighting Pre-Installation Site Inspection Form

Notes: _____

Attachment: Northtown Center at Amherst Ice Rink Phase 2 CR w LightUp (RES-2024-721 : Energy Efficient Lighting Systems (Part 2) - CRS

Energy Initiative

Lighting Post-Installation Site Inspection Form

Customer Report: TOWN OF AMHERST
Billing Acct No: 643720101
Application No: 15653378
Report Date: 07-31-2024

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: Northtown Center at Amherst Ice Rink Phase 2 CR w LightUp (RES-2024-721 : Energy Efficient Lighting Systems (Part 2) - CRS

Customer Report: TOWN OF AMHERST

Application Number: 15653378

Installation Site: Parking Lot

Measure Category	Proposed	Measure Code	Device Code	Device Description	Device Quantity	Installed Quantity
Lighting System	Proposed	87CP	FLED142	LED Fixture, 142W	46	

Attachment: Northtown Center at Amherst Ice Rink Phase 2 CR w LightUp (RES-2024-721 : Energy Efficient Lighting Systems (Part 2) - CRS

Energy Initiative

Signatures

Customer Report: TOWN OF AMHERST

Application No: 15653378

Report Date: 07-31-2024

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: Northtown Center at Amherst Ice Rink Phase 2 CR w LightUp (RES-2024-721 : Energy Efficient Lighting Systems (Part 2) - CRS

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Youth & Recreation
Initiated by: **Mary Diana Pouli**
Co-Sponsored by:

DOC ID: 29376 **RESOLUTION 2024-722** **ADOPTED**

Travel Authorization

Authorize Anne Rohrer to attend the CADCA Mid-Year Training in Chicago, IL from 7/14/24-7/19/24 as a requirement of the town's Drug Free Communities grant. Also authorize reimbursement of expenses to non-town employee Endell Osuna who is attending as a member of the town-sponsored Amherst Youth & Community Coalition.

9/3/2024
Consent

FINANCIAL IMPACT:

A 7256.4040: up tp $3,112.45 (designated grant funds)

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

TRAVEL EXPENSE APPROVAL/REIMBURSEMENT FORM

REVISED 05/08/2023

☐ Travel in New York State and under $750 - Department Head Approval

☐ Travel in New York State $750 and over - Department Head Approval and Town Board Approval

☒ Travel out of New York State - Department Head Approval and Town Board Approval

NAME	Employee #	Department	Phone Number
Anne Rohrer	**7123**	**Youth & Rec**	**(716) 631-7132**

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
7/14/2024	**7/19/2024**	**Chicago, IL**	**CADCA (Community Coalitions of America) Mid-Year Training Institute**

Expenses	Estimated	Budget A/C #	Actual
Transportation:			
Mileage @ $0.67			
Tolls			
Parking			
Local Transportation (bus/taxi)	**$100.00**		
Plane/Rail/Bus	**$350.00**		
Lodging:			
4 # nights @ **$325.00**	**$1,300.00**		
Meals:			
4 IRS Per Diem Per Day **$79.00**	**$316.00**		
2 1st & Last Day of Travel @ 75%	**$118.50**		
0 # Breakfasts @ **$0.00**	**$0.00**		
0 # Lunches @ **$0.00**	**$0.00**		
0 # Dinners @ **$0.00**	**$0.00**		
0 # Incidentals @ **$0.00**	**$0.00**		
Registration/Conference Fee	**$745.00**		
Other			
Subtotal	**$2,829.50**		N/A
Contingency - 10% of subtotal or $200	**$282.95**		N/A
TOTAL	**$3,112.45**		

Request Approved By:

Mary Dana Bell

Department Head Signature

July 8, 2024

Date

Town Board :

Date of Town Board Approval

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

Employee Signature Date

Print Employee Name

Reimbursement Approved By:

Department Head Signature Date

Complete Shaded Area
For Expense Reimbursement

Attachment: Mid-Year Travel Request (RES-2024-722 : Travel Authorization)

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Town Clerk
DOC ID: 29372

COMMUNICATION 2024-73

APPROVED

Request for Public Hearing - Portion of 50 Dodge Road

Request from Sean Hopkins, Esq., for a public hearing with respect to amend Certification of Findings, Amendment of Declaration of Restrictions, and Amendment #77 to the Audubon Development Plan for Reclassification of Portion of 50 Dodge Road from NCD-RI to NCD-LC.

This hearing has been scheduled for October 1st.

9/3/2024
Consent

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

August 28, 2024

Timothy J. Koller, Deputy Town Clerk
Town of Amherst Town Clerk's Office
5583 Main Street
Williamsville, NY 14221

Re: Request to Amend SEQR Certification of Findings, Amendment of Declaration of Restrictions, and Amendment #77 to the Audubon Development Plan for Reclassification of Portion of 50 Dodge Road from NCD-RI to NCD-LC [Z-2002-09_E]
Site A of Muir Woods Property
Applicant/Project Sponsor: Sawyers Landing LLC
File No. 10160.6

Dear Tim:

This letter is being submitted on behalf of Sawyers Landing LLC ("Project Sponsor") to request that the Town Board adopt a resolution during its next meeting on Tuesday, September 3rd for the purpose of scheduling a public hearing in connection with the pending requests seeking to Amend Certification of Findings, Amendment of Declaration of Restrictions, and Amendment #77 to the Audubon Development Plan for Reclassification of Portion of 50 Dodge Road from NCD-RI to NCD-LC.

The Planning Board held a public hearing on the pending requested approvals during its meeting on Tuesday, August 27th and adopted resolutions by unanimous votes for the purpose of issuing favorable recommendations to the Town Board.

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: Daniel C. Howard, AICP, Planning Director
William Severyn, Sawyers Landing LLC
Christopher Wood, P.E., Carmina Wood Design [Via e-mail]

HOPKINS SORGI & MCCARTHY PLLC
Attorneys at Law
35 California Drive, Suite 100, Williamsville, New York 14221
Direct: 716-510-4338 • E-mail: shopkins@hsm-legal.com • www.hsr-legal.com

Attachment: Koller-Ltr-Request to Schedule Public Hearing-08-28-24 (COM-2024-73 : Request for Public Hearing - Portion of 50 Dodge Road)

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Town Clerk
DOC ID: 29377

COMMUNICATION 2024-74 **REFERRED**

Correspondence from Joe Voytovich - Town Police Towing

Letter from Joe Voytovich regarding Town Police towing.

9/3/2024
Referred to Attorney & Police

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

August 28, 2024

Amherst Town Board
5583 Main Street
Council Chambers
Williamsville, NY 14221

RE: Town Police Towing

Dear Amherst Town Board Members,

Every town police department authorizes towing of private cars from time to time, but not every town board maintains control over which companies are authorized and how much they can charge. Unfortunately, Amherst is in the latter category.

I became aware of this about 20 years ago when I was involved in a minor car accident in the Audubon Business Park off Sweet Home Road. As I was talking to a police officer about the accident, a tow truck was backing up to move my car. I said to the officer "I'd like to have it towed to the collision shop on Niagara Falls Blvd". He told me "We do things differently in Amherst. We tow it to our place on Transit Road". This place was Beckers Towing - and my search for why began.

I had a feeling something wasn't right and this was highlighted a few years later when my sister had to walk home from work late at night In Cheektowaga when her car broke down. I drove her to pick up her car the next day after the police towed it, and the collision shop owner complained that the town (Cheektowaga) "didn't allow him to charge enough for tows".

I investigated that online, and found the Cheektowaga had an **EXTENSIVE** section in the town code regulating all aspects of town police towing. The complete list can be found on their town code page link https://ecode360.com/8758641#8758641

What are the general topics covered there? Here's the basic list:

1. Circumstances for towing: What vehicles may be towed
2. Authorization to tow required:
    a. This requires tow companies to first be approved by the Chief of Police and the Town Board
3. Duties of the Chief of Police
    a. Receive applications for towers
    b. Recommend towers to the Town Board
    c. Determine the number of towers needed
4. Application for letter of authorization
    a. Descriptions of all equipment used for towing, business location, trucks to be used
    b. Identification of tow truck drivers and information for background checks

Attachment: COM letter for towing Aug 28 2024 Joe Voytovich (COM-2024-74 : Correspondence from Joe Voytovich - Town Police Towing)

5. Annual License Fee
    a. Set by town code, currently at $2,500 per year
6. Minimum requirements for Town tower
    a. Hours of access, staffing requirements
7. Storage of towed vehicles
8. Removal of towed vehicles; records
    a. Report any tows immediately to the Chief of Police
9. Fee Schedule
    a. Standard tow capped at $170; additional ¼ hour labor added at $40
10. Audits; Receipts
    a. Tow receipts shall be copied to the Police Dept on a weekly basis
    b. Police Dept shall conduct a monthly audit of receipts

At this time I also found a Communications letter sent to the Town Board by a resident who had gotten in an accident (See COM-2011-108). He was told by Beckers driver Tim Becker that it would cost $400 to tow to Grand Island (where the dealer was where he bought the car) and only $200 to tow it to Beckers on Transit. He ended up getting a bill the next day for $609. It was towed 6.2 miles.

The next day he called in Myers Towing who towed the car to Grand Island, a total of 14.7 miles and was only charged $75.

The total cost per mile was Beckers: $98.22 and Myers: $5.10. So who got ripped off here, was it the car owner, or Myers? I vote for the car owner.

Now I took this topic to a Town Board meeting in 2012 and presented them with these facts. The response was that the Town Board didn't get into the towing issues, that the Police Chief ran that on his own and that I would have to contact them directly.

I was flabbergasted. How can a town the size of Amherst NOT have any oversight on towing charges? The possibility of the public being overcharged is just too great.

Now comes the Blizzard of 2022. In December that year the Town of Amherst towed some 164 cars and published a list of those cars online so people could locate and retrieve their cars from the impound lots. It was also announced at that time that the town of Cheektowaga and Erie County were dropping any tow charges on cars towed there and people could retrieve their cars for free.

Did Amherst do the same? No way, Nada. We didn't have money to do that. So how much did Amherst charge for towing? I put a FOIL request in, and the Police Dept responded that they did not have any records on the towing charges during that time.

I located a nurse at Millard Suburban Hospital who had her car towed and complained about the costs. While I was trying to get her to send in the bill, the hospital volunteered to pay her bill and she then

Attachment: COM letter for towing Aug 28 2024 Joe Voytovich (COM-2024-74 : Correspondence from Joe Voytovich - Town Police Towing)

refused to carry it any further.

The last step in this long story was last summer when my relative (Julie) had an accident on Transit Road, and once again Beckers Towing got involved. Julie was given a tow bill of $1,220 for a 2 mile tow. The accident caused some small front end damage to make it not drivable. Again, while trying to get her tow bill the insurance company stepped in to pay it and Julie didn't want to get involved on getting the receipt.

These backdoor deals need to end. The Town Board needs to do what they are paid to do and take control of finances and town operations. And no, this letter does not need to be forwarded to another other town committee or department, it needs to stay in front of the Town Board.

Residents, beware. This might not affect you today or tomorrow, but if it does, there will be no one there to protect you and back you up. Insist on action today.

Respectfully,

Joseph Voytovich

Attachment: COM letter for towing Aug 28 2024 Joe Voytovich (COM-2024-74 : Correspondence from Joe Voytovich - Town Police Towing)

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Town Clerk
DOC ID: 29333

COMMUNICATION 2024-75 **REFERRED**

Notice of Claim: Bradley Ensminger Vs. Town of Amherst Et Al.

9/3/2024
Referred to Attorney

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

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

IN THE MATTER OF THE CLAIM OF:
BRADLEY ENSMINGER

NOTICE OF INTENTION TO FILE A CLAIM

Claimant,

v.

STATE OF NEW YORK
Letitia James, Esq., Attorney General
Empire State Plaza,
Justice Building, 2nd Floor,
Albany New York 12224,

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
100 Seneca Street,
Buffalo, New York 14203,

TOWN OF AMHERST
5583 Main Street,
Williamsville, New York 14221, and

ERIE COUNTY
92 Franklin Street, Room 1634,
Buffalo, New York 14202,

Respondents.

TO: STATE OF NEW YORK
Letitia James, Esq., Attorney General
Empire State Plaza
Justice Building, 2nd Floor
Albany New York 12224;

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
100 Seneca Street
Buffalo, New York 14203;

TOWN OF AMHERST
5583 Main Street
Williamsville, New York 14221; and

AUG 15 2024 PM 1:16

Attachment: DOC081524-08152024143624 (COM-2024-75 : Notice of Claim: Bradley Ensminger Vs. Town of Amherst Et Al.)

ERIE COUNTY
92 Franklin Street, Room 1634
Buffalo, New York 14202.

PLEASE TAKE NOTICE that the undersigned, BRADLEY ENSMINGER, intends to file a claim against the Respondents, the STATE OF NEW YORK, the NEW YORK STATE DEPARTMENT OF TRANSPORTATION, the TOWN OF AMHERST, and the COUNTY OF ERIE, their agents, servants, and/or employees, as follows:

1. The name and post office address of the Claimant is as follows: BRADLEY ENSMINGER:

2. The attorneys for the Claimant, BRADLEY ENSMINGER, are as follows: Christina M. Gullo, Esq., of The Kantor Gullo Law Firm, PLLC: 348 Harris Hill, Suite A, Williamsville, New York 14221.

3. The claim of BRADLEY ENSMINGER is for personal injuries and for property related damages through the negligence, recklessness, and carelessness in the acts, or omissions to act, on the part of the Respondents, the STATE OF NEW YORK, the NEW YORK STATE DEPARTMENT OF TRANSPORTATION, the TOWN OF AMHERST, and the COUNTY OF ERIE, their employees, agents, servants, assigns, and/or independent contractors.

4. The incident giving rise to this claim occurred on or about the 20th day of July, 2024, at approximately 5:40 p.m., at or near the intersection of Sheridan Drive and Sweet Home Road, in the Town of Amherst, County of Erie, and State of New York, property that, upon information and belief, is owned, sponsored, inspected, maintained, studied and patrolled by the Respondents, the STATE OF NEW YORK, the NEW YORK STATE DEPARTMENT OF TRANSPORTATION, the TOWN OF AMHERST, and the COUNTY OF ERIE, their employees, agents, servants, assigns, and/or independent contractors.

Attachment: DOC081524-08152024143624 (COM-2024-75 : Notice of Claim: Bradley Ensminger Vs. Town of Amherst Et Al.)

5. The incident giving rise to this claim arose in the following manner: on or about the 20th day of July, 2024, at approximately 5:40 p.m., the Claimant, BRADLEY ENSMINGER, while operating his 2017 Harley Davidson Street Glide Special Motorcycle, bearing the New York License Plate Number: 10RT30, was making a right turn eastbound onto Sheridan Drive from Sweet Home Road, in the Town of Amherst, County of Erie, and State of New York. While in the process of executing his turn, the Claimant, BRADLEY ENSMINGER, while on his motorcycle, was caused to contact a slippery, dangerous, and/or unsafe condition/defect; namely, reflective glass beads covering the roadway/his right of way/his path of travel/the crosswalk, causing the Claimant, BRADLEY ENSMINGER, to lose control of his motorcycle, causing serious personal injuries and property damage. Upon information and belief, the subject condition which caused the subject incident, consisted of reflective glass beads which, upon information and belief, were left out on the roadway while being used to paint, re-stripe, re-pave, and/or otherwise maintain the subject roadway and/or intersection.

6. Upon information and belief, the Respondents, its employees, agents, servants, assigns, and/or independent contractors, created and caused the defect, hazard, and or condition, which caused the subject incident, through an affirmative act of negligence.

7. Upon information and belief, the Respondents had prior notice of the condition through complaints from the public, through correspondence with the Respondents employees, agents, servants, assigns, and/or independent contractors, and/or through prior similar accidents or incidents.

8. Upon information and belief, the Respondents made special use of, and derived a special benefit from, the portion of the roadway upon which the defect was located.

Attachment: DOC081524-08152024143624 (COM-2024-75 : Notice of Claim: Bradley Ensminger Vs. Town of Amherst Et Al.)

9. The claim for personal injuries and damages includes, but is not limited to: past and future lost wages, past and future medical expenses, past and future pain, past and future suffering, and property damage.

10. Upon information and belief, the Claimant, BRADLEY ENSMINGER, sustained severe personal injuries due to the negligence, recklessness, and carelessness in the acts, or omissions to act, by the Respondents, the STATE OF NEW YORK, the NEW YORK STATE DEPARTMENT OF TRANSPORTATION, the TOWN OF AMHERST, and the COUNTY OF ERIE, their agents, servants, and/or employees, for their: (1) failure to properly maintain the roadway; (2) failure to properly guard; (3) failure to properly warn; (4) failure to properly address prior complaints; (5) failure to properly inspect, maintain, repair, post, and patrol the roadway and roadway markings; (6) reckless and/or negligent construction, repair, paving, and/or painting of the roadway; (7) breach of duty to not create a defective condition; (8) failure to exercise reasonable care in remedying the defective condition; (9) breach of continuing duty to maintain its public rights-of-way in a reasonably safe condition; and (10) violation of the Respondents' special duty and/or proprietary functions.

11. The collision and corresponding injuries to Claimant resulted from the negligence, recklessness, and carelessness in the acts, or omissions to act, by the Respondents, the STATE OF NEW YORK, the NEW YORK STATE DEPARTMENT OF TRANSPORTATION, the TOWN OF AMHERST, and the COUNTY OF ERIE, their employees, agents, servants, assigns, and/or independent contractors, without any negligence on the part of the Claimant contributing hereto.

12. The subject occurrence was reported to the Amherst Police Department, and emergency reports were filed with them.

Attachment: DOC081524-08152024143624 (COM-2024-75 : Notice of Claim: Bradley Ensminger Vs. Town of Amherst Et Al.)

13. Upon information and belief, a result of the aforementioned, the Claimant, BRADLEY ENSMINGER, sustained personal injuries and/or aggravated and exacerbated injuries including but not limited to: right knee injury, abrasions, and road rash; in addition to the following property damage: damaged motorcycle, damaged motorcycle gear, and damaged motorcycle helmet.

14. Upon information and belief, as a result of the serious injuries sustained by the Claimant, BRADLEY ENSMINGER, the Claimant has and will suffer past and future medical expenses; past and future pain and suffering; inability to perform household duties; inability to perform normal activities of daily living; susceptibility to future injury; disfigurement; and will suffer additional damages into the future.

15. The undersigned therefore presents this claim for adjustment in payment, and notifies you, that unless it is adjusted, compromised, and/or paid within the time provided by law from the date of its presentation to you, the undersigned will commence an action thereon.

WHEREFORE, the Claimant, BRADLEY ENSMINGER, hereby claims and demands from the Respondents, the STATE OF NEW YORK, the NEW YORK STATE DEPARTMENT OF TRANSPORTATION, the TOWN OF AMHERST, and the COUNTY OF ERIE, compensation for the damages sustained by reason of the wrongful, unlawful, negligent and careless acts and omissions of the Respondents, their employees, agents, servants, assigns, and/or independent contractors.

Dated: August 13, 2024
Williamsville, New York

By: _____

CHRISTINA M. GULLO, ESQ.
The Kantor Gullo Law Firm, PLLC
Attorneys for the Claimant
348 Harris Hill, Suite A
Williamsville, New York 14221
Phone: (716) 626-0404

Attachment: DOC081524-08152024143624 (COM-2024-75 : Notice of Claim: Bradley Ensminger Vs. Town of Amherst Et Al.)

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Town Clerk
DOC ID: 29341

COMMUNICATION 2024-76

REFERRED

Summons and Complaint: Mario Avarello Vs. Town of Amherst Et Al.

9/3/2024
Referred to Attorney

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

FILED: ERIE COUNTY CLERK 08/06/2024 03:38 PM INDEX NO. 811547/2024
NYSCEF DOC. NO. 1 RECEIVED NYSCEF: 08/06/2024

DELIVER THESE PAPERS TO YOUR AUTOMOBILE LIABILITY INSURANCE CARRIER IMMEDIATELY. YOUR FAILURE TO DO SO MAY RESULT IN THE LOSS OF COVERAGE.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

MARIO AVARELLO,

Plaintiff,

v.

TOWN OF AMHERST and BRIAN K. FISH,

Defendants.

SUMMONS

Index No.:

Date Filed:

Plaintiff(s) designate(s) ERIE COUNTY as the place of trial.

The basis of venue is: Plaintiff(s) residence

TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiff's attorneys an answer to the complaint in this action within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

Attachment: DOC082124-08212024134653 (COM-2024-76 : Summons and Complaint: Mario Avarello Vs. Town of Amherst Et Al.)

FILED: ERIE COUNTY CLERK 08/06/2024 03:38 PM INDEX NO. 811547/2024
NYSCEF DOC. NO. 1 RECEIVED NYSCEF: 08/06/2024

DATED: Buffalo, New York
August 6, 2024

Yours, etc.,

CELLINO LAW LLP

By:
Jeanna M. Cellino, Esq.
Attorneys for Plaintiff
800 Delaware Avenue
Buffalo, NY 14209
(888) 888-8888

TOWN OF AMHERST
1042 N. Forest Road
Williamsville, NY 14221

BRIAN K. FISH

Attachment: DOC082124-08212024134653 (COM-2024-76 : Summons and Complaint: Mario Avarello Vs. Town of Amherst Et Al.)

FILED: ERIE COUNTY CLERK 08/06/2024 03:38 PM INDEX NO. 811547/2024
NYSCEF DOC. NO. 2 RECEIVED NYSCEF: 08/06/2024

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

MARIO AVARELLO,

Plaintiff,

v.

TOWN OF AMHERST and BRIAN K. FISH,

Defendants.

COMPLAINT

Index No.

Plaintiff, MARIO AVARELLO, by plaintiff's attorneys, CELLINO LAW LLP, for complaint against defendants TOWN OF AMHERST and BRIAN K. FISH, alleges upon information and belief:

1. At all times herein relevant plaintiff MARIO AVARELLO, has been a resident of the

2. At all times herein relevant, defendant, TOWN OF AMHERST, has been a municipal entity organized and existing pursuant to the law of the State of New York.

3. At all times herein relevant defendant BRIAN K. FISH, has been a resident of the

4. On or about November 1, 2023, defendant TOWN OF AMHERST, was served with a Notice of Claim detailing TOWN OF AMHERST's culpability and plaintiff's damages.

Attachment: DOC082124-08212024134653 (COM-2024-76 : Summons and Complaint: Mario Avarello Vs. Town of Amherst Et Al.)

FILED: ERIE COUNTY CLERK 08/06/2024 03:38 PM INDEX NO. 811547/2024
NYSCEF DOC. NO. 2 RECEIVED NYSCEF: 08/06/2024

5. Defendant TOWN OF AMHERST has failed and refused to make payment to plaintiff in accordance with said Notice of Claim.

6. A copy of the Notice of Claim is annexed hereto as **Exhibit A** and is incorporated by reference.

7. A 50-h hearing was held in this matter on January 29, 2024.

8. At least thirty (30) days have elapsed since the service of the Notice of Claim upon defendant TOWN OF AMHERST and adjustment or payment thereof has been neglected or refused by defendant TOWN OF AMHERST.

9. On or about October 16, 2023, plaintiff MARIO AVARELLO, was the owner of a certain 2023 Ford bearing New York State License Plate No. DXS7307.

10. On or about October 16, 2023, defendant TOWN OF AMHERST, was the owner of a certain 2023 dump truck bearing New York State License Plate No. BG2276.

11. On or about October 16, 2023, at approximately 9:26 a.m., plaintiff MARIO AVARELLO, operated the vehicle described in Paragraph 9 above.

12. On or about October 16, 2023, defendant BRIAN K. FISH, operated the vehicle described in Paragraph 10 above with the full consent of the owner, defendant TOWN OF AMHERST.

13. On or about October 16, 2023, at approximately 9:26 a.m., defendant BRIAN K. FISH, operated the vehicle described in Paragraph 10 above with the full knowledge of the owner, defendant TOWN OF AMHERST.

Attachment: DOC082124-08212024134653 (COM-2024-76 : Summons and Complaint: Mario Avarello Vs. Town of Amherst Et Al.)

FILED: ERIE COUNTY CLERK 08/06/2024 03:38 PM INDEX NO. 811547/2024
NYSCEF DOC. NO. 2 RECEIVED NYSCEF: 08/06/2024

14. On or about October 16, 2023, at approximately 9:26 a.m., defendant BRIAN K. FISH, operated the vehicle described in Paragraph 10 above with the full permission of the owner, defendant TOWN OF AMHERST.

15. Under New York Law, defendant TOWN OF AMHERST, as owner of the motor vehicle, is responsible and liable for the negligent and/or reckless operation of their motor vehicle.

16. On or about October 16, 2023, at approximately 9:26 a.m., defendant BRIAN K. FISH was acting within the course and scope of his employment for defendant TOWN OF AMHERST.

17. On or about October 16, 2023, at approximately 9:26 a.m., defendant BRIAN K. FISH was an agent of defendant TOWN OF AMHERST.

18. On or about October 16, 2023, at approximately 9:26 a.m., defendant BRIAN K. FISH was a servant of defendant TOWN OF AMHERST.

19. On or about October 16, 2023, at approximately 9:26 a.m., defendant BRIAN K. FISH was an employee of defendant TOWN OF AMHERST.

20. On or about October 16, 2023, at approximately 9:26 a.m., defendant BRIAN K. FISH, operated the vehicle described in Paragraph 10 above on North French Road in the Town of Amherst, County of Erie and State of New York.

21. On or about October 16, 2023, at approximately 9:26 a.m., plaintiff MARIO AVARELLO, operated the vehicle described in Paragraph 9 above on North French Road in the Town of Amherst, County of Erie and State of New York.

Attachment: DOC082124-08212024134653 (COM-2024-76 : Summons and Complaint: Mario Avarello Vs. Town of Amherst Et Al.)

FILED: ERIE COUNTY CLERK 08/06/2024 03:38 PM INDEX NO. 811547/2024
NYSCEF DOC. NO. 2 RECEIVED NYSCEF: 08/06/2024

22. On or about October 16, 2023, at approximately 9:26 a.m., the vehicle operated by defendant driver BRIAN K. FISH, came into contact with the vehicle operated by plaintiff MARIO AVARELLO, on North French Road, at or near its intersection with Hopkins Road in the Town of Amherst, County of Erie and State of New York.

23. As a result of the above referenced incident, plaintiff MARIO AVARELLO was injured.

24. The incident described in Paragraph 22 above occurred as a result of the negligence and/or recklessness of defendants TOWN OF AMHERST and BRIAN K. FISH, without any negligence attributable in any measure to plaintiff MARIO AVARELLO.

25. Plaintiff MARIO AVARELLO, has sustained a serious injury, as defined in subsection (d) of section five thousand one hundred two of the New York State Insurance Law.

26. Plaintiff MARIO AVARELLO, has sustained economic loss greater than basic economic loss, as defined in subsection (a) of section five thousand one hundred two of the New York State Insurance Law.

27. The limitations on liability set forth in CPLR Article 16 do not apply herein; one or more of the exemptions set forth in CPLR Section 1602 applies.

28. As a result of the negligence and/or recklessness of defendant driver BRIAN K. FISH, for which defendant owner TOWN OF AMHERST, is liable and responsible, as alleged above, plaintiff MARIO AVARELLO, was injured and has

Attachment: DOC082124-08212024134653 (COM-2024-76 : Summons and Complaint: Mario Avarello Vs. Town of Amherst Et Al.)

FILED: ERIE COUNTY CLERK 08/06/2024 03:38 PM INDEX NO. 811547/2024
NYSCEF DOC. NO. 2 RECEIVED NYSCEF: 08/06/2024

suffered damages in an amount which exceeds the monetary jurisdictional limits of all lower New York State Courts.

WHEREFORE, Plaintiff MARIO AVARELLO demands judgment against defendants, TOWN OF AMHERST and BRIAN K. FISH, jointly and severally, in an amount which exceeds the monetary jurisdictional limits of all lower New York State Courts and plaintiff MARIO AVARELLO demands such other, further and different relief as the Court may deem just and proper, together with the costs and disbursements of this action.

DATED: Buffalo, New York
August 6, 2024

Yours, etc.,

CELLINO LAW LLP

By: _____
Jeanna M. Cellino, Esq.
Attorneys for Plaintiff
800 Delaware Avenue
Buffalo, NY 14209
(888) 888-8888

Attachment: DOC082124-08212024134653 (COM-2024-76 : Summons and Complaint: Mario Avarello Vs. Town of Amherst Et Al.)

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29359 **RESOLUTION 2024-723** **ADOPTED**

Private Improvement Permit No. 3132 Storm System – Regency Commons (166 Klein Rd.) 2021.029/SUB-2021-01

Attached please find an application for a Storm System Private Improvement Permit properly filled out. The permit fee and inspection cost amount to $18,050.00.

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 $17,900.00 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. 3132.

Thank you for considering this request.

9/3/2024
Consent

FINANCIAL IMPACT:

The permit fee and inspection cost amount to $18,050.00.

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

APPLICATION FOR PERMIT TO CONSTRUCT A PUBLIC/PRIVATE IMPROVEMENT

TO THE HONORABLE TOWN BOARD:
Town of Amherst, Erie County, N.Y.

Date: August 5, 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 $ 179,000.00

Address and/or Subdivision Name: Regency Commons

Town of Amherst Job: 2021.029 / SVB-2021-01

Description and location of improvements including quantities: Birch Lane, Installation of approx 210± LF of 6" HDPE, 214± LF of 6" PHDPE, 468± LF of 8" HDPE, 343± LF of 12" HDPE, 507± LF of 15" HDPE, 87± LF of 18" HDPE, Standards RCVRs - 6 ea., LD RCVR - 5 ea., Back Yard RCVR - 7 ea., Standard Manholes - 4 ea., Pretreatment Chamber - 1 ea.

	Name	Address	Phone
Owner:	Patio Homes by Regency, LLC	4899 Meyer Road, Pendleton, NY 14120	716-525-3201
Engineer/Designer:	Greenman-Pedersen, Inc.	4950 Genesee Street, Suite 100, Buffalo, NY 14225	716-633-4844
Contractor:	Anastasi Trucking, Inc	4430 Walden Avenue, Lancaster, NY 14086	716-683-5003

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 re uires submission of design plans prepared by a **licensed electrical engineer** and in accordance with Town and National Grid re uirements 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	$17,900.00
VIDEO INSPECTION - SANITARY		
$ 1.50 Per Linear Foot		
TOTAL FEE		$18,050.00

Owner sign Here

Patio Homes by Regency, LLC
Please Print Name

4899 Meyer Road, Pendleton, NY 14120
Address

Pendleton	NY	14120	716-525-3201
City	State	zip	Phone

Subscribed and sworn to before me this 7th
Day of August 20 24

JASON L. BURFORD
Notary Public, State of New York
Qualified in Erie County
Commission Expires 1/5/2027

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.
Town Engineer: _____

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. 3132

_____
Town Clerk

Rev. 9/13/2023.

Attachment: PIP 3132 Regency Commons Storm System_Application (RES-2024-723 : Private Improvement Permit No. 3132)

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29360 **RESOLUTION 2024-724** **ADOPTED**

Private Improvement Permit No. 3131 Paving & Curbing – Regency Commons (166 Klein Rd.) 2021.029/SUB-2021-01

Attached please find an application for a Paving & Curbing Private Improvement Permit properly filled out. The permit fee and inspection cost amount to $24,350.00.

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 $24,200.00 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. 3131.

Thank you for considering this request.

9/3/2024
Consent

FINANCIAL IMPACT:

The permit fee and inspection cost amount to $24,350.00

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

APPLICATION FOR PERMIT TO CONSTRUCT A PUBLIC/PRIVATE IMPROVEMENT

TO THE HONORABLE TOWN BOARD:
Town of Amherst, Erie County, N.Y.

Date: August 5, 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 $ 242,000.00

Address and/or Subdivision Name: Regency Commons

Town of Amherst Job: SUB-2021-01/2021.029

Description and location of improvements including quantities: Birch Lane (Private), Installation of 990± LF of 28' wide asphalt pavement, 1.5" Top (NYSDOT 403.18) Type 7, 4" AC Base (NYSDOT 403.13) Type 2, 12" compacted ROC stone base, and 1,722± LF of Type A Curbing.

	Name	Address	Phone
Owner:	Patio Homes by Regency, LLC	4899 Meyer Road, Pendleton, NY 14120	716-525-3201
Engineer/Designer:	Greenman-Pedersen, Inc.	4950 Genesee Street, Suite 100, Buffalo, NY 14225	716-633-4844
Contractor:	Anastasi Trucking, Inc	4430 Walden Avenue, Lancaster, NY 14086	716-683-5003

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 re uires submission of design plans prepared by a **licensed electrical engineer** and in accordance with Town and National Grid re uirements 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	$24,200.00
VIDEO INSPECTION - SANITARY		
$ 1.50 Per Linear Foot		
TOTAL FEE		$24,350.00

Owner sign Here

Patio Homes by Regency, LLC
Please Print Name

4899 Meyer Road, Pendleton, NY 14120
Address

Pendleton	NY	14120	716-525-3201
City	State	zip	Phone

Subscribed and sworn to before me this 7th
Day of August 20 24

JASON L. BURFORD
Notary Public, State of New York
Qualified in Erie County
Commission Expires 1/5/2027

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.
Town Engineer: _____

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. 3131

Town Clerk

Rev. 9/13/2023

Attachment: PIP 3131 Regency Commons Paving and Curbing_Application (RES-2024-724 : Private Improvement Permit No. 3131)

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29361 **RESOLUTION 2024-725** **ADOPTED**

Private Improvement Permit No. 3130 Waterline – Regency Commons (166 Klein Rd.) 2021.029/SUB-2021-01

Attached please find an application for a Waterline Private Improvement Permit properly filled out. The permit fee and inspection cost amount to $15,950.00.

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 $15,800.00 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. 3130.

Thank you for considering this request.

9/3/2024
Consent

FINANCIAL IMPACT:

The permit fee and inspection cost amount to $15,950.00.

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

APPLICATION FOR PERMIT TO CONSTRUCT A PUBLIC/PRIVATE IMPROVEMENT

TO THE HONORABLE TOWN BOARD:
Town of Amherst, Erie County, N.Y.

Date: August 5, 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 $ 158,000.00

Address and/or Subdivision Name: Regency Commons

Town of Amherst Job: 2021.029/SUB-2021-01

Description and location of improvements including quantities: Birch Lane, Installation of approx 651± LF of 8" PVC and 119± LF of DIP, Private Hydrant Assemblies - 2 ea., Tees, Valves, Service Connections, a 6" RPZ and 6" Meter within a Heated Enclosure, and all other appurtenances for a complete installation.

	Name	Address	Phone
Owner:	Patio Homes by Regency, LLC	4899 Meyer Road, Pendleton, NY 14120	716-525-3201
Engineer/Designer:	Greenman-Pedersen, Inc.	4950 Genesee Street, Suite 100, Buffalo, NY 14225	716-633-4844
Contractor:	Anastasi Trucking, Inc	4430 Walden Avenue, Lancaster, NY 14086	716-683-5003

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 re uires submission of design plans prepared by a **licensed electrical engineer** and in accordance with Town and National Grid re uirements 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	$15,800.00
VIDEO INSPECTION - SANITARY		
$ 1.50 Per Linear Foot		
TOTAL FEE		$15,950.00

Owner sign Here

Patio Homes by Regency, LLC
Please Print Name

4899 Meyer Road, Pendleton, NY 14120
Address

Pendleton	NY	14120	716-525-3201
City	State	zip	Phone

Subscribed and sworn to before me this 7th Day of August 20 24

JASON L. BURFORD
Notary Public, State of New York
Qualified in Erie County
Commission Expires 1/5/2027

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.
Town Engineer: _____

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. 3130

_____
Town Clerk

Rev. 9/13/2023

Attachment: PIP 3130 Regency Commons Waterline_Application (RES-2024-725 : Private Improvement Permit No. 3130)

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29362 **RESOLUTION 2024-726** **ADOPTED**

Public Improvement Permit No. 3129 Sanitary Sewer – Regency Commons (166 Klein Rd.) 2021.029/SUB-2021-01

Attached please find an application for a Sanitary Sewer Public Improvement Permit properly filled out. The permit fee and inspection cost amount to $10,192.00.

We are sending three (3) checks to the Comptroller's Office, one for $150.00 to be retained as a Permit Fee, one in the amount of $9,100.00 which will be held in escrow to cover the inspection costs, and one in the amount of $942.00 to cover the televising cost and to be deposited in the SS District account G9000-02377.

At this time, we are asking for your approval of the application for PIP No. 3129.

Thank you for considering this request.

9/3/2024
Consent

FINANCIAL IMPACT:

The permit fee and inspection cost amount to $10,192.00.

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

APPLICATION FOR PERMIT TO CONSTRUCT A PUBLIC/PRIVATE IMPROVEMENT

TO THE HONORABLE TOWN BOARD:
Town of Amherst, Erie County, N.Y.

Date: August 14, 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 $ 91,000.00

Address and/or Subdivision Name: Regency Commons **Town of Amherst Job:** 2021-029/SUB-2021-01

Description and location of improvements including quantities: Birch Lane, Installation of 628± LF of 8" PVC pipe, and 3 Sanitary Manholes.

	Name	Address	Phone
Owner:	Patio Homes by Regency, LLC	4899 Meyer Road, Pendleton, NY 14120	716-525-3201
Engineer/Designer:	Greenman-Pedersen, Inc.	4950 Genesee Street, Suite 100, Buffalo, NY 14225	716-633-4844
Contractor:	Anastasi Trucking, Inc	4430 Walden Avenue, Lancaster, NY 14086	716-683-5003

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	$ 9,100.00
VIDEO INSPECTION - SANITARY		$ 942.00
$1.50 Per Linear Foot		
TOTAL FEE		$ 10,192.00

Owner sign Here

Patio Homes by Regency, LLC
Please Print Name

4899 Meyer Road
Address

Pendleton	NY	14120	716-525-3201
City	State	zip	Phone

Subscribed and sworn to before me this 14th
Day of August 20 24

JASON L. BURFORD
Notary Public, State of New York
Qualified in Erie County
Commission Expires 1/9/2027

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. 3129

Town Clerk

Rev. 9/12/2023

Attachment: PIP 3129 Regency Commons Sanitary_Application (RES-2024-726 : Public Improvement Permit No. 3129)

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29363 **RESOLUTION 2024-727** **ADOPTED**

Public Improvement Permit No. 3119 Sanitary Sewer Acceptance 200 & 202 Brenridge Drive 2019.019/SP-2019-02

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

A Maintenance Bond for a period of two (2) years in the amount of $2,245.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

Thank you for considering this request.

9/3/2024
Consent

FINANCIAL IMPACT:

A Maintenance Bond for a period of two (2) years in the amount of $2,245.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

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

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29364 **RESOLUTION 2024-728** **ADOPTED**

Public Improvement Permit No. 3120 Storm System Acceptance 200 & 202 Brenridge Drive 2019.019/SP-2019-02

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

A Maintenance Bond for a period of two (2) years in the amount of $1,725.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

Thank you for considering this request.

9/3/2024
Consent

FINANCIAL IMPACT:

A Maintenance Bond for a period of two (2) years in the amount of $1,725.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

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

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29365 **RESOLUTION 2024-729** **ADOPTED**

Public Improvement Permit No. 3101 Storm System Acceptance Muir Woods Site B – Audubon Extension 2005.008B/SP-2020-13

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

A Maintenance Bond for a period of two (2) years in the amount of $11,500.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

Thank you for considering this request.

9/3/2024
Consent

FINANCIAL IMPACT:

A Maintenance Bond for a period of two (2) years in the amount of $11,500.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

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

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29367 **RESOLUTION 2024-730** **ADOPTED**

Public Improvement Permit No. 3102 Paving & Curbing Acceptance Muir Woods Site B – Audubon Extension 2005.008B/SP-2020-13

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

A Maintenance Bond for a period of two (2) years in the amount of $30,750.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

Thank you for considering this request.

9/3/2024
Consent

FINANCIAL IMPACT:

A Maintenance Bond for a period of two (2) years in the amount of $30,750.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

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

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29368 **RESOLUTION 2024-731** **ADOPTED**

Public Improvement Permit No. 3103 Waterline Acceptance Muir Woods Site B – Audubon Extension 2005.008B/SP-2020-13

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

A Maintenance Bond for a period of two (2) years in the amount of $185,625.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

Thank you for considering this request.

9/3/2024
Consent

FINANCIAL IMPACT:

A Maintenance Bond for a period of two (2) years in the amount of $185,625.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

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

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29370 **RESOLUTION 2024-732** **ADOPTED**

Public Improvement Permit No. 3104 Sanitary Sewer Acceptance Muir Woods Site B – Audubon Extension 2005.008B/SP-2020-13

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

A Maintenance Bond for a period of two (2) years in the amount of $94,375.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

Thank you for considering this request.

9/3/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

FINANCIAL IMPACT:

A Maintenance Bond for a period of two (2) years in the amount of $94,375.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

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

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 29381 **RESOLUTION 2024-733** **ADOPTED**

Settlement of Article 7 Matter Patios at Windstone Condominium V. Town of Amherst

SUSPENSION ITEM : SEPTEMBER 3RD, 2024 TOWN BOARD AGENDA

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Interim Town Attorney**

DATE: **September 3, 2024**

RE: **Settlement of Article 7 Matter**
Patios at Windstone Condominium 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 Interim 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,* **Suspension Item - September 3, 2024**)
Emily Murphy, Town Assessor

9/3/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at 50 Delaware Avenue, Buffalo, New York, on the _____ day of _____, 2024.

PRESENT: HON. DANIEL J. FURLONG, J.S.C.
Presiding

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

BOARD OF MANAGERS, PATIOS AT WINDSTONE CONDOMINIUM

Petitioner,

v.

CONSENT ORDER

TOWN OF AMHERST

Index No.: 809764/2021
808458/2022
809135/2023
810762/2024

Respondent,

AND

WILLIAMSVILLE CENTRAL SCHOOL DISTRICT

AND

COUNTY OF ERIE

Intervenors.

FOR REVIEW OF THE 2021-2022; 2022-2023; 2023-2024 & 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST, NEW YORK

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 Patios at Windstone Condominium in Amherst, New York, S.B.L. #s as noted on Schedule A for the tax years 2021-2022, 2022-2023, 2023-2024 and 2024-0025 having progressed for trial, and negotiations for

Attachment: PATIOS AT WINDSTONE - CONSENT ORDER (RES-2024-733 : Settlement of Article 7 Matter - Patios at Windstone Condominium V.

settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville Central School District, 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 County of Erie, the Town of Amherst and the Williamsville Central School District, it is hereby

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax year 2021-2022 for the premises at Northill Drive; Old Tower Lane; Raine Drive (S.B.L. #s as noted on Schedule A) be set as follows

Tax Year	Current	Settle	Method
2021-2022	$ 10,203,000 FMV	$ 8,100,000 FMV	Waive refund
2022-2023	$ 15,300,000 FMV	$ 11,470,000 FMV	Waive refund
2023-2024	$ 18,300,000 FMV	$ 12,750,000 FMV	Waive refund
		Total Waiver:	$ 2,103,000 fmv
			$ 3,830,000 fmv
			$ 5,550,000 fmv
			$ 11,483,000 fmv - gouge

Therefore: $ 14,139,000 fmv Current
- 11,483,000 fmv
$ 2,656,000 fmv for 2024-2025

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax year 2025-2026 for the premises at Northill Drive; Old Tower Lane; Raine Drive (S.B.L. #s as noted on Schedule A) be set at $ 12,750,000 assessed value as apportioned on Schedule A, attached, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment

Attachment: PATIOS AT WINDSTONE - CONSENT ORDER (RES-2024-733 : Settlement of Article 7 Matter - Patios at Windstone Condominium V.

for the tax year 2026-2027 for the premises at Northill Drive; Old Tower Lane; Raine Drive (S.B.L. #s as noted on Schedule A) be set at $ 12,750,000 assessed value as apportioned on Schedule A, attached, 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 said Petitioner in any instrument or agreement transferring any part or all of the subject property or any interest therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and/or assigns that they shall be bound by the terms of this Consent Order and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms thereof, 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 Respondents waive any objection based upon statute of limitations grounds, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville Central School District, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any

Attachment: PATIOS AT WINDSTONE - CONSENT ORDER (RES-2024-733 : Settlement of Article 7 Matter - Patios at Windstone Condominium V.

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 45 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 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

Attachment: PATIOS AT WINDSTONE - CONSENT ORDER (RES-2024-733 : Settlement of Article 7 Matter - Patios at Windstone Condominium V.

discontinued with prejudice.

_____
HON. DANIEL J. FURLONG, 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
BOARD OF MANAGERS, PATIOS AT WINDSTONE CONDOMINIUM

By: _____
PETER ALLEN WEINMANN, ESQ.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
TOWN OF AMHERST

By: _____
SAMUEL A. ALBA, ESQ.
Attorney for Respondent

Date: _____

FOR PETITIONER
BOARD OF MANAGERS, PATIOS AT WINDSTONE CONDOMINIUM

By: _____
DENISE T SCARCELLA
As Agent

Date: _____

FOR INTERVENOR
WILLIAMSVILLE CENTRAL SCHOOL DISTRICT

By: _____
MICHAEL B. RISMAN, ESQ.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
COUNTY OF ERIE

By: _____
JAMES C. DEMARCO, III, ESQ.
Attorney for Intervenor

Date: _____

Attachment: PATIOS AT WINDSTONE - CONSENT ORDER (RES-2024-733 : Settlement of Article 7 Matter - Patios at Windstone Condominium V.

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 29386 **RESOLUTION 2024-734** **ADOPTED**

Settlement of Article 7 Matter Townhomes at Windstone Condominium V. Town of Amherst

SUSPENSION ITEM : SEPTEMBER 3RD, 2024 TOWN BOARD AGENDA

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Interim Town Attorney**

DATE: **September 3, 2024**

RE: **Settlement of Article 7 Matter**
Townhomes at Windstone Condominium 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 Interim 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,* **Suspension Item - September 3, 2024**)
Emily Murphy, Town Assessor

9/3/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at 50 Delaware Avenue, Buffalo, New York, on the _____ day of _____, 2024.

PRESENT: HON. DANIEL J. FURLONG, J.S.C.
Presiding

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

THE BOARD OF MANAGERS, TOWNHOMES AT WINDSTONE CONDOMINIUM

Petitioner,

v.

CONSENT ORDER

TOWN OF AMHERST

Index No.: 808367/2022
809136/2023
810761/2024

Respondent,

AND

WILLIAMSVILLE CENTRAL SCHOOL DISTRICT

AND

COUNTY OF ERIE

Intervenors.

FOR REVIEW OF THE 2022-2023; 2023-2024 & 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST, NEW YORK

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 Townhomes at Windstone Condominium in Amherst, New York, S.B.L. #s as noted on Schedule A for the tax years 2022-2023, 2023-2024 and 2024-0025 having progressed for trial, and negotiations for

Attachment: Consent Order - Townhomes at Windstone - Amherst (RES-2024-734 : Settlement of Article 7 Matter - Townhomes at Windstone

settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville Central School District, 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 County of Erie, the Town of Amherst and the Williamsville Central School District, it is hereby

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax 2022-2023 for the premises at Northill Drive; Old Tower Lane (S.B.L. #s as noted on Schedule A) 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 property tax certiorari for the tax 2023-2024 for the premises at Northill Drive; Old Tower Lane (S.B.L. #s as noted on Schedule A) be discontinued and withdrawn without costs and allowances to either party as against the other,

[$ 12,882,000 fmv
- 11,800,000 fmv hypothetical settlement
= 1,082,000 fmv gouge]

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax year

2024-2025 be $ 11,800,000
- 1,082,000 gouge
= 10,718,000 fmv, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax year 2025-2026 for the premises at Northill Drive; Old Tower Lane (S.B.L. #s as

Attachment: Consent Order - Townhomes at Windstone - Amherst (RES-2024-734 : Settlement of Article 7 Matter - Townhomes at Windstone

noted on Schedule A) be set at $ 11,800,000 fair market value as apportioned on Schedule A, attached, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax year 2026-2027 for the premises at Northill Drive; Old Tower Lane (S.B.L. #s as noted on Schedule A) be set at $ 11,800,000 fair market value as apportioned on Schedule A, attached, 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 said Petitioner in any instrument or agreement transferring any part or all of the subject property or any interest therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and/or assigns that they shall be bound by the terms of this Consent Order and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms thereof, 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 Respondents waive any objection based upon statute of limitations grounds, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County,

Attachment: Consent Order - Townhomes at Windstone - Amherst (RES-2024-734 : Settlement of Article 7 Matter - Townhomes at Windstone

the Town of Amherst, Williamsville Central School District, 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 45 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 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,

Attachment: Consent Order - Townhomes at Windstone - Amherst (RES-2024-734 : Settlement of Article 7 Matter - Townhomes at Windstone

Stipulation and Judgment, the proceedings herein shall be, and the same hereby are, settled and discontinued with prejudice.

_____
HON. DANIEL J. FURLONG, 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
THE BOARD OF MANAGERS, TOWNHOMES AT WINDSTONE CONDOMINIUM

By: _____
PETER ALLEN WEINMANN, ESQ.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
TOWN OF AMHERST

By: _____
SAMUEL A. ALBA, ESQ.
Attorney for Respondent

Date: _____

FOR PETITIONER
THE BOARD OF MANAGERS, TOWNHOMES AT WINDSTONE CONDOMINIUM

By: _____
THOMAS MILITELLO
As Agent

Date: _____

FOR INTERVENOR
WILLIAMSVILLE CENTRAL SCHOOL DISTRICT

By: _____
MICHAEL B. RISMAN, ESQ.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
COUNTY OF ERIE

By: _____
JAMES C. DEMARCO, III, ESQ.
Attorney for Intervenor

Date: _____

Attachment: Consent Order - Townhomes at Windstone - Amherst (RES-2024-734 : Settlement of Article 7 Matter - Townhomes at Windstone

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 29387 **RESOLUTION 2024-735** **ADOPTED**

Settlement of Article 7 Matter Villas at Windstone Condominium V. Town of Amherst

SUSPENSION ITEM : SEPTEMBER 3RD, 2024 TOWN BOARD AGENDA

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Interim Town Attorney**

DATE: **September 3, 2024**

RE: **Settlement of Article 7 Matter**
Villas at Windstone Condominium 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 Interim 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,* **Suspension Item - September 3, 2024**)
Emily Murphy, Town Assessor

9/3/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at 50 Delaware Avenue, Buffalo, New York, on the _____ day of _____, 2024.

PRESENT: HON. DANIEL J. FURLONG, J.S.C.
Presiding

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

THE BOARD OF MANAGERS, VILLAS AT WINDSTONE CONDOMINIUM

Petitioner,

v.

CONSENT ORDER

TOWN OF AMHERST

Index No.: 808365/2022
809140/2023
810765/2024

Respondent,

AND

WILLIAMSVILLE CENTRAL SCHOOL DISTRICT

AND

COUNTY OF ERIE

Intervenors.

FOR REVIEW OF THE 2022-2023; 2023-2024 & 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST, NEW YORK

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 Villas at Windstone Condominium in Amherst, New York, S.B.L. #s as noted on Schedule A for the tax years 2022-2023, 2023-2024 and 2024-0025 having progressed for trial, and negotiations for settlement

Attachment: Consent Order - Villas at Windstone - Amherst (RES-2024-735 : Settlement of Article 7 Matter - Villas at Windstone Condominium

having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville Central School District, 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 County of Erie, the Town of Amherst and the Williamsville Central School District, it is hereby

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax 2022-2023 for the premises at Northill Drive (S.B.L. #s as noted on Schedule A) 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 property tax certiorari for the tax 2023-2024 for the premises at Northill Drive (S.B.L. #s as noted on Schedule A) 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 at Northill Drive (S.B.L. #s as noted on Schedule A) be set at $ 7,700,000 fair market value as apportioned on Schedule A, attached, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax year 2025-2026 for the premises at Northill Drive (S.B.L. #s as noted on Schedule A) be set at $ 7,700,000 fair market value as apportioned on Schedule A, attached, and it is further

Attachment: Consent Order - Villas at Windstone - Amherst (RES-2024-735 : Settlement of Article 7 Matter - Villas at Windstone Condominium

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax year 2026-2027 for the premises at Northill Drive (S.B.L. #s as noted on Schedule A) be set at $ 7,700,000 fair market value as apportioned on Schedule A, attached, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax year 2027-2028 for the premises at Northill Drive (S.B.L. #s as noted on Schedule A) be set at $ 7,700,000 fair market value as apportioned on Schedule A, attached, and it is further

ORDERED, STIPULATED, AND ADJUDGED that said Petitioner in any instrument or agreement transferring any part or all of the subject property or any interest therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and/or assigns that they shall be bound by the terms of this Consent Order and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms thereof, 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 Respondents waive any objection based upon statute of limitations grounds, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville Central School District, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any

Attachment: Consent Order - Villas at Windstone - Amherst (RES-2024-735 : Settlement of Article 7 Matter - Villas at Windstone Condominium

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 45 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 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

Attachment: Consent Order - Villas at Windstone - Amherst (RES-2024-735 : Settlement of Article 7 Matter - Villas at Windstone Condominium

discontinued with prejudice.

_____
HON. DANIEL J. FURLONG, 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
THE BOARD OF MANAGERS, VILLAS AT WINDSTONE CONDOMINIUM

By: _____
PETER ALLEN WEINMANN, ESQ.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
TOWN OF AMHERST

By: _____
SAMUEL A. ALBA, ESQ.
Attorney for Respondent

Date: _____

FOR PETITIONER
THE BOARD OF MANAGERS, VILLAS AT WINDSTONE CONDOMINIUM

By:_____
STEVE TYBOR
As Agent

Date: _____

FOR INTERVENOR
WILLIAMSVILLE CENTRAL SCHOOL DISTRICT

By: _____
MICHAEL B. RISMAN, ESQ.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
COUNTY OF ERIE

By: _____
JAMES C. DEMARCO, III, ESQ.
Attorney for Intervenor

Date: _____

Attachment: Consent Order - Villas at Windstone - Amherst (RES-2024-735 : Settlement of Article 7 Matter - Villas at Windstone Condominium

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 29380 **RESOLUTION 2024-736** **ADOPTED**

Purchase of Materials for In-House Fence Replacement Project CRS #5044

SUSPENSION AGENDA ITEM: SEPTEMBER 3RD, 2024

TO: **Town Board**

FROM: **Dan Rizzo, Building Maintenance**

DATE: **September 3, 2024**

RE: **Purchase of Materials for In-House Fence Replacement Project, CRS # 5044**

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

WHEREAS, The Town of Amherst has a responsibility to maintain its properties, is aware of damaged fencing in need of replacement along the southern boundary of 1042 N. Forest (Highway Campus); and

WHEREAS, the Building Maintenance Departments' facilities team has obtained three (3) quotes per the Town's Procurement Policy, and in collaboration with the Highway Department, have the capacity to construct a replacement fence using skilled labor, provided materials are made available and that procurement policies have been met;

THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Supervisor to execute a Contract for purchase, pending successful completion of the Contract Routing System (CRS).

9/3/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

FINANCIAL IMPACT:

KP2337.4972 Value is not-to-exceed $11,000.00

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

REQUEST FOR PRICING QUOTE - SUMMARY OF THREE QUOTES

Fence Replacement Project
Prepared: 8/30/2024
From: Town of Amherst

Request for Pricing			Written Quotes Received										
			Len-Co Lumber			84 Lumber Co.			Capital Fence Company Inc.				
Product Item	**Quantity**		Quantity	Subtotal	Note	Quantity	Subtotal	Note	Quantity	Unit Price	Subtotal	Note
50-pound bags Quikrete (47 holes x 12" diameter x 42" depth)	322		322	$ 3,229.66	50-pound bag, Fast-Set	269	$ 1,355.76	60-pound bag	269	4.63	$ 1,245.47	60-pound bag
0.5 cubic foot bags Sakrete Gravel (47 holes x 12" diameter x 6" depth)	41		41	$ 315.29	50-pound bag	0	$ -	not available	56	5.28	$ 295.68	60-pound bag
DELIVERY CHARGE			1	$ 323.14	7 pallets	1	$ 35.00		1	100.00	$ 100.00	not available
4" x 4" x 10-foot posts, Pressure Treated	52		52	$ 1,001.00	#1 grade	52	$ 826.28	#2 grade	52	24.82	$ 1,290.64	
2"x6" x 8-foot rails, Pressure Treated	194		194	$ 1,720.78	#1 grade	194	$ 1,668.40	#2 grade	194	9.62	$ 1,866.28	
2"x6" x 10-foot rails, Pressure Treated	9		9	$ 103.95	#1 grade	9	$ 104.76	#2 grade	9	11.62	$ 104.58	
Fence Pickets: 5/8" x 5.5" x 6-foot Dog- Ear, **Cedar**	800		800	$ 3,760.00		800	$ 8,104.00		864	6.61	$ 5,711.04	unable to break bundle
SUBTOTAL				**$ 10,453.82**			**$ 12,094.20**	excludes gravel			**$ 10,613.69**	excludes hardware and delivery
NOT INCLUDED / NOT USING:												
Screws: 2-1/2" long, stainless steel ...Simpson Strong-Tie SSDWP212S305 or approved equal	1,220		4	$ 427.96	350-ct box	1	$ 475.95	1500-ct box	1484	0.33	$ 489.72	not available
Nails: 1-3/4" long, **stainless steel (304)**, nail-gun compatible with DeWalt DCN692M1 (30-degree)	4,800		3	$ 256.65	galvanized	3	$ 188.37	2000-ct unit		85.55	$ -	not available

Attachment: SUMMARY - fence (RES-2024-736 : Purchase of Materials for In-House Fence Replacement

Addendum to Contract VENDOR ON SITE Minor

1. Notwithstanding any other provision in this Agreement, the following clauses shall be controlling. Should any other provision of the Agreement conflict with the clauses in this Addendum then the provisions of this Addendum are to be enforceable and any conflicting provision shall be considered null and void.

2. No rules, requirements or customs of any society or association of professional Vendors or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.

3. To the fullest extent permitted by law, Vendor shall indemnify and hold the Town, its officers, agents, and employees, harmless from any and all liability, demands, claims, or expenses, awards or judgments imposed upon the Town, its officers, agents, and/or employees, arising out of the work of the Vendor its officers, agents, sub-Vendors, and/or employees as well as the negligence, active or passive, of the Vendor, its officers, agents, sub-Vendors, and/or employees.

4. Vendor shall not commence work under this Agreement until it has obtained all insurance specified below, produced satisfactory proof of the same and such insurance has been approved by the Town.

(a) Workers' Compensation Insurance: Vendor shall take out and maintain during the life of this Agreement, Workers' Compensation Insurance (both Part A and Part B) for its employees to be assigned to the work hereto under.

(b) General Liability, Professional (if applicable) Liability and Property Damage Insurance: Vendor shall take out and maintain during the life of this Agreement, such general liability and property damage insurance as shall protect it and the Town of Amherst from claims for damages for personal injury, including accidental death, as well as from claims for property damage, which may arise from operations under this Agreement. The amounts of such insurance shall be as follows in an amount not less than $1,000,000.00 per occurrence for bodily injury and property damage including wrongful death, and $2,000,000.00 aggregate.

(c) Vendor shall furnish the above insurances, including sub-Vendors' insurances, to the Town and shall also assure that any policy procured by it shall name the Town as an additional insured on a primary and non-contributory basis.

(d) Vendor shall ensure all its sub-Vendors, if any, have obtained all the above insurances and shall also assure that any policy procured by any sub-Vendor or sub-sub-Vendor shall name the Town as an additional insured on a primary and non-contributory basis.

Attachment: SUMMARY - fence (RES-2024-736 : Purchase of Materials for In-House Fence Replacement Project CRS #5044)

5. Any accident shall be reported to the Office of the Town Attorney as soon as possible and not later than twenty-four (24) hours from the time of such accident. A detailed written report must be submitted to the Town of Amherst as soon thereafter as possible as and no later than three (3) days after the date of such accident.

6. No Assignment: In accordance with the provisions of Section 109 of the General Municipal Law, the Vendor is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of its right, title or interest in this agreement, or its power to execute this Agreement, to any other person or corporation without the previous consent in writing of the Town.

7. Required Provisions of Law: Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon the application of either party this Agreement shall be physically amended forthwith to make such insertion. In particular, the Vendor shall, among other things, fully comply with:

(a) Article 8 of the NYS Labor Law for public work contracts and Article 9 of the Labor Law regarding prevailing wage for Building Service employees.
(b) Labor Law Section 220-e and Executive Law Sections 291-299 and the Civil Rights Law relating to prohibition against discrimination and equal opportunity.
(c) Affirmative action as required by the Labor Law.
(d) Prevention of dust hazard required by Labor Law Section 222-a.
(e) Preference in employment of persons required by Labor Law Section 222.
(f) Eight-hour workday as required by Labor Law Section 220(2).
(g) Chapter 32 of the Town of Amherst: Minority Women and Business Utilization Commitment.
(h) Chapter 163 of the Town of Amherst: Registration of Sex Offenders.

8. The Vendor, in accordance with its status as an independent Vendor, covenants and agrees that it will conduct itself consistent with such status. It will neither hold itself out as nor claim to be, an officer or employee of the Town by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the Town, including, but not limited to: workers' compensation coverage, unemployment insurance benefits, Social Security coverage, or retirement membership or credit.

Waiver: No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

9. This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If the contract between the parties refers to the laws, statutes, rules,

Attachment: SUMMARY - fence (RES-2024-736 : Purchase of Materials for In-House Fence Replacement Project CRS #5044)

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: SUMMARY - fence (RES-2024-736 : Purchase of Materials for In-House Fence Replacement Project CRS #5044)

LEN-CO LUMBER WILLIAMSVILLE
8075 SHERIDAN DRIVE
WILLIAMSVILLE, NY 14221
WEBSITE:LENCOBUFFALO.COM
PHONE: (716) 565-0630

REPORT SHORTAGE & DAMAGE WITHIN 48 HOURS
10% RETURN CHARGE ON ACCEPTABLE RETURNS

AMHERST
5583 MAIN ST

WILLIAMSVILLE NY 14221
(716) 631-7082

CUST#: 38414
TERMS: NET 30 DAYS

EXP. DATE: 9/ 6/28

DOC #: 355023/2
DATE : 9/ 3/24 TIME : 10:35
CLERK: 82 TERM#575
SLSPR: 82 KEVIN CONKLIN
TAX : EXE TAX EXEMPT

EST.#: 355023

****
* ESTIMATE *
****

QUANTITY	UM	ITEM	DESCRIPTION	UNITS	SUGG	PRICE/PER	EXTENSION
322	BG	C1004	FASTSET CONCRETE MIX 50LB #1004 Brand May Vary Concrete	322		10.03 /BG	3,229.66 N
41	BG	C1151	GRAVEL 50LB #1151	41		7.69 /BG	315.29 N
7	EA	CPC	PALLET CHARGE QUIKRETE/MORNING	7		31.03 /EA	217.21 N
52	EA	T4410	4 x 4 x 10' TREATED #1	52		19.25 /EA	1,001.00 N
194	EA	T268	2 x 6 x 8' TREATED #1	194		8.87 /EA	1,720.78 N
9	EA	T2610	2 x 6 x 10' TREATED #1	9		11.55 /EA	103.95 N
800	EA	B166CP	CEDAR FLAT TOP PICKET ONLY 6'	800		4.70 /EA	3,760.00 N
1	EA	DAM	AMHERST DELIVERY (MO,TU,WE,FR) CURB DELIVERY REC BY _____	1		105.93 /EA	105.93 N

** ESTIMATE ** ESTIMATE ** ESTIMATE ** ESTIMATE **

TAXABLE	0.00
NON-TAXABLE	10453.82
SUBTOTAL	10453.82
TAX AMOUNT	0.00
TOTAL AMOUNT	10453.82

X _____
Received By

Attachment: SUMMARY - fence (RES-2024-736 : Purchase of Materials for In-House Fence Replacement

ESTIMATE #708

08/29/24 7:58 AM

84 LUMBER CO.

NAME: ANNE DAFCHIK
CODE:
ADDRESS: UNKNOWN
AMHERST, NY 14228
PHONE: (716) 631-7073 FAX:
PROJECT:

STORE: 0626 - MILLERSPORT
ADDRESS: 11350 TRANSIT E AMHERST 14051
PHONE: (716) 688-0484
ASSOCIATE: BENJAMIN FORD
EST DATE: 08/23/24 START: / /

< THIS IS NOT A RECEIPT > #708 CUSTOMER COPY

	P.O.S.#	QTY	DESCRIPTION	PRICE	EXTENDED
			** DELIVERED		
1.	3410100	269	60# HANDICRETE	5.04	1355.76
2.	4041006	52	4X4X10 SYP TREATED #2	15.89	826.28
3.	2060870	194	2X6X8 #2 PRIME TRT SYP	8.60	1668.40
4.	2061070	9	2X6X10 #2 PRIME TRT SYP	11.64	104.76
5.	88437	1	SSDWP212S305 1500CT	475.95	475.95
6.	88406	800	CEDAR DOG EAR FENCE BOARD	10.13	8104.00
8.	29000	1	FUEL SURCHARGE	35.00	35.00
9.	88400		**NO GRAVEL INCLUDED**		

SUBTOTAL	$12,570.15
TAX	$1,099.89
TOTAL	$13,670.04

84 LUMBER CO. ESTIMATE AND PRICING POLICY

1. REGULAR UNIT PRICES ARE SUBJECT TO CHANGE WITHOUT NOTICE ANYTIME AFTER 7 DAYS FOLLOWING DATE OF ESTIMATE.
2. SALE PRICES ARE IN EFFECT ONLY UNTIL THE END OF THE ADVERTISED SALE PERIOD.
3. CUSTOMER DEPOSIT OF FULL AMOUNT OF ESTIMATED TOTAL PRICE WILL RENDER UNIT PRICES FIRM FOR 30 DAYS FROM DATE OF DEPOSIT.
4. 84 LUMBER CO. ASSUMES NO RESPONSIBILITY FOR ACCURACY OF TAKE OFFS FROM DRAWINGS OR BLUEPRINTS OR THAT THE PRODUCTS LISTED WILL BE SUFFICIENT TO COMPLETE CUSTOMER'S INTENDED PROJECT. CUSTOMERS SHOULD HAVE QUALIFIED ENGINEER OR ARCHITECT REVIEW ALL QUANTITIES.
5. THIS ESTIMATE DOES NOT CONSTITUTE A CONTRACT OF SALE OR GUARANTEE AVAILABILITY OF ANY PRODUCT LISTED.
6. ALL PRICES QUOTED BASED ON TOTAL PACKAGE PRICE AND SUBJECT TO CHANGE IF TOTAL PACKAGE NOT PURCHASED OR CONTENTS OF PACKAGE CHANGE.

For this project, call Maggie's Mgmt LLC dba 84 Insurance for a quote on Builders Risk Insurance at 877-866-1384 Opt. 1 Ext. 2165 or visit 84insurance.com.

Maggies Management, LLC is a licensed insurance producer and is a separate entity from 84 Lumber Co. 84 Lumber Co. is not licensed to and does not sell insurance.

Attachment: SUMMARY - fence (RES-2024-736 : Purchase of Materials for In-House Fence Replacement Project CRS #5044)

Capital Fence Company, Inc.

Capital Fence Co. Inc. 42 North Ellicott Creek Rd.
Amherst, NY 14228 (716) 691-7438
www.capitalfence.com mail@capitalfence.com

ITEMIZED ESTIMATE

BILL TO:

Cash & Carry - Wholesale

,

SHIP TO:

TOWN OF AMHERST

QTY.	RECORD #	ITEM	AMOUNT
269	03573	60# BAG OF CONCRETE @ 4.63 /BAG =	1245.47
56	NONE	60LB BAG SAKRETE GRAVEL @ 5.28 =	295.68
52	NONE	10' 4X4 F.T. TREATED POST BROKEN BUNDLE @ 24.82 =	1290.64
194	NONE	2" X 6" X 8' PRESSURE TREATED RAIL @ 9.62 =	1866.28
9	NONE	2" X 6" X 10' PRESSURE TREATED RAIL @ 11.62 =	104.58
864	NONE	1 X 6 X 6' DOGEAR CEDAR BOARDS @ 6.61 =	5711.04
1484	NONE	2.5" STAINLESS STEEL STAR-BIT SCREW @ .33 =	489.72
		MATERIALS TOTAL:	$ 11003.41
		8.75% SALES TAX:	962.80
		TOTAL:	$ 11966.21

Attachment: SUMMARY - fence (RES-2024-736 : Purchase of Materials for In-House Fence Replacement Project CRS #5044)

Dafchik, Anne

From: Blake Schiferle <blake@capitalfence.com>
Sent: Friday, August 30, 2024 10:01 AM
To: Dafchik, Anne
Subject: RE: Quote for Lumber - Town of Amherst
Attachments: Document_240829_111250.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Anne, please see the attached for the revised quote. We also do offer delivery only if there is a machine on site to unload if that's the case it would be a $100 delivery charge. And for it being a purchase order it does not change anything as I already did wholesale pricing for you guys! Let me know if you have any other questions. Thank you!

BLAKE SCHIFERLE
Administrative Assistant
CAPITAL FENCE

From: Dafchik, Anne <adafchik@amherst.ny.us>
Sent: Wednesday, August 28, 2024 4:03 PM
To: Blake Schiferle <blake@capitalfence.com>
Subject: RE: Quote for Lumber - Town of Amherst

Hi Blake – I've added a few comments below in red text…
Thank you kindly,
Anne Dafchik

Anne Dafchik, AIA, NCARB
Architect | Facilities
Town of Amherst

From: Blake Schiferle <blake@capitalfence.com>
Sent: Tuesday, August 27, 2024 10:50 AM
To: Dafchik, Anne <adafchik@amherst.ny.us>
Subject: RE: Quote for Lumber - Town of Amherst

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Attachment: SUMMARY - fence (RES-2024-736 : Purchase of Materials for In-House Fence Replacement Project CRS #5044)

Good Morning Anne, please see the attached for the material quote you had requested. Please note the few things below

1. For the concrete we only stock 60lb bags I still put the quantity at 322 but that can be adjusted
   Please revise to 269 bags (322 x 5/6 = 269)
2. For the gravel we can only special order it and they don't sell less than a full pallet so I had to put the quantity at 56
   Understood
3. Cedar boards can only be ordered in full bundles so the quantity had to be changed to 864
   Understood
4. Lastly the nails and screws we don't wholesale that would probably be easiest to order online
   We can skip the nails, but is there any way to get just the screws? 2.5" stainless steel screws with star-bit (torx) heads? Minimum quantity of 1,220.
5. **Is there an option for delivery to the site? If so, can that be added in as a line-item on the estimate?**
6. **As opposed to cash-and-carry, if we purchase with Capital Fence, we would be using a Purchase Order – not sure if that changes anything.**

Let me know if you have any further questions, thank you!

CAPITAL FENCE

BLAKE SCHIFERLE
Administrative Assistant
CAPITAL FENCE

Attachment: SUMMARY - fence (RES-2024-736 : Purchase of Materials for In-House Fence Replacement Project CRS #5044)

EXHIBIT "1"

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: _____

Signature: _____

Print Name: _____

Title: _____

Date: _____

Revised 4.2017

Attachment: SUMMARY - fence (RES-2024-736 : Purchase of Materials for In-House Fence Replacement Project CRS #5044)

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 29388 **RESOLUTION 2024-737** **ADOPTED**

Lease Termination with Musical Fare Theatre Company (CRS #5036)

SUSPENSION ITEM : SEPTEMBER 3RD, 2024 TOWN BOARD AGENDA

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Interim Town Attorney**

DATE: **September 3, 2024**

RE: **Lease Termination With Musical Fare Theatre Company (CRS #5036)**

Kindly adopt a resolution authorizing the Supervisor to execute the attached termination of lease with Musical Fare Theatre Company pending successful completion of the Contract Routing System (CRS).

Thank you.

Attachment
SAA:NMB:hs
c: Tim Koller, Deputy Town Clerk (**Suspension Item - September 3, 2024**) *(w/attachment)*

9/3/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

FINANCIAL IMPACT:

None for the purposes of this resolution.

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

LEASE TERMINATION AGREEMENT

This Lease Termination Agreement ("Agreement") is entered into as of this ____ day of _____
, 2024 by and between:

Town of Amherst, Landlord
5583 Main Street
Williamsville, NY 14221

AND

MusicalFare TheatreCompany, Tenant
4380 Main St
Amherst, NY 14226

WHEREAS, the Landlord and Tenant entered into a lease agreement (the "Lease") for certain premises (the "Premises") property located at Amherst Central Park; and

WHEREAS, the Landlord and Tenant parties wish to mutually terminate the Lease effective immediately;

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the Landlord and Tenant parties agree as follows:

1. Termination of Lease
The Lease between the Landlord and Tenant for the Premises is hereby terminated effective immediately. Neither party shall have any further obligations under the Lease.

2. Mutual Release
Upon this termination of the Lease, the Landlord and Tenant mutually release each other from all claims, demands, and liabilities arising out of or related to the Lease and or the Premises. Neither Landlord nor the Tenant party shall have any further obligations to the other arising out of the Lease or the tenancy.

3. Governing Law
This Lease Termination Agreement shall be governed by and construed in accordance with the laws of the State of New York[State].

4. Entire Agreement
This Lease Termination Agreement constitutes the entire agreement between the Landlord and Tenant parties regarding the termination of the Lease and supersedes all prior negotiations, discussions, or agreements.

5. Amendments
This Lease Termination Agreement may not be amended or modified except by a written agreement signed by Landlord and Tenant both parties.

6. Signatures

IN WITNESS WHEREOF, the Landlord and Tenant parties hereto have executed this Lease

Attachment: Lease termination agreement for MusicalFare_ (RES-2024-737 : Lease Termination with Musical Fare Theatre Company (CRS

Termination Agreement as of the day and year first above written.

LANDLORD:
Town of Amherst
By: _____
Title: _____
Date:

TENANT:
MusicalFare Theatre Company
By: _____
Title: _____
Date:

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)
On this ___ day of _____, in the year 2024, before me, the undersigned, a Notary Public/Commissioner of Deeds in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and he acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public/Commissioner of Deeds

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)
On this ___ day of _____, in the year 2024, before me, the undersigned, a Notary Public/Commissioner of Deeds in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and he/she acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public/Commissioner of Deeds

Attachment: Lease termination agreement for MusicalFare_ (RES-2024-737 : Lease Termination with Musical Fare Theatre Company (CRS

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

Francina J. Spoth
Town Clerk

Meeting: 09/03/24 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 29389 **RESOLUTION 2024-738** **ADOPTED**

Town Acceptance of Ownership of Sewer Facilities and Maintenance Fee Agreement – John James Audubon Parkway Extension (CRS #5043)

SUSPENSION AGENDA ITEM : SEPTEMBER 3RD, 2024

TO: **Town Board**

FROM: **Samuel A. Alba, Esq., Interim Town Attorney**

DATE: **September 3, 2024**

RE: **Town Acceptance of Ownership of Sewer Facilities and Maintenance Fee Agreement - John James Audubon Parkway Extension (CRS #5043)**

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

WHEREAS, the Town of Amherst, by its Supervisor, Brian J. Kulpa, and its Town Board, accepts the ownership of sewer system and sanitary force main ("***Sewer Facilities***") servicing the student housing complex located on property previously identified as 1081 North French Road ("***Project Site***") that received Site Plan Approval from the Town of Amherst Planning Board on April 15, 2021; and

WHEREAS, in consideration of the Town of Amherst accepting ownership of the Sewer Facilities, AMHERST NY PROPERTIES KP6, LLC, as the owner of the Project Site ("***Owner***"), has agreed to enter into a Maintenance Fee Agreement with the Town of Amherst by which an annual payment will made by the Owner, and its successors and assigns to the Town to operate, maintain and repair the Sewer Facilities;

THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor to execute the attached Maintenance Fee Agreement pending final review and approval of the Interim Town Attorney and successful completion of the Contract Routing System (CRS);

BE IT FURTHER RESOLVED, the Owner shall be required to record the Maintenance Fee Agreement at the Erie County Clerk's Office.

SAA:nmb
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Suspension Agenda Item - September 3, 2024**)

9/3/2024

A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

FINANCIAL IMPACT:

$5,000.00 annually

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

Record and return to:
Town of Amherst
Town Attorney Office
5583 Mian Street
Williamsville, NY 14221

Attachment: Maintenance Agreement - Aspen Heights (Forced Main- Sewer Maitenance Agreement for John James Audobon) (4873-0769-2256

MAINTENANCE FEE AGREEMENT

THIS Maintenance Fee Agreement (hereinafter this "Agreement") made the ___ of September 2024 is being entered into between **AMHERST NY PROPERTIES KP6, LLC**, a Delaware limited liability company having an office and place of business at One Town Road, Suite 300, Boca Raton, Florida 33486 (referred to herein as "Owner") and the **TOWN OF AMHERST**, a municipal corporation of the State of New York, having its principal office in the Amherst Municipal building, 5583 Main Street, Williamsville, New York 14221 (referred to herein as the "Town").

WITNESSETH

WHEREAS, Owner is the owner of land situated in the Town of Amherst, County of Erie and State of New York, previously identified as 1081 North French Road, Amherst New York as more particularly described in the metes and bounds legal description attached hereto as Schedule A (hereinafter the "Premises") and as acquired by the Owner via a by deed dated _____ and recorded in the Erie County Clerk's Office in Liber _____ of Deeds at Page _____; and

WHEREAS, Owner requested site plan approval from the Town for the construction of a student housing apartment complex on the Premises; and

WHEREAS, on April 15, 2021, by Resolution SP-2020-13,the Town of Amherst Planning Board (the "Planning Board") granted conditional site plan approval for the construction of a student housing apartment complex on the Premises (the "Project"); and

WHEREAS, on December 23, 2021, the Planning Board approved the final sets of fully engineered plans ("Plans and Specifications"), and transmitted copies to the relevant Town Departments (the "Approved Plans");

WHEREAS, the Approved Plans are on file with the Town of Amherst; and

WHEREAS, in connection with the Approved Plans, the Town determined that it was in the best interest of the Town to have an ownership interest in the public sanitary force main, as exhibited in the attached GPI record plans dated December 2023 and entitled, "Sanitary Record Plan A" and "Sanitary Record Plan B", attached as Exhibit A hereto ("Public Sewer Facilities") servicing the Project, thus providing the Town the ongoing right and obligation to maintain and repair the Public Sewer Facilities; and

WHEREAS, in consideration of the Town accepting ownership of the Public Sewer Facilities, the Town requires that Owner, for itself and on behalf of its successors and assigns, contribute a maintenance fee in the annual amount of $5,000.00 ("Maintenance Fee") for as long as the Public Sewer Facilities shall remain in place, and are owned by the Town

NOW, THEREFORE, IN CONSIDERATION OF THE SUM OF ONE DOLLAR ($1.00) paid by the TOWN, the receipt of which is hereby acknowledged and other good and valuable consideration, the Owner and Town agree as follows:

1. The above recitals are incorporated below as if fully set forth herein.

2. Owner, its successors and or assigns, shall, on or before September 30th of each year pay the Maintenance Fee to the Town of Amherst as a maintenance contribution for the Public Sewer Facilities.

3. For avoidance of doubt, the Town accepts the ownership, operation, maintenance and repair of the Public Sewer Facilities.

4. In the event that Town fails to maintain and repair the Public Sewer Facilities, Owner shall have the right, but not the obligation, to make such repairs directly. Prior to making such repairs, Owner shall provide ten (10) days written notice to Town of the repair issue requiring Town attention and action. Should Town fail to commence the repair within ten (10) days of receipt of such notice, Owner may commence with the necessary repairs, and the cost of such repairs shall be treated as a credit against the Maintenance Fee, for the year in which the repair occurs and if necessary, following years.

5. For so long as the Town owns, maintain and operates the Public Sewer Facilities, the Town shall have, and Owner hereby grants, a right of entry to duly authorized representatives of the Town to enter upon the Premises for purposes of operation, maintenance and repair of the Public Sewer Facilities, with advance notice to Owner, except in the case of emergency when no prior notice shall be required. Upon presentation of proper credentials, and with reasonable advance notice to Owner (except in case of emergency) duly authorized representatives of the Town may enter at reasonable times upon the Premises to inspect the condition or operation and maintenance of the Public Sewer Facilities. In the event Town utilizes outside vendors to perform such services, such vendors shall, prior to entry on the Premises, except in the case of emergency, provide evidence of insurance reasonably acceptable to Owner.

6. If Grantor fails to pay the Maintenance Fee and such failure continues beyond [90] days from the payment due date of September 30 of each year, the Town is authorized to undertake such steps to secure payment as reasonably necessary, including the bringing of an action in a court of law. The Maintenance Fee, so assessed, shall constitute a lien and charge on the Premises on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town taxes and charges. Should the Town employ an attorney or attorneys to enforce the terms of this Agreement or a breach thereof, the prevailing party shall be entitled to payment by the non-prevailing party of all reasonable costs, charges and expenses, including attorney's fees expended or incurred in connection therewith as determined by Agreement of the Parties or a Court of Law.

7. This Agreement shall be governed by and interpreted and enforced in accordance with the laws of the State of New York without regard to conflict of law principles. Any suit involving any dispute or matter arising under this Agreement must be brought in the New York State Supreme Court located in the County of Erie and State of New York.

8. This Agreement shall be binding upon, and inure to the benefit of, the respective successors and permitted assigns of the parties hereto and shall run with the land. This Agreement shall not be assignable by the Town but may be assigned or transferred by the Owner upon the sale of the Premises.

Attachment: Maintenance Agreement - Aspen Heights (Forced Main- Sewer Maitenance Agreement for John James Audobon) (4873-0769-2256

9. This Agreement shall be recorded in the Office of the County Clerk, County of Erie [*together with the deed for the dedication of the new extension of the roadway commonly known as John James Audubon Parkway*]; and

10. All notices required or permitted hereunder shall be in writing and shall be sent to the parties hereto at the following addresses:

If to the Town:	Town of Amherst c/o the Town Supervisor 5583 Main Street Amherst, NY 14221
	with copies to:
	The Town of Amherst Town Engineer and Town Attorney
If to the Owner:	Amherst NY Properties KP6, LLC One Town Road, Suite 300, Boca Raton, Florida 33486 Attention: General Counsel
With copies to:	Harris Beach, PLLC 726 Exchange Street, Suite 1000 Buffalo, NY 14210 Attention: Robert G. Murray Esq.

Any such notices may be sent by: (a) certified mail, return receipt requested, or (b) a nationally recognized overnight courier. The above addresses may be changed by written notice to the other party. Any such notices shall be deemed effective upon receipt.

11. This Agreement sets forth all of the agreements, conditions, and understandings between the Town and Owner concerning the Maintenance Fee and the repair and maintenance of the Public Sewer Facilities and supersedes any and all prior agreements and understandings between the parties with respect thereto.

12. The Public Sewer Facilities have been constructed and in compliance with the Approved Plans.

13. This Agreement may be executed in several counterparts, including by facsimile, each of which shall be an original and all of which shall constitute but one and the same instrument.

14. This Agreement may not be amended, changed, modified, altered, or terminated, except by an instrument in writing, signed by the parties hereto.

15. This Agreement is effective upon full execution by both parties.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

Attachment: Maintenance Agreement - Aspen Heights (Forced Main- Sewer Maitenance Agreement for John James Audobon) (4873-0769-2256

The Town and Owner have entered into this Agreement on this _____ day of September 2024

Town:

TOWN OF AMHERST

_____

By: Brian J. Kulpa

Title: Amherst Town Supervisor

Date:

Owner:

AMHERST NY PROPERTIES KP6, LLC

a Delaware limited liability company

By: Bloomington Amherst Properties JV KP6, LLC
a Delaware limited liability company
Its Sole member

By: Bloomington Amherst Properties Manager KP6, LLC,
a Delaware limited liability company, its manager

By: _____
Name: Russell M. Reiter
Title: Vice President, Secretary and Authorized Signatory

Attachment: Maintenance Agreement - Aspen Heights (Forced Main- Sewer Maitenance Agreement for John James Audobon) (4873-0769-2256

State of New York)
County of Erie) ss.:

On the ____ day of _____ in the year _____ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____
Signature and Office of individual taking acknowledgment

State of _____)
County of _____) ss.:

On the ____ day of _____ in the year _____ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

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Signature and Office of individual taking acknowledgment

Attachment: Maintenance Agreement - Aspen Heights (Forced Main- Sewer Maitenance Agreement for John James Audobon) (4873-0769-2256

RECORD DRAWING

RECORD DRAWINGS PROVIDED BY GREENMAN–PEDERSEN, INC. (GPI)

THE DESIGN INFORMATION IS CONSIDERED CORRECT UNLESS DESIGNATED AS:

– DESIGN INFORMATION
—▪— RECORD INFORMATION

BY: DV DATE: FEBRUARY 2024

574 570 574 574

0 30' 60'
SCALE IN FEET

NOTES:

1. ALL CONSTRUCTION TO CONFORM TO TOWN OF AMHERST CONSTRUCTION SPECIFICATIONS AND DETAILS.
2. ALL WATERLINE SHALL BE INSTALLED IN ACCORDANCE WITH ERIE COUNTY WATER AUTH. SPECIFICATIONS AND DETAILS.
3. ////// BACKFILL WITH MECHANICALLY TAMPED SELECT MATERIAL IN MAX. 6" LIFTS IN ALL PAVED AREAS.
4. P.V.C. (POLYVINYL CHLORIDE) PIPE SANITARY SEWER SHALL CONFORM TO ASTM SDR–35 OR AN APPROVED EQUAL.
5. D.I.P. (DUCTILE IRON) PIPE WATER LINE SHALL CONFORM TO ANSI/AWWA C151/A.21.51 SPECS. (CLASS 52) OR AN APPROVED EQUAL.
6. P.V.C. (POLYVINYL CHLORIDE) WATERLINE (DR–18) PIPE SHALL CONFORM TO A.W.W.A. C–900 STANDARDS OR APPROVED EQUAL.
7. CONTRACTOR SHALL VERIFY EXACT DEPTH AND LOCATION OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.
8. WATERLINE SHALL BE INSTALLED WITH A MINIMUM COVER OF 5.0' FROM PROP. GRADE.
9. WHERE THE PROPOSED WATERLINE CROSSES THE PROPOSED OR EXISTING SEWERS, AN 18" CLEARANCE (MINIMUM) SHALL BE MAINTAINED.
10. O – CHLORINATION AND SAMPLING POINT.
11. PIPING SHALL BE INSTALLED AND TESTED IN ACCORDANCE WITH A.W.W.A. C–600–82 FOR DUCTILE IRON WATERMAINS OR A.W.W.A. C–605 FOR P.V.C. PIPE WITH INSTALLATION AND TESTING AS PER A.W.W.A. MANUAL M–23.
12. WHERE GROUNDWATER IS WITHIN 7' OF FINISHED GRADE HYDRANT WEEPHOLES ARE TO BE PLUGGED AND THE HYDRANTS TAGGED.

SURVEY DATA:

NAD 83 – HORIZONTAL DATUM
NAVD 88 – VERTICAL DATUM

WATERLINE NOTE:

FIELD CONDITIONS MAY REQUIRE MINOR ALIGNMENT AND BEND LOCATION ADJUSTMENTS WHICH WILL BE PERMITTED AS LONG AS ALL MINIMUM OFFSETS FROM OTHER UTILITIES AND MAXIMUM ALLOWABLE JOINT DEFLECTIONS ARE MAINTAINED.

BR. 17
B.I.N. 1072662

BR. 16
B.I.N. 1072661

RIGHT–OF–WAY LIMITS

#1006
FM MARKER

#1007
FM MARKER

#1008
FM MARKER

#1009
FM MARKER

#1010
FM MARKER

1,262± L.F. 8" PVC (C–900/DR–18) FORCEMAIN (PUBLIC MAINTENANCE)

5'x5'x6' VALVE CHAMBER
RIM 575.60 (PUBLIC MAINTENANCE)
4" INV. 570.17 / SUMP 568.90
27 ~~35~~ L.F. (2) 4" D.I.P. FORCEMAIN
(PRIVATE MAINTENANCE)

10' I.D. WET WELL
RIM 575.90
BASE ~~555.98~~ 555.90
(PRIVATE MAINTENANCE)
4" INV. 570.37

#1001
WET WELL

#1028
VALVE CHAMBER

JOHN JAMES AUDUBON PKWY.
(160' WIDE)

THE TOWN OF AMHERST IS RESPONSIBLE FOR MAINTENANCE OF 1,262± LF OF 8" PVC SANITARY FORCEMAIN BEGINING AT THE VALVE CHAMBER TO THE EXISTING MANHOLE LOCATED SOUTH OF DODGE ROAD.

THE TOWN
OF 8" PV
TH

WEST LINE LOT 70, TOWNSHIP 12, RANGE 7
EAST LINE LOT 76, TOWNSHIP 12, RANGE 7

EXPRESSWAY, SECT
OUTHBOUND
RTHBOUND
990 SB ON R
SB OFF RAMP

ONLY

Sanitary Force Main Marker Locations

Point Number	Northing	Easting
1001	1102836.1937	1094863.2482
1028	1102827.4344	1094889.8997
1029	1102833.2463	1094891.2190
1030	1102832.0180	1094897.0073
1031	1102826.1207	1094895.6997
1006	1102826.5200	1094903.9430
1007	1102813.8940	1094909.0870
1008	1102769.1710	1094920.5610
1009	1102608.1640	1094976.0470
1010	1102316.8950	1095049.3630

Greenman-Pedersen, Inc.
Engineering and Construction Services
In Western New York: JAMESTOWN (716) 488-2903 • ROCHESTER (585) 486-4859 • BUFFALO (716) 633-4644

GPI

STATE OF NEW YORK
GREENMAN PEDERSEN, INC.
LICENSED PROFESSIONAL ENGINEER

WARNING: ALTERATIONS TO THIS DOCUMENT NOT CONFORMING TO SECTION 7209, SUBDIVISION 2, STATE EDUCATION LAW, ARE PROHIBITED

NO.	REVISIONS:	BY	DATE
5	REVISED ISLANDS PER NATIONAL GRID	THM	10/07/22
4	REVISED PER EDWA COMMENTS	DMV	05/31/22
3	REVISED PER REVIEW COMMENTS	DMV	04/08/22
2	REVISED BUILDING LOCATIONS & TOWN OF AMHERST COMMENTS	DMV	07/26/21
1	REVISED PER TOWN COMMENT LETTER DATED 03–03–21	DMV	03/29/21

SCALE: AS NOTED
DATE: DECEMBER 2023
DWG NO. 01
DRAWN BY: THM
CHECKED BY: DFP
JOB NO.: BUF-2013062.10

SANITARY RECORD PLAN A

ASPEN HEIGHTS - UNIVERSITY AT BUFFALO
Muir Woods Site B - 1121 North French Rd.
Town of Amherst, New York

SHEET NO.
01

Attachment: 01 SANITARY FORCEMAIN RECORD PLAN A (RES-2024-738 : Town Acceptance of Ownership of Sewer Facilities and Maintenance Fee Agreement – J J Audubon Pkwy)

RECORD DRAWING

RECORD DRAWINGS PROVIDED BY GREENMAN–PEDERSEN, INC. (GPI)

THE DESIGN INFORMATION IS CONSIDERED CORRECT UNLESS DESIGNATED AS:

– DESIGN INFORMATION
—▪—RECORD INFORMATION

BY: DV DATE: FEBRUARY 2024

N

0 30' 60'
SCALE IN FEET

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SOUTH LINE LOT 70, TOWNSHIP
NORTH LINE LOT 69, TOWNSHIP

EX. 8" CIP WATERLINE (APPROXIMATE LOCATION)

EX MH
RIM 577.42
INV 556.32

0+00 7+00 6+00 5+00 4+00 3+00 2+00

EX. 60" SAN. SEWER

FM FM FM

The Town and Owner have entered into this Agreement on this _____ day of September 2024

Town:

TOWN OF AMHERST

_____

By: Brian J. Kulpa

Title: Amherst Town Supervisor

Date:

Owner:

AMHERST NY PROPERTIES KP6, LLC
a Delaware limited liability company

By: Bloomington Amherst Properties JV KP6, LLC, a Delaware limited liability company, its member

By: Bloomington Amherst Properties Manager KP6, LLC, a Delaware limited liability company, its manager

By: _____

Name: Russell M. Reiter

Title: Vice President, Secretary and Authorized Signatory

Acknowledgements to follow.

Attachment: Signature page (Maintenance Agreement)NOT FINAL (4888-7558-3968 1) (RES-2024-738 : Town Acceptance of Ownership of Sewer

State of New York)
County of Erie) ss.:

On the ____ day of _____ in the year _____ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____
Signature and Office of individual taking acknowledgment

State of Florida)
County of Palm Beach) ss.:

On the 2nd day of September in the year 2024 before me, the undersigned, personally appeared Russell M., Reiter, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____
Signature and Office of individual taking acknowledgment

Notary Public State of Florida
Meegan T Motisi
My Commission
HH 207935
Exp.12/14/2025

Attachment: Signature page (Maintenance Agreement)NOT FINAL (4888-7558-3968 1) (RES-2024-738 : Town Acceptance of Ownership of Sewer