Amherst Town Board

Regular Meeting of the Town Board

Minutes

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

Francina J. Spoth
Town Clerk

Monday, April 7, 2025 | **7:00 PM** | **Amherst Municipal Building**

I. IN MEMORY

II. INVOCATION

Rabbi Mendy Labkowski

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL:

7:00 PM Meeting called to order on April 7, 2025 at Amherst Municipal Building, 5583 Main Street, Williamsville, NY.

Attendee Name	Organization	Title	Status	Arrived
Brian J. Kulpa	Town of Amherst	Supervisor	Present	
Shawn Lavin	Town of Amherst	Deputy Supervisor	Present	
Jacqualine Berger	Town of Amherst	Councilmember	Present	
Michael Szukala	Town of Amherst	Councilmember	Present	
Angela Marinucci	Town of Amherst	Councilmember	Present	
Timothy Koller	Town of Amherst	Deputy Town Clerk	Present	
Vianne Uthman	Town of Amherst	Deputy Town Clerk	Present	
Samuel A. Alba	Town of Amherst	Senior Deputy Town Attorney	Present	
Dan Howard	Town of Amherst	Planning Director	Present	
Lynda Juul	Town of Amherst	Director of Finance	Present	
Jeffrey S. Burroughs	Town of Amherst	Town Engineer	Present	

V. MINUTES APPROVAL

1. Monday, March 24, 2025

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

VI. PROCLAMATIONS AND ANNOUNCEMENTS

Councilmember Berger presented a proclamation to recognize Education & Sharing Day.

Councilmember Marinucci presented a proclamation to recognize Arbor Day.

VII. PUBLIC HEARINGS

Speakers will be limited to 3 minutes.

1. Resolution 2025-340

WPCF Oxygen Separation System Replacement Procurement (Bond Resolution - $10M)

AGENDA ITEM : APRIL 7TH, 2025

TO: **Town Board**

FROM: **Steven Bengart, Esq., Town Attorney**

DATE: **March 31, 2025**

RE: **Water Pollution Control Facility (WPCF)**
Oxygen Separation System Replacement Procurement
2025-2030 C.I.P. - Project No. S-3
Bond Resolution - $10M

The above-referenced matter is scheduled for a Public Hearing this evening at 7:00 p.m. In this regard, kindly adopt a resolution (1) Adopting the attached SEQR determinations for the above projects as determined by the Town of Amherst Planning Department **prior to the Public Hearing being deemed closed**; and (2) Adopting the attached bond documents **once the Public Hearing has been deemed closed**.

For ease of reference and to provide detailed information regarding the bond action, also attached are the Map Plan and Reports for the project.

Thank you.

SAA:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(w/attachments, **Agenda Item – April 7, 2025**)

Daryl C. Bramer, Comptroller *(w/attachments)*
Lynda Juul, Director of Finance *(w/attachments)*
Dan Howard, Director of Planning *(w/attachments)*
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachments*)
Vaishali Reberholt, PE, Assistant Municipal Engineer (*w/attachments*)

4/7/2025

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 7:11 PM.

Jeff Burroughs, Town Engineer, presented.

A motion to approve the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was closed at 7:18 PM.

A motion to adopt the Bond Resolution was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved via Roll Call vote 5-0.

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

2. Resolution 2025-341

WPCF Treatment Systems Component Replacement/Rehabilitation (Bond Resolution - $1.45M)

AGENDA ITEM : APRIL 7TH, 2025

TO: **Town Board**

FROM: **Steven Bengart, Esq., Town Attorney**

DATE: **April 1, 2025**

RE: **Water Pollution Control Facility (WPCF)**
Treatment Systems Component Replacement/Rehabilitation
2025 C.I.P. - Project No. S-4
Bond Resolution- $1,450,000

The above-referenced matter is scheduled for a Public Hearing this evening at 7:00 p.m. In this regard, kindly adopt a resolution (1) Adopting the attached SEQR determinations for the above projects as determined by the Town of Amherst Planning Department **prior to the Public Hearing being deemed closed**; and (2) Adopting the attached bond documents **once the Public Hearing has been deemed closed**.

For ease of reference and to provide detailed information regarding the bond action, also attached are the Map Plan and Reports for the project.

Thank you.

SAA:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(w/attachments, **Agenda Item – April 7, 2025**)
Daryl C. Bramer, Comptroller *(w/attachments)*
Lynda Juul, Director of Finance *(w/attachments)*
Dan Howard, Director of Planning *(w/attachments)*
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachments*)
Vaishali Reberholt, PE, Assistant Municipal Engineer (*w/attachments*)

4/7/2025
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 7:19 PM.

Jeff Burroughs, Town Engineer, presented.

The following residents spoke:
Don Smith, 201 N Long St
Rocco Del Grosso, 16 Lake Ledge

A motion to approve the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was closed at 7:29 PM.

A motion to adopt the Bond Resolution was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved via Roll Call vote 5-0.

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

3. Resolution 2025-342

Lighting District Extension - 4300 Millersport Highway (Site Plan)

AGENDA ITEM : APRIL 7th, 2025

TO: **Town Board**

FROM: **Steven Bengart, Esq., Town Attorney**

DATE: **March 31, 2025**

RE: **Lighting District Extension:**
In the Matter of the Extension of the Town of Amherst Consolidated Lighting District to Millersport Highway and Improvements In Connection Therewith

The above matter is scheduled for a Public Hearing on April 7, 2025 at 7:00 p.m. In this regard, kindly adopt a resolution (1) Adopting the attached SEQR determination and SEQR Negative Declaration Notice of Determination of Non-Significance issued 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 Public Interest Order subject to a thirty-day permissive referendum period **once the Public Hearing has been deemed closed**.

For ease of reference and to provide detailed information regarding this action, also attached is the Map Plan and Report for the project, together with other supporting documentation.

Thank you.

SB:nmb
Attachments
c: Tim Koller, Deputy Town Clerk (*w/attachments)***(Agenda Item : April 7, 2025)**
Daryl C. Bramer, Comptroller (*w/attachments)*
Lynda Juul, Director of Finance (*w/attachments)*
Dan Howard, Director of Planning (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*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)*
Sean Hopkins, Esq. (*w/attachments)*

4/7/2025
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 7:29 PM.

Sam Alba, Senior Deputy Attorney, presented.

A motion to approve the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was closed at 7:31 PM.

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

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

4. Resolution 2025-343

1692 Maple Road Rezoning

Request to rezone 1692 Maple Road from R-3 to OB.

4/7/2025
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 7:31 PM.

Attorney Sean Hopkins presented.

The following residents spoke:
Don Smith, 201 N Long St
Dennis Hoban, 216 California Dr
John Trabert, 234 Mt Vernon Rd

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the April 28th Town Board meeting, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was closed at 7:58 PM.

RESULT:	**DECISION DATE [UNANIMOUS]**	**Next: 4/28/2025 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Jacqualine Berger, Councilmember	
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci	

VIII. DEVELOPMENT REVIEW ACTIONS

1. Resolution 2025-344

Resolution of Commitment - Proposed Public Improvements (1789 Dodge Road - Proposed Realty Subdivision)

WHEREAS, a sketch plan for a proposed 13 building lot realty subdivision at 1789 Dodge Road was for approved by the Amherst Planning Board on November 21, 2024, AND

WHEREAS, the developer of the proposed realty subdivision desires to construct a public roadway for future dedication to the Town of Amherst, AND

WHEREAS, pursuant to Chapter 204 (Subdivision Regulations), Section 4-6-2H(1) of the Amherst Town Code the developer of a realty subdivision whom desires to dedicate public improvements must first obtain a "resolution of commitment" from the Amherst Town Board before he/she makes an application for preliminary plat approval with the Planning Board, AND

WHEREAS, pursuant to section 4-6-2H(1)(b)of the Subdivision Regulations, the Developer seeking a "resolution of commitment" from the Town Board, shall include in his/her request for such "resolution of commitment" the following:

1. the approved sketch plan;

2. an affirmation of his/her intention to seek condominium status pursuant to Section 339-Y of the NYS Real Property Law;

3. an itemization of the replacement cost of the public improvements that will be offered for future dedication;

4. a statement as to how the proposed improvements provide a public benefit to the Town of Amherst, AND

WHEREAS, the developer has provided the aforementioned items attached, AND

WHEREAS, this Board has reviewed the information provided and believes that it is in the public's interest to accept the proposed roadway as a future public roadway, AND

NOW THEREFORE BE IT RESOLVED, that this Board approves the request for a "resolution of commitment" for the proposed realty subdivision allowing for the filing of the preliminary plat application with the Amherst Planning Board.

4/7/2025
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

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

IX. PERSONAL APPOINTMENTS TO BOARDS & COMMITTEES

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

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

1. 9/11 Commemoration Committee

Membership is unlimited.

2. Amherst Committee on Disabilities

3. Amherst Community Diversity Commission

4. Amherst Conservation Advisory Council

5. Amherst Government Financial Advisory Board

6. Amherst Industrial Development Agency

Membership is full.

7. Amherst Veterans Committee

8. Arts & Culture in Public Places Board

9. Board of Assessment Review

Membership is full.

10. Board of Electrician Examiners

Membership is full.

11. Board of Ethics

Membership is full.

12. Board of Plumbing and Drainage Examiners

Membership is full.

13. Design Advisory Board

14. Employee Suggestion Program Merit Award Board

Membership is full.

15. Employee Suggestion Review Committee

16. Energy Conservation Citizens Advisory Committee

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

21. Library Board of Trustees

22. Minority / Woman Owned Business

23. Open Government Advisory Board

24. Planning Board

Membership is full.

25. Recreation Commission

26. Recycling and Waste Committee

27. Senior Services Advisory Board

28. Traffic Safety Board

Membership is full.

29. Youth Board

Adult vacancies (6), Youth vacancies (0)

30. Zoning Board of Appeals

Membership is full.

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 5-0. Public Expression was opened at 8:00 PM.

The following speakers addressed the Town Board:
Mary Dormer, Getzville - Eggertsville Youth & Community Center
Geri DiCosmo, 378 Meyer Rd - Station 12 project
Joseph Mertes, Amherst - Resolution 2025-339
Tom Weisbeck, 48 Drawbridge Ct - bitcoin mining
John Trabert, 234 Mt Vernon Rd - Resolution 2025-322 & 2024-48
Tom Frank, Main St - Amherst Central park
Ray Herman, 114 Oakgrove Dr - campaigning during public expression
Don Smith, 201 N Long St - Resolution 2025-352
Matt Plunkett, 299 Northill Dr - Boulevard Mall & Royal Park
Chris Drongosky, Mill St - Westwood cleanup
Dave Howard, 194 Roycroft Blvd - Royal Park project
Dennis Hoban, 216 California Dr - proposed new youth center

There were no further speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Councilmember Berger and unanimously approved 5-0. Public Expression was closed at 8:37 PM

XI. CONSENT AGENDA

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

XII. COUNCILMEMBER RESOLUTIONS

A. SUPERVISOR KULPA:

B. DEPUTY SUPERVISOR LAVIN:

1. Resolution 2025-345

Senior Services Advisory Board Appointment

WHEREAS, Lisa Giancarlo has expressed interest in serving on the Senior Services Advisory Board and has submitted her resume to the Director of Senior Services; and

WHEREAS, after review and approval, the Director of Senior Services provided resume to the Town Board for final approval;

NOW, THEREFORE, BE IT RESOLVED, that the Amherst Town Board appoints Lisa Giancarlo to the Senior Services Advisory Board for her first term to end December 31, 2026.

4/7/2025
Consent

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

C. COUNCILMEMBER BERGER:

D. COUNCILMEMBER SZUKALA:

1. Resolution 2025-346

Approval of Disability Benefit

RESOLUTION AUTHORIZING PAYMENT OF DISABILITY BENEFIT
LOSAP PROGRAM
ELLICOTT CREEK FIRE PROTECTION DISTRICT NO. 9

WHEREAS, Penflex, Inc., the LOSAP program administrator for the Town of Amherst has advised the Town Board that Vincent V. Muscarella has applied for and is eligible for a Total and Permanent Disability Benefit under the terms and provisions of the LOSAP Program.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the payment to Vincent V. Muscarella of the sum of $21,204.89 as the entitled disability benefit due hereunder; and

BE IT FURTHER RESOLVED, that Town Supervisor Brian Kulpa is authorized to issue written authorization to Penflex, Inc., together with a certified copy of this resolution directing and authorizing the processing of the disability payment herein.

4/7/2025
Consent

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

2. Resolution 2025-347

AGFAB Appointment

WHEREAS, David Kinda has expressed interest in serving on the Amherst Government Financial Advisory Board (AGFAB) and has submitted his synopsis to the board's Liaison, Councilmember Szukala; and

WHEREAS, after review and approval, Councilmember Szukala provided synopsis to the Town Board for final approval;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Amherst Town Board appoints David Kinda to the AGFAB for a term to conclude December 31, 2026.

4/7/2025
Consent

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

E. COUNCILMEMBER MARINUCCI:

1. Resolution 2025-348

Community Forestry Management Plan

WHEREAS, the Town of Amherst has been named a Tree City USA Community by the National Arbor Day foundation for over 28 years, and

WHEREAS, the Town code Chapter 179 Trees was amended in Town Board Resolution 2020-297 to create and implement a Tree Board, and

WHEREAS, the Town Code Chapter 179 has directed the Tree Board to develop and review a comprehensive tree plan, review said progress and recommend to the Town Board updates to the Community Forestry Management Plan, and

WHEREAS, the Town Board authorized the Town Supervisor to enter into a contract with the New York State Department of Environmental Conservation (NYSDEC) for a street tree inventory and Community Forestry Management Plan in Town Board Resolution 2019-245, and

WHEREAS, the Town's NYSDEC approved Community Forestry Management Plan provides a strategy for meeting the tree and forestry needs of the community, representing a balance between the needs and concerns of the public and the challenges of implementation, and

WHEREAS, the Tree Board recommends the Town Board acknowledge this Community Forestry Management Plan as the Town's comprehensive tree plan,

NOW THEREFORE BE IT RESOLVED, that the Amherst Town Board hereby acknowledge the recommendations of the Community Forestry Management Plan as the Town's vision for forestry operations and as a comprehensive tree plan.

4/7/2025
Consent

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

XIII. DEPARTMENT HEAD RESOLUTIONS AND REPORTS

A. TOWN ATTORNEY:

1. Resolution 2025-349

Paradise Park Restroom Improvements (Amended Bond Resolution - $645,000)

AGENDA ITEM : APRIL 7th, 2025

TO: **Town Board**

FROM: **Steven Bengart, Esq., Town Attorney**

DATE: **April 1, 2025**

RE: **Paradise Park Restroom Improvements**
2025-2030 C.I.P. – Project YR-1A
Amended Bond Resolution - $645,000

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 $645,000.00 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.

SB:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(*w/attachments*, **Agenda Item – April 7, 2025**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Brian J. Armstrong, Director, Engineering Services (*w/attachments*)

4/7/2025
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved via Roll Call vote 5-0.

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

2. Resolution 2025-350

Klein Road Transportation Improvements (Bond Resolution - $490,000)

AGENDA ITEM – APRIL 7TH, 2025

TO: **Town Board**

FROM: **Steven Bengart, Esq., Town Attorney**

DATE: **April 2, 2025**

RE: **Klein Road Transportation Improvements**
2025-2030 C.I.P. – Project E-5
Bond Resolution - $490,000

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 $490,000.00 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 – April 7, 2025**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Chris Schregel, Project Manager (*w/attachments*)

4/7/2025
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved via Roll Call vote 5-0.

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

3. Resolution 2025-351

Assembly (A04030) and Senate (S03282) Bills to Alienate a Portion of 1265 Smith Road as Parkland

AGENDA ITEM – APRIL 7th, 2025

TO: **Town Board**
FROM: **Steven Bengart, Esq., Town Attorney**
DATE: **April 2, 2025**
RE: **NYS Legislature's Bill to Alienate A Portion of 1265 Smith Road**

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

WHEREAS, ON September 16, 2024, the Town Board granted permission to Bell Atlantic Mobile Systems d/b/a Verizon Wireless to file a special use permit to obtain permission to construct a wireless communication tower at 1265 Smith Road (Resolution 2024-740); and

WHEREAS, the parcel is designated as parkland, limited in use by jurisdictional wetlands; and

WHEREAS, the parcel has remained vacant since its donation to the Town; and

WHEREAS, Resolution 2019-617 was amended to require the following forms in connection with the alienation process: (1) Parkland Alienation and Municipality Information Form; and (2) Statement of Lands Proposed as Replacement (attached); and

WHEREAS, the required forms and supporting documents should be posted on the Town of Amherst website and provided to Town of Amherst Town Board members for review and approval prior to submission to the State Legislature; and

WHEREAS, New York State Senator Sean Ryan and New York State Assemblywoman Karen McMahon have each sponsored the required legislation (A04030 AND S03282 respectively) to alienate a portion of 1265 Smith Road; and

WHEREAS, New York State Law requires that the Town adopt a resolution approving the legislature's alienation legislation; and

WHEREAS, SEQR was completed on October 16, 2024 and a Negative Declaration issued; and

WHEREAS, the Town Board reaffirms the attached Negative Declaration as approved by the Planning Department (Assistant Planning Director/ZEO) and Chairman of the Zoning Board of Appeals;

NOW, THEREFORE BE IT RESOLVED, that the Supervisor, with the assistance of the Town Attorney's Office and in conjunction with the New York State Legislature, is authorized to proceed with the alienation; and

BE IT FURTHER RESOLVED, that a Public Hearing be set for April 28, 2025 at 7:00 p.m. to take action on the above matter.

SB:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(*w/attachments,* **Agenda Item – April 7th, 2025**)

4/7/2025
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved via Roll Call vote 5-0.

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

4. Resolution 2025-352

Request for Public Hearing - a Local Law Amending Chapter 175, Taxation

AGENDA ITEM : APRIL 7TH, 2025

TO: Town Board

FROM: Steven Bengart, Esq., Town Attorney

DATE: April 2, 2025

RE: Schedule A Public Hearing – A Local Law Amending Chapter 175, Taxation (Creation of Property Exemption for New ADU (Accessory Dwelling Units)

As requested by the Town of Amherst Planning Department, kindly adopt a resolution to set a Public Hearing for April 28, 2025 at 7:00 p.m. to adopt the attached Local Law.

Also attached is a revised agenda request from the Planning Department together with an explanation relative to the creation of the new property exemption.

The final version of this Local Law will be distributed to the Town Board at least ten (10) days before the public hearing as required by law.

Thank you.

SB:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(*w/attachments,* **Agenda Item – April 7, 2025**)
Laurie Stillwell, Director, Town of Amherst Community Development Program
(*w/attachments*)

4/7/2025
Consent

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

5. Resolution 2025-353

Deed for Sale of 160 Campus Drive (From TOA to 177 Darwin LLC)

AGENDA ITEM : APRIL 7th, 2025

TO: Town Board

FROM: Steven Bengart, Esq., Town Attorney

DATE: April 1, 2025

RE: Deed For Transfer of Property – 160 Campus Drive
From Town of Amherst To 177 Darwin LLC

Kindly adopt a resolution authorizing the Town Supervisor to execute the attached deed and any other documents that are required to effectuate the sale and transfer of 160 Campus Drive.

Thank you.

SB:NMB:hs
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item – April 7th, 2025**)
Laurie Stillwell, Director, Community Development (*w/attachment*)

4/7/2025
Consent

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

6. Resolution 2025-354

Amendment to Westlaw Proflex Contract (Original CRS #3795/Amendment CRS #5421)

AGENDA ITEM – APRIL 7th, 2025

TO: Town Board

FROM: Steven Bengart, Esq., Town Attorney

DATE: April 2, 2025

RE: Amendment To Westlaw Proflex Contract
(Original CRS #3795/Amendment CRS #5421)

Kindly adopt a resolution authorizing the Town Supervisor to execute the attached amendment to the above contract to incorporate two more attorneys to our current database plan, pending successful completion of the CRS.

Thank you.

SB:nmb

Attachment
c: Timothy Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)

4/7/2025
Consent

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

7. Resolution 2025-355

Daemen College Banners

AGENDA ITEM – APRIL 7TH, 2025

TO: **Town Board**

FROM: **Steven Bengart, Esq., Town Attorney**

DATE: **April 2, 2025**

RE: **Daemen College Banners**

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

WHEREAS, Daemen University is located at 4380 Main Street in the Town of Amherst and has been a part of the Amherst Community since 1947; and

WHEREAS, Daemen University is an economic, educational and cultural asset in the Town of Amherst, and recently culminated campus beautification efforts including trees and walking trails enjoyed by the community; and

WHEREAS, Daemen achieved university status in 2022, and will soon celebrate its 80th anniversary; and

WHEREAS, In 2007 and 2015, Daemen University placed banners along Main Street and Getzville Road to acknowledge milestones; and

WHEREAS, Daemen University once again expressed interest in hanging visually appealing banners on National Grid power poles to commemorate its university status and upcoming 80th anniversary along:

- the north side of Main Street (Route 5) between Campus Drive and Getzville Road
- the east side of Getzville Road between Main Street and Elmhurst Road; and

WHEREAS, Daemen University has requested the Town of Amherst assist with obtaining the proper NYSDOT permits specific to the hanging of banners along Main Street; and

WHEREAS, the NYSDOT's Civil Banner Policy requires that a Highway Work Permit for Non-Utility Work be signed by a Town, Village or City as the permittee; and

WHEREAS, the Town of Amherst assisted Daemen University in 2007 and in 2015 by becoming the NYSDOT permit holder for a similar banner request; and

WHEREAS, Daemen University recently obtained National Grid approvals for these banners to hang on National Grid utility poles;

RESOLVED, the Supervisor of the Town of Amherst be and is hereby authorized to sign all NYSDOT permits and applications on behalf of Daemen University in connection with the hanging of Daemen University banners along Main Street for a duration 3 years and that the NYSDOT work permit and necessary applications shall be reviewed and approved by the Town Attorney's Office prior to execution;

NOW THEREFORE, BE IT FURTHER RESOLVED, after execution a certified copy of this Resolution shall be provided to the New York State Department of Transportation permitting office at the time of permit submittal; and

NOW THEREFORE, BE IT FURTHER RESOLVED, that the Town Board authorizes the banner placement within the Town's Right-of-Way of Getzville Road contingent on Daemen University providing an acceptable addendum to contract and proper insurances to the Town Attorney.

SB:nmb
c: Tim Koller, Deputy Town Clerk (**Agenda Item – April 7, 2025**)

4/7/2025
Consent

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

8. Resolution 2025-356

Settlement of Article 7 Matter - Brandi Freiman V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **March 31, 2025**

RE: Settlement of Article 7 Matter
Brandi Freiman v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

9. Resolution 2025-357

Settlement of Article 7 Matter - Cayuga Bend V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: Town Board

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

DATE: March 31, 2025

RE: Settlement of Article 7 Matter
Cayuga Bend v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

10. Resolution 2025-358

Settlement of Article 7 Matter - Laverne Mosey-Murphy & Michael Murphy V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **March 31, 2025**

RE: **Settlement of Article 7 Matter**
Laverne Mosey-Murphy & Michael Murphy 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 Senior Deputy 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 : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

11. Resolution 2025-359

Settlement of Article 7 Matter - 5525-5529 Main Street, LLC, Et. Al. V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
5525-5529 Main Street, LLC, et. al. v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

12. Resolution 2025-360

Settlement of Article 7 Matter - 1760 Wehrle Drive, LLC V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
1760 Wehrle Drive, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

13. Resolution 2025-361

Settlement of Article 7 Matter - David I. Shapiro and Mary Pfeifer-Shapiro V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
David I. Shapiro and Mary Pfeifer-Shapiro v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

14. Resolution 2025-362

Settlement of Article 7 Matter - James A. Zaepfel; James A. Zaepfel Revocable Living Trust V. TOA

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
James A. Zaepfel; James A. Zaepfel Revocable Living Trust v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

15. Resolution 2025-363

Settlement of Article 7 Matter - AAP College Park Associates, LLC V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**

AAP College Park Associates, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

16. Resolution 2025-364

Settlement of Article 7 Matter - Airport Landing Center, LLC V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
Airport Landing Center, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

17. Resolution 2025-365

Settlement of Article 7 Matter - 205 Young Road, LLC, Et. Al. V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
205 Young Road, LLC, et. al. v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)

Emily Murphy, Town Assessor

4/7/2025
Consent

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

18. Resolution 2025-366

Settlement of Article 7 Matter - Remmington Heights, LLC V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
Remmington Heights, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

19. Resolution 2025-367

Settlement of Article 7 Matter - Frederick G. Attea and Elizabeth A. Attea V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
Frederick G. Attea and Elizabeth A. Attea v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

20. Resolution 2025-368

Settlement of Article 7 Matter - Sturbridge Apartments, LLC V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
Sturbridge Apartments, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

21. Resolution 2025-369

Settlement of Article 7 Matter - George Hofheins V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: April 1, 2025

RE: Settlement of Article 7 Matter
George Hofheins v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

22. Resolution 2025-370

Settlement of Article 7 Matter - North Forest Apartment Associates, LLC V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: Town Board

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

DATE: April 1, 2025

RE: Settlement of Article 7 Matter
North Forest Apartment Associates, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

23. Resolution 2025-371

Settlement of Article 7 Matter - Donald B. Steel and Kathleen M. Steel V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
Donald B. Steel and Kathleen M. Steel v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

24. Resolution 2025-372

Settlement of Article 7 Matter - Nora Devoe V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
Nora Devoe v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

25. Resolution 2025-373

Settlement of Article 7 Matter - John S. Trifilo, Jr. V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
John S. Trifilo, Jr. v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

26. Resolution 2025-374

Settlement of Article 7 Matter - 80 Lawrence Bell Drive, LLC V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
80 Lawrence Bell Drive, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

27. Resolution 2025-375

Settlement of Article 7 Matter - Bowdoin Square Apartments, LLC V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
Bowdoin Square Apartments, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

28. Resolution 2025-376

Settlement of Article 7 Matter - Virginia L. Henderson V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 2, 2025**

RE: Settlement of Article 7 Matter
Virginia L. Henderson v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

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

B. TOWN CLERK:

1. Resolution 2025-377

Amusement License for 1565-1703 Niagara Falls Boulevard

Request by Benderson Development for a First Class Amusement License to hold the following events:

Spring Eggstravaganza – 4/5/2025
Mother's Day Celebration – 5/3/2025
Sport's Spectacular – 06/07/2025
Star Spangled Spectacular – 07/05/2025
Circus Fun Day – 08/02/2025
Heroes Day – 9/6/2025
Fall Family Fun Fest – 10/25/2025
Holidays at The Boulevard - 12/13/2025
Holidays at The Boulevard – 12/20/2025

Supervising Code Enforcement Officer recommends a fee of $50.00 per day

The following conditions apply:

- Food Trucks must have a current Town of Amherst Food Vendor License and have the current inspection sticker affixed to the vehicle.
- That all fire lanes be kept clear at all times.
- For any tents in excess of 400 square feet being used, a fire prevention tent permit must be obtained.
- All temporary power must be code compliant
- Bathroom facility must be made available & accessible.
- Off street parking must be available and on site accessible parking must be maintained.
- Fire Department access must be maintained at all times in the event of an emergency.
- Events with 1,000 guests or more will require "Crowd Managers" per the 2020 FCNYS.
- The applicant must abide by Chapter 138 of the Town of Amherst Code regarding noise.

4/7/2025
Consent

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

C. ASSESSOR:

1. Resolution 2025-378

Contract for Schneider Geospatial LLC CRS #5393

Kindly adopt a resolution authorizing the Supervisor to sign the attached Contract for Schneider Geospatial LLC pending successful completion of CRS.

4/7/2025
Consent

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

D. BUILDING/BUILDING MAINTENANCE:

E. CENTRAL ALARM:

F. COMPTROLLER:

1. Resolution 2025-379

Check Signing

BE IT RESOLVED to temporarily allow the use of facsimile signature by the Supervisor for signing checks until a Comptroller or an interim Comptroller is appointed and appropriate bank signatures and software program can be updated;

BE IT FURTHER RESOLVED that any manual checks will continue to be countered signed by the Supervisor, Director of Finance, Comptroller, and / or interim Comptroller.

4/7/2025
Consent

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

2. Resolution 2025-380

Budget Transfers and Amendments

For April 7. 2025 Town Board Agenda

To: Town Board
From: Office of Town Comptroller
Date: 04/01/2025
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 – 2025

FROM:	***TO:***

BUDGET AMENDMENTS – 2025

INCREASE:	***INCREASE***
N1042.05002 Em'ee HI Contribution $2,187.02	N1042.8050 Retirement $2,187.02
To recognize 1st quarter employee health insurance contribution.	
F3012.05001 Swormville- Refund of CY Exp $40,353.83	F3012.4090 Professional Svcs $40,353.83
F3013.05001 East Amherst- Refund of CY Exp $39,663.93	F3013.4090 Professional Svcs $39,663.93
To recognize Clarence's portion of LOSAP.	
N2440.02785 AMH HOME- PI $8,185.60	N2440.4000 Contractual $8,185.60
N2454.02785 HOME Admin- PI $909.51	N2454.4003 10% Admin $909.51
To recognize Community Development program income from 51 Oakland Drive, Amherst.	
N2444.02785 CHEEK HOME- PI $6,750.00	N2444.4000 Contractual $6,750.00
N2449.02785 HOME Admin- PI $750.00	N2449.4003 10% Admin $750.00
To recognize Community Development program income from 16 Samantha Way, Cheektowaga.	

4/7/2025
Consent

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

G. CONTRACT COMPLIANCE:

1. Resolution 2025-381

Extension - Bid #2021001 Aftermarket Components - Light & Heavy Duty Equipment - CRS #5412/5413/5414

WHEREAS, Casullo's Automotive Service (Original CRS #2437), Fleet Maintenance (Original CRS #2561) and D & W Diesel (Original CRS #2543) have agreed to hold pricing and extend for an additional two-year term; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves a two-year extension of the contract with Casullo's Automotive Service, Fleet Maintenance and D & W Diesel for the period of May 3, 2025 through May 2, 2027; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract extensions with Casullo's Automotive Service, Fleet Maintenance and D & W Diesel.

4/7/2025
Consent

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

2. Resolution 2025-382

Award NYS OGS Mini Bid #2025015 (2) Chassis & Dump Bodies - CRS #5423

WHEREAS, the Contract Compliance and Administration Department issued Mini-Bid #2025015 through NYS OGS for the purchase of two (2) Chassis & Dump Bodies for the Highway Department; and

WHEREAS, the bid process resulted in a response from one (1) vendor as per the attached bid tabulation form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to Fleet Maintenance; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with Fleet Maintenance pending successful completion of the contract routing process due to the fact that we have 10 days to award a mini bid.

4/7/2025
Consent

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

3. Resolution 2025-383

Bid #2025005 Town Wide Towing - Partial Re-Assignment of Award - CRS #5424

WHEREAS, the Contract Compliance and Administration Department awarded contracts for Town Wide Towing & Road Service at the March 10, 2025 Town Board meeting (Resolution

#2025-217) to 2113 Factory Outlet Blvd., dba United Auto Towing (CRS #5353) and Rusiniak's Service, Inc. (CRS #5454), pending successful completion of the contract routing process, due to the fact that the contract expired on March 5, 2025; and

WHEREAS, 2113 Factory Outlet Blvd., dba United Auto Towing has been declared an unresponsive bidder due to the fact that they have been unable to provide the appropriate insurance required under the bid within a reasonable time frame;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to re-assign the line items previously awarded to 2113 Factory Outlet Blvd., dba United Auto Towing to Dadswell Thruway Service, Inc. as per the attached revised bid tabulation sheet; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with Dadswell Thruway Service, Inc.; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the fact that the last contract expired on March 5, 2025.

4/7/2025
Consent

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

H. COURT:

I. ECONOMIC DEVELOPMENT:

J. EMERGENCY SERVICES:

K. ENGINEERING SERVICES:

1. Resolution 2025-384

2025 - 2030 Capital Improvement Program Amendment CIP Project Nos. ACP-1, YR-1A, 9A & 10A

The Engineering Services Division is recommending amendment of the 2025 - 2030 Capital Improvement Program for the above project in the amounts shown in the table below. As the Amherst Central Park renovations are likely to be delayed, the town bond portion of those funds will be reallocated to cover costs associated with other townwide recreational and senior citizen related needs and improvements.

CIP No.	Project Description	2025 CIP Allocations	Amended 2025 CIP Allocations
ACP-1	Amherst Central Park Focus Area 1	$1,000,000 LA $1,000,000 F/S[1] $250,000 F/S[2] $545,000 X[1]	$ 0 LA $1,000,000 F/S[1] $ 0 F/S[2] $545,000 X[1]
YR-1A	Paradise Park Restroom Improvement	$305,000 LA $250,000 X[2]	$645,000 LA $250,000 X[2]
YR-9A (new)	North Forest Park Renovations (Pool renovations and construction of a new splashpad and playground)	0	$325,000 LA $250,000 F/S[2] $150,000 X[3]
YR-10A (new)	North Bailey Senior Shelter	0	$335,000 LA
	Total Allocated Town-bonded Funds	**$1,000,000 LA**	**$1,000,000 LA**

LA: General Fund Bond
F/S[2]: OPRHP Grant Funds (Splashpad)
X[2]: Erie County Grant Funds
F/S[1]: DASNY Grant Funds (Playground)
X[1]: Erie County Grant Funds (Wintermarket)
X[3]: Jolly Boys Grant Funds (Playground)

Please approve amendment of the 2025-2030 Capital Improvement Program and allocate funding as shown above. Please note that the above request is a budget neutral amendment.

4/7/2025
Consent

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

2. Resolution 2025-385

Change Order No. 01-PC & Final – MKS Plumbing Corp. Royal Park Sports Complex Town of Amherst Job # 2019.055 CRS #5411

We are requesting the Town Board Consider approval of this resolution authorizing the Supervisor to sign the above referenced Change Order, which decreases the overall contract by $2,896.00. This change reflects a credit received associated with a revision to the floor plan and the elimination of plumbing associated with a single use toilet room. Upon approval, the total value of the referenced contract will be reduced to $245,104.00.

This credit shall be applied to the project account KP2303.4972.

Thank you for considering this request.

4/7/2025
Consent

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

3. Resolution 2025-386

Change Order No. 04- SU – Louis Del Prince & Sons, Inc. Royal Park Sports Complex Town of Amherst Job # 2019.055 CRS #5410

We respectfully request your approval of the resolution authorizing the Supervisor to sign the referenced Change Order. This Change Order proposes an increase of $59,459.51 to the overall contract to enhance safety measures and user controls within the park.

In an effort to enhance functionality, safety, and better contain soccer and lacrosse balls from leaving the field of play and possibly impacting vehicular traffic on the adjacent thruway, the netting and poles in close proximity to the thruway will be increased in height within the scope of this change order. Additionally, field access gates will also be installed in order to facilitate proper maintenance and emergency access to the field.

This change order will also provide for enhanced safety and user-controls for the tennis court lights and allow them to be utilized on an as-needed basis instead of through the use of light sensors, which will also save energy.

Please note that this request is contingent upon the successful completion of the contract review procedure. Funding for this added expense is available within the project account KP2303.4972. Thank you for your attention to this matter.

4/7/2025
Consent

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

L. FINANCE:

M. HIGHWAY:

1. Resolution 2025-387

Highway Work Permit – ECWA – 23 Glen Meadow Drive S, 86 Glen Meadow, 63, 71, 79 Streamsong Court

Kindly adopt a resolution:

. Authorizing the Highway Superintendent to both execute and issue the attached permit; and

. Authorizing the Town Supervisor to execute the attached permit.

Thank you.

4/7/2025
Consent

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

2. Resolution 2025-388

Highway Work Permit – ECWA – 36 Streamsong Court

Kindly adopt a resolution:

. Authorizing the Highway Superintendent to both execute and issue the attached permit; and

. Authorizing the Town Supervisor to execute the attached permit.

Thank you.

4/7/2025
Consent

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

N. HUMAN RESOURCES:

1. Resolution 2025-389

Laborer/Building Maintenance/Facilities Department

Please appoint a Laborer to the Building Maintenance/Facilities Department. Permanent, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective April 8, 2025 at an hourly rate of $19.65, Grade 3, Step B for Colton Reilly.

Contingent upon completing all pre-employment requirements.

Replacing an employee who resigned.

4/7/2025
Consent

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

2. Resolution 2025-390

Clerk- PT/Town Clerk

Please appoint a Clerk - PT to the Town Clerk's Office, Temporary, Effective April 8, 2025 at an hourly rate of $24.00 for Barbara Fiorella.

Contingent upon completing all pre-employment requirements.

Replacing an employee who resigned.

4/7/2025
Consent

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

3. Resolution 2025-391

Clerk Typist/Highway Department

Please appoint a Clerk Typist to the Highway Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective April 8, 2025 at an annual salary of $43,046, Grade 2, Step I for James Spence.

Replacing an employee who retired.

This is a promotion for an employee currently serving as Laborer.

4/7/2025
Consent

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

4. Resolution 2025-392

Clerk Typist/Engineering Department

Please appoint a Clerk Typist to the Engineering Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective April 8, 2025 at an annual salary of $38,540, Grade 2, Step E Noemi Goldstein.

This is a promotion for an employee currently serving as Messenger.

4/7/2025
Consent

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

O. INFORMATION TECHNOLOGY:

P. PLANNING:

1. Resolution 2025-393

To Authorize the Supervisor to Enter into a New Cooperation Agreement to Continue the HOME Consortium for Federal Fiscal Years 2026, 2027 and 2028

WHEREAS, the Congress of the United States has passed and the President of the United States has signed into law the National Affordable Housing Act of 1990, making federal funds for housing activities available to the towns of Amherst, Cheektowaga and Tonawanda; and

WHEREAS, said Act provides that a consortium of geographically contiguous units of local government can be considered to be a unit of general local government for purposes of the HOME program; and

WHEREAS, the Towns of Cheektowaga, Tonawanda and Amherst, with Amherst acting as Lead Town, desire to be considered as a Consortium for the purpose of applying for assistance under the HOME Program; and

WHEREAS, all grant administration costs are funded by the grant; and

WHEREAS, this agreement shall automatically be renewed for the Consortium's participation in successive three-year qualification periods if the member towns determine it's desirable.

NOW, THEREFORE, BE IT RESOLVED, that subject to the satisfactory completion of the contract routing process, the Town Board of the Town of Amherst authorizes the Supervisor to enter into a new HOME Cooperation Agreement with the towns of Cheektowaga and Tonawanda during the fiscal years of 2026, 2027 & 2028.

4/7/2025
Consent

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

Q. POLICE:

1. Resolution 2025-394

Police Dog Boarding Agreement Amherst Boarding Kennel, LLC (CRS #5385)

TOWN BOARD AGENDA : APRIL 7, 2025

TO: **Town Board**

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

RE: **Police Dog Boarding Agreement**
Amherst Boarding Kennel, LLC (CRS #5385)

Kindly adopt a resolution authorizing the Supervisor to execute the attached agreement between the Town of Amherst (Police) and Amherst Boarding Kennel, LLC, with regard to the above-entitled matter. Approval of this agreement is pending the successful completion of the Contract Routing Process.

Thank you.

SPC: msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: April 7, 2025)**

4/7/2025
Consent

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

2. Resolution 2025-395

Memorandum of Understanding Use of Amherst Police Department Community Policing and Training Facility Main-Transit Fire Department (CRS #5425)

TOWN BOARD AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

FROM: Scott P. Chamberlin, Chief of Police

RE: Memorandum of Understanding
Use of Amherst Police Department Community Policing and Training Facility: Main-Transit Fire Department (CRS #5425)

Kindly adopt a resolution authorizing the Supervisor to adopt and execute the attached Memorandum of Understanding between the Town of Amherst (Police) and the Main-Transit Fire Department, with regard to the above-entitled matter. Approval of this MOU is contingent upon the successful completion of the Contract Routing Process.

Thank you.

SPC: msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: April 7, 2025)**

4/7/2025
Consent

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

3. Resolution 2025-396

Intermunicipal Agreement: Police Tactical Team Cooperation Town of Tonawanda (CRS #5405)

TOWN BOARD AGENDA ITEM : APRIL 7, 2025

TO: Town Board

FROM: Scott P. Chamberlin, Chief of Police

RE: Intermunicipal Agreement: Police Tactical Team Cooperation Town of Tonawanda (CRS #5405)

Kindly adopt a resolution authorizing the Supervisor to adopt and execute the attached agreement between the Town of Amherst (Police) and the Town of Tonawanda, with regard to the above-entitled matter. This agreement has successfully completed the Contract Routing Process.

Thank you.

SPC: msl

Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: April 7, 2025)**

4/7/2025
Consent

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

4. Resolution 2025-397

Town of Amherst Emergency Services Sole Source and Standardization of Communication Equipment- CRS #5427

WHEREAS, The Town of Amherst Police Department, Emergency Services Department, Highway Department and Amherst Central Fire Alarm Office require extensive radio network system improvements to provide reliable public safety communications; and

WHEREAS, The Town of Amherst's radio network system improvements require the Town to join Niagara County's Trunked Radio Network to ensure improved radio communications and interoperable communications throughout Amherst and adjacent municipalities, including service in areas of Amherst that currently lack adequate radio communications; and

WHEREAS, Niagara County has standardized their communication equipment as part of their regional Trunked Radio Network and it is critical and required for the Town of Amherst to meet Niagara County's standardized specifications and utilize the same vendor to be compatible with their existing communications network; and

WHEREAS, The Town of Amherst does not require competitive bidding when a good or service is only available from one possible source and the services provide a unique benefit to the public to which there is no other service that provides substantially similar benefits; and

WHEREAS, Motorola Solutions Inc, is the sole source vendor for the required equipment needed to ensure connectivity with Niagara County's Trunked Radio Network and Motorola does not allow their contracting partners to bid against them with their own products; now therefore be it

RESOLVED, that for reasons of efficiency and compatibility, and to meet Niagara County's specifications, the Town Board adopts this resolution to standardize and sole source with Motorola Solutions Inc; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor, subject to the satisfactory completion of the contract routing process (CRS

5427), to enter into an agreement with Motorola Solutions, Inc. for the purposes of Radio Network System Improvements to the Town's Dispatch Centers.

4/7/2025
Consent

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

R. SENIOR SERVICES:

1. Resolution 2025-398

Class Instructor, Harriet Grayson CRS #5397

We respectfully request Town Board permission to authorize the Supervisor to sign the Class Instructor Commitment Form between the Town of Amherst (Dept. of Sr. Services) and Class Instructor, Harriet Grayson. Pay rate is $30.00 per hour.

4/7/2025
Consent

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

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2. Resolution 2025-399

Class Instructor, Colleen Besseghini CRS #5398

We respectfully request Town Board permission to authorize the Supervisor to sign the Class Instructor Commitment Form between the Town of Amherst (Dept. of Sr. Services) and Class Instructor, Colleen Besseghini. Pay rate is $25.00 per hour.

4/7/2025
Consent

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

S. SEWER/PLANT 16:

1. Resolution 2025-400

Budget Transfer - MLP Plumbing & Mechanical, Inc. WPCF: HVAC Facility Improvements, Phase 4 – Mechanical Contract Town Project No. 2017.002D

At the February 3rd, 2025 Town Board Meeting, the above referenced project was awarded to MLP Plumbing & Mechanical, Inc. per their bid amount of $494,400.00. Town Board Resolution 2025-151.

To provide the proper level of funding for the project's mechanical contract, funds are available for this contract from the following accounts:

Funding Source	Account No.	Amount
WPCF: HVAC Improvements Phase 4 Bond	KP1724-4972	$330,332.80
WPCF: HVAC Facility Improvements Phase 5 Bond	KP2348-4972	$158,325.00
Plant 16 HVAC/Plumbing General Account	G9916-4923	$5,742.20

May we have your approval for the above referenced Budget Transfer? Thank you for considering this request.

4/7/2025
Consent

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

T. YOUTH AND RECREATION:

XIV. UNFINISHED BUSINESS

XV. COMMUNICATIONS

1. Communication 2025-24

Fee Waiver Request- Main-Transit Fire Department

Main-Transit Fire Department will be hosting the New York Championship Drill and Parade on August 16th and 17th of 2025 and requests the parade permit fee, the police fee, and the fire prevention/tent permit fee. Building Commissioner and Police Captain responses are attached.

4/7/2025
Consent

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

2. Communication 2025-25

Letter of Intent for the Shared Use of the Niagara County Public Safety Radio Communications System

Please see attached correspondence from the Niagara County Sheriff's Office, dated March 10, 2025, and response from Town of Amherst Supervisor, dated March 17, 2025, regarding the Letter of Intent for the Shared Use of the Niagara County Public Safety Radio Communications System.

4/7/2025
Referred to Town Attorney

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

3. Communication 2025-26

Correspondence from Interim Town Attorney Re: RES #2025-192

Please see the attached memorandum from the Interim Town Attorney as it relates to a correction in the title of RES #2025-192 adopted on March 10, 2025.

4/7/2025
Referred to Town Attorney

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

4. Communication 2025-27

Correspondence from Benderson Development Company

Letter from James Boglioli, Esq. requesting to rename Bowmart Parkway to Costco Way or Costco Boulevard.

4/7/2025
Referred to Attorney & Planning

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

5. Communication 2025-28

Correspondence from Joseph Rubino - 1789 Dodge Road

Letter from Joseph Rubino regarding the proposed residential subdivision at 1789 Dodge Road will not seek condominium status.

4/7/2025
Referred to Town Attorney & Planning

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

6. Communication 2025-29

Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road

Letter from Sean Hopkins, Esq. regarding the proposed residential subdivision at 1789 Dodge Road.

4/7/2025
Referred to Town Attorney & Planning

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

7. Communication 2025-30

Correspondence from Robert Savarino - 4780 Sheridan Drive

Letter from Robert Savarino regarding the proposed residential subdivision at 4780 Sheridan Drive.

4/7/2025
Referred to Town Attorney & Planning

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

8. Communication 2025-31

Correspondence from Sean Hopkins, Esq. - Address Change

Letter from Sean Hopkins, Esq. seeking to change the address of their office building from 1 Beresford Court to 6700 Main Street.

4/7/2025
Receive & File

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

9. Communication 2025-32

Correspondence from Sean Hopkins, Esq. - 42-50 Dodge Road

Letter from Sean Hopkins, Esq. regarding the formation of "Sawyer's Landing Sewage Works Corporation" & "Sawyer's Landing Water Works Corporation".

4/7/2025
Referred to Town Attorney, Planning & Engineering

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

10. Communication 2025-33

Correspondence from Sean Hopkins, Esq. - 4300 Millersport Highway

Letter from Sean Hopkins, Esq. regarding the proposed mixed-use project at 4300 Millersport Highway.

4/7/2025
Referred to Town Attorney & Planning

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

11. Communication 2025-34

Notice of Claim: Ali Lazik Vs. Town of Amherst Et Al.

4/7/2025
Referred to Town Attorney

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

12. Communication 2025-35

Summons and Complaint: U.S. Bank National Association Et Al Vs. Town of Amherst Et Al.

4/7/2025
Referred to Town Attorney

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

XVI. PUBLIC IMPROVEMENT PERMITS

XVII. SUSPENSION OF RULES

Supervisor Kulpa moved to open Suspension of Rules to bring forth 1 unlisted item. The motion was seconded by Councilmember Berger and unanimously approved 5-0. Suspension of Rules was opened at 8:42 PM.

There being no further business requiring Suspension of Rules, Supervisor Kulpa moved to close, seconded by Councilmember Berger and unanimously approved 5-0. Suspension of Rules was closed at 8:42 PM.

1. Resolution 2025-401

Request for Budget Transfer

SUSPENSION ITEM TO TOWN BOARD AGENDA OF APRIL 7, 2025

TO: Deputy Supervisor Lavin

FROM: Steven Floss, Superintendent

DATE: April 4, 2025

RE: Request for Budget Transfer

We are respectively requesting the following budget transfers with regard to Resolution 2025-382 for Award NYS OGS Mini Bid #2025015 for (2) Chassis and Dump Bodies – CRS #5423 as follows:

- Please Transfer $7,742.31 from KP2504.2600 to KP2504.2250
- Please Transfer $26,783.11 from D5130.2600 to KP2504.2250

Thank you for your consideration.

4/7/2025
A motion to approve was made by Deputy Supervisor Lavin, seconded by Councilmember Berger and unanimously approved 5-0.

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

XVIII. PUBLIC EXPRESSION #2

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

A motion to open Public Expression was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 5-0. Public Expression was opened at 8:42 PM.

The following speakers addressed the Town Board:

John Trabert, 234 Mt Vernon Rd - Resolution 2024-996
Geri DiCosmo, 378 Meyer Rd - Communication 2025-27
Matt Plunkett, 299 Northill Dr - Article 7 settlements
Dennis Hoban, 216 California Dr - Resolution 2025-349

There were no further speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Councilmember Berger and unanimously approved 5-0. Public Expression was closed at 8:47 PM.

XIX. ADJOURNMENT

There being no further business to come before the Town Board, Supervisor Kulpa moved to adjourn, seconded by Councilmember Berger and unanimously approved 5-0. The Town Board meeting of April 7, 2025 was adjourned at 8:59 PM.

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Steven Bengart**
Co-Sponsored by:

DOC ID: 30257 **RESOLUTION 2025-340** **ROLL CALL VOTE (ADOPTED)**

WPCF Oxygen Separation System Replacement Procurement (Bond Resolution - $10M)

AGENDA ITEM : APRIL 7TH, 2025

TO: **Town Board**

FROM: **Steven Bengart, Esq., Town Attorney**

DATE: **March 31, 2025**

RE: **Water Pollution Control Facility (WPCF)**
Oxygen Separation System Replacement Procurement
2025-2030 C.I.P. - Project No. S-3
Bond Resolution - $10M

The above-referenced matter is scheduled for a Public Hearing this evening at 7:00 p.m. In this regard, kindly adopt a resolution (1) Adopting the attached SEQR determinations for the above projects as determined by the Town of Amherst Planning Department **prior to the Public Hearing being deemed closed**; and (2) Adopting the attached bond documents **once the Public Hearing has been deemed closed**.

For ease of reference and to provide detailed information regarding the bond action, also attached are the Map Plan and Reports for the project.

Thank you.

SAA:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(w/attachments, **Agenda Item – April 7, 2025**)
Daryl C. Bramer, Comptroller *(w/attachments)*
Lynda Juul, Director of Finance *(w/attachments)*
Dan Howard, Director of Planning *(w/attachments)*
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachments*)
Vaishali Reberholt, PE, Assistant Municipal Engineer (*w/attachments*)

4/7/2025
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 7:11 PM.

Jeff Burroughs, Town Engineer, presented.

A motion to approve the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was closed at 7:18 PM.

A motion to adopt the Bond Resolution was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved via Roll Call vote 5-0.

FINANCIAL IMPACT:

Bond Resolution - $10M

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

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Transmitted electronically

MEMORANDUM March 5, 2025

TO: Jeffrey Burroughs, P.E., Town Engineer
Engineering Department

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

RE: SEQR Determination
Oxygen Separation System Replacement Procurement
2025-2030 C.I.P. Project S-3

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)(2) Therefore, no further environmental work is required.

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\S-3_Oxygen Separtion System Replacment Procurement_03_05_2025.docx

cc:
Samuel Alba, Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: S-3_Oxygen Separtion System Replacment Procurement_03_05_2025 (RES-2025-340 : WPCF Oxygen Separation System

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the County of Erie, New York

April 7, 2025

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 April 7, 2025.

There were present:	Hon. Brian J. Kulpa, Supervisor; and
Board Members:	Shawn Lavin, Deputy Supervisor/Councilman Jacqualine Berger, Councilwoman Angela Marinucci, Councilwoman Michael R. Szukala, Councilman
There were absent:	
Also present:	Francina J. Spoth, Town Clerk

* * *

The Supervisor stated that a public hearing had been called for this meeting at the Town Hall, 5583 Main Street, Williamsville, New York, at 7 o'clock P.M. (Prevailing Time) to consider the increase and improvement of facilities of the Town's Consolidated Sanitary Sewer District (the "District"), consisting of improvements to the Town's Water Pollution Control Facility, including the replacement of the Oxygen Separation System, at the estimated maximum cost of $10,000,000 (2025-2030 CIP Project No. S-3), as described in the map, plan and report dated February, 2025 prepared by the Town Engineering Department; and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the

Attachment: CertExMins (RES-2025-340 : WPCF Oxygen Separation System Replacement Procurement (Bond Resolution - $10M))

Town Board with relation thereto as may be required by law. The Town Clerk presented affidavits showing that the Notice of said public hearing had been duly published and posted pursuant to the provisions of Article 12 of the Town Law.

The Supervisor stated that the hearing in the said matter was now open and asked if there were any interested persons present who desired to be heard. The following persons appeared in favor of such increase and improvement of facilities of said District.

The following persons appeared in opposition to such increase and improvement of facilities:

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

Attachment: CertExMins (RES-2025-340 : WPCF Oxygen Separation System Replacement Procurement (Bond Resolution - $10M))

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 of Minutes of a meeting of the Town Board of said Town of Amherst duly called and held on April 7, 2025, has been compared by me with the original minutes as officially recorded in my office as Town Clerk, and is a true, complete and correct copy thereof and of the whole of said original minutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 7th day of April, 2025.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertExMins (RES-2025-340 : WPCF Oxygen Separation System Replacement Procurement (Bond Resolution - $10M))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED APRIL 7, 2025, APPROPRIATING $10,000,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE TOWN'S CONSOLIDATED SANITARY SEWER DISTRICT, AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF $10,000,000 TO FINANCE SAID APPROPRIATION

Offered by: _____

Seconded By: _____

Recital

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of the Consolidated Sanitary Sewer District (the "District"), in the Town of Amherst (herein called the "Town"), in the County of Erie, New York, and after a public hearing duly called and held on April 7, 2025, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF AMHERST, IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of $10,000,000 for the increase and improvement of facilities of the District, consisting of improvements to the Town's

Attachment: CertBondReso (RES-2025-340 : WPCF Oxygen Separation System Replacement Procurement (Bond Resolution - $10M))

Water Pollution Control Facility, including the replacement of the Oxygen Separation System, at the estimated maximum cost of $10,000,000 (2025-2030 CIP Project No. S-3) in connection therewith, as described in the map, plan and report dated February, 2025 prepared by the Town Engineering Department. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $10,000,000. The plan of financing includes the issuance of $10,000,000 bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of $10,000,000 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.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the class of objects or purposes for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is thirty (30) 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. The foregoing statement of intent with respect to

Attachment: CertBondReso (RES-2025-340 : WPCF Oxygen Separation System Replacement Procurement (Bond Resolution - $10M))

reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a 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 issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Attachment: CertBondReso (RES-2025-340 : WPCF Oxygen Separation System Replacement Procurement (Bond Resolution - $10M))

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation 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 resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in *"The Amherst Bee,"* a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Attachment: CertBondReso (RES-2025-340 : WPCF Oxygen Separation System Replacement Procurement (Bond Resolution - $10M))

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

Supervisor Brian J. Kulpa	voting_____
Deputy Supervisor/Councilman Shawn Lavin	voting_____
Councilwoman Jacqualine Berger	voting_____
Councilwoman Angela Marinucci	voting _____
Councilman Michael R. Szukala	voting _____

The Resolution was declared adopted.

Attachment: CertBondReso (RES-2025-340 : WPCF Oxygen Separation System Replacement Procurement (Bond Resolution - $10M))

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 of the Town Board of said Town adopted at a meeting duly called and held on April 7, 2025, has been compared by me with the original resolution 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 7th day of April, 2025.

(SEAL)

_____

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertBondReso (RES-2025-340 : WPCF Oxygen Separation System Replacement Procurement (Bond Resolution - $10M))

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 7th day of April, 2025.

PRESENT:

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

In the Matter

of the

Increase and Improvement of Facilities of the Consolidated Sanitary Sewer District, in the Town of Amherst, in the County of Erie, New York, pursuant to Section 202-b of the Town Law

Offered by: _____

Seconded By: _____

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Amherst (herein called the "Town"), in the County of Erie, New York, has caused the Town Engineering Department, engineers duly licensed by the State of New York (the "Engineer"), to prepare a map, plan and report dated February, 2025, for the increase and improvement of facilities of the Town's Consolidated Sanitary

Attachment: CertROAferPH (RES-2025-340 : WPCF Oxygen Separation System Replacement Procurement (Bond Resolution - $10M))

Sewer District (the "District"), consisting of improvements to the Town's Water Pollution Control Facility, including the replacement of the Oxygen Separation System, at the estimated maximum cost of $10,000,000 (2025-2030 CIP Project No. S-3) required in connection therewith as described in said report; and

WHEREAS, the Engineer has estimated that the cost of such increase and improvement of facilities shall be $10,000,000 and said map, plan and report have been filed with the Town Board; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on April 7, 2025 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 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 7th day of April, 2025 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 said increase and improvement of such facilities; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment and has determined that such project is a Type II project which will not result in any significant adverse environmental

Attachment: CertROAferPH (RES-2025-340 : WPCF Oxygen Separation System Replacement Procurement (Bond Resolution - $10M))

impacts, pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5;

Now, therefore, be it

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated total cost of $10,000,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense of said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of $10,000,000 bonds of the Town, and the cost of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

DATED: April 7, 2025

(SEAL)

TOWN BOARD OF THE TOWN OF AMHERST

Attachment: CertROAferPH (RES-2025-340 : WPCF Oxygen Separation System Replacement Procurement (Bond Resolution - $10M))

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

Supervisor Brian J. Kulpa	voting_____
Deputy Supervisor/Councilman Shawn Lavin	voting_____
Councilwoman Jacqualine Berger	voting_____
Councilwoman Angela Marinucci	voting _____
Councilman Michael R. Szukala	voting _____

The Resolution and Order were declared adopted.

Attachment: CertROAferPH (RES-2025-340 : WPCF Oxygen Separation System Replacement Procurement (Bond Resolution - $10M))

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 April 7, 2025, 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 7th day of April, 2025.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertROAferPH (RES-2025-340 : WPCF Oxygen Separation System Replacement Procurement (Bond Resolution - $10M))

Town of Amherst

Engineering Department

Water Pollution Control Facility

OXYGEN SEPARATION SYSTEM REPLACEMENT PROCUREMENT

Town of Amherst Project # 2020.002B

2025 – 2030 Capital Improvement Program
Project S-3

Map, Plan & Report
February 19, 2025

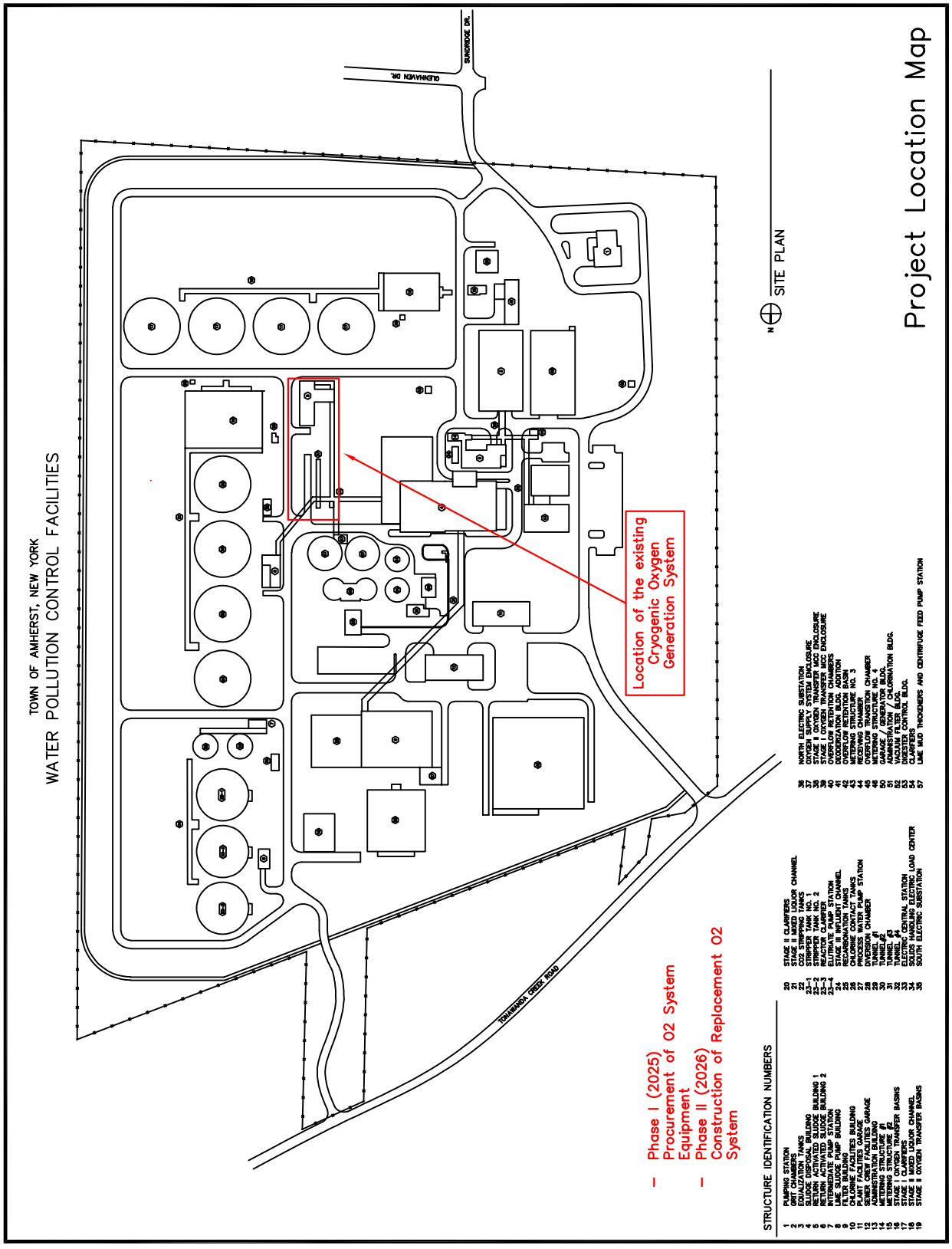
Contents:

- Project Site / Location Plan
- Existing Conditions
- Proposed Scope of Improvements
- Financial / Taxation Summary
- Town of Amherst Planning Department SEQR Determination

Town of Amherst Engineering Department
Water Pollution Control Facility
455 Tonawanda Creek Road
Amherst, NY 14228
(716) 691-9771 / Fax: (716) 691-4496

Attachment: MPR 2025 S-3 WPCF Oxygen Separation System Repl (RES-2025-340 : WPCF Oxygen Separation System Replacement

WATER POLLUTION CONTROL FACILITIES SITE PLAN:



1.0 FACILITY DESCRIPTION

The Town of Amherst (Town) WPCF, located at 455 Tonawanda Creek Road, has been in operation since the 1970s. The WPCF processes wastewater from the Towns of Amherst and Clarence, and the Village of Williamsville. This facility is a pure oxygen activated sludge treatment plant which provides preliminary, primary, and secondary treatment, as well as tertiary filtration. Plant effluent is seasonally disinfected with sodium hypochlorite and dechlorinated prior to discharge into Tonawanda Creek.

The WPCF is rated at a monthly average flow of 48 MGD according to the Town's State Pollution Discharge Elimination System (SPDES) Permit. In addition, the Town's High Flow Management Plan, High Flow Procedures state that Stage I treatment must sustain a minimum peak flow of 85 MGD, while Stage II must be capable of sustaining a minimum peak treatment capacity of 60 MGD.

2.0 WPCF OXYGEN SEPARATION SYSTEM REPLACEMENT PROCUREMENT

2.1 EXISTING CONDITIONS

The facility's Stage I and Stage II oxygen transfer basins are fed with high-purity oxygen, generated on-site by a 40-ton cryogenic oxygen generation system. Cryogenic oxygen generation takes advantage of the differential boiling points of atmospheric gases to separate and refine a high-purity oxygen stream. This process requires more thorough and intense monitoring and operation than alternative methods of oxygen generation.

In 2011, a consultant determined that energy usage per unit of water treated was high compared to other activated sludge WWTPs of comparable size. Most of the energy was used by cryogenic equipment in the activated sludge system. The 40-year-old plus cryogenic system is past the end of its useful life. The variable costs of electric supply and delivery, the high cost of maintaining the existing system in marginal working order, improvements over the past decade in other oxygen generation technologies, and the Town's interest in providing municipal services in a cost-effective and operationally efficient manner prompted the Town to have a study performed to evaluate multiple replacement or upgrade options. In 2024, the Town moved forward with hiring a consultant to design the replacement to the existing oxygen generation system with a more energy efficient system, and has prepared bid documents for the procurement of the new oxygen generation system.

2.1.1 SCOPE OF IMPROVEMENTS

PHASE I (2025): The Town will procure the equipment for the new energy efficient oxygen generation system and any associated appurtenances.

PHASE II (2026): After the procurement phase, the Town's consultant will complete the design phase with a set of construction documents, at which point the construction will be bid with a goal of the new oxygen system operational by Fall 2026.

2.1.2 FINANCING

Attachment: MPR 2025 S-3 WPCF Oxygen Separation System Repl (RES-2025-340 : WPCF Oxygen Separation System Replacement

In anticipation of seeking grant funding this project, the district will need secure a bond resolution for the total project bond amount of $10,000,000, even though the borrowing for each phase of this project will occur over two consecutive years.

PHASE I (2025): The WPCF Oxygen Separation System Replacement Project will procure equipment during 2025. The work described above will be bonded against the Consolidated Sanitary Sewer District at a cost of $4,000,000. The above project can be characterized as a replacement-in-kind project.

FINANCIAL SUMMARY:

Construction Costs	$ 3,980,000
Engineering Fees	$ 0
Legal / Administrative /Interest	$ 20,000
Contingencies	$ 0
Total Amount to be bonded	**$ 4,000,000**

PHASE II (2026): In 2026, the district will bond an additional $6,000,000 (maximum amount) for the construction of the project.

FINANCIAL SUMMARY:

Construction Costs	$ 5,670,000
Engineering Fees	$ 300,000
Legal / Administrative /Interest	$ 30,000
Contingencies	$ 0
Total Amount to be bonded	**$ 6,000,000**

2.1.3 TAX IMPACTS

PHASE I (2025):

Taxation Summary:

- Total Bond Request: $ 4,000,000 (Sewer Fund)
- Bond Term: 20 Years
- Annual Tax Impact: $0.0148 per $1,000 AV at 100% Equalization
- Median Home Tax Impact: $5.1039 per $346,000 AV at 100% Equalization

PHASE II (2026):

Taxation Summary:

- Total Bond Request: $ 6,000,000 (Sewer Fund)
- Bond Term: 20 Years
- Annual Tax Impact: $0.0221 per $1,000 AV at 100% Equalization
- Median Home Tax Impact: $7.6559 per $346,000 AV at 100% Equalization

Attachment: MPR 2025 S-3 WPCF Oxygen Separation System Repl (RES-2025-340 : WPCF Oxygen Separation System Replacement

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Steven Bengart**
Co-Sponsored by:

DOC ID: 30255 **RESOLUTION 2025-341** **ROLL CALL VOTE (ADOPTED)**

WPCF Treatment Systems Component Replacement/Rehabilitation (Bond Resolution - $1.45M)

AGENDA ITEM : APRIL 7TH, 2025

TO: **Town Board**

FROM: **Steven Bengart, Esq., Town Attorney**

DATE: **April 1, 2025**

RE: **Water Pollution Control Facility (WPCF)**
Treatment Systems Component Replacement/Rehabilitation
2025 C.I.P. - Project No. S-4
Bond Resolution- $1,450,000

The above-referenced matter is scheduled for a Public Hearing this evening at 7:00 p.m. In this regard, kindly adopt a resolution (1) Adopting the attached SEQR determinations for the above projects as determined by the Town of Amherst Planning Department **prior to the Public Hearing being deemed closed**; and (2) Adopting the attached bond documents **once the Public Hearing has been deemed closed**.

For ease of reference and to provide detailed information regarding the bond action, also attached are the Map Plan and Reports for the project.

Thank you.

SAA:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(w/attachments, **Agenda Item – April 7, 2025**)
Daryl C. Bramer, Comptroller *(w/attachments)*
Lynda Juul, Director of Finance *(w/attachments)*
Dan Howard, Director of Planning *(w/attachments)*
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachments*)
Vaishali Reberholt, PE, Assistant Municipal Engineer (*w/attachments*)

4/7/2025
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 7:19 PM.

Jeff Burroughs, Town Engineer, presented.

The following residents spoke:
Don Smith, 201 N Long St
Rocco Del Grosso, 16 Lake Ledge

A motion to approve the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was closed at 7:29 PM.

A motion to adopt the Bond Resolution was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved via Roll Call vote 5-0.

FINANCIAL IMPACT:

Bond Resolution - $1.45M

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

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Transmitted electronically

MEMORANDUM March 5, 2025

TO: Jeffrey Burroughs, P.E., Town Engineer
Engineering Department

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

RE: SEQR Determination
Treatment Systems Component Replacement for WPCF
2025-2030 C.I.P. Project S-4

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)(2) Therefore, no further environmental work is required.

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\S-4_Treatment Systems Component Replacement WPCF_03_05_2025.docx

cc:
Samuel Alba, Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: S-4_Treatment Systems Component Replacement WPCF_03_05_2025.SEQR (RES-2025-341 : WPCF Treatment Systems

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the County of Erie, New York

April 7, 2025

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 April 7, 2025.

There were present:	Hon. Brian J. Kulpa, Supervisor; and
Board Members:	Shawn Lavin, Deputy Supervisor/Councilman Jacqualine Berger, Councilwoman Angela Marinucci, Councilwoman Michael R. Szukala, Councilman
There were absent:	
Also present:	Francina J. Spoth, Town Clerk

* * *

The Supervisor stated that a public hearing had been called for this meeting at the Town Hall, 5583 Main Street, Williamsville, New York, at 7 o'clock P.M. (Prevailing Time) to consider the increase and improvement of facilities of the Town's Consolidated Sanitary Sewer District (the "District"), consisting of improvements to the Town's Water Pollution Control Facility, including treatment systems component replacement and rehabilitation, at the estimated maximum cost of $1,450,000 (2025-2030 CIP Project No. S-4), as described in the map, plan and report dated February, 2025 prepared by the Town Engineering Department; and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the

Attachment: CertExMins (RES-2025-341 : WPCF Treatment Systems Component Replacement/Rehabilitation (Bond Resolution - $1.45M))

Town Board with relation thereto as may be required by law. The Town Clerk presented affidavits showing that the Notice of said public hearing had been duly published and posted pursuant to the provisions of Article 12 of the Town Law.

The Supervisor stated that the hearing in the said matter was now open and asked if there were any interested persons present who desired to be heard. The following persons appeared in favor of such increase and improvement of facilities of said District.

The following persons appeared in opposition to such increase and improvement of facilities:

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

Attachment: CertExMins (RES-2025-341 : WPCF Treatment Systems Component Replacement/Rehabilitation (Bond Resolution - $1.45M))

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 of Minutes of a meeting of the Town Board of said Town of Amherst duly called and held on April 7, 2025, has been compared by me with the original minutes as officially recorded in my office as Town Clerk, and is a true, complete and correct copy thereof and of the whole of said original minutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 7th day of April, 2025.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertExMins (RES-2025-341 : WPCF Treatment Systems Component Replacement/Rehabilitation (Bond Resolution - $1.45M))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED APRIL 7, 2025, APPROPRIATING $1,450,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE TOWN'S CONSOLIDATED SANITARY SEWER DISTRICT, AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF $1,450,000 TO FINANCE SAID APPROPRIATION

Offered by: _____

Seconded By: _____

Recital

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of the Consolidated Sanitary Sewer District (the "District"), in the Town of Amherst (herein called the "Town"), in the County of Erie, New York, and after a public hearing duly called and held on April 7, 2025, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF AMHERST, IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of $1,450,000 for the increase and improvement of facilities of the District, consisting of improvements to the Town's

Attachment: CertBondReso (RES-2025-341 : WPCF Treatment Systems Component Replacement/Rehabilitation (Bond Resolution - $1.45M))

Water Pollution Control Facility, including treatment systems component replacement and rehabilitation, at the estimated maximum cost of $1,450,000 (2025-2030 CIP Project No. S-4) in connection therewith, as described in the map, plan and report dated February, 2025 prepared by the Town Engineering Department. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $1,450,000. The plan of financing includes the issuance of $1,450,000 bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of $1,450,000 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.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the class of objects or purposes for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is thirty (30) 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. The foregoing statement of intent with respect to

Attachment: CertBondReso (RES-2025-341 : WPCF Treatment Systems Component Replacement/Rehabilitation (Bond Resolution - $1.45M))

reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a 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 issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Attachment: CertBondReso (RES-2025-341 : WPCF Treatment Systems Component Replacement/Rehabilitation (Bond Resolution - $1.45M))

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation 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 resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in *"The Amherst Bee,"* a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Attachment: CertBondReso (RES-2025-341 : WPCF Treatment Systems Component Replacement/Rehabilitation (Bond Resolution - $1.45M))

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

Supervisor Brian J. Kulpa	voting_____
Deputy Supervisor/Councilman Shawn Lavin	voting_____
Councilwoman Jacqualine Berger	voting_____
Councilwoman Angela Marinucci	voting _____
Councilman Michael R. Szukala	voting _____

The Resolution was declared adopted.

Attachment: CertBondReso (RES-2025-341 : WPCF Treatment Systems Component Replacement/Rehabilitation (Bond Resolution - $1.45M))

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 of the Town Board of said Town adopted at a meeting duly called and held on April 7, 2025, has been compared by me with the original resolution 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 7th day of April, 2025.

(SEAL)

_____

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertBondReso (RES-2025-341 : WPCF Treatment Systems Component Replacement/Rehabilitation (Bond Resolution - $1.45M))

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 7th day of April, 2025.

PRESENT:

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

In the Matter

of the

Increase and Improvement of Facilities of the Consolidated Sanitary Sewer District, in the Town of Amherst, in the County of Erie, New York, pursuant to Section 202-b of the Town Law

Offered by: _____

Seconded By: _____

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Amherst (herein called the "Town"), in the County of Erie, New York, has caused the Town Engineering Department, engineers duly licensed by the State of New York (the "Engineer"), to prepare a map, plan and report dated February, 2025, for the increase and improvement of facilities of the Town's Consolidated Sanitary

Attachment: CertROAfterPH (RES-2025-341 : WPCF Treatment Systems Component Replacement/Rehabilitation (Bond Resolution - $1.45M))

Sewer District (the "District"), consisting of improvements to the Town's Water Pollution Control Facility, including treatment systems component replacement and rehabilitation, at the estimated maximum cost of $1,450,000 (2025-2030 CIP Project No. S-4) required in connection therewith as described in said report; and

WHEREAS, the Engineer has estimated that the cost of such increase and improvement of facilities shall be $1,450,000 and said map, plan and report have been filed with the Town Board; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on April 7, 2025 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 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 7th day of April, 2025 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 said increase and improvement of such facilities; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment and has determined that such project is a Type II project which will not result in any significant adverse environmental

Attachment: CertROAfterPH (RES-2025-341 : WPCF Treatment Systems Component Replacement/Rehabilitation (Bond Resolution - $1.45M))

impacts, pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5;

Now, therefore, be it

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated total cost of $1,450,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense of said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of $1,450,000 bonds of the Town, and the cost of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

DATED: April 7, 2025

(SEAL)

TOWN BOARD OF THE TOWN OF AMHERST

Attachment: CertROAfterPH (RES-2025-341 : WPCF Treatment Systems Component Replacement/Rehabilitation (Bond Resolution - $1.45M))

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

Supervisor Brian J. Kulpa	voting_____
Deputy Supervisor/Councilman Shawn Lavin	voting_____
Councilwoman Jacqualine Berger	voting_____
Councilwoman Angela Marinucci	voting _____
Councilman Michael R. Szukala	voting _____

The Resolution and Order were declared adopted.

Attachment: CertROAfterPH (RES-2025-341 : WPCF Treatment Systems Component Replacement/Rehabilitation (Bond Resolution - $1.45M))

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 April 7, 2025, 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 7th day of April, 2025.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertROAfterPH (RES-2025-341 : WPCF Treatment Systems Component Replacement/Rehabilitation (Bond Resolution - $1.45M))

Attachment: 2025 MPR S-4 WPCF Treatment Systems Component 02-19-2025 (RES-2025-341 : WPCF Treatment Systems Component

Town of Amherst

Engineering Department

Water Pollution Control Facility

TREATMENT SYSTEMS COMPONENT REPLACEMENT / REHABILITATION

2025 – 2030 Capital Improvement Program
Project S-4

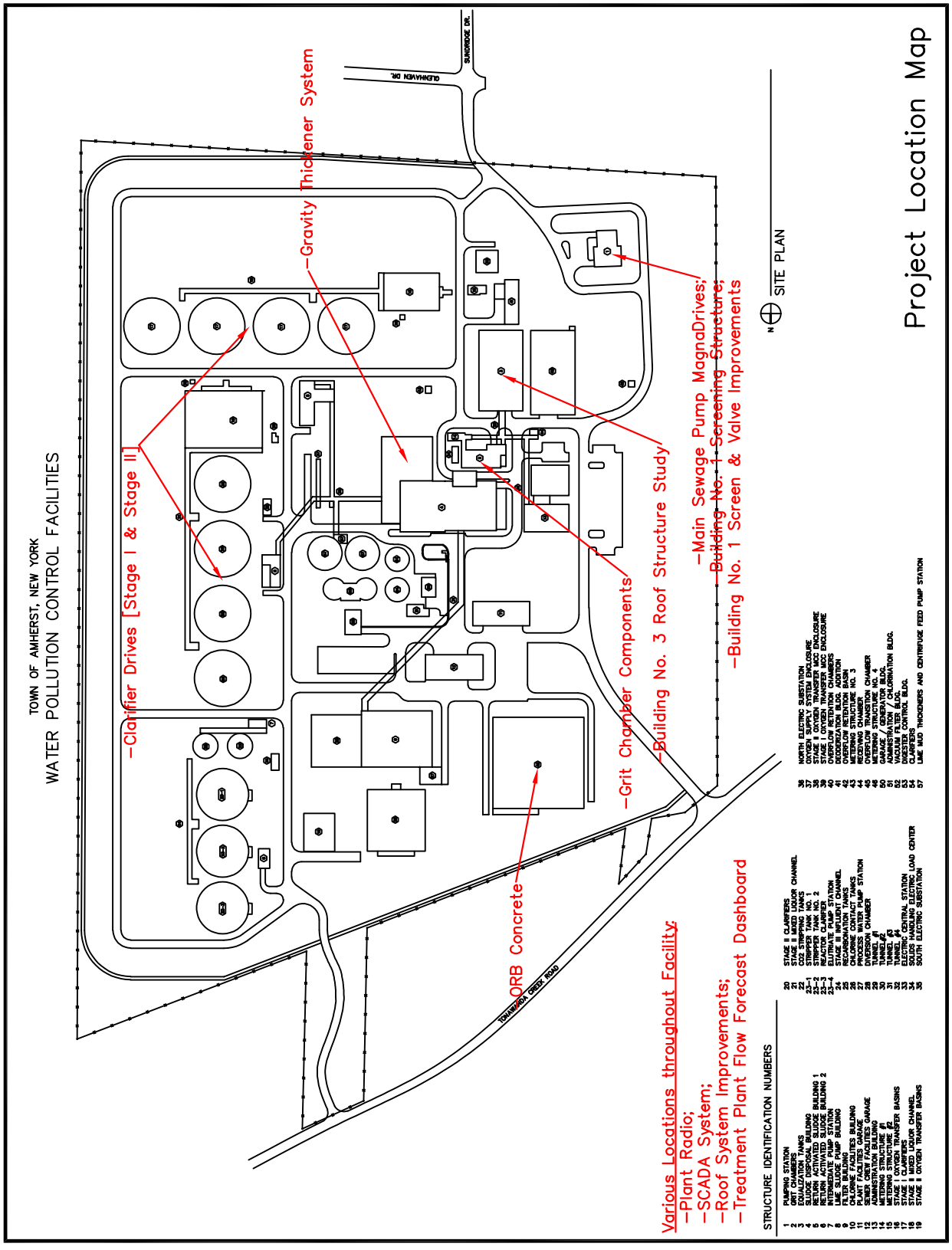
Map, Plan & Report
February 19, 2025

Contents:

- Project Site / Location Plan
- Existing Conditions
- Proposed Scope of Improvements
- Financial / Taxation Summary
- Town of Amherst Planning Department SEQR Determination

Town of Amherst Engineering Department
Water Pollution Control Facility
455 Tonawanda Creek Road
Amherst, NY 14228
(716) 691 - 9771 / Fax: (716) 691 - 4496

WATER POLLUTION CONTROL FACILITIES SITE PLAN:



1.0 FACILITY DESCRIPTION

The Town of Amherst (Town) WPCF, located at 455 Tonawanda Creek Road, has been in operation since the 1970s. The WPCF processes wastewater from the Towns of Amherst and Clarence, and the Village of Williamsville. This facility is a pure oxygen activated sludge treatment plant which provides preliminary, primary, and secondary treatment, as well as tertiary filtration. Plant effluent is seasonally disinfected with sodium hypochlorite and dechlorinated prior to discharge into Tonawanda Creek.

The WPCF is rated at a monthly average flow of 48 MGD according to the Town's State Pollution Discharge Elimination System (SPDES) Permit. In addition, the Town's High Flow Management Plan, High Flow Procedures state that Stage I treatment must sustain a minimum peak flow of 85 MGD, while Stage II must be capable of sustaining a minimum peak treatment capacity of 60 MGD.

2.0 WPCF TREATMENT SYSTEMS COMPONENT REPLACEMENT/REHABILITATION

2.1 EXISTING CONDITIONS

The WPCF has 58 buildings and structures on the premises with many of them housing equipment that is critical for plant operation. Most of the site structures were built in the late 1970s and several are showing signs of deterioration.

In 2019, the Town hired a consultant to perform a building condition survey of the existing facilities at the WPCF. The final report contained a description of the building systems surveyed, their observed conditions, and recommended repairs. From the consultant's observations, they concluded that the many of the structures had deteriorating exterior building envelopes. These issues being failing roof systems, deteriorating parapet walls & precast wall panels, brick spalling and cracked or missing joint sealant.

In addition, there is still some original (first generation) mechanical components of the plant in service. In 2012, the Town hired a consultant to prepare a condition assessment of the treatment plant's process equipment. That study recommended spending $35 million on projects dedicated to replacing decaying and malfunctioning first generation process equipment with new, energy efficient equipment. Since all of those projects were completed, there is a continuous need to replace and rehab equipment due to the corrosive duty of said equipment.

The goal of this funding action and its associated projects will be to 1.) extend the life of various structures, 2.) improve building efficiency, and 3.) reduce safety concerns. In addition, essential equipment will be replaced in order to provide reliable equipment that will not interrupt the plant process.

This project will focus on the following areas of improvements, but are not limited to:

Purchase of Clarifier Drives:

Flows from the Stage 1 oxygen transfer basins are split amongst four (4) Stage 1 clarifiers. Each clarifier is 140-ft in diameter with a 12-ft side water depth. Each clarifier is equipped with a drive mechanism, controls, stainless steel overflow weirs, sludge suction removal piping mounted on the clarifier

Attachment: 2025 MPR S-4 WPCF Treatment Systems Component 02-19-2025 (RES-2025-341 : WPCF Treatment Systems Component

collection arms, scum skimmer arms, scum collection box, density current baffles as well as many additional accessories. Similar to the Stage 1 process, flows from the Stage 2 oxygen transfer basis are split amongst four (4) Stage 2 clarifiers. Each clarifier is 140-ft in diameter with a 14-ft side water depth.

Two of the original drive units will be replaced as they are exhibiting signs of failure. This equipment is critical to permit compliance of the facility.

Rehabilitation of Main Sewage Pump MagnaDrives:

The WPCF Main Influent Pumping Station, Structure No. 1, lifts influent raw sewage flow so it can flow by gravity through the front half of the plant. This wastewater is lifted from the wet wells by means of four main sewage pumps (MSP). Each of the pumps are a heavy duty vertical, single suction, nonclogging centrifugal type designed for dry pit operation. Three of the pumps utilize electric motors, and the fourth pump operates on a natural gas engine.

Between 2011 & 2013, three (3) of the main sewage pumps had their motors and drives replaced. The drives (Magnadrives) installed are an adjustable torque coupling system that provides variable speed capability on the rotating machinery.

These drives have been showing signs of wear over these past few years, and coolant has been leaking from within one of the drive units causing one of the main sewage pumps to be placed out of service.

Building No. 1 Screening Structure Rebuild:

The Pumping Station (Building No. 1) was built as part of the 1973 Water Pollution Control Facility project. There is a small, single-story pre-engineered metal building structure addition located on the west side of the building. The addition is an enclosure for the screening's dumpster.

The overall condition of the metal building structure is poor with the roof and walls showing signs of rust and significant deterioration.

Grit Chamber Component Replacement:

During the preliminary treatment, sewage is pumped to three (3) aerated grit collectors which utilize compressed air to suspend organic material while the grit settles for removal.

In 2018, the three (3) centrifugal blowers and the piping for the air diffusers were replaced in the grit collector system. Currently, the chain & flight systems in the grit collectors are constantly in need of repair, and have surpassed their life expectancy. The components of the chain & flight systems will need to be replaced.

ORB Concrete Repairs:

Overflow Retention Structure (Building No. 42) is a rectangular concrete structure used to retain excess influent water during high-flow events. The structure was constructed in 1983, and consists of concrete walls and base slab, and is supported on driven piles. Following a high-flow event, the structure is emptied via a one-foot-wide overflow recovery channel that feeds back into the plant for processing.

Attachment: 2025 MPR S-4 WPCF Treatment Systems Component 02-19-2025 (RES-2025-341 : WPCF Treatment Systems Component

Water cannons are spaced around the perimeter and along the concrete platform for use in washing the chambers out after a high-flow event.

As the area and population serviced by the plant have increased, the number and size of high-flow events has increased dramatically. The concrete slab of the tanks shows excessive amounts of cracks and spalling with rebar showing in some areas. Plant personnel indicated that some of the concrete deterioration can be correlated to the increase in the structure's use.

Plant Radio Replacement:

The plant personnel utilize two-way radios to provide a reliable, immediate, and portable means of communication across the facility. The radios enable efficient coordination of tasks, rapid response to emergencies, and overall improved safety to staff. They are a vital lifeline for communication between different departments and personnel within the facility.

The current radio equipment is out of date, and have become unreliable due to the equipment failing.

SCADA System Improvements:

The WPCF utilizes a computer system that is called Supervisory Control and Data Acquisition (SCADA) which gathers and analyzes real time data. The SCADA system is used to monitor and control the majority of the Plant equipment. This system consists of computers, networked data communications and graphical user interfaces.

An important part of the SCADA system is alarm handling. The system monitors whether certain alarm conditions are satisfied, to determine when an alarm event has occurred. Once an alarm event has been detected, one or more actions are taken. Such as the activation of one or more alarm indicators, and the generation of email or text messages so that management or remote SCADA operators are informed.

The existing computer network and equipment are in need of an upgrade. These improvements will make sure that the plant process is not interrupted, and provide security to the facility.

Supplemental Funds for WPCF: Building No. 1 Screen and Valve Improvements:

In 2024, the Town awarded contracts for the WPCF: Building No. 1 Screen and Valve Improvements Project. The scope of work for this project was primarily in Building No. 1, and the improvements included sluice gates, butterfly gates, isolation valves, dewatering system, air compressors, screening system, and other appurtenances.

At the time of project award, the Town did not have sufficient funds to award the contingency allowance and funds for the SCADA integrator.

Supplemental Funds for WPCF: Roof System Improvements:

In 2024, the Town awarded a contract for the WPCF: Roof System Improvements Project. The scope of work for this project included the replacement of the roof systems on Building Nos. 1, 7 & 41, the replacement of all the parapet walls on Building No. 1, and the replacement of the missing parapet

Attachment: 2025 MPR S-4 WPCF Treatment Systems Component 02-19-2025 (RES-2025-341 : WPCF Treatment Systems Component

panel on Building No. 4. Due to unfavorable weather conditions, the project was put on hold until the Spring of 2025. This Infrastructure Bond will provide additional funds towards this project.

Supplemental Funds for WPCF: Gravity Thickener System Improvements:

The solids handling systems provide for the collection, thickening, dewatering and disposal of solids generated in the plant. The organic solids include raw sludge and scum from the Equalization Tanks, grit from the Grit Chambers and waste activated sludge and scum from the Stage 1 and Stage 2 Clarifiers. With a few exceptions, all solids handling processes and equipment are located in the Sludge Disposal Building.

Thickening wastewater solids reduces the volume of residuals, improves operation, and reduces costs for subsequent storage, processing, transfer, end use or disposal. The WPCF's blended sludge is thickened in the solids handling process utilizing four gravity thickener tanks. The chain & flight sludge collector tanks, pumps and associated appurtenances were originally installed in the late 1970s. The equipment for this system operates in a very harsh, corrosive atmosphere and are at the end of their useful life. The tanks are in need of rehabilitation, and the associated pumps & piping need replacement.

Initial funds for this project were bonded in 2020 & 2023. This Infrastructure Bond will provide additional funds towards this project. Currently, a consultant is designing this project.

Building No. 3 Roof Structure Study:

Primary treatment at the WPCF includes gravity settling in one of the eight (8) Equalization (EQ) Basins in Buildings 3 and 40. These eight basins are each equipped with influent control gates, chain & flight equipment, scum collection systems, and sludge cross-collectors. The Building No. 3 substructure tanks were constructed in 1973, and the prefabricated metal building superstructure was constructed in 1982.

A structural study was performed in 2008 to evaluate the Building No. 3 superstructure. The structural assessment noted that the steel pins in the connections had corroded severely and recommended that the pins be replaced in their entirely. Town of Amherst employees had attempted to remove some of the steel pins under the direction of the structural consultant, but the pins were not able to be removed.

Treatment Plant Flow Forecasts Dashboard:

A consultant will be hired by the Town to develop a Treatment Plant Flow Forecasts Dashboard with National Oceanic and Atmospheric Administration (NOAA) derived inputs, ensemble modeling, and forecast visualizations. This Dashboard will provide an ensemble of flow prediction models, including deep learning flow predictions, and state of the art, physics-constrained, deep learning predictions. The flow forecasts will use NOAA meteorological weather data as inputs to maximize reliability over local sensor inputs. The program will be configured to enable Amherst to understand future plant flows and uncertainty of predictions leading to well informed adjustments to its operations. The consultant will configure dashboards that directly inform Amherst on the meteorological conditions and forecasts as they relate directly to your sewer catchments. These same weather conditions will be linked to six selected flow prediction algorithms thereby providing operations with a greater understanding of the risks vs. a single deterministic prediction.

Attachment: 2025 MPR S-4 WPCF Treatment Systems Component 02-19-2025 (RES-2025-341 : WPCF Treatment Systems Component

2.1.1 SCOPE OF IMPROVEMENTS

Purchase of Clarifier Drives:

Replace two drive units on the Stage I and Stage II clarifiers, and any other associated appurtenances.

Rehabilitation of Main Sewage Pump Magnadrives:

One of the MagnaDrives will be rebuilt or rehabbed. If there is any remaining funding in the bond rehab of the other two MagnaDrives will be considered.

Building No. 1 Screening Structure Rebuild:

Replacement of the single-story pre-engineered metal building structure.

Grit Chamber Component Replacement:

Provide upgrades and replacements to the chain & flight systems in the grit collectors. These improvements will include various components of the chain & flights.

ORB Concrete Repairs:

Repair the damaged concrete areas on the slab and the walls of the Overflow Retention Structure, and all other associated appurtenances.

Plant Radio Replacement:

Replace the plant radio equipment and charging equipment.

SCADA System Improvements:

Provide upgrades and improvements to various components of the SCADA System. This includes new camera equipment associated with process and security, and any other associated appurtenances.

Supplemental Funds for WPCF: Building No. 1 Screen and Valve Improvements:

This bond will provide additional funds towards the construction of the Building No. 1 Screen and Valve Improvements Project, and all other appurtenances.

Supplemental Funds for WPCF: Roof System Improvements:

This bond will provide additional funds towards the construction of the Roof System Improvements Project, and all other appurtenances.

Supplemental Funds for WPCF: Gravity Thickener System Improvements:

Provide upgrades and replacements to various components of the existing solids handling system and any other associated components.

Attachment: 2025 MPR S-4 WPCF Treatment Systems Component 02-19-2025 (RES-2025-341 : WPCF Treatment Systems Component

Building No. 3 Roof Structure Study:

Commission a structural engineer to reevaluate the Building No. 3 structure to provide the Town with a recommendation for repairing or replacing the structure, and provide probable costs for this work.

Treatment Plant Flow Forecasts Dashboard:

A consultant will be hired by the Town to develop a Treatment Plant Flow Forecasts Dashboard, and all that is associated with this work.

2.1.2 FINANCING

The WPCF Treatment Systems Component Replacement / Rehabilitation Project will be completed during 2025 - 2026. The work described above will be bonded against the Consolidated Sanitary Sewer District at a *total project cost* of $1,450,000. The above project can be characterized as a replacement-in-kind project.

FINANCIAL SUMMARY:

Estimated Construction Costs	$ 1,242,750
Engineering Fees	$ 200,000
Legal / Administrative /Interest	$ 7,250
Contingencies	$ 0
Total Amount to be bonded	**$ 1,450,000**

It is important to note that the above project costs are estimates only and the department reserves the ability to maneuver funding between projects as necessary.

2.1.3 TAX IMPACTS

Taxation Summary:

• Current Bond Request:	$ 1,450,000	
• Bond Term:	20	years
• Annual Tax Impacts:	$0.053	per year, per $1,000 AV
• Typical Property Taxation Impacts:	$1.8502	per year, per $346,000 property

Attachment: 2025 MPR S-4 WPCF Treatment Systems Component 02-19-2025 (RES-2025-341 : WPCF Treatment Systems Component

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Steven Bengart**
Co-Sponsored by:

DOC ID: 30266 **RESOLUTION 2025-342** **ADOPTED**

Lighting District Extension - 4300 Millersport Highway (Site Plan)

AGENDA ITEM : APRIL 7th, 2025

TO: **Town Board**

FROM: **Steven Bengart, Esq., Town Attorney**

DATE: **March 31, 2025**

RE: **Lighting District Extension:**
In the Matter of the Extension of the Town of Amherst Consolidated Lighting District to Millersport Highway and Improvements In Connection Therewith

The above matter is scheduled for a Public Hearing on April 7, 2025 at 7:00 p.m. In this regard, kindly adopt a resolution (1) Adopting the attached SEQR determination and SEQR Negative Declaration Notice of Determination of Non-Significance issued 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 Public Interest Order subject to a thirty-day permissive referendum period **once the Public Hearing has been deemed closed**.

For ease of reference and to provide detailed information regarding this action, also attached is the Map Plan and Report for the project, together with other supporting documentation.

Thank you.

SB:nmb
Attachments
c: Tim Koller, Deputy Town Clerk (*w/attachments)***(Agenda Item : April 7, 2025)**
Daryl C. Bramer, Comptroller (*w/attachments)*
Lynda Juul, Director of Finance (*w/attachments)*
Dan Howard, Director of Planning (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*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)*
Sean Hopkins, Esq. (*w/attachments)*

4/7/2025

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 7:29 PM.

Sam Alba, Senior Deputy Attorney, presented.

A motion to approve the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was closed at 7:31 PM.

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

FINANCIAL IMPACT:

$0.380736 per $1,000 AV

$131.73 for $346,000 (2025 median home value)

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

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard,
Planning Direct

Daniel J. Ulatowski,
Assistant Planning D

SEQR
Negative Declaration

JUN 28 2024 AM11

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:	Town of Amherst Planning Board	**Project:**	SP-2022-03A
Address:	5583 Main Street Williamsville, NY 14221 (716) 631-7051	**Date:**	June 25, 2024

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action: Site Plan Review - Proposed Residential Development and Public Road at 4300 Millersport Hwy.

SEQR Status: Type 1 Action

Description of Action: Construction of a mixed-use development project consisting of 38 patio homes and 40 townhomes with a supporting roadway and including, stormwater, utilities, grading, lighting, paving, and landscaping. Phase 1 is not dependent on the approval or completion of future mixed-use building proposed for Phases 2 and 3. Phase 1 will include the site improvements not specifically stated above, including, stormwater, utilities, grading, lighting, paving, and landscaping. Future Site Plan review(s) for Phases 2 and 3 would require additional review under SEQR.

Location: 4300 Millersport Highway, Amherst, Erie County

Petitioner: Cimato & Sons

Attachment: SP-2022-03A signed neg dec 062524 (RES-2025-342 : Lighting District Extension - 4300 Millersport Highway (Site Plan))

JUN 28 2024 AM11:

REASONS SUPPORTING THIS DETERMINATION

Based on information submitted by the applicant including a Full Environmental Assessment Form (EAF) - Part I, EAF Part 2, and a complete site plan application, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that this action will not have a significant impact on the environment, as follows:

1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Engineering Department on April 29, 2024, May 2, 2024, June 7, 2024 and June 21 reviewed the Grading, Drainage and Utility Plans submitted through May 31, 2024; Engineer's Report submitted on April 25, 2024; Erosion Control Plan submitted on April 25, 2024 and Geotechnical Report prepared by March 22, 2024.

   The Stormwater Pollution Prevention Plan (SWPPP) submitted on April 25, 2024 was also reviewed. Based on its review of these documents, the Engineering Department has determined that the project has or will have met all applicable requirements.

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. Earth Dimensions, Inc. prepared a Wetland Mitigation Plan, dated February 2, 2024, which indicates 0.59 acres of wetlands will be created to mitigate for the loss of 0.39 acres of wetlands. The Planning Department reviewed a Landscape Plan submitted on May 31, 2024 and determined that it meets or exceeds Zoning Ordinance requirements for greenspace. The Landscape Plan has or will have met all Zoning Ordinance and Town requirements for landscaping.

3. The project is not expected to create any substantive conflict with the Town Comprehensive Plan. The Planning Department and Zoning Enforcement Officer in their review of June 13, 2024, have determined that the subject project has or will have met all applicable Zoning Ordinance regulations.

   The Building Department in their review of June 13, 2024 has reviewed the application documents along with the Geotechnical Report submitted on March 22, 2024, and determined that the subject project has or will have met all International Building Code - 2018 regulations.

4. The project is located within an area identified by the State as having potential archaeological or historical significance. The NYS Office of Parks, Recreation and Historic Preservation has reviewed the project and as stated in their letter of July 27, 2022, determined that this project will have "No Effect" upon cultural resources in or eligible for inclusion in the National Registers of Historic Places because the project sponsor has committed to implement avoidance measures to protect the PCI/Smith Road-1 Historic Site (USN 02902.000856).

Attachment: SP-2022-03A signed neg dec 062524 (RES-2025-342 : Lighting District Extension - 4300 Millersport Highway (Site Plan))

JUN 28 2024 AM11:

5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The project is located in the TND zoning district; neighboring uses are vacant lands, a child care facility, recreation, and single family residential land zoned TND, SA, MS and GB; therefore, the Phase 1 residential project is consistent with surrounding land use.

6. The proposed subject development will include patio homes, town homes and a roadway which will increase energy usage over the existing undeveloped site, however, it will not cause a major change in the use of either the quantity or type of energy, over what is anticipated in this TND district or exceed the capacity of suppliers.

7. The project will not create any hazard to human health. The Fire Chief's Association on June 17, 2024 has reviewed the project and has no objection to the approval of the site plan, as all requirements of this agency has or will have been met.

8. The project will cause a change in the use, or intensity of use, of land. However, it is not anticipated that the project will result in potential significant impact to agricultural, open space or recreational resources, or the land's capacity to support existing uses over what is expected in the TND District and therefore, the proposed mix of residential and commercial uses will be consistent with the surrounding land uses or those uses anticipated by the Comprehensive Plan. Avoidance of wetlands has reduced the overall density.

9. The function of the proposed mixed-use development will increase the number of people using the site over its previous level of use, however, the project is not anticipated to create significant adverse impacts as all required transportation and utility infrastructure improvements have been or will have been met.

10. Reviews by the Town Traffic Safety Board dated May 7, 2024 and June 14, 2024, and NYSDOT dated May 15, 2024 of the Traffic Impact Study (TIS) prepared by Passero Associates, submitted on April 23, 2024 indicate that significant negative traffic impacts are not expected to result from the proposed project.

11. A coordinated review of the project has been undertaken by Town Departments, in addition to those mentioned above, Highway on June 13, 2024, Assessor on April 3, 2024, Plumbing Division on April 2, 2024, and Right-of-Way Agent on May 9, 2024 along with outside agencies including the Erie County Department of Environment and Planning on April 24, 2024, New York State Department of Transportation on May 15, 2024, and the New York State Office of Parks, Recreation and Historic Preservation on July 27, 2022. These reviews have not identified any significant environmental issues and indicate that the proposal will not have a significant damaging impact on the environment.

Attachment: SP-2022-03A signed neg dec 062524 (RES-2025-342 : Lighting District Extension - 4300 Millersport Highway (Site Plan))

JUN 28 2024 AM11:

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

Planning Board Approval
Moved by: Giuliani; Seconded by: Kahn; Ayes 4; Noes 0; Absent 3 (Chmiel, Penberthy, Raffaele)

Gary Palumbo

Gary Palumbo, Associate Planner — 6.28.2024 Date

for Michael J. Chmiel

Michael J. Chmiel, Planning Board Chair — June 28, 2024 Date

GP/ac
X:\Current_Planning\Files\Site Plans\2022\SP-2022-03_A_(4300_Millersport_Hwy)_2024\SP-2022-03_A_neg dec_051624.docx
cc: Commissioner of Building
Town Engineer
Fire Chiefs'
Highway
Traffic/Safety
ECDEP
NYSDEC
NYSDOT
Cimato & Sons, 9220 Transit Rd., E. Amherst, NY 14051
Wm Schutt & Associates, PC, 37 Central Ave., Lancaster, NY 14086

Attachment: SP-2022-03A signed neg dec 062524 (RES-2025-342 : Lighting District Extension - 4300 Millersport Highway (Site Plan))

Town of Amherst, New York
Lighting District Expansion
Map, Plan & Report

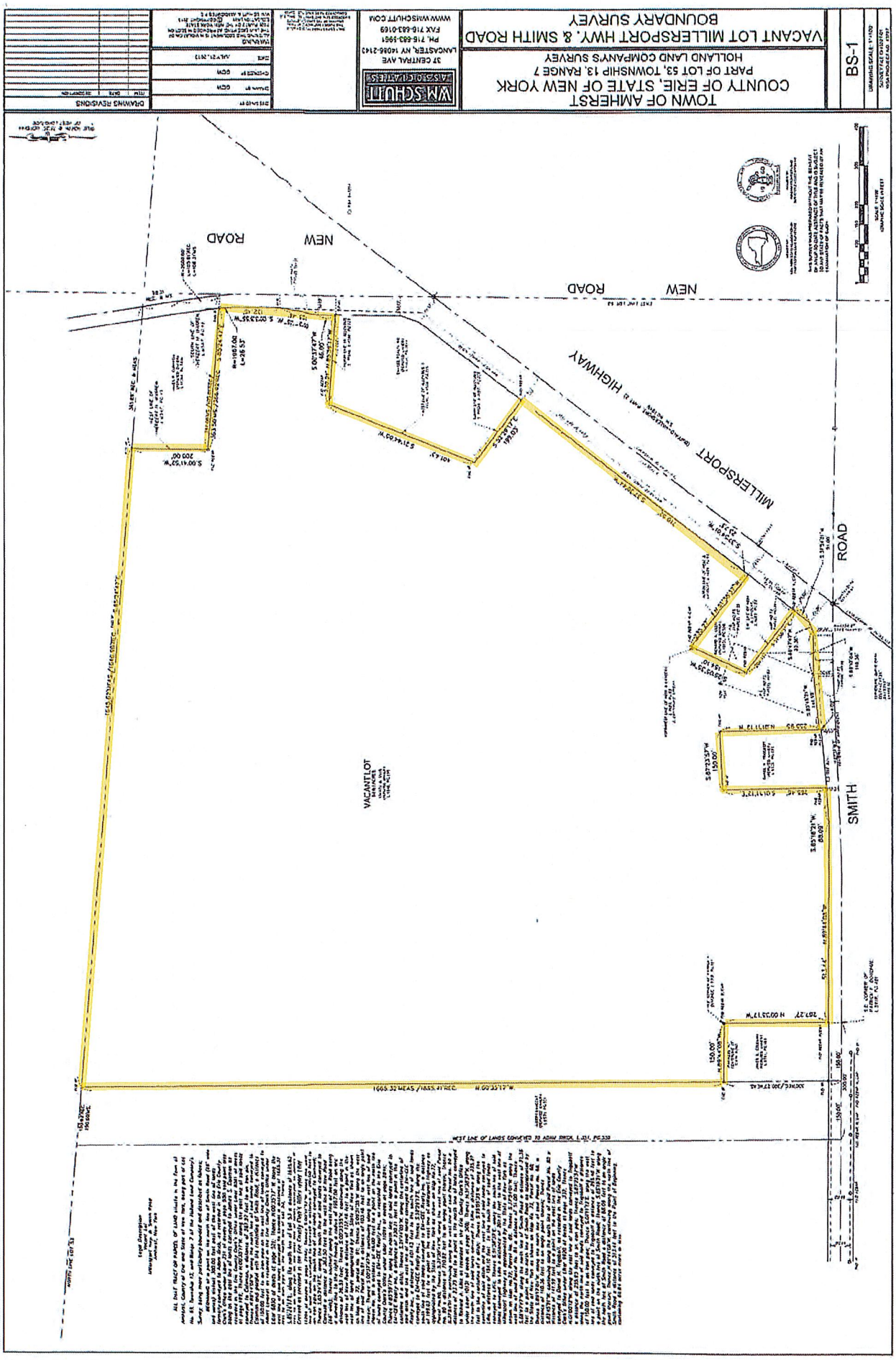
4300 Millersport Highway Site Plan (Lighting District)
February 2025

Lighting to be installed by the developer, Cimato & Sons, and turned over to the Town of Amherst following the completion of the Public Improvement Permit (PIP) process.

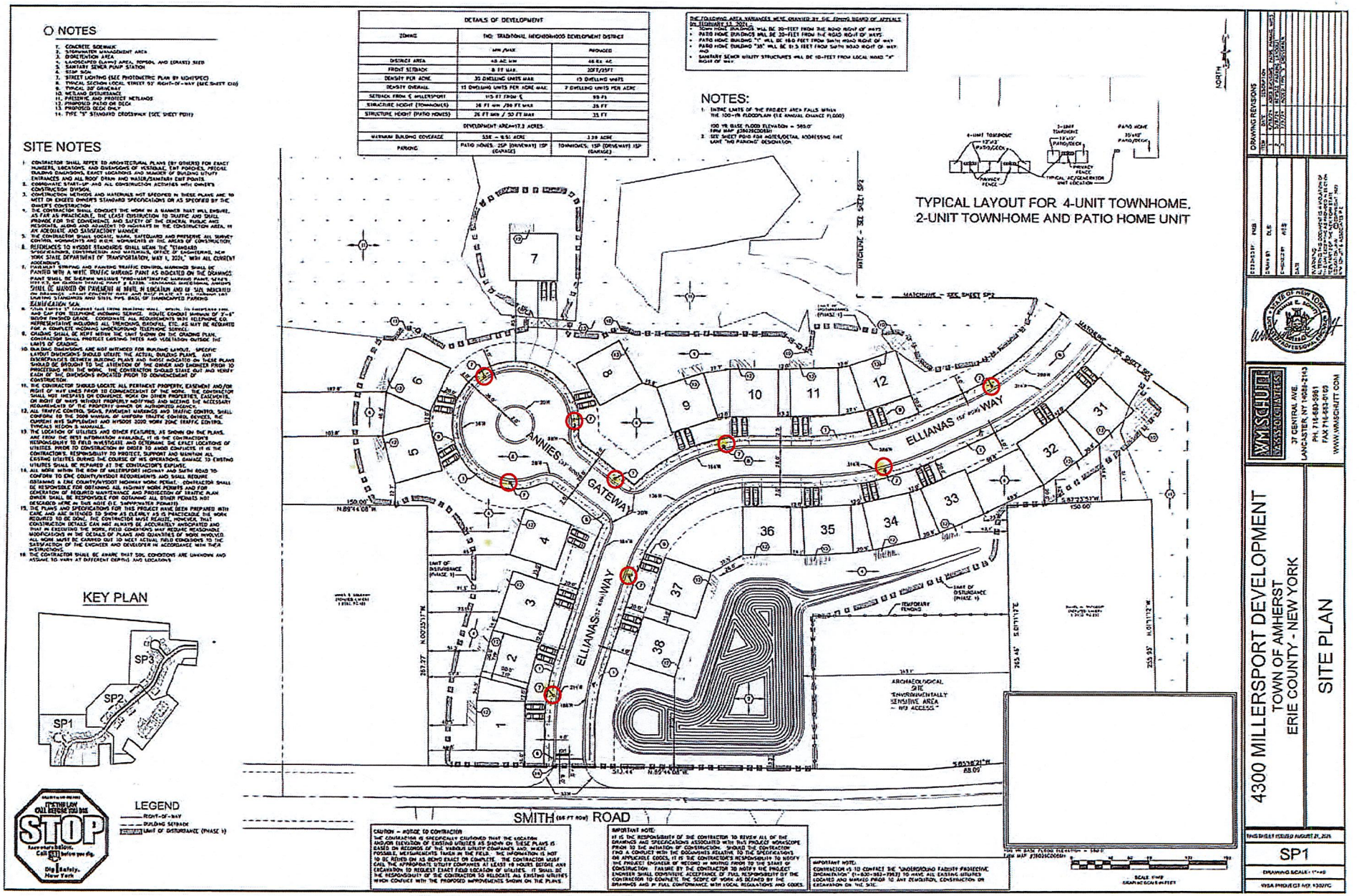
Estimated number of streetlights:	24
Estimated number of parcels in district expansion:	1
Estimated Tax Implication (2024 Rate):	$0.380736 per $1,000 AV $131.73 for $346,000 (**2025 median home value**)

See attached subdivision map.

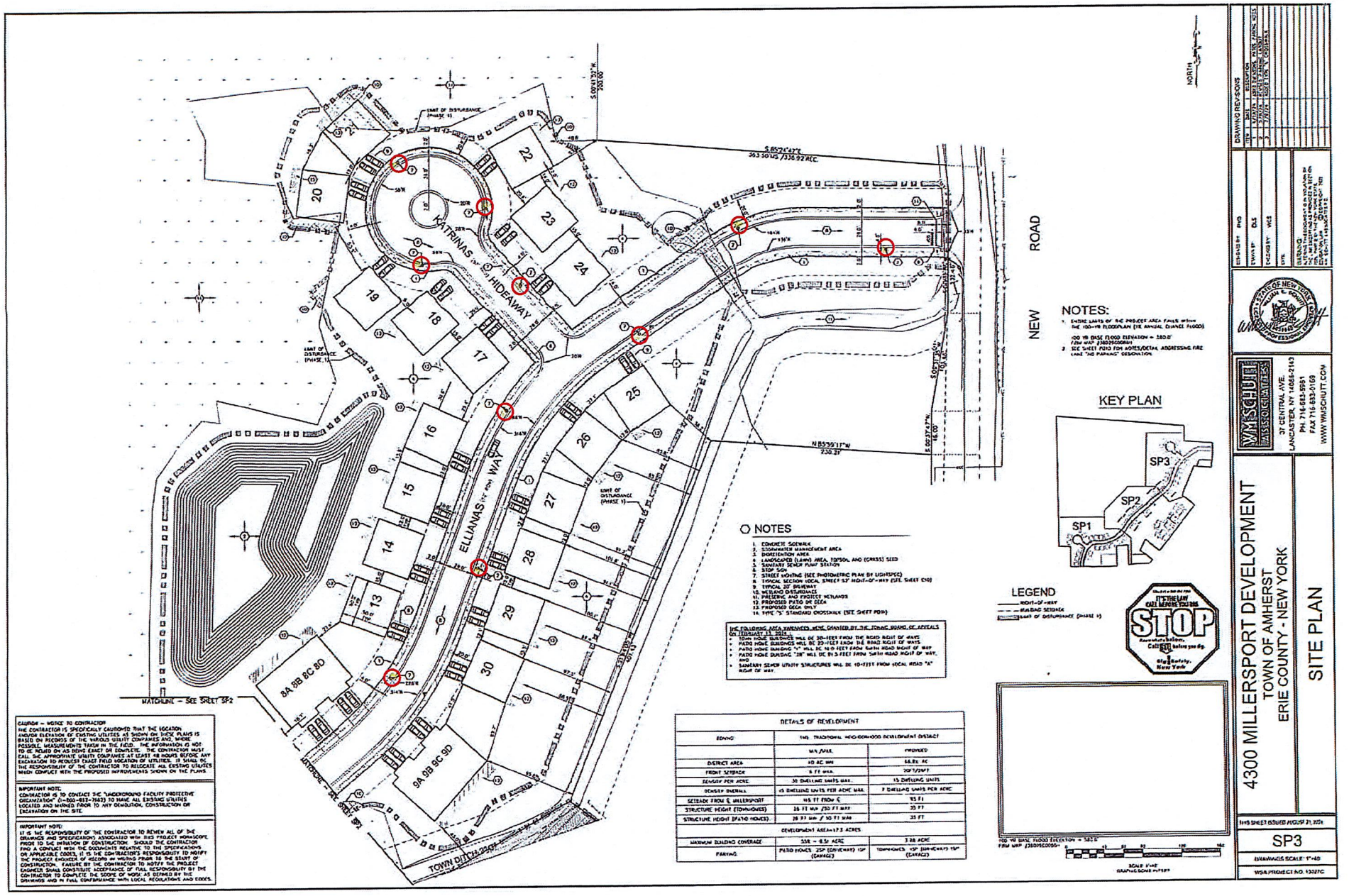
Attachment: 4300 Millersport Hwy Streetlight MPR - Feb2025 (RES-2025-342 : Lighting District Extension - 4300 Millersport Highway (Site Plan))



Attachment: 4300MillersportHwy.Lighting-021320251251 56 (RES-2025-342 : Lighting District Extension - 4300 Millersport Highway (Site Plan))


NOTES
SITE NOTES
DETAILS OF DEVELOPMENT
NOTES:
TYPICAL LAYOUT FOR 4-UNIT TOWNHOME, 2-UNIT TOWNHOME AND PATIO HOME UNIT
KEY PLAN
LEGEND
ANNIES GATEWAY WAY
ELLIANAS 1ST ROW WAY
SMITH (66 FT ROW) ROAD
4300 MILLERSPORT DEVELOPMENT
TOWN OF AMHERST
ERIE COUNTY - NEW YORK
SITE PLAN
SP1
WMSCHUTT ASSOCIATES
37 CENTRAL AVE
LANCASTER, NY 14086-2143
PH. 716-683-5981
FAX 716-683-0103
WWW.WMSCHUTT.COM

Attachment: 4300MillersportHwy.Lighting-02132025125156 (RES-2025-342 : Lighting District Extension - 4300 Millersport Highway (Site Plan))


NEW ROAD
KATRINAS WAY
HIDEAWAY
ELLIANAS WAY
TOWN DITCH CREEK
NOTES:
KEY PLAN
SP1
SP2
SP3
NOTES
LEGEND
STOP
DETAILS OF DEVELOPMENT
4300 MILLERSPORT DEVELOPMENT
TOWN OF AMHERST
ERIE COUNTY - NEW YORK
SITE PLAN
SP3

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 10th day of March, 2025.

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 to Millersport Highway Site Plan and improvements in connection therewith

Offered by: _____

Seconded By: _____

PUBLIC INTEREST 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 a map, plan and report for the proposed extension of the Town's Consolidated Lighting District, pursuant to Article 12-A of the Town Law, which

Attachment: PublicIntOrderAfterPH (RES-2025-342 : Lighting District Extension - 4300 Millersport Highway (Site Plan))

shall consist of the installation of approximately 24 LED Street Lights (the "Project") to be installed by the developer, Cimato & Sons (the "Developer") and turned over to the Town following the completion of the Public Improvement Permit (PIP) process for the Millersport Highway Site Plan; and

WHEREAS, the Town Board adopted an Order Calling for a Public Hearing describing in general terms the Project, specifying the estimated cost thereof, the boundaries of the proposed extension, that no capital expenses nor borrowings would be necessary, the fact that the map, plan and report describing the same is 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 extension on April 7, 2025 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, such public hearing was duly held by the Town Board on the 7th day of April, 2025 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 proposed extension; and

WHEREAS, the Town Board, as lead agency, has reviewed the Short Form Environmental Assessment Form and has determined that the proposed extension is a "Type II action", and will not have a significant effect on the environment and has issued a negative declaration in connection therewith pursuant to the State Environmental Quality Review Act

Attachment: PublicIntOrderAfterPH (RES-2025-342 : Lighting District Extension - 4300 Millersport Highway (Site Plan))

(SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617;

WHEREAS, it is the intention of the Developer to construct the entirety of the proposed extension and the Project solely at its own expense; and

WHEREAS, permission of the State Comptroller for the proposed extension is not required because the cost for the proposed extension and the Project is 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 be it

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

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

ORDERED, that it is in the public interest to extend said District as set forth in the accompanying map, plan and report; and it is

FURTHER ORDERED, that the Project and the proposed extension is a “Type II action”, and will not have a significant effect on the environment and the Town has issued a negative declaration in connection therewith pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617; and it is

FURTHER RESOLVED AND ORDERED, that all expenses attendant upon the Project and the proposed extension shall be the responsibility of the Developer; and it is

Attachment: PublicIntOrderAfterPH (RES-2025-342 : Lighting District Extension - 4300 Millersport Highway (Site Plan))

FURTHER RESOLVED, DETERMINED AND ORDERED, that the proposed extension of the District be approved in accordance with the boundaries and descriptions set forth in the map, plan and report prepared in connection therewith, subject to the permissive referendum waiting period in the manner provided in Town Law Article 7 for this Public Interest Order; and be it

FURTHER RESOLVED, that this Public Interest 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 Public Interest Order as may be required by law and if no such petition is filed within 30 days after adoption of this Public Interest Order to file a Certificate to that effect in the Office of the Erie County Clerk.

DATED: March 10, 2025

(SEAL)

TOWN BOARD OF THE TOWN OF AMHERST

Attachment: PublicIntOrderAfterPH (RES-2025-342 : Lighting District Extension - 4300 Millersport Highway (Site Plan))

The adoption of the foregoing 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 Public Interest Order was declared adopted.

Attachment: PublicIntOrderAfterPH (RES-2025-342 : Lighting District Extension - 4300 Millersport Highway (Site Plan))

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 Public Interest Order of the Town Board of said Town adopted at a meeting duly called and held on April 10, 2025, has been compared by me with the original 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 order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 7th day of April, 2025.

(SEAL)

_____
Town Clerk

Attachment: PublicIntOrderAfterPH (RES-2025-342 : Lighting District Extension - 4300 Millersport Highway (Site Plan))

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 30250 **RESOLUTION 2025-343** **DECISION DATE**

1692 Maple Road Rezoning

Request to rezone 1692 Maple Road from R-3 to OB.

4/7/2025
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 7:31 PM.

Attorney Sean Hopkins presented.

The following residents spoke:
Don Smith, 201 N Long St
Dennis Hoban, 216 California Dr
John Trabert, 234 Mt Vernon Rd

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the April 28th Town Board meeting, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was closed at 7:58 PM.

RESULT:	**DECISION DATE [UNANIMOUS]**	**Next: 4/28/2025 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Jacqualine Berger, Councilmember	
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci	

Amherst

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

Brian J. Kulp
Supervisor

Daniel C. Howard,
Planning Direct

Daniel J. Ulatowski,
Assistant Planning D r

Town Board Agenda of April 7, 2025

March 28, 2025

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

Subject: Request to rezone 0.96± acres of land from R3 to OB, Z-2024-04; property located at 1692 Maple Road. Michael & Corine Cicchetti, Petitioner.

Honorable Members:

The subject property is a 0.96± acre rectangular parcel located at the northeast corner of the intersection of Maple Road with Youngs Road. Maple Road is an Erie County highway designated as a minor arterial and Youngs Road is a Town controlled access highway designated as a collector roadway 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 to allow for the potential use of the site for a medical office building.

HISTORY OF PREVIOUS REZONING REQUESTS:

The subject site was zoned Residential District Three (R3) 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 as the proposed use will enhance the community character and offers a good transition between the abutting residential districts and the commercial office developments along Maple Road. The proposed plan is consistent with Figure 6 in Chapter 3 which depicts the subject land area as commercial office use and the description of "Office Uses" discussed in Section 3.3.4. The subject request includes a concept plan featuring an office building development with a medical use that offers a good transitional development amongst the existing surroundings.

The subject request is consistent with Chapter 5 Economic Development as the development will maintain the Town's tax base. Additionally, the subject request is consistent with Chapters 6 - Transportation and 7 - Infrastructure as the proposed development would not significantly alter traffic patterns and would not stress existing storm or waste water services.

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

Honorable Town Board

Rezone land from R3 to OB, Z-2024-04
property located 1692 Maple Road
Agenda of April 7, 2025

INTENT AND OBJECTIVES OF THE ZONING ORDINANCE

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

CONSISTENCY/COMPATIBILITY WITH SURROUNDING DEVELOPMENT/ZONING

The request is consistent and compatible with the surrounding Residential Three District (R-3), Office Building District (OB) and Multi-Family Residential District Five (MFR-5) zoning. The request is compatible with the surrounding structures and 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 an Unlisted action, and an environmental assessment consistent with SEQR has been prepared for the subject proposal.

RECOMMENDATION

The Planning Board at their meeting of February 25, 2025 held a public hearing on the subject rezoning request and recommended that the Town Board find that pursuant to Local Law #3-82, as amended, the requirements of SEQR have been completed and that the subject request will not have a significant adverse effect on the environment. The Planning Board also recommended that the subject rezoning request be approved with a condition that a 75' wide area of non-disturbance be maintained along the northerly property line as a natural buffer adjacent to the surrounding residences, and that any buildings be limited to a maximum height of 35 feet from grade. Furthermore, Youngs Road is a designated controlled-access highway pursuant to §120-5 of Town Code and the access driveways proposed on the concept plan are not permitted by right. Access from Maple Road is also not recommended as it would be in direct conflict with functional area of the intersection. Any future access to the site should be permitted as a single driveway located furthest from the intersections on Youngs Road. This office supports relief from Chapter 120 of the Town Code to allow one access driveway on Youngs Road.

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/JQ/bf
Att.
X:\Current_Planning\Files\Rezonings\2024\Z-2024-04_(1692_Maple _Rd)_2024\Z-2024-04_Town_Board_Letter_04072025.docx
cc: Sam Alba, Interim Town Attorney
Planning Board Approval – February 20, 2025
Ayes 5, Noes 0, Absent 2 (Davis, Raffaele)

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2024-04

PETITIONER

Michael & Corine Cicchetti
c/o Sean Hopkins, Esq.
Hopkins Sorgi & McCarthy
35 California Drive, Suite 100
Williamsville, NY 14221

PROPERTY LOCATION

1692 Maple Road

WHEREAS the Town of Amherst Planning Board on Thursday, February 20, 2025 held a public hearing on the proposed rezoning of land from Residential District Three (R3) to Office Building District (OB), 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.

FEB 28 2025 PM 12:05

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2024-04

PETITIONER

Michael & Corine Cicchetti

PROPERTY LOCATION

1692 Maple Road

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

1. That a 75 foot wide non-disturbance area or conservation easement be provided along the northerly portion of the site to provide a natural buffer to the existing residences northerly.

2. That future buildings on the site be limited to a maximum of thirty-five (35) feet in height from finished grade.

The foregoing resolution was adopted by the Town of Amherst Planning Board, February 20, 2025; moved by Penberthy; seconded by O'Rourke; ayes 5; noes 0; absent 2 (Davis, Raffaele).

Michael J. Chmiel, Planning Board Chair

2/27/25
Date

JQ/ac
X:\Current_Planning\Files\Rezonings\2024\Z-2024-04_(1692_Maple _Rd)_2024\Z-2024-04_resolution_022025.doc
cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Traffic/Safety Coordinator
Michael & Corine Cicchetti c/o Sean Hopkins, Esq. 35 California Drive, Suite 100, Williamsville, NY 14221

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

FEB 28 2025 PM 12:05

Rezoning Application & Supporting Documentation - Rezoning of 1692 Maple Road from R-3 to OB
Ambulatory Surgery Center Project
Applicant: Michael & Corine Cicchetti
c/o Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC

Prepared by: Sean Hopkins, Esq.
Hopkins Sorgi & McCarthy PLLC
35 California Drive, Suite 100
Williamsville, NY 14221
Tel: 716.510-4338
E-mail: shopkins@hsmlegal.com

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning Review and, if required Comprehensive Plan Amendment

For Official Use

File #: Z-2024-04 **Acreage** .96 Acres **Fee $** $1,265.00

Address Verified by Assessor's Office _____
VERIFIED BY DATE

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

Materials Checked by Building Dept. _____
RECEIVED BY DATE

Materials Received by Planning Dept. _____
RECEIVED BY DATE

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

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

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

TO BE COMPLETED BY APPLICANT

1. **Petitioner:** Name: Michael & Corine Cicchetti

Address: c/o Sean Hopkins, Esq.
35 California Drive, Suite 100
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: R-3 District

To: OB District

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

1692 Maple Road

SBL #: SBL No. 56.19-1-18

4. **Area of land to be rezoned** (in acres): Approximately .96 Acres

5. **Owner of Land**:

Name: Ontrac Systems LLC

Address: PO Box 103

Telephone: Buffalo, New York 14217

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

Name: Sean W. Hopkins, Esq.

Address: 35 California Drive, Suite 100
Williamsville, New York 14221
Tel: 716.510-4338 - E-mail: shopkins@hsmlegal.com
City State Zip Code

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

7. Petitioner's interest in property

_____Option to purchase

_____Owner

___X_____Other (explain) [Authorization Letter of Property Owner Attached]

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

Not Applicable.

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

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

Liber _____ Page _____

11. Information on proposed project:

A. Description of the character of the proposed development:

See Exhibit 4.

B. Rationale for rezoning request:

1. Why was this site chosen?_____

See Exhibit 4.

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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: Not Applicable

B. Distribution of dwelling units by type: Not Applicable

C. Gross Residential Density per acre: Not Applicable

D. Total amount of Open Space: Not Applicable

E. Proposed Non-Residential Floor Area: 9,000 sq. ft.

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

13. Development Schedule:

Start: 2025

Finish: 2026

Stages (# of): 1

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

The Project Site will be leased to a related entity.

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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

Greenspace and landscaping will be privately owned and maintained.

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

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

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

See Exhibit 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-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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

See Exhibit 5.

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

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

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

Sean Hopkins
Signature of Petitioner

Subscribed and sworn to before me this 25th day of November, 20 24

Notary Public, Erie County, New York _____

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-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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

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

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

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

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

P/CurrPlan/Applications2007/Rezoning & Comp Plan Amend App.
10/08

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

AUTHORIZATION

The undersigned, ONTRAC SYSTEMS LLC ("Seller"), the record owner of real property located in the Town of Amherst, New York located at **1692 Maple Road [SBL No. 56.19-1-1]** (the "Project Site") and MICHAEL CICCHETTI and CORINE CICCHETTI (collectively, the "Purchasers") have entered into a Purchase and Sale Agreement pursuant to which Seller agreed to sell the Project Site to Purchasers, and Purchasers agreed to purchase the Project Site from Seller, contingent upon Purchasers' obtaining certain permits, approvals, and authorizations from the Town of Amherst (the "Town") and other governmental agencies and authorities having jurisdiction.

Accordingly, Seller hereby authorizes Purchasers and their counsel, the law firm of HOPKINS SORGI & MCCARTHY PLLC, to seek all required permits, approvals, and authorizations from the Town and other involved governmental agencies and authorities having jurisdiction relative to Purchasers' intended use of the Project Site as a medical office building, including, but not limited, to an amendment of the zoning classification of the Project Site from Residential District Three District ("R-3") to Office Building District ("OB") by the Town Board, site plan approval by the Town Planning Board, and area variances from the Town Zoning Board of Appeals.

Photocopies, facsimile, and electronic copies of this Authorization shall have the same force and effect as originals.

Dated: November 25, 2024

Ontrac Systems LLC

By: _____
Daniel J. Dirrigl, Manager

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

Exhibit 1 – Part 1 of the Full Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act ("SEQRA") with attached Page 5[a]

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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: Ambulatory Surgery Center Project		
Project Location (describe, and attach a general location map): 1692 Maple 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 the parcel at 1692 Maple Road ("Project Site") as a single-story ambulatory surgery center building with all related site improvements. The proposed action has been defined broadly to include all all required discretionary approvals and permits needed from the Town of Amherst municipal boards including but not limited to a rezoning of the Project Site from R-3 to OB. The project purpose is to develop the Project Site as a state-of-the-art ambulatory surgery center, which is a medical office use per the recommended land use in Figure 6 of the Town's adopted Comprehensive Plan. The proposed project is an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") and will not result in any potentially significant adverse environmental impacts.		
Name of Applicant/Sponsor: Michael and Cornie Cicchetti	Telephone: 716.510-4338 E-Mail: shopkins@hsmlegal.com	
Address: 35 California Drive, Suite 100		
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): Ontrac Systems LLC	Telephone: E-Mail:	
Address: PO Box 103		
City/PO: Buffalo	State: NY	Zip Code: 14217

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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 from R-3 to OB	November 23, 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	Zoning Board of Appeals - Area Variances	To be Determined
d. Other local agencies ☑Yes ☐No	Building Department - Building Permit and Highway Dept. - Curb Cut Permit	To be Determined
e. County agencies ☑Yes ☐No	ECWA - RPZ	To be Determined
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	NYSDOH - Certificate of Need	To be Determined
h. Federal agencies ☐Yes ☑No		

i. Coastal Resources.

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

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

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

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

NYS Heritage Areas:West Erie Canal Corridor

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

If Yes, identify the plan(s):

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Residential District Three ("R-3")

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? Office Building District ("OB")

C.4. Existing community services.

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

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

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

d. What parks serve the project site?
There are various parks in the vicinity of the Project Site.

D. Project Details

D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? 0.96 acres
b. Total acreage to be physically disturbed? 0.85 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.96 acres

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

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

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

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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

If Yes, show numbers of units proposed.

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

g. Does the proposed action include new non-residential construction (including expansions)? ☑ Yes ☐ No

If Yes,

i. Total number of structures 1

ii. Dimensions (in feet) of largest proposed structure: 16 height; 90 width; and 100 length

iii. Approximate extent of building space to be heated or cooled: 9,000 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☑ Yes ☐ No

If Yes,

i. Purpose of the impoundment: Stormwater detention

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☑ Other specify: On-site stormwater runoff

iii. If other than water, identify the type of impounded/contained liquids and their source. Not Applicable

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: 0.7 acres

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

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

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☐ No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

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-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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: 825 gallons/day

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

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

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

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

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

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

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

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

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

i. Total anticipated liquid waste generation per day: 750 gallons/day

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

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

- Name of wastewater treatment plant to be used: Town of Amherst WWTP
- Name of district: Town of Amherst
- 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-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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

If Yes:

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

_____

_____

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

If Yes:

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

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

_____

_____

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

_____

_____

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

If Yes:

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

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

_____

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

_____

_____

- If to surface waters, identify receiving water bodies or wetlands: _____

_____

_____

- Will stormwater runoff flow to adjacent properties? ☐ Yes ☐ No

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

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

If Yes, identify:

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

_____

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

_____

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

_____

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

If Yes:

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

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

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

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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

If Yes:

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

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

_____

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

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

_____

_____

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

If Yes:

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

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

_____

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

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

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

_____

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

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

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

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

If Yes:

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

Minimal amount

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

Electric Utility provider

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

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

i. During Construction:

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

ii. During Operations:

- Monday - Friday: 7:00 - 7:00
- Saturday: To be Determined
- Sunday: Not Applicable
- Holidays: Not Applicable

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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:

Temporary and unavoidable storm term noise impacts resulting from the use of construction equipment during construction activities.

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:

The project will include dark-sky compliant per the requirements of the Zoning Code.

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

Describe: _____

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

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

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

If Yes:

i. Product(s) to be stored _____

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

iii. Generally, describe the proposed storage facilities: _____

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

If Yes:

i. Describe proposed treatment(s):

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

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

If Yes:

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

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

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

- Construction: _____
- Operation: _____

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

- Construction: _____
- Operation: _____

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐

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 including offices, apartments for lease and single-family homes.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.0	0.5	+ 0.5
• Forested	0.35	0.1	- 0.25
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.0	0.0	0.0
• Agricultural (includes active orchards, field, greenhouse etc.)	0.0	0.0	0.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.0	0.0	0.0
• Wetlands (freshwater or tidal)	0.0	0.0	0.0
• Non-vegetated (bare rock, earth or fill)	0.0	0.0	0.0
• Other Describe: lawn area/landscaping/greenspace	0.61	0.36	- 0.25

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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:
St. Gregory the Great, Maple East Elementary Schoo;, Millard Fillmore Hospital, Elderwood Village

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-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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? 7 + 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:
Cosad loamy fine sand — 100 %
_____ — _____%
_____ — _____%

d. What is the average depth to the water table on the project site? Average: 1 feet

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

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

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

h. Surface water features.

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

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

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

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

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

- Streams: Name Brush Creek (Town of Amherst Ditch #4) Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

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

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

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

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

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

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

i. Name of aquifer: _____

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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

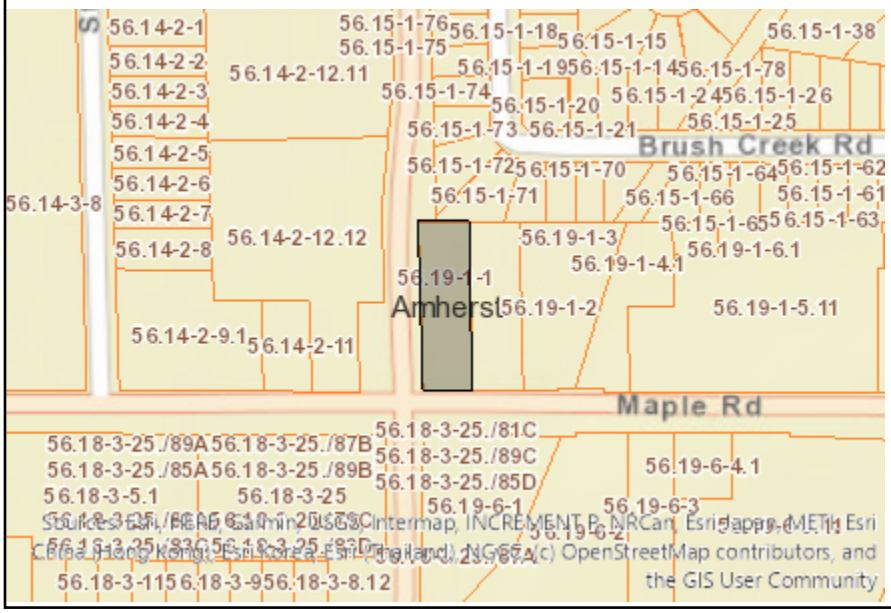
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Michael and Cornie Cicchetti Date November 25, 2024

Signature Sean Hopkins Title Attorney for Project Sponsor

PRINT FORM

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)



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



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

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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
Cosad loamy fine sand	✔				

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

_____ Geotechnical report attached ✔ Not applicable

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

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

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

5. Location and size of real property owned by petitioner within one (1) mile of subject proposal:
1692 Maple Road - 0.96 ac

6. Are you aware of current or future plans or intentions by others in the Town of Amherst to develop property within 1000± ft. of the present project request: ☑ Yes ☐ No

Describe Proposed mixed use project at 1720-1760 Maple Road

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

7. Maximum number of vehicular trips to be generated per hour upon completion of project 12
Source: ITE Trip Generator

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:

750 average flow 3,000 peak flow.

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

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

Exhibit 2 - Legal Description of Property to be Rezoned from R-3 to OB

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

EXHIBIT 2 OF REZONING APPLICATION

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM R-3 TO OB

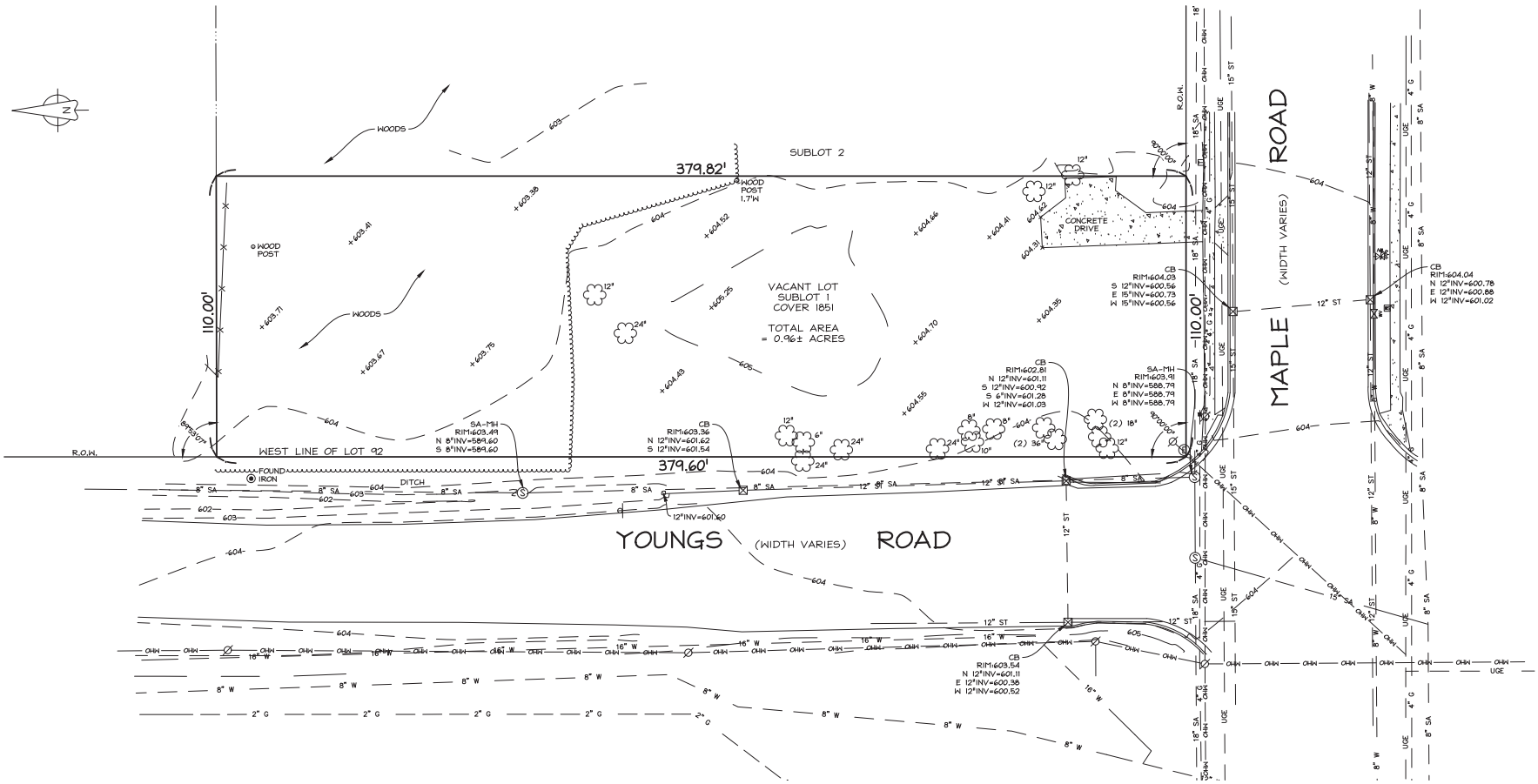
ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 92, Township 12, Range 7 of the Holland Land Company's Survey and according to map filed in the Erie County Clerk's Office under Cover No. 1851 is known as subdivision lot number one (1), being one hundred ten (ll0) feet front and rear by three hundred seventy-nine and sixty hundredths (379.60) feet in depth west line and three hundred seventy-nine and eighty-two hundredths (379.82) feet in depth east line, situate on the north side of Maple Road at the intersection of said north line of Maple Road and the west line of said Lot No. 92.

EXCEPTING THEREFROM that part conveyed to the County of Erie by deed recorded in the Erie County Clerk's Office in Liber 7456 of Deeds at page 233.

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

Exhibit 3 – Survey of Project Site

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)



NOTES

1. ELEVATIONS ARE BASED UPON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
2. HORIZONTAL DATUM REFERENCES THE NORTH AMERICAN DATUM 1983 (NAD 83) - NEW YORK STATE PLANE WEST ZONE.
3. THE LOCATION OF ANY UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE AND ALL UTILITIES MAY NOT BE SHOWN. PRIOR TO ANY CONSTRUCTION ACTIVITIES, ALL UTILITY COMPANIES SHOULD BE NOTIFIED IN ORDER TO VERIFY OR AMEND THEIR LOCATIONS AND/OR EXISTENCE. FOR ASSISTANCE CALL UFPO AT 1-800-962-7962.
4. UDIGNY.ORG DESIGN TICKET No. 10114-000-513 WAS SUBMITTED TO REQUEST UTILITY RECORDS:
   - CHARTER COM NORTHEAST WESTERN NY: HAS RESPONDED, CLEAR NO FACILITIES WITHIN 15FT OF THE EXCAVATOR DEFINED WORK AREA.
   - ERIE COUNTY WATER AUTHORITY: HAS RESPONDED, DRAWN HERON.
   - NATIONAL FUEL GAS / CLARENCE NFG-113: HAS RESPONDED, DRAWN HERON.
   - NATIONAL GRID: HAS RESPONDED, DRAWN HERON.
   - TOWN OF AMHERST:
     FIBER: HAS NOT RESPONDED.
     SANITARY:HAS RESPONDED, DRAWN HERON.
   - VERIZON / BUFFALO: HAS RESPONDED, DRAWN HERON.

LEGEND

HYDRANT	UTILITY POLE
WATER VALVE	ELECTRICAL MANHOLE
WATER SERVICE VALVE	SIGN
SANITARY MANHOLE	GAS MARKER
CATCH BASIN	
W	UNDERGROUND WATER
SA	UNDERGROUND SANITARY SEWER
ST	UNDERGROUND STORM SEWER
G	UNDERGROUND GAS LINE
OHW	OVERHEAD WIRES
UGE	UNDERGROUND ELECTRIC WIRES
	TREE LINE

THIS SURVEY IS NOT VAUID WITH AN AFFIDAVIT OF NO CHANGE

NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.

3556 Lake Shore Road, Suite 500, Buffalo, NY 14219
p (716) 827-8000 f (716) 270-6091 www.nussclarke.com

This survey was prepared without the benefit of an abstract of title and is subject to any state of facts that may be revealed by an examination of such.

Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Law.

NUSSBAUMER & CLARKE, INC. EST. 1933 ENGINEERS AND SURVEYORS

TOPOGRAPHIC SURVEY

1692 Maple Road - Vacant Lot

Part of Lot 92, Township 12, Range 7
Holland Land Company's Survey
Town of Amherst
County of Erie, State of New York

Date of Survey: 10/23/2024 Scale : 1" = 30'

Project No. : 24J2

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

Exhibit 4 – Responses to Question 11 of the Rezoning Application

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

EXHIBIT 4

REZONING OF 1692 MAPLE ROAD FROM R-3 TO OB

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

Response to Question 11(A): The proposed project consists of the development of 1692 Maple Road rive (the "Project Site") as a state-of-the-art ambulatory surgery center and related site improvements.[1] A full-size copy of the Concept Site Plan [Drawing C-100] prepared by Carmina Wood Design depicting the layout of the proposed project is attached is attached and a reduced-size copy of the Concept Site Plan is also attached as **Exhibit "6"**.

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

Response to Question 11(B)(1): The Project Site is an appropriate location for the requested rezoning from R-3 to OB to accommodate the proposed residential project since the requested OB zoning classification is consistent with Figure 6 of the adopted Comprehensive Plan that designates the Project Site as appropriate for Commercial-Office. A color copy of Figure 6 of the Comprehensive Plan is attached as **Exhibit "7"**.

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 single-family homes based on the existing R-3 zoning classification but it is not a suitable location for such use and would also be inconsistent with Figure 6 of the Comprehensive Plan.

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

---

[1] A legal description of the Project is attached as **Exhibit "2"** and a full-size copy of the Survey of the Project Site is attached to this Rezoning Application. A reduced-size copy of the Survey of the Project Site is also attached as **Exhibit "3"**.

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

Response to Question 11(B)(3): The requested rezoning of the Project Site from R-3 and OB to accommodate the proposed project will not result in any potentially significant adverse impacts on surrounding properties. A completed Part 1 of the Full Environmental Assessment Form with attached Page 5[a] as prepared pursuant to the State Environmental Quality Review Act ("SEQRA") is provided at **Exhibit "1"** of this Rezoning Application. The proposed project will also require site plan approval from the Planning Board which will ensure compliance with the applicable standards for landscaping, lighting, stormwater management, etc.

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

Response to Question 11(B)(4): The proposed residential project will have positive impacts on the school district since it will generate annual property taxes without any demand for educational services. .

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

Exhibit 5 – Responses to Question 16 of Rezoning Application

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

EXHIBIT 5

REZONING OF 1692 MAPLE ROAD FROM R-3 TO OB

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 single-story ambulatory surgery center project is consistent with the adopted Comprehensive Plan and the land uses in the vicinity of the Project Site that include various zoning classifications including OB, MFR-5 and R-3.

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 project is consistent with the Comprehensive Plan and such there is not a need to amend the Comprehensive Plan to accommodate the proposed project.

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

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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

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

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

The requested rezoning of the Project Site from R-3 to OB to accommodate the proposed project consisting of units for sale on the Project Site is consistent with the "Purpose" of the Zoning Code. Section 1-2-2 of the Zoning Code sets forth the objectives of the Zoning Code. This section of the Zoning Code lists thirteen objectives that are discussed below as follows:

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

Response: The proposed rezoning of the Project Site will be consistent with the objective of protecting the character and value of existing land uses.

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

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

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

C. To prevent overcrowding of land;

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

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

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

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

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

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

Response: The Project Site is not located in a regulated floodway or 100 yr. floodplain. 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 single-story ambulatory surgery center project will be constructed per the stringent requirements of the NYS Building Code including the fire safety standards contained therein.

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

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

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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

Response: The development of the Project Site in a manner consistent with the Concept Site Plan [Drawing C-100] prepared by Carmina Wood Design submitted with this Rezoning Application will be aesthetically harmonious with nearby areas and structures.[2]

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 a driveway connection to Youngs Road.

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

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

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

[2] A reduced-size copy of the Concept Site Plan [Drawing C-100] is attached as **Exhibit "6"**.

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 includes a mixture of uses and zoning classifications.

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

Response to Question 16(D): The Project Site is more appropriate for office use than single-family homes and the proposed use is consistent with Figure 6 of the Comprehensive Plan.

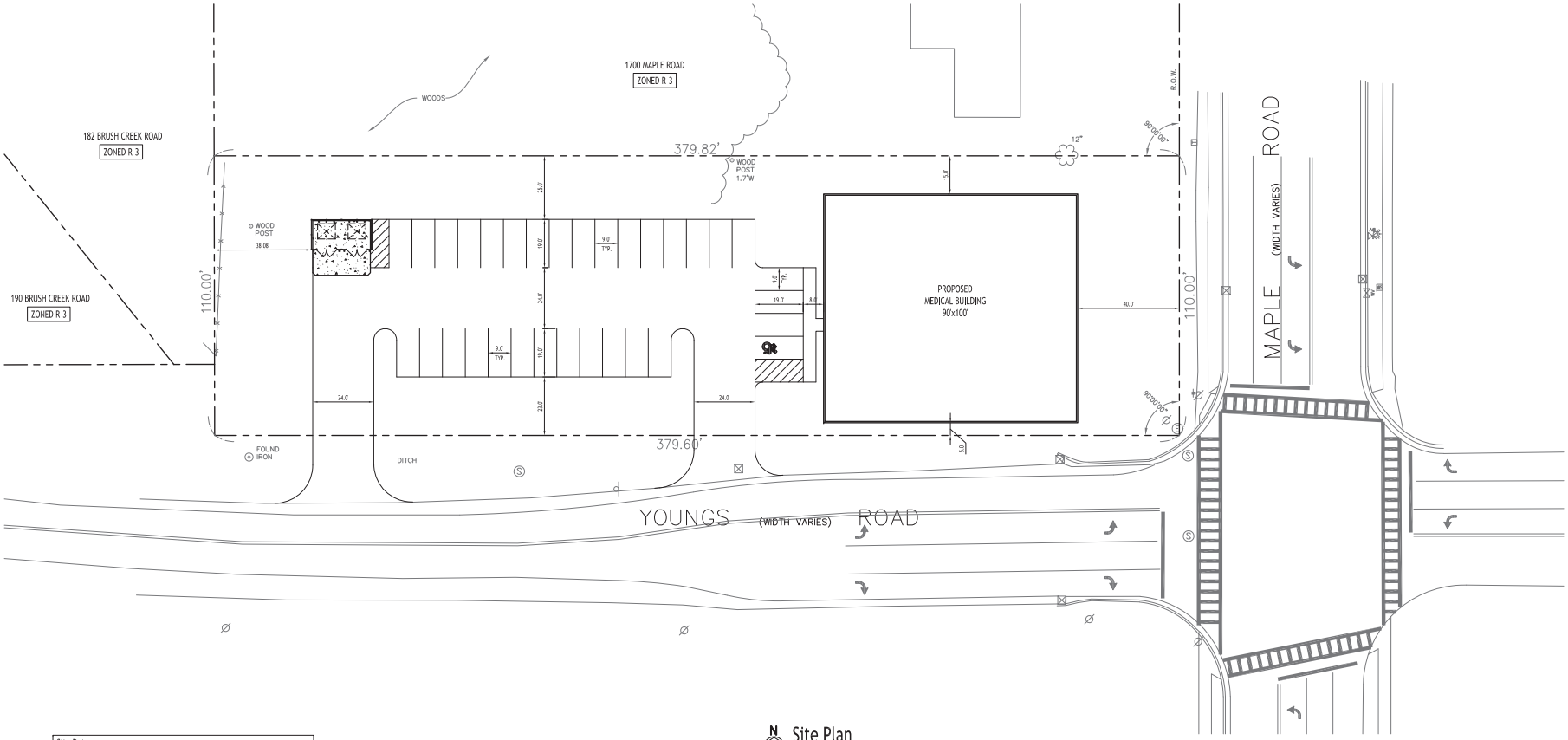
Question 16(E): Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:

Response to Question 16(D): The proposed change in the zoning classification of the Project Site from R-3 to OB to accommodate the proposed project will have positive impacts on the balance of uses in the Town by providing a state-of-the-art ambulatory surgery center.

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

Exhibit 6 – Reduced Size Copy of Concept Site Plan as Prepared by Carmina Wood Design

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)



Site Plan
SCALE: 1"=20'

Site Data		
TOTAL SITE AREA = 0.96± ACRES ZONED: R-3 (REZONED TO OB: OFFICE BUILDING DISTRICT) USE: PROPOSED MEDICAL BUILDING		
SETBACKS - BUILDING	REQUIRED	PROVIDED
FRONT:	20 FT	5.0 FT *
SIDE (ADJ. RES. / NON-RES.):	30 FT	15.0 FT *
REAR (ADJ. RES. / NON-RES.):	30 FT	N/A
SETBACKS - PARKING		
ADJOINING RESIDENTIAL:	25 FT	25.0 FT
OTHER PROPERTY LINES:	25 FT	23.0 FT *
MAX BUILDING HEIGHT (FLAT ROOF):	30 FT	< 30 FT
LOT COVERAGE (FOR ALL BLDGS):	N/A	25% ±
PARKING: 9' x 19'	32	32
GREENSPACE:		
INTERIOR PARKING (5%)	N/A	> 5%
OVERALL	N/A	50%

*VARIANCE REQUIRED

PARKING CALCULATION:
SURGICAL CENTER/TREATMENT FACILITY
3.5 SPACES PER 1,000 SF OF NET FLOOR AREA

9,000 SF / 1,000 SF * 3.5 = 32 SPACES REQUIRED

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

20' 20 0 20 40Ft.

All Rights Reserved. Reuse of these documents without the expressed written permission of CARMINAWOOD DESIGN is prohibited. WARNING: It is a violation of article 145 section 7209m and 7209 of the New York State Education Law for any person, unless acting under the direction of a registered architect, licensed engineer or land surveyor to alter this drawing. If altered, each of the following shall be the case: duplicate the seal of the engineer, architect or land surveyor and the specific description of the alteration.

© CARMINA WOOD DESIGN

CARMINAWOOD DESIGN
Buffalo | Utica | Greensboro

Proposed Medical Building

1692 Maple Road
Amherst, NY

REVISIONS:
No. Description Date

PRELIMINARY
NOT FOR CONSTRUCTION

DRAWING NAME:
Site Plan
Concept

Date: 11/22/24
Drawn By: C. Wood
Scale: As Noted

DRAWING NO.
C-100

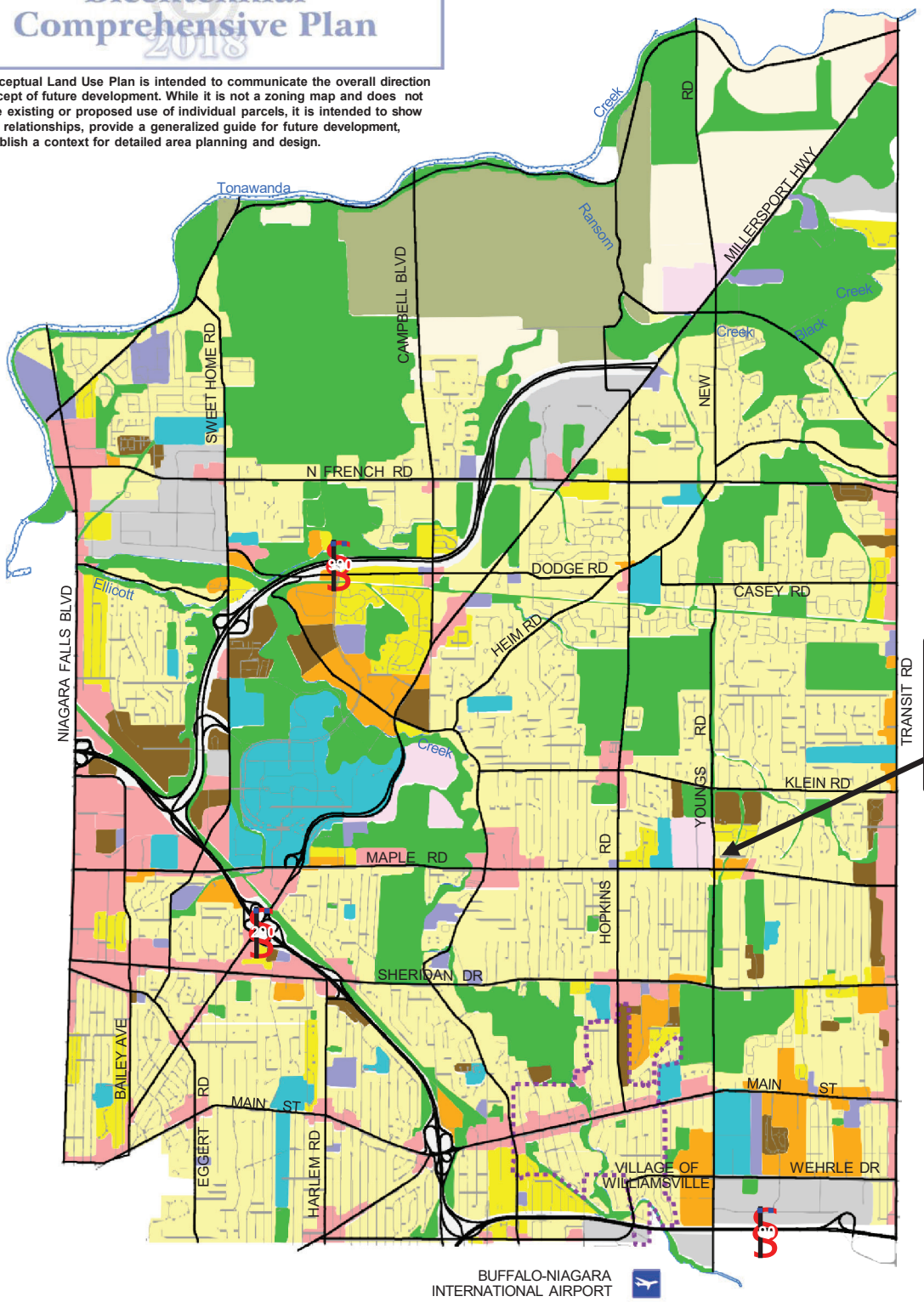
Project No: 24-4153

Exhibit 7 – Figure 6 of Comprehensive Plan

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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.



Recommende Use: Commercial-Office

Conceptual Land Use Plan

- Rural Residential
- Single Family Residential
- Mixed Residential
- Medium Residential
- Commercial / Mixed Use*
- Special Use Center
- Commercial - Office
- Industrial - Office
- Community Facilities
- Educational Campus
- Recreation, Open Space & Greenways
- Agriculture
- Transportation
- Surface Water
- Village of Williamsville Boundary

* See Map Figure 6-A for Additional Designations

SOURCE NOTES:

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

Map Compiled by the Town of Amherst Planning Department

Date: December 2020

0 0.25 0.5 0.75 1 1.25 Miles

FIGURE 6

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)



Z-2024-04

Request to Rezone 0.96± Acres of Land from R-3 to OB
Property Located at 1692 Maple Road

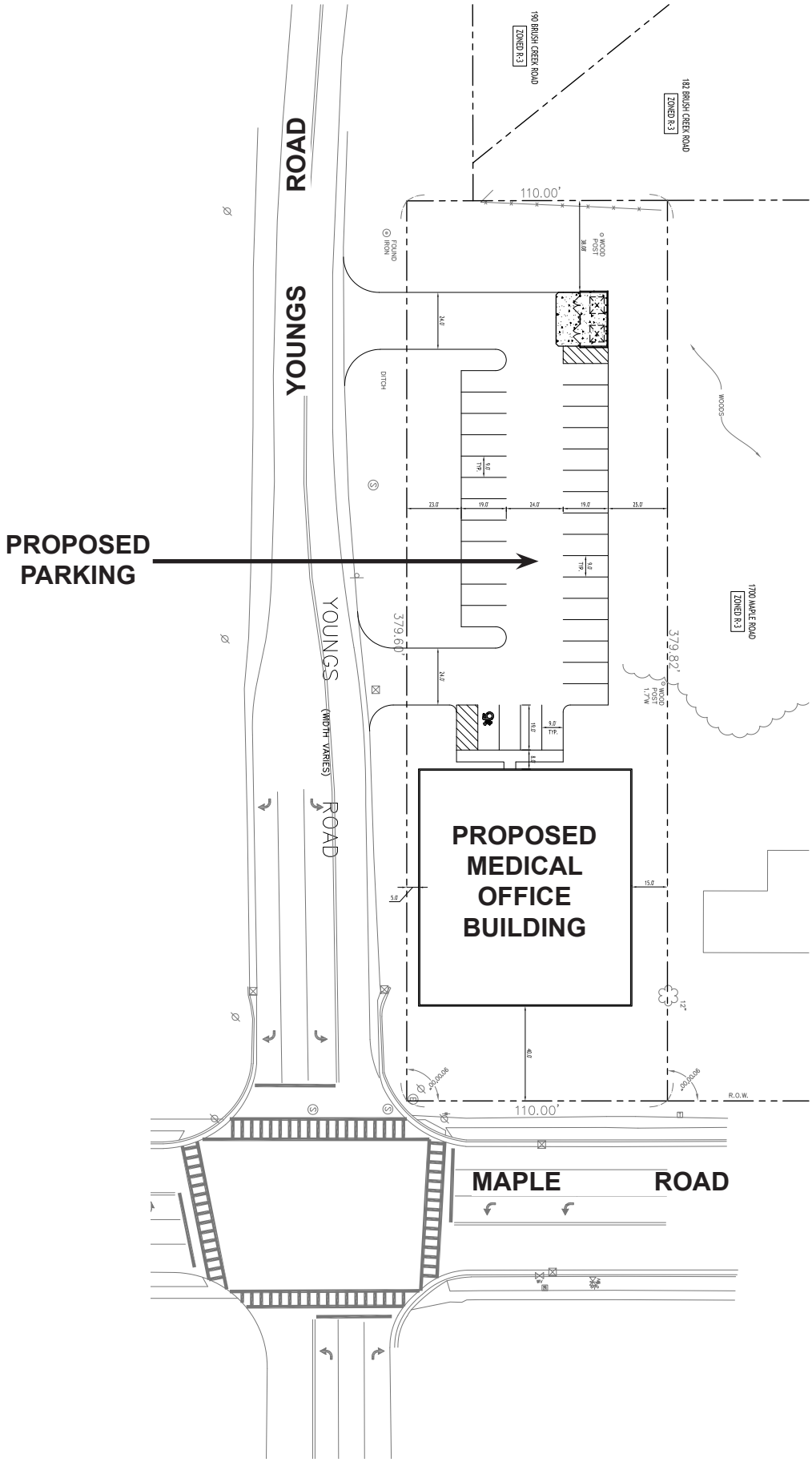
Michael and Corine Cuccheti, Petitioner

February 20, 2025

1692 Maple Road

Prepared by the Town of Amherst Planning Department

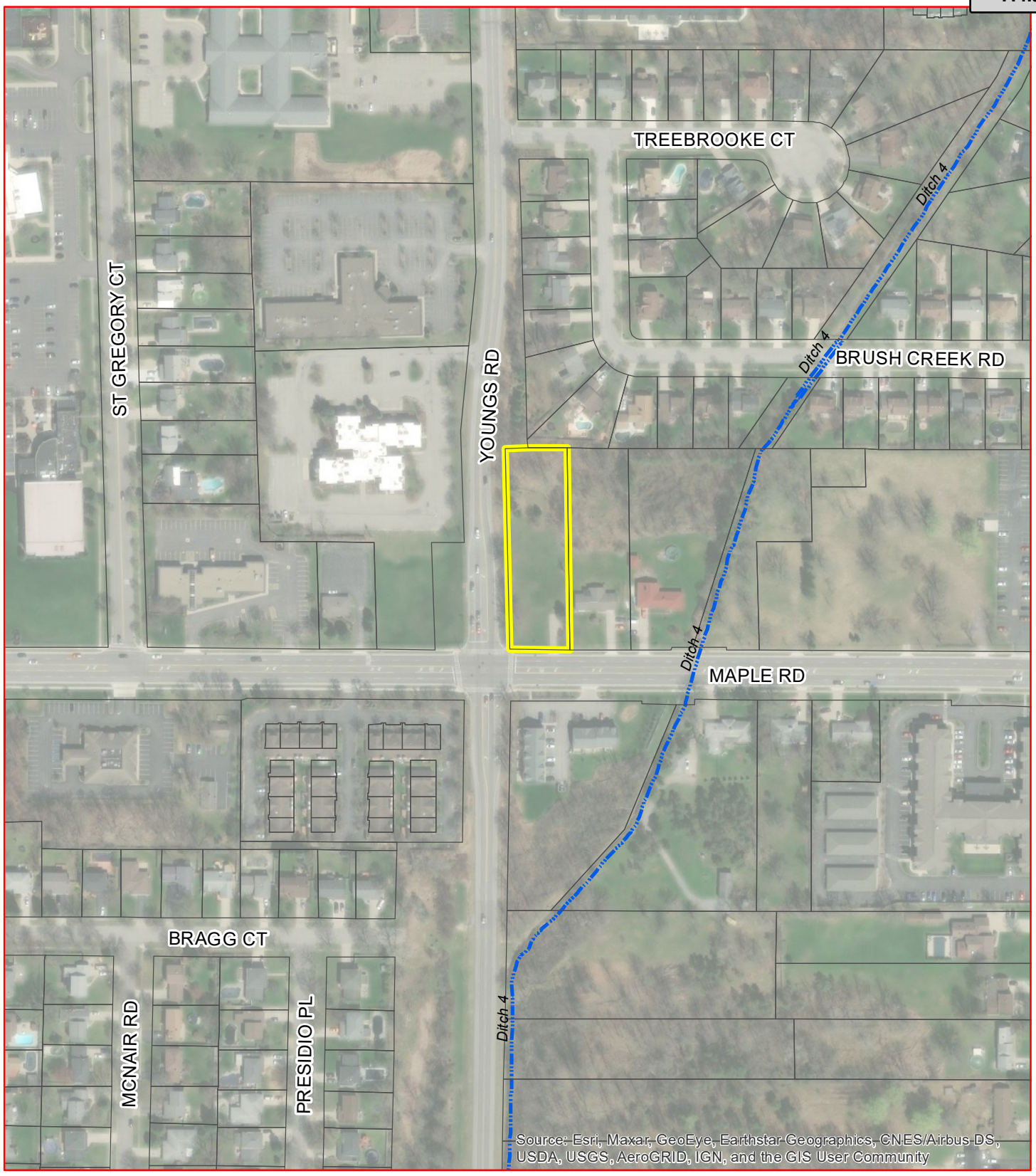
Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)



CONCEPT PLAN

Z-2024-04
1692 Maple Road
Received: 12/04/24

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)



Z-2024-04

Request to Rezone 0.96± Acres of Land from R-3 to OB
Property Located at 1692 Maple Road

Michael and Corine Cuccheti, Petitioner

February 20, 2025

1692 Maple Road

Prepared by the Town of Amherst Planning Department

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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

January 14, 2025

Michael & Corine Cicchetti
c/o Sean Hopkins, Esq.
35 California Drive, Suite 100
Williamsville, New York 14221

SUBJECT:	Rezoning Application Review	**Z-2024-04**
	Request:	Rezone 0.96 acres of land from R-3 to OB
	Property located at:	**1692 Maple Road**
	Application received:	December 4, 2024
	Revised FEAF received:	January 8, 2025
	Representative:	Hopkins, Sorgi & McCarthy, PLLC

Dear Mr. and Ms. Cicchetti,

Please consider the following comments:

1. The concept plan provided with 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 FEAF submitted on January 8, 2025 satisfactorily addresses our comment in or letter dated December 23, 2025.
3. 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.
4. *The Soil Survey of Erie County* indicates the presence of potentially hydric soils. A wetland delineation must be provided prior to the Planning Board making a SEQR determination.
5. Provide the previously attached Local Law (on December 23, 2024) and provide a copy to this office in MS Word format.
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 Marshall
Principal Planner

DH/SM/ac
X:\Current_Planning\Files\Rezonings\2024\Z-2024-04_(1692_Maple_Rd)_2024\Z-2024-04_Pln_Dpt_Rvw_01142025.doc
Att.
cc: Sean Hopkins, Esq., Hopkins, Sorgi & McCarthy, PLLC, 35 California Dr., Ste. 100, Williamsville, NY 14221
Patrick Sheedy Jr., Carmina Wood Desing, 80 Silo City Row, Buffalo, NY 14203

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

Amherst

Town of Amherst Planning Department

RECEIVED

DEC 05 2024

TOWN OF AMHERST
BUILDING DEPT

Erie County, New York

Brian J. Kulpa
Supervisor
Daniel C. Howard, AIC
Planning Director
Daniel J. Ulatowski, AIC
Assistant Planning Direct

MEMORANDUM

December 4, 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)
Samuel Alba, Interim Town Attorney (Local Law Only)
Right-of-Way Agent
Integrated Review Coordinator, ECDEP

RECEIVED
FEB 10 2025
TOWN OF AMHERST
PLANNING DEPT.

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

SUBJECT: REQUEST TO REZONE 0.96± ACRES OF LAND FROM R3 TO OB **Z-2024-04**; PROPERTY LOCATED AT **1692 MAPLE ROAD**. MICHAEL & CORINE CICCHETTI, 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).

Print Name: KRISTA HALT

Signature: Krista Hall **Date:** 2/10/25

DU/SM/bf
X:\Current_Planning\Files\Rezonings\2024\Z-2024-04_(1692_Maple _Rd)_2024\Z-2024-04_Transmittal_120424.doc
cc: Scott Marshall, Principal Planner
Vaishali Reberholt, Assistant Town Engineer
Michael & Corine Cicchetti c/o Sean Hopkins, Esq. 35 California Drive, Suite 100, Williamsville, NY 14221

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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: December 6, 2024

SUBJECT: Request to Rezone 0.96±Acres of Land from R-3 To OB Z-2024-04
Property Location: **1692 Maple Road**
Petitioner: **Michael & Corine Cicchetti**

Assessor agrees with all statements

cc: Michael & Corine Cicchetti c/o Sean Hopkins, 5500 Main St., Ste. 343, Williamsville, NY 14221

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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.: SP-24-633

Received: 12/5/2024

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** January 16, 2024 **Time** 6:30 pm **Location** 5583 Main Street

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

4. Action consists of: ☐ New Ordinance ☒ Rezone/Map Change ☐ Ordinance Amendment ☐ Site Plan ☐ Variance ☐ Special Use Permit ☐ Other

5. Location of Property: ☐ Entire Municipality ☒ Specific as follows: 1692 Maple Road

6. Referral required as Site is within 500'of: ☐ State or County Property/Institution ☐ Municipal Boundary ☐ Farm Operation located in an Agricultural District ☐ Expressway ☒ County Road ☐ State Highway ☐ Proposed State or County Road, Property, Building/ Institution, Drainageway

7. Proposed change or use: Rezone 0.96 acres of land from Residential District Three (R3) to Office Building District (OB).

8. Other remarks: (ID#, SBL#, etc.) 56.19-1-1 Z-2024-04

9. Submitted by: Scott A. Marshall, Principal Planner **Date:** December 3, 2024

Mailing Address: Town of Amherst Planning Department, 5583 Main St., Williamsville, NY 14221

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 12/5/2024**. 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. ☒ **No recommendation; proposed action has been reviewed and determined to be of local concern**

By the Division of Planning: Dan M. Hall **Date:** 1/14/2025

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

Amherst

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

RECEIVED
DEC 26 2024
TOWN OF AMHERST
PLANNING DEPT.

Brian J. Kulpa
Supervisor
Daniel C. Howard, AIC
Planning Director
Daniel J. Ulatowski, AI
Assistant Planning Direc

MEMORANDUM

December 4, 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)
Samuel Alba, Interim Town Attorney (Local Law Only)
Right-of-Way Agent
Integrated Review Coordinator, ECDEP

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

SUBJECT: REQUEST TO REZONE 0.96± ACRES OF LAND FROM R3 TO OB **Z-2024-04**; PROPERTY LOCATED AT **1692 MAPLE ROAD**. MICHAEL & CORINE CICCHETTI, PETITIONER.

REVIEW:

Do you agree with all statements made? yes

If you do not, briefly state why: see the issue with the driveways below.

General comments relative to your agency interests: Youngs Rd. is a limited access highway which does not allow driveways

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: Ann Demopoulos

Signature: _____ **Date:** 12/19/24

DU/SM/bf
X:\Current_Planning\Files\Rezonings\2024\Z-2024-04_(1692_Maple_Rd)_2024\Z-2024-04_Transmittal_120424.doc
cc: Scott Marshall, Principal Planner
Vaishali Reberholt, Assistant Town Engineer
Michael & Corine Cicchetti c/o Sean Hopkins, Esq. 35 California Drive, Suite 100, Williamsville, NY 14221

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

New York State
Parks, Recreation and
Historic Preservation

KATHY HOCHUL
Governor

RANDY SIMONS
Commissioner Pro Tempore

December 12, 2024

Scott Marshall
Principal Planner
Town of Amherst
5583 Main Street
Amherst, NY 14226

Re: SEQRA
Proposed Medical Building
1692 Maple Rd, Amherst, NY 14221
24PR11042

Dear Scott Marshall:

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 Campbell Higle at the following email address:

Campbell.Higle@parks.ny.gov

Sincerely,

R. Daniel Mackay

Deputy Commissioner for Historic Preservation
Division for Historic Preservation

RECEIVED
DEC 16 2024
TOWN OF AMHERST
PLANNING DEPT.

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

Amherst

Town of Amherst Planning Department

RECEIVED *Erie County, New York*

DEC 05 2024

TOWN OF AMHERST
BUILDING DEPT

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICI
Planning Director
Daniel J. Ulatowski, AIC
Assistant Planning Direct

MEMORANDUM

December 4, 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)
Samuel Alba, Interim Town Attorney (Local Law Only)
Right-of-Way Agent
Integrated Review Coordinator, ECDEP

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

SUBJECT: REQUEST TO REZONE 0.96± ACRES OF LAND FROM R3 TO OB **Z-2024-04**; PROPERTY LOCATED AT **1692 MAPLE ROAD**. MICHAEL & CORINE CICCHETTI, PETITIONER.

REVIEW:

Do you agree with all statements made? Yes.

If you do not, briefly state why: _____

General comments relative to your agency interests: 2 Accessable parking spaces required.

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:** 12/13/24

DU/SM/bf
X:\Current_Planning\Files\Rezonings\2024\Z-2024-04_(1692_Maple _Rd)_2024\Z-2024-04_Transmittal_120424.doc
cc: Scott Marshall, Principal Planner
Vaishali Reberholt, Assistant Town Engineer
Michael & Corine Cicchetti c/o Sean Hopkins, Esq. 35 California Drive, Suite 100, Williamsville, NY 14221

Attachment: Z-2024-04_TB letter packet_040725 (RES-2025-343 : 1692 Maple Road Rezoning)

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

2024 DEC -6 A 11: 39

MEMORANDUM

December 4, 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)
Samuel Alba, Interim Town Attorney (Local Law Only)
Right-of-Way Agent
Integrated Review Coordinator, ECDEP

RECEIVED
DEC 23 2024
TOWN OF AMHERST
PLANNING DEPT.

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

SUBJECT: REQUEST TO REZONE 0.96± ACRES OF LAND FROM R3 TO OB **Z-2024-04**; PROPERTY LOCATED AT **1692 MAPLE ROAD**. MICHAEL & CORINE CICCHETTI, PETITIONER.

REVIEW:

Do you agree with all statements made? YES, WITH CONDITION

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.) PETITIONER TO INSTALL PEDESTRIAN SIGNAL IMPROVEMENTS AT THE MAPLE/YOUNGS INTERSECTION including PEDESTRIAN HEADS AND PUSH BUTTONS.

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

Print Name: CHRISTOPHER SCHREGEL

Signature: _____ **Date:** 12/19/24

DU/SM/bf
X:\Current_Planning\Files\Rezonings\2024\Z-2024-04_(1692_Maple _Rd)_2024\Z-2024-04_Transmittal_120424.doc
cc: Scott Marshall, Principal Planner
Vaishali Reberholt, Assistant Town Engineer
Michael & Corine Cicchetti c/o Sean Hopkins, Esq. 35 California Drive, Suite 100, Williamsville, NY 14221

Attachment: Z-2024-04_traffic safety_122324 (RES-2025-343 : 1692 Maple Road Rezoning)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Planning
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 30295 A **RESOLUTION 2025-344** **ADOPTED**

Resolution of Commitment - Proposed Public Improvements (1789 Dodge Road - Proposed Realty Subdivision)

WHEREAS, a sketch plan for a proposed 13 building lot realty subdivision at 1789 Dodge Road was for approved by the Amherst Planning Board on November 21, 2024, AND

WHEREAS, the developer of the proposed realty subdivision desires to construct a public roadway for future dedication to the Town of Amherst, AND

WHEREAS, pursuant to Chapter 204 (Subdivision Regulations), Section 4-6-2H(1) of the Amherst Town Code the developer of a realty subdivision whom desires to dedicate public improvements must first obtain a "resolution of commitment" from the Amherst Town Board before he/she makes an application for preliminary plat approval with the Planning Board, AND

WHEREAS, pursuant to section 4-6-2H(1)(b)of the Subdivision Regulations, the Developer seeking a "resolution of commitment" from the Town Board, shall include in his/her request for such "resolution of commitment" the following:

1. the approved sketch plan;

2. an affirmation of his/her intention to seek condominium status pursuant to Section 339-Y of the NYS Real Property Law;

3. an itemization of the replacement cost of the public improvements that will be offered for future dedication;

4. a statement as to how the proposed improvements provide a public benefit to the Town of Amherst, AND

WHEREAS, the developer has provided the aforementioned items attached, AND

WHEREAS, this Board has reviewed the information provided and believes that it is in the public's interest to accept the proposed roadway as a future public roadway, AND

NOW THEREFORE BE IT RESOLVED, that this Board approves the request for a "resolution of commitment" for the proposed realty subdivision allowing for the filing of the preliminary plat application with the Amherst Planning Board.

4/7/2025
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

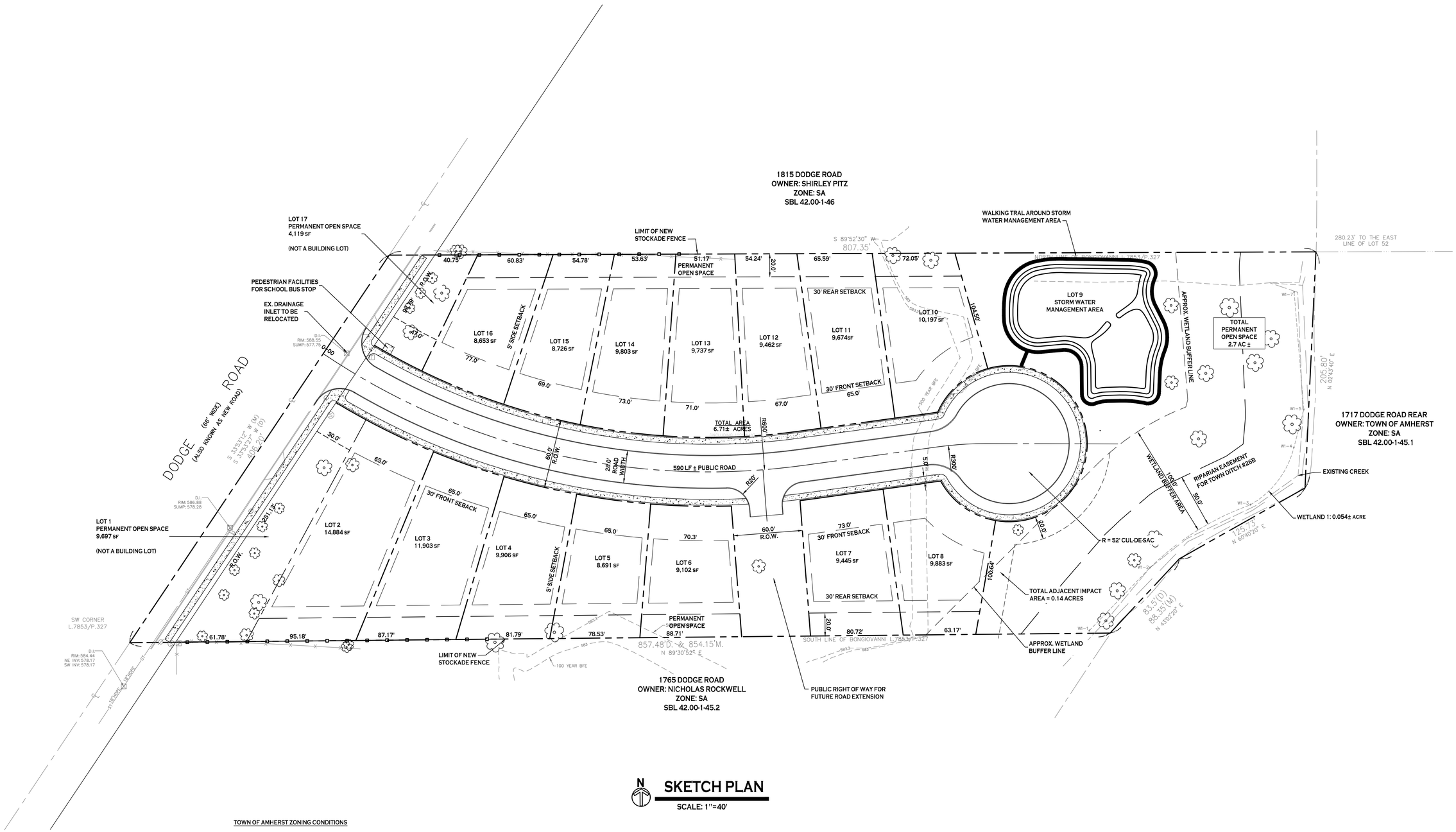
FINANCIAL IMPACT:

A commitment to accept a future public highway and associated infrastructure will result in perpetual public ownership and maintenance obligations.

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

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© CARMINA WOOD DESIGN



SKETCH PLAN

SCALE: 1"=40'

SITE DATA (ZONED R-3)

AREA = 6.7 ACRES ±

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

MIN. LOT AREA = 8,450 SF INTERIOR LOTS
MIN. LOT AREA = 9,750 SF CORNER LOTS

FRONT SETBACK = 30 FT (OFF EDGE OF PVMT)
SIDE SETBACK = 5 FT
REAR SETBACK = 30 FT

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

MINIMUM FLOOR AREA = 1,000 SF (1 STORY)
MINIMUM FLOOR AREA = 1,200 SF (2 STORIES)

TOWN OF AMHERST ZONING CONDITIONS

THE SIX ZONING CONDITIONS IMPOSED BY THE TOWN BOARD ON JULY 22, 2024 IN CONNECTION WITH THE REZONING FROM 'SA' TO 'R-3' WERE AS FOLLOWS

1. THAT FUTURE DEVELOPMENT OF THE SITE SHALL BE LIMITED TO SINGLE FAMILY DETACHED RESIDENTIAL USES WITH A MAXIMUM YIELD OF FIFTEEN (15) HOMES.
2. THAT ANY FUTURE DEVELOPMENT OF A PRINCIPAL OR ACCESSORY STRUCTURE OR USES IN THE 2.7 ACRES OF PERMANENT OPEN SPACE SHALL BE PROHIBITED. THE ONLY PROPOSED DEVELOPMENT OF THE PORTION OF HE PERMANENT OPEN SPACE IS LIMITED TO REQUIRED STORMWATER MANAGEMENT SYSTEM IMPROVEMENTS AND UTILITY INFRASTRUCTURE.
3. THAT A PROTECTIVE COVENANT/CONSERVATION EASEMENT SHALL BE PLACED ON ALL PROPOSED OPEN SPACE AND CONFIRM TOTAL ACREAGE TO BE UNDERTHE CONTROL OF A HOMEOWNERS ASSOCIATION.
4. THAT THE FINAL PLAT DESIGN SHALL INCLUDE A RIGHT-OF-WAY ACCESS TO A POTENTIAL FUTURE YOUNGS ROAD EXTENSION.
5. THAT THE LANDSCAPING AND SCREENING TO BE PROVIDED IN THE PERMANENT OPEN SPACE ALONG THE DODGE ROAD FRONTAGE OF THE PROJECT SITE SHALL REQUIRE THE APPROVAL OF THE PLANNING BOARD AT THE PRELIMINARY PLAT APPLICATION STAGE OF THE SUBDIVISION REVIEW PROCESS.
6. ANY FUTURE PRELIMINARY PLAT THAT SHALL BE SUBMITTED TO THE PLANNING BOARD SHALL CONSIDER PROVISIONS FOR FUTURE ACCESS TO THE NORTH AND SOUTH OF THE SUBJECT PROPERTY.

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

40' 40 0 40 80Ft.

CARMINAWOOD DESIGN
Buffalo | Utica | Greensboro

Single Family Subdivision

1789 Dodge Road
Amherst, New York

REVISIONS:

No.	Description	Date
1	Rev. Per Town Comments	9/19/2024
2	Rev. Per Town Comments	10/24/2024

PRELIMINARY
NOT FOR CONSTRUCTION

DRAWING NAME:
Sketch Plan

Date: 10.28
Drawn By: C. W
Scale: As No

DRAWING NO.
C-100

Project No: 20.247

Attachment: Sketch Plan-Drawing C-100-Updated-10-28-24 (RES-2025-344 : 1789 Dodge Road - Resolution of Committment - Public Improvements)

CARMINAWOOD
DESIGN

April 1, 2025

Dan Ulatowski, Assistant Planning Director/ZEO
Town of Amherst Planning Department
5583 Main Street
Williamsville, New York 14221

Re: Probable Replacement Cost Estimate [SUB-2024-02_PP]
Proposed Residential Subdivision – Preliminary Plat Review
Location: 1789 Dodge Road
Applicant: Joe Rubino

Dear Mr. Ulatowski:

On behalf of Joseph Rubino (the "Project Sponsor"), this letter has been prepared to provide an itemized estimated replacement cost estimate as set forth below for the proposed public improvement portion of the project per Section 4-6-2 H(1)(b) of the Subdivision Regulations in connection with the request for the Town Board acceptance of the proposed public roadway.

Item #	Item Description	Price
1	Paving	$210,000
2	Curb	$120,000
3	Storm Drainage	$300,000
4	Sanitary	$140,000
5	Waterline	$90,000
6	Street Lighting	$100,000

TOTAL PRICE: **$960,000**

If you should have any questions regarding this letter, please contact Sean Hopkins, Esq. at 716.510-4338 or via e-mail at shopkins@hsmlegal.com.

Attachment: Esitmate of Replacement Costs - proposed public improvements (RES-2025-344 : 1789 Dodge Road - Resolution of Committment -

Thank you.

Sincerely,

Dan LaPietra, EIT | Civil Engineering

cc: Scott Marshall, Principal Planner
Christopher Wood, P.E., Carmina Wood Design
Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC

Attachment: Esitmate of Replacement Costs - proposed public improvements (RES-2025-344 : 1789 Dodge Road - Resolution of Committment -

JOSEPH RUBINO
5462 SHERIDAN DRIVE, SUITE 2
WILLIAMSVILLE, NY 14221

April 2, 2025

Brian J. Kulpa, Town of Amherst Supervisor
Town of Amherst Town Board
5583 Main Street
Williamsville, NY 14221

Re: Proposed Residential Subdivision
Location: 1789 Dodge Road
Petitioner: Joe Rubino

Dear Supervisor Kulpa and Councilmembers:

This letter is being submitted pursuant to Section 4-6-2(H)(1) of the Town of Amherst Subdivision Regulations as amended by the Town Board on December 2, 2024 for the purpose of stating that I have no intention of seeking condominium status pursuant to Section 339-Y of the NYS Real Property Law in connection with the proposed residential subdivision at 1789 Dodge Road.

Sincerely,

Joe Rubino

cc: Shawn Lavin, Councilmember
Jacqualine Berger Councilmember
Angela Marinucci Councilmember
Michael R. Szukala, Councilmember .
Daniel Howard, Planning Director
Daniel Ulatowski, Assistant Planning Director/ZEO
Steven Bengart, Esq., Town Attorney
Francina Spoth, Town Clerk
Sean Hopkins, Esq.

Attachment: Developer intention of seeking condominium status (RES-2025-344 : 1789 Dodge Road - Resolution of Committment - Public

JOSEPH RUBINO
5462 SHERIDAN DRIVE, SUITE 2
WILLIAMSVILLE, NY 14221

April 7, 2025

Brian J. Kulpa, Town of Amherst Supervisor
Town of Amherst Town Board
5583 Main Street
Williamsville, NY 14221

Re: Proposed Residential Subdivision
Location: 1789 Dodge Road
Petitioner: Joe Rubino

Dear Supervisor Kulpa and Councilmembers:

This letter has been prepared based on recent discussions between Sean Hopkins, Esq. and myself with Daniel Ulatowski of the Planning Department relative to supplementing the submission previously made pursuant to Section 4-6-2(H)(1) of the Town of Amherst Subdivision Regulations as amended by the Town Board on December 2, 2024 in support of the pending request that the Town Board issue a "resolution of commitment" relative to the proposed residential subdivision at 1789 Dodge Road (the "Project Site") that includes a proposed public roadway and related proposed public infrastructure.

The public benefits that will result from the proposed public roadway as depicted on the project plans prepared by Carmin Wood Design include that this will enable the project to include a stub street that will accommodate a future potential public roadway connection to the parcel directly to the south of the Project Site. If the roadway was private, it would not be able to accommodate the potential future roadway connection as depicted on the project plans.

Sincerely,

Joe Rubino

Joe Rubino

cc: Shawn Lavin, Councilmember
Jacqualine Berger Councilmember
Angela Marinucci Councilmember
Michael R. Szukala, Councilmember .
Daniel Howard, Planning Director
Daniel Ulatowski, Assistant Planning Director/ZEO
Steven Bengart, Esq., Town Attorney
Francina Spoth, Town Clerk
Sean Hopkins, Esq.
Daniel LaPierta, Carmina Wood Design

Attachment: Rubino-Ltr-Town Board-04-07-25 (RES-2025-344 : 1789 Dodge Road - Resolution of Committment - Public Improvements)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Councilmembers
Initiated by: **Shawn Lavin**
Co-Sponsored by:

DOC ID: 30269 **RESOLUTION 2025-345** **ADOPTED**

Senior Services Advisory Board Appointment

WHEREAS, Lisa Giancarlo has expressed interest in serving on the Senior Services Advisory Board and has submitted her resume to the Director of Senior Services; and

WHEREAS, after review and approval, the Director of Senior Services provided resume to the Town Board for final approval;

NOW, THEREFORE, BE IT RESOLVED, that the Amherst Town Board appoints Lisa Giancarlo to the Senior Services Advisory Board for her first term to end December 31, 2026.

4/7/2025
Consent

FINANCIAL IMPACT:

None

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

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Councilmembers
Initiated by: **Michael Szukala**
Co-Sponsored by:

DOC ID: 30177 **RESOLUTION 2025-346** **ADOPTED**

Approval of Disability Benefit

RESOLUTION AUTHORIZING PAYMENT OF DISABILITY BENEFIT
LOSAP PROGRAM
ELLICOTT CREEK FIRE PROTECTION DISTRICT NO. 9

WHEREAS, Penflex, Inc., the LOSAP program administrator for the Town of Amherst has advised the Town Board that Vincent V. Muscarella has applied for and is eligible for a Total and Permanent Disability Benefit under the terms and provisions of the LOSAP Program.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the payment to Vincent V. Muscarella of the sum of $21,204.89 as the entitled disability benefit due hereunder; and

BE IT FURTHER RESOLVED, that Town Supervisor Brian Kulpa is authorized to issue written authorization to Penflex, Inc., together with a certified copy of this resolution directing and authorizing the processing of the disability payment herein.

4/7/2025
Consent

FINANCIAL IMPACT:

From the LOSAP Plan

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

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Councilmembers
Initiated by: **Michael Szukala**
Co-Sponsored by:

DOC ID: 30267 **RESOLUTION 2025-347** **ADOPTED**

AGFAB Appointment

WHEREAS, David Kinda has expressed interest in serving on the Amherst Government Financial Advisory Board (AGFAB) and has submitted his synopsis to the board's Liaison, Councilmember Szukala; and

WHEREAS, after review and approval, Councilmember Szukala provided synopsis to the Town Board for final approval;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Amherst Town Board appoints David Kinda to the AGFAB for a term to conclude December 31, 2026.

4/7/2025
Consent

FINANCIAL IMPACT:

None

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

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Councilmembers
Initiated by: **Angela Marinucci**
Co-Sponsored by:

DOC ID: 30242 **RESOLUTION 2025-348** **ADOPTED**

Community Forestry Management Plan

WHEREAS, the Town of Amherst has been named a Tree City USA Community by the National Arbor Day foundation for over 28 years, and

WHEREAS, the Town code Chapter 179 Trees was amended in Town Board Resolution 2020-297 to create and implement a Tree Board, and

WHEREAS, the Town Code Chapter 179 has directed the Tree Board to develop and review a comprehensive tree plan, review said progress and recommend to the Town Board updates to the Community Forestry Management Plan, and

WHEREAS, the Town Board authorized the Town Supervisor to enter into a contract with the New York State Department of Environmental Conservation (NYSDEC) for a street tree inventory and Community Forestry Management Plan in Town Board Resolution 2019-245, and

WHEREAS, the Town's NYSDEC approved Community Forestry Management Plan provides a strategy for meeting the tree and forestry needs of the community, representing a balance between the needs and concerns of the public and the challenges of implementation, and

WHEREAS, the Tree Board recommends the Town Board acknowledge this Community Forestry Management Plan as the Town's comprehensive tree plan,

NOW THEREFORE BE IT RESOLVED, that the Amherst Town Board hereby acknowledge the recommendations of the Community Forestry Management Plan as the Town's vision for forestry operations and as a comprehensive tree plan.

4/7/2025
Consent

FINANCIAL IMPACT:

The adoption of the resolution will have no fiscal impact.

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

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Steven Bengart**
Co-Sponsored by:

DOC ID: 30294 **RESOLUTION 2025-349** **ROLL CALL VOTE (ADOPTED)**

Paradise Park Restroom Improvements (Amended Bond Resolution - $645,000)

AGENDA ITEM : APRIL 7th, 2025

TO: **Town Board**

FROM: **Steven Bengart, Esq., Town Attorney**

DATE: **April 1, 2025**

RE: **Paradise Park Restroom Improvements**
2025-2030 C.I.P. – Project YR-1A
Amended Bond Resolution - $645,000

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 $645,000.00 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.

SB:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(*w/attachments*, **Agenda Item – April 7, 2025**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Brian J. Armstrong, Director, Engineering Services (*w/attachments*)

4/7/2025
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by

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

FINANCIAL IMPACT:

Amended Bond Resolution - $645,000

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

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 February 10, 2025

TO: Brian Armstrong, Director
Engineering Services Department

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

RE: SEQR Classification – Paradise Park Restroom Building
2025-2030 C.I.P. Project YR-1A

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)(9). 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)\O2_10_2025_YR-1A_Paradise Park Restroom.docx

cc: Samuel Alba Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: O2_10_2025_YR-1A_Paradise Park Restroom (RES-2025-349 : Paradise Park Restroom Improvements (Amended Bond Resolution

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the

County of Erie, New York

April 7, 2025

* * *

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 April 7, 2025.

There were present:	Hon. Brian J. Kulpa, Supervisor; and
Board members:	Shawn Lavin, Deputy Supervisor/Councilman Jacqualine Berger, Councilwoman Angela Marinucci, Councilwoman 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-2025-349 : Paradise Park Restroom Improvements (Amended Bond Resolution - $645,000))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED APRIL 7, 2025, AUTHORIZING ADDITIONAL FINANCING FOR IMPROVEMENTS TO PARADISE PARK, STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS $978,700, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $645,000 TO FINANCE A PORTION OF SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF AMHERST, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Amherst, in the County of Erie, New York (herein called the "Town"), is hereby authorized to undertake improvements to Paradise Park, as described in the map, plan and report dated February 2025 and revised in March 2025, prepared by the Town Engineering Department (2025-2030 Capital Improvement Program Project YR-1A). The estimated total maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $978,700 and $645,000 in serial bonds, or bond anticipation notes issued in anticipation of the sale of said bonds, as authorized herein is appropriated therefor. The plan of financing includes (i) the issuance of bonds in the principal amount of $645,000 and any bond anticipation notes issued in anticipation of the sale of said bonds, as authorized herein, (ii) serial bonds authorized and appropriated pursuant to bond resolutions adopted by the Town Board on April 5, 2021 and February 24, 2025, (iii) certain Town funds, (iv) an Erie County/State of New York grant, and (v) 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.

Attachment: CertBondReso (RES-2025-349 : Paradise Park Restroom Improvements (Amended Bond Resolution - $645,000))

Section 2. Bonds of the Town in the principal amount of $645,000 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 objects or purposes as set forth in section 1 hereof.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the specific object or purpose for which said $645,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 19(c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town

Attachment: CertBondReso (RES-2025-349 : Paradise Park Restroom Improvements (Amended Bond Resolution - $645,000))

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.

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

Attachment: CertBondReso (RES-2025-349 : Paradise Park Restroom Improvements (Amended Bond Resolution - $645,000))

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in "The Amherst Bee," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

Attachment: CertBondReso (RES-2025-349 : Paradise Park Restroom Improvements (Amended Bond Resolution - $645,000))

TOWN OF AMHERST. NEW YORK

PLEASE TAKE NOTICE that on April 7, 2025, the Town Board of the Town of Amherst, in the County of Erie, New York, adopted a bond resolution entitled:

"BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED APRIL 7, 2025, AUTHORIZING ADDITIONAL FINANCING FOR THE IMPROVEMENTS TO PARADISE PARK, STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS $978,700, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $645,000 TO FINANCE A PORTION OF SAID APPROPRIATION"

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town is authorized to undertake improvements to Paradise Park, as described in the map, plan and report dated February 2025 and revised in March 2025, prepared by the Town Engineering Department (2025-2030 Capital Improvement Program Project YR-1A); STATING the estimated total maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is $978,700 and $645,000 in serial bonds, or bond anticipation notes issued in anticipation of the sale of said bonds, as authorized herein is appropriated therefor; and STATING the plan of financing includes (i) the issuance of bonds in the principal amount of $645,000 and any bond anticipation notes issued in anticipation of the sale of said bonds, as authorized herein, (ii) serial bonds authorized and appropriated pursuant to bond resolutions adopted by the Town Board on April 5, 2021 and February 24, 2025, (iii) certain Town funds, (iv) an Erie County/State of New York grant, and (v) 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.

SECOND: AUTHORIZING the issuance of bonds in the principal amount of $645,000 pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

Attachment: CertBondReso (RES-2025-349 : Paradise Park Restroom Improvements (Amended Bond Resolution - $645,000))

FOURTH: DETERMINING that said bonds, and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds, and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: April 7, 2025

FRANCINA J. SPOTH,
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

Attachment: CertBondReso (RES-2025-349 : Paradise Park Restroom Improvements (Amended Bond Resolution - $645,000))

The adoption of the foregoing resolution was seconded by _____and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

****

Attachment: CertBondReso (RES-2025-349 : Paradise Park Restroom Improvements (Amended Bond Resolution - $645,000))

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 April 7, 2025, 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 April, 2025.

(SEAL)

_____
Town Clerk

Attachment: CertBondReso (RES-2025-349 : Paradise Park Restroom Improvements (Amended Bond Resolution - $645,000))

Town of Amherst
Youth & Recreation Department

Paradise Park Restroom Improvement
2025 – 2030 Capital Improvement Program Project YR-1A
Town of Amherst Job # 2015.024A

Map, Plan & Report
February 2025
Revised March 2025

CONTENTS:

- Adopted 2025 – 2030 CIP Project YR-1A
- Introductions / Existing Conditions
- Proposed Scope of Improvements
- Financial / Taxation Summary
- SEQR Determination – Unlisted Action

Prepared by
Town of Amherst Engineering Department
1100 North Forest Rd.
Williamsville, NY 14221
(716) 631-7154

Attachment: MPR Final - Revised 3-31-25 rev1 (RES-2025-349 : Paradise Park Restroom Improvements (Amended Bond Resolution - $645,000))

TOWN OF AMHERST
YOUTH & RECREATION DEPARTMENT
Paradise Park Restroom Improvement

Town of Amherst
Adopted 2025-2030 Capital Improvement Program
(All dollars are in $1,000's)
11/20/2024

Project ID	Project Title/Description	2025		2026		2027		2028		2029		2030		Total Cost 2025-2030
S-12	**Building 4 Roof Replacement (Partial)** Partial replacement of the membrane roof system, including the partial retrofit of the skylight system for worker health and safety.			1,500 LW										$1,500
S-13	**Parallel Peanut Line Sanitary Interceptor** Installation of a 24" parallel sanitary interceptor along the Peanut Line from Transit to Paradise, including a 24" sewer crossing under Transit Rd. (costs shared by Town of Clarence & ECSD - TOA share is 20%).			830 LG	3,320 X									$4,150
S-14	**WPCF Building Envelope Rehabilitation** Replace remaining roofs, lintel replacements, door replacements, brick repointing, joint work, parapet wall stabilization, etc.					2,500 LW		3,000 LW		3,000 LW		3,000 LW		$11,500
S-15	**Lift Station Generator Repl. & Control Upgr.** Replacement of three 20-plus year old generators at the Town's larger lift stations and population of control systems with field installed instrumentation to make 11 of the larger lift stations controllable via SCADA.					500 LG		500 LG		500 LG				$1,500
Youth & Recreation - $8,438														
Y&R - Vehicles & Equipment														
YR-1	**Youth & Rec Vehicles & Equipment** Replace aging vehicles used for the maintenance and upkeep of Youth & Rec facilities.	120 LA												$120
Y&R - Athletic & Recreation Facilities / Community Centers														
YR-1A	**Rec. Complex Concession/Restroom Impr.** New restrooms and shelter at Paradise Park, new concessions, restrooms and parking at N. French soccer complex ($250K Erie County Leg. Greene - Paradise Park; $350K NYS Assembly Representative McMahon, $1.2M private investment - N. French soccer).	$645 LA To be Amend 4/7	250 F/S		350 F/S 1,200 X									$2,105
YR-2A	**Northwest Amherst Comm. Center Playground** Playground installation and new outdoor improvements (Community Benefit funds).		250 X		250 X									$500
YR-3A	**Pool and Splash Park Safety Surfacing** Replace deteriorating safety surfacing at the Clearfield splash park.	100 LA												$100
YR-4A	**Northtown Center Rubber Floor Replacement** Replace approximately 40,000 SF of rubber flooring on the first floor of the Northtown Center.			500 LA										$500
YR-5A	**Clearfield Tennis Court Lighting** Install new LED lighting on the four tennis courts at Clearfield Community Center.					187 LA								$187
YR-6A	**Ice Resurfacer Replacement** Replacement of the oldest ice resurfacers with battery operated resurfacers.		320 X											$320
YR-7A	**NTC Sound System & Scoreboard Replacement** Replace old sound system and scoreboards at Northtown Center.					75 LA		125 LA						$200

INTRODUCTION / EXISTING CONDITIONS:

The Amherst Youth & Recreation Department offers programs for residents of all ages. Program activities are held at various Recreation and Community Center locations throughout the town. Year round indoor ice skating is available through the Northtown Center at Amherst. The facility offers Public Skate sessions for people of all ages. In addition to 3 NHL ice rinks and one Olympic sized rink, the complex grounds include 9 softball fields. Amherst is home to over 20 outdoor park/playground locations which encompass both active and passive recreation. Town-wide Park amenities include several football and soccer fields, playgrounds, sport courts, shelters, bike paths, tennis courts, pickleball courts, sports fields and picnic areas. Picnic shelters and select facilities are available for rental by large groups. Two beautiful pools along with a splash park are available for resident use during the summer months. From spring through late fall, area residents and non-residents alike can enjoy golfing at a public 18-hole golf course as well as a 9-hole par 3 course. A driving range is also available for those who want to brush up on their game or take a few swings.

Attachment: MPR Final - Revised 3-31-25 rev1 (RES-2025-349 : Paradise Park Restroom Improvements (Amended Bond Resolution - $645,000))

TOWN OF AMHERST
YOUTH & RECREATION DEPARTMENT
Paradise Park Restroom Improvement

PROPOSED SCOPE OF IMPROVEMENTS:

As per the aerial photograph shown below, the Town owns and operates Paradise Park, located at 750 Paradise Road near the intersection of Casey Road to the North. This park area includes three (3) soccer fields, four (4) pickleball courts, a basketball court, several playground structures, a picnic shelter and associated parking for all listed amenities.

In order to enhance the user experience of this park, a new approx. 1,250 sq. ft. single-story, ADA-compliant permanent "Class C" building will be constructed at-grade to replace use of temporary portable restrooms and this building shall include restrooms and storage and will be located in close proximity to the other recreational elements. The building will be utility serviced via construction of new sanitary and storm sewer laterals as well as the construction of new water and electrical services. The building will include remote locking and un-locking capability as well as new remote surveillance elements. As an extra layer of safety, additional lighting will be provided around the building as well as new parking lot lights being added to the existing parking area. Seasonal ventilation and heating will be provided within the building as well.

As per the above and while the amenities may change as the design is further developed, the scope of this project described above will be designed during 2025 and bid and constructed during 2025 and 2026. The above project will be bonded against the Town of Amherst General Fund with serial bonds and in conjunction with an Erie County Grant allocation at a total project cost of $978,700.00, including a total bonded amount by the Town of $645,000.00. The improvements provided within the scope of this project will have a minimum life cycle of 15 years.



Aerial Photo: May 2022

Attachment: MPR Final - Revised 3-31-25 rev1 (RES-2025-349 : Paradise Park Restroom Improvements (Amended Bond Resolution - $645,000))

TOWN OF AMHERST
YOUTH & RECREATION DEPARTMENT
Paradise Park Restroom Improvement

FINANCIAL SUMMARY:

Est. Construction Costs	$	935,450
Professional Services		40,000
Legal / Administrative		3,250
Total Project Costs		978,700
Erie County Grant Allocation		(250,000)
Previous Recreation Bond		(49,700)
Recreation Fees (T2023)		(34,000)
Town of Amherst Funds to be Bonded	**$**	**645,000**

TAXATION SUMMARY:

Total Bond Amount:	$645,000 (General Fund)
Bond Term:	15 Years
Annual Tax Impacts:	$0.00325 per $1,000 AV (100% Equalization)
Median Home Annual Tax Impact:	$1.1236 per $346,000 AV (100% Equalization)

Attachment: MPR Final - Revised 3-31-25 rev1 (RES-2025-349 : Paradise Park Restroom Improvements (Amended Bond Resolution - $645,000))

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

MEMORANDUM February 10, 2025

TO: Brian Armstrong, Director
Engineering Services Department

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

RE: SEQR Classification – Paradise Park Restroom Building
2025-2030 C.I.P. Project YR-1A

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)(9). 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)\O2_10_2025_YR-1A_Paradise Park Restroom.docx

cc: Samuel Alba Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: MPR Final - Revised 3-31-25 rev1 (RES-2025-349 : Paradise Park Restroom Improvements (Amended Bond Resolution - $645,000))

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Steven Bengart**
Co-Sponsored by:

DOC ID: 30263 A **RESOLUTION 2025-350** **ROLL CALL VOTE (ADOPTED)**

Klein Road Transportation Improvements (Bond Resolution - $490,000)

AGENDA ITEM – APRIL 7TH, 2025

TO: **Town Board**

FROM: **Steven Bengart, Esq., Town Attorney**

DATE: **April 2, 2025**

RE: **Klein Road Transportation Improvements**
2025-2030 C.I.P. – Project E-5
Bond Resolution - $490,000

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 $490,000.00 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 – April 7, 2025**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Chris Schregel, Project Manager (*w/attachments*)

4/7/2025
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Councilmember Berger and

unanimously approved via Roll Call vote 5-0.

FINANCIAL IMPACT:

Bond Resolution - $490,000

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

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 March 25, 2025

TO: Christopher Schregel, Project Manager
Engineering Department

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

RE: SEQR Classification – Klein Road Transportation Improvements
2025-2030 C.I.P. Project E-5

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)(1),(5) &(22). Therefore, no further environmental review is required.

Please contact our office if you have any questions.

cc: Sam Alba, Esq., Town Attorney
Daniel Howard, Planning Director

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\03_25_2025_E-5 _Klein Road Transporation Improvements.docx

Attachment: 03_25_2025_E-5 _Klein Road Transporation Improvements (RES-2025-350 : Klein Road Transportation Improvements (Bond

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the

County of Erie, New York

April 7, 2025

* * *

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 April 7, 2025.

There were present:	Hon. Brian J. Kulpa, Supervisor; and
Board members:	Shawn Lavin, Deputy Supervisor/Councilman Jacqualine Berger, Councilwoman Angela Marinucci, Councilwoman 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-2025-350 : Klein Road Transportation Improvements (Bond Resolution - $490,000))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED APRIL 7, 2025, AUTHORIZING TRAFFIC SIGNAL IMPROVEMENTS, STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS $490,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $490,000 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 traffic signal improvements as described in the map, plan and report dated April 2025, prepared by the Town Engineering Department (2025-2030 Capital Improvement Program Project E-5). The estimated total maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $490,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the aggregate principal amount of $490,000 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 $490,000 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 objects or purposes as set forth in section 1 hereof.

Attachment: CertBondReso (RES-2025-350 : Klein Road Transportation Improvements (Bond Resolution - $490,000))

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the class of objects or purposes for which said bonds are authorized to be issued, within the limitations of Section Sections 11.00 a. 72(a) of the Law, is twenty (20) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds, and any notes in anticipation thereof to mature in such year, and (b) the payment of interest to be due and payable in such year.

Attachment: CertBondReso (RES-2025-350 : Klein Road Transportation Improvements (Bond Resolution - $490,000))

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Attachment: CertBondReso (RES-2025-350 : Klein Road Transportation Improvements (Bond Resolution - $490,000))

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in "The Amherst Bee," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

Attachment: CertBondReso (RES-2025-350 : Klein Road Transportation Improvements (Bond Resolution - $490,000))

TOWN OF AMHERST. NEW YORK

PLEASE TAKE NOTICE that on April 7, 2025, the Town Board of the Town of Amherst, in the County of Erie, New York, adopted a bond resolution entitled:

"BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED APRIL 7, 2025, AUTHORIZING TRAFFIC SIGNAL IMPROVEMENTS, STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS $490,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $490,000 TO FINANCE SAID APPROPRIATION,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town is authorized to undertake traffic signal improvements as described in the map, plan and report dated April 2025, prepared by the Town Engineering Department (2025-2030 Capital Improvement Program Project E-5); STATING the estimated total maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is $490,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of $490,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of $490,000 pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is twenty (20) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds, and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds, and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

Attachment: CertBondReso (RES-2025-350 : Klein Road Transportation Improvements (Bond Resolution - $490,000))

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: April 7, 2025

FRANCINA J. SPOTH,
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

Attachment: CertBondReso (RES-2025-350 : Klein Road Transportation Improvements (Bond Resolution - $490,000))

The adoption of the foregoing resolution was seconded by _____and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

****

Attachment: CertBondReso (RES-2025-350 : Klein Road Transportation Improvements (Bond Resolution - $490,000))

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 April 7, 2025, 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 April, 2025.

(SEAL)

_____
Town Clerk

Attachment: CertBondReso (RES-2025-350 : Klein Road Transportation Improvements (Bond Resolution - $490,000))

Attachment: MPR 2025 E-5 Klein Road Transportation Improvements (RES-2025-350 : Klein Road Transportation Improvements (Bond

Town of Amherst
Engineering Department

Klein Road Transportation Improvements

2025 – 2030 Capital Improvement Program E-5
TOA Project #2025.008
MAP, PLAN, & REPORT

APRIL 2025

Contents:

- Executive Summary
- Location and Background
- Scope of Improvements
- Maintenance Responsibility
- Project Schedule
- Financial Summary
- Project Cost Estimate
- Taxation Summary
- Town of Amherst Planning Department SEQR Determination – Type II Action
- Maps

Prepared by:
Town of Amherst Engineering Department
Engineering Support Division
1100 North Forest Road
Williamsville, NY 14221
(716) 631 - 7154 / Fax: (716) 631 - 7222

Town of Amherst
Klein Road Transportation Improvements

EXECUTIVE SUMMARY:

The Town of Amherst, NY is undertaking a series of proposed transportation improvements for the W. Klein Road and Klein Road Corridor in response to concerns about safety, traffic flow, and infrastructure. The corridor experiences high traffic volumes, with issues including excessive speed, crashes, and inadequate accommodations for pedestrians and cyclists. The subject project focuses on four (4) key intersections—Youngs/Klein Road, Dash's Market/Cobblestone Lane, Klein Road/Ayer Road/Knollwood Lane, and Birchwood Drive/Ranch Trail—where various enhancements will be studied and implemented, to potentially include signal upgrades, intersection reconfigurations, and other transportation safety improvements. The goal is to improve safety, reduce delays, and enhance the functionality of the roadway system, benefiting both vehicular and pedestrian traffic. Proposed improvements will follow previously identified recommendations and other improvements identified during the study/design phase.

LOCATION AND BACKGROUND:

W. Klein and Klein Road Corridor

West Klein Road is a local, two-lane collector roadway that carries traffic east-west between North Forest Road and Transit Road. The corridor experiences high traffic volumes, with an average daily traffic of 12,235 vehicles and an 85th percentile speed of 43.6 mph. This can create challenges, as the roadway serves a mix of single-family residential areas, commercial properties, and community recreation facilities.

Residents have raised several concerns, including the lack of pedestrian and bicycle accommodations, narrow shoulders, mid-block crossings, offset intersections, uncontrolled intersections, crashes, excessive speed, and vehicles leaving the roadway, which can result in property damage. The various areas of concern include Klein Road/Ayer Road and Birchwood/Ranch Trail intersections, among others.

In response to these issues, the Amherst Traffic Safety Board recommended conducting a corridor study for Klein Road at its August 2024 meeting.

Klein Road and Youngs Road

The intersection of Klein Road and Youngs Road is Town intersection with signal equipment that is owned, maintained, and operated by the Town of Amherst, NY. Both roadways are two-lane highways that widen to multiple lanes at the intersection, including left-turn lanes in all directions and right-turn lanes on the north and south approaches. A review of the intersection revealed that its crash rate is 3.7 times higher than the statewide average for intersections of similar size and vehicular volume. Additionally, delays were observed during peak traffic times, particularly affecting certain movements. As such, the Town's Amherst Traffic Safety Board at its June 2023 meeting recommended the Town make upgrades to the signal including, but not limited to, the installation of protected left turn phases on all legs of the intersection.

Attachment: MPR 2025 E-5 Klein Road Transportation Improvements (RES-2025-350 : Klein Road Transportation Improvements (Bond

Town of Amherst
Klein Road Transportation Improvements

Cobblestone Lane and Dash's Market

The intersection of West Klein Road, Cobblestone Lane, and the driveway for Dash's Market is currently unsignalized, with a single lane in both eastbound and westbound directions. Both the north and south approaches feature a raised, divided median, and there are no pedestrian accommodations. Both residents and the Dash's Market has raised concerns about difficulties exiting Dash's Plaza and Cobblestone Lane due to traffic congestion, particularly between 3 p.m. and 6 p.m. This issue is likely exacerbated by delays and heavy traffic at the nearby signalized intersection of West Klein Road and Hopkins Road to the east.

A traffic count conducted by the Greater Buffalo-Niagara Regional Transportation Council in June 2023 found that West Klein Road, between North Forest Road and Hopkins Road, experiences an annual average daily traffic (AADT) of 8,569 vehicles. The count also revealed an 85th percentile speed of 42.8 mph, exceeding the posted 35 mph speed limit. In response to public concerns, the Amherst Traffic Safety Board recommended the consideration of sidewalks and potential roadway reconstruction or reconfiguration in the area.

SCOPE OF IMPROVEMENTS:

This project includes study, design, and construction of identified improvements identified during the project's study and design phase of the W. Klein and Klein Road corridor. Focus will be on improving known transportation safety and efficiency locations, that include, but are not limited to the following:

1. Youngs/Klein Road Intersection – Modify signal system
2. W. Klein Road / Dash's Market / Cobblestone Lane Intersection – Install signal system and/or intersection improvements. Includes Hopkins/Klein Signal timing changes and coordination.
3. Klein Rd. / Ayer Rd. / Knollwood Ln. Road Intersection – Reconfiguration and/or roadside barrier installation
4. W. Klein Rd. / Birchwood Drive / Ranch Trail Intersection – Traffic control signage and/or reconfiguration

Other locations or intersections along West Klein and Klein Roads may also be identified for study and /or improvement during the study phase or by the public during the course of the project.

Attachment: MPR 2025 E-5 Klein Road Transportation Improvements (RES-2025-350 : Klein Road Transportation Improvements (Bond

Town of Amherst
Klein Road Transportation Improvements

Project locations include a combination of study, design, and construction necessary to enhance the safety and functionality of the transportation system along West Klein and Klein Roads and may include a variety of improvements. The following are scopes according to location:

1. ***Klein Road and Youngs Road***
   Improvements include modifications to the signal system including protected left turns for all approaches and may include:
   - Adjustments to signal timing and phasing
   - Replacement of span wires and/or poles
   - Upgrades to pedestrian signals and ramps
   - Enhancements to the detection system
   - Adjustments to wiring and power supply
   - Improvements to striping and signage
   - Upgrade signal controller
   - Installation of back-up battery system

2. ***W. Klein Road / Dash's Market / Cobblestone Lane Intersection***
   This project aims to improve the safety and efficiency of the unsignalized intersection at W. Klein Road, Dash's Market, and Cobblestone Lane by reducing delays, preventing vehicle blockage at minor approaches, and enhancing overall safety. Proposed improvements may include:
   - Study and design to identify appropriate traffic control measures
   - Review of traffic warrants and criteria
   - Analysis and implementation of access management solutions
   - Design and construction of a traffic signal system
   - Pedestrian safety enhancements
   - Modifications to roadway geometry
   - Utility work to support roadway adjustments
   - Upgrades to signage and striping
   - Improve efficiency of signal timing at the nearby intersection of Hopkins & West Klein to alleviate congestion at the subject intersection
   - Signal coordination with nearby signals

   These improvements intended to improve traffic flow and safety for all road users in the area.

Attachment: MPR 2025 E-5 Klein Road Transportation Improvements (RES-2025-350 : Klein Road Transportation Improvements (Bond

Town of Amherst
Klein Road Transportation Improvements

3. Klein Road/Ayer Road/Knollwood Lane Intersection

This project addresses the misalignment of the intersection, which has led to crashes causing property damage within the Woodstream Farms residential area to the north. In alignment with recommendations from the Amherst Traffic Safety Board, the project will involve the review, design, and construction of either a reconfigured intersection or a roadside barrier to enhance safety in the area. Key improvements may include:

- Reconfiguration of the intersection to align the north and south approaches
- Modifications to signage and striping
- Installation of a roadside barrier (e.g., guide rail)
- Pedestrian safety improvements
- Right-of-way acquisition and related incidental work

4. W. Klein Road / Birchwood Drive / Ranch Trail Intersection

This project is focused on enhancing the safety, geometry, and traffic control at the unsignalized intersection of W. Klein Road, Birchwood Drive, and Ranch Trail. The goal is to improve traffic flow and safety for all users. Proposed improvements may include:

- Study and design to identify appropriate traffic control measures
- Review of traffic warrants and criteria
- Design and construction of an all-way stop or other suitable traffic control measures
- Pedestrian safety enhancements
- Modifications to roadway geometry
- Utility work to support roadway adjustments
- Upgrades to signage and striping
- Right-of-way acquisition and related incidental work

These improvements are aimed at improving both traffic efficiency and safety at the intersection for vehicles and pedestrians alike.

Additional components may be included at the discretion of the Engineering and Highway Departments. The modifications will follow recommendations from both prior studies and new findings from this project's study phase, with the goal of improving safety and traffic flow for the community.

MAINTENANCE RESPONSIBILITY:

As previously mentioned, W. Klein and Klein Roads are owned by the Town of Amherst and any improvements as part of this project will remain owned and maintained by the Town, including work at the Young/Klein intersection.

For signal work at County intersections, the Town holds an Erie County signal permit that requires the applicant "maintain the sign, signal or marking and any equipment or necessary parts thereof in good condition, and in a manner which will not constitute a hazard to traffic". For this reason, the Town of Amherst will maintain and operate the existing traffic signals, its signage, and pavement markings at the County intersections with W. Klein and Klein Roads at the conclusion of this project.

Attachment: MPR 2025 E-5 Klein Road Transportation Improvements (RES-2025-350 : Klein Road Transportation Improvements (Bond

Town of Amherst
Klein Road Transportation Improvements

PROJECT SCHEDULE:

Consultant Procurement: May 2025
Study & Design: June – July 2025
Bid: August 2025
Construction: September – December 2025

FINANCIAL SUMMARY:

The Town of Amherst appropriated funds in the approved 2025-2030 Capital Improvement Program under Project E-5, Klein Road Signal Modifications. The funds have been identified as a General Fund bond.

Town of Amherst
Adopted 2025-2030 Capital Improvement Program
(All dollars are in $1,000's)

Project ID	Project Title/Description	2025	
E-5	**Klein Rd. Signal Modifications** Modify Town-owned signal system at the intersection of Klein Road and Youngs Road to include left turn arrow; study, design and construct a new traffic signal along W. Klein Rd. at the intersection of Cobblestone Ln. and Dash's plaza.	490 LA	

PROJECT COST ESTIMATE:

○ Design	$ 80,000
○ Construction	$ 407,550
○ Legal/Admin/Bonding	$ 2,450
Total Amount to be bonded	**$ 490,000**

TAXATION SUMMARY:

Total Amount to be bonded: **$ 490,000.00**
Bond Term: **20 Years**

Annual Tax Impact: $0.0020 per $1,000 AV at 100% Equalization
Median Home Annual Tax Impact: $0.6984 per $346,000 AV at 100% Equalization

Attachment: MPR 2025 E-5 Klein Road Transportation Improvements (RES-2025-350 : Klein Road Transportation Improvements (Bond

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 March 25, 2025

TO: Christopher Schregel, Project Manager
Engineering Department

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

RE: SEQR Classification – Klein Road Transportation Improvements
2025-2030 C.I.P. Project E-5

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)(1),(5) &(22). Therefore, no further environmental review is required.

Please contact our office if you have any questions.

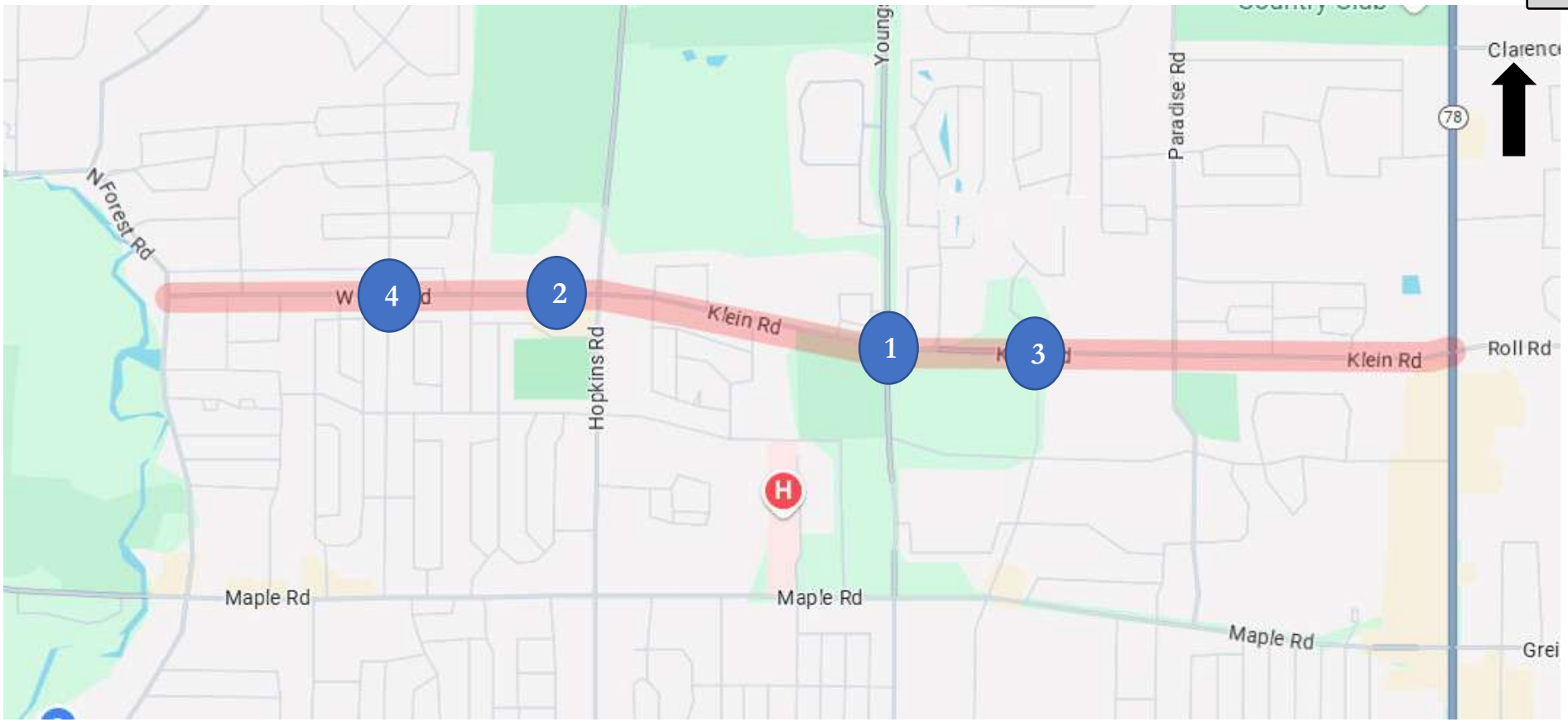
cc: Sam Alba, Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: MPR 2025 E-5 Klein Road Transportation Improvements (RES-2025-350 : Klein Road Transportation Improvements (Bond

5583 Main Street • Williamsville • New York • 14221 • (716) 631-7051 • Fax (716) 631-7152

MAPS

Attachment: MPR 2025 E-5 Klein Road Transportation Improvements (RES-2025-350 : Klein Road Transportation Improvements (Bond



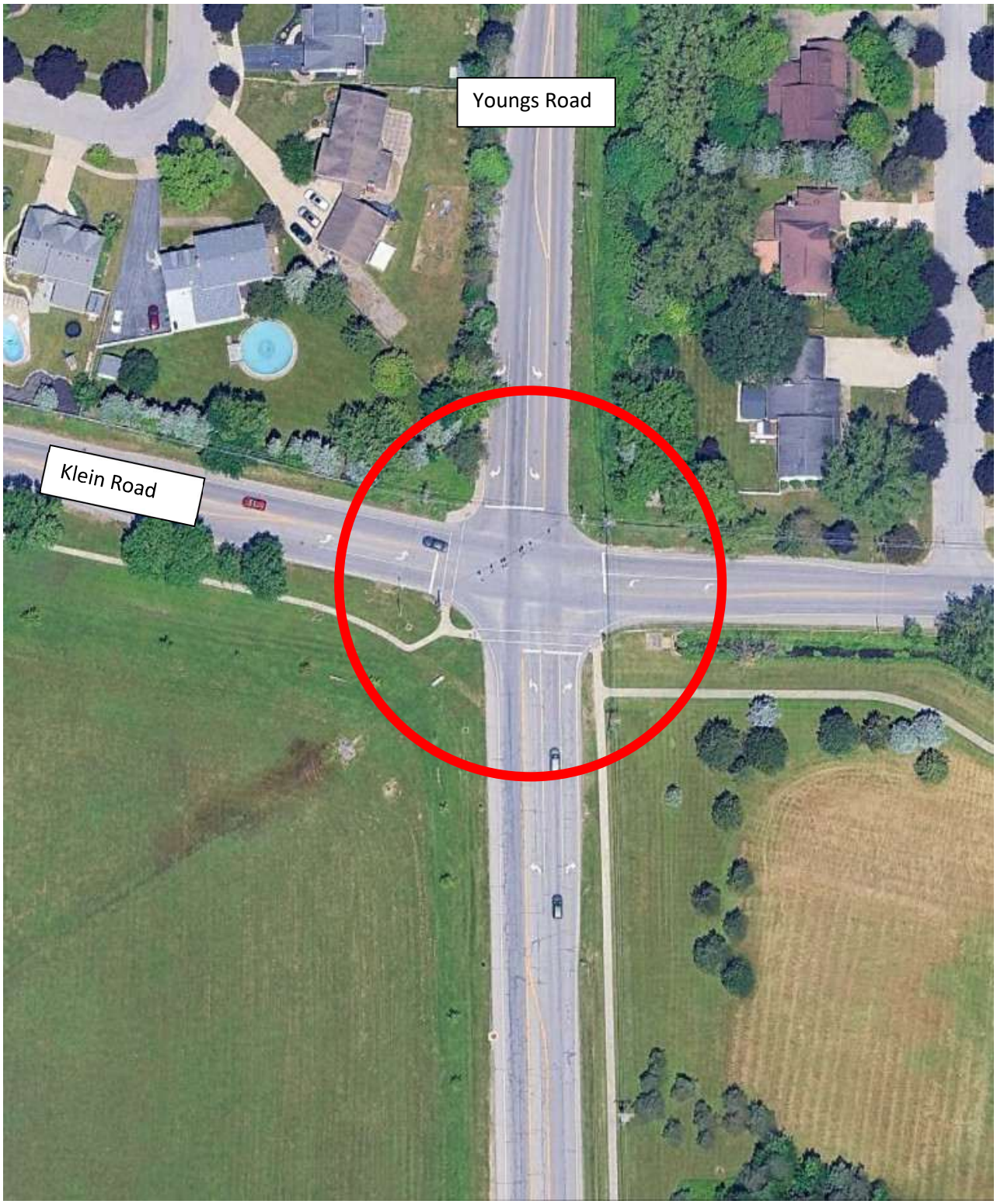
W. Klein Road / Klein Road Corridor between N. Forest Road and Transit Road
(shown in red)

Project Locations of Interest

1. Youngs/Klein Road Intersection – Modify signal system
2. W. Klein Road / Dash's Market / Cobblestone Lane Intersection – Install signal system and/or intersection improvements
3. Klein Rd. / Ayer Rd. / Knollwood Ln. Road Intersection – Reconfiguration and/or roadside barrier installation
4. W. Klein Rd. / Birchwood Drive / Ranch Trail Intersection – Traffic control signage and/or reconfiguration

Attachment: MPR 2025 E-5 Klein Road Transportation Improvements (RES-2025-350 : Klein Road

1



Youngs/Klein Road Intersection

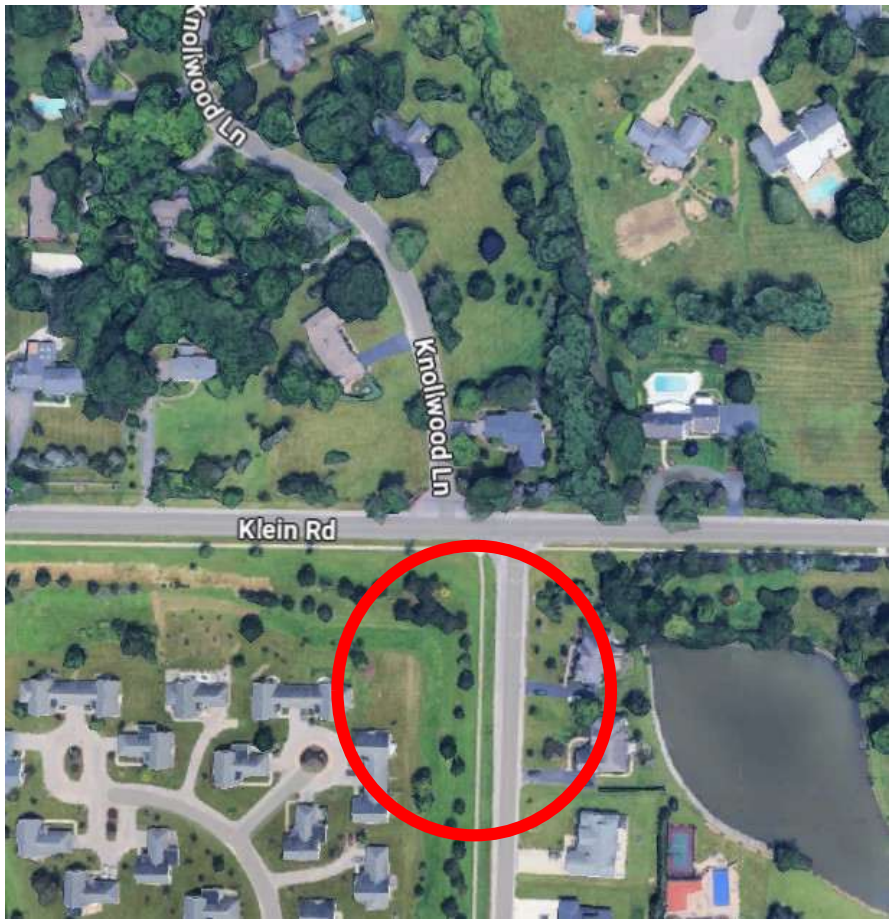
Attachment: MPR 2025 E-5 Klein Road Transportation Improvements (RES-2025-350 : Klein Road Transportation Improvements (Bond

2



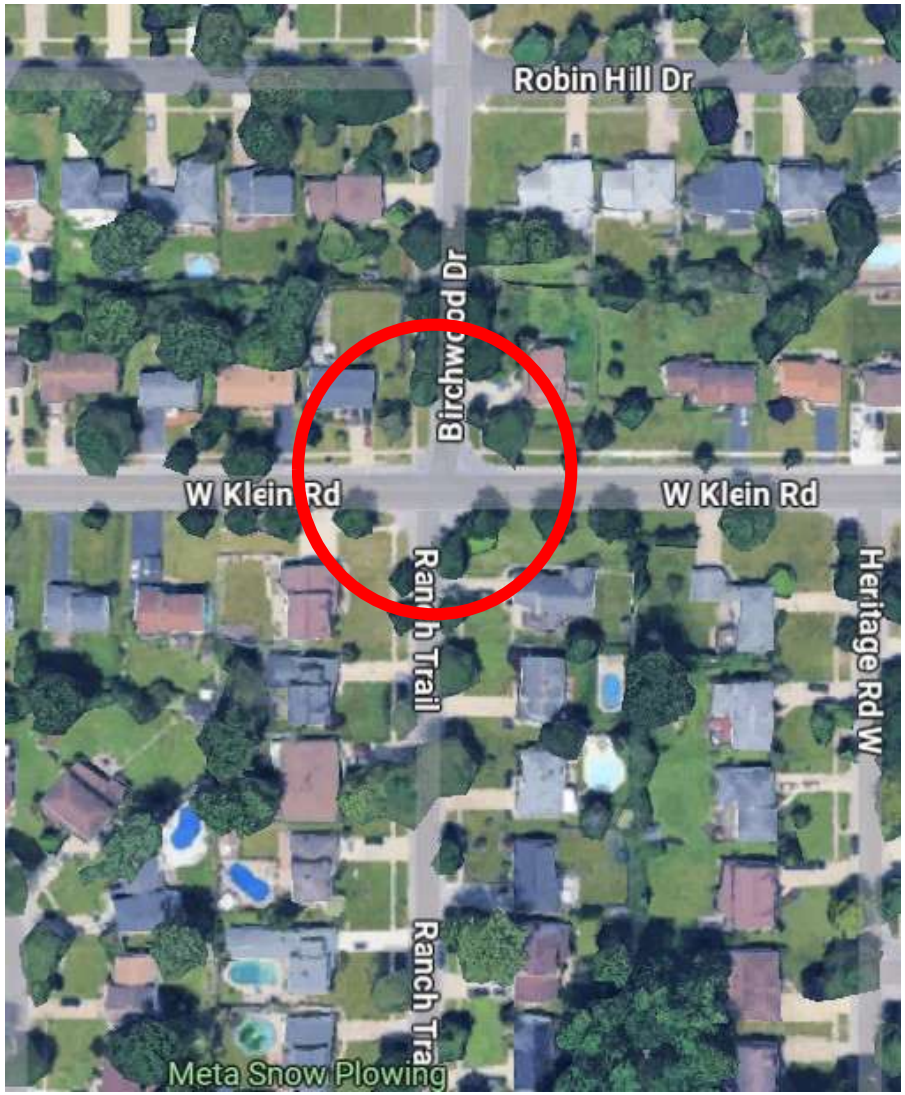
W. Klein Road / Dash's Market / Cobblestone Lane Intersection

3



Klein Rd. / Ayer Rd. / Knollwood Ln. Road Intersection

4



W. Klein Rd. / Birchwood Drive / Ranch Trail Intersection

Attachment: MPR 2025 E-5 Klein Road Transportation Improvements (RES-2025-350 : Klein Road

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Steven Bengart**
Co-Sponsored by:

DOC ID: 30318 **RESOLUTION 2025-351** **ROLL CALL VOTE (ADOPTED)**

Assembly (A04030) and Senate (S03282) Bills to Alienate a Portion of 1265 Smith Road as Parkland

AGENDA ITEM – APRIL 7th, 2025

TO: **Town Board**
FROM: **Steven Bengart, Esq., Town Attorney**
DATE: **April 2, 2025**
RE: **NYS Legislature's Bill to Alienate A Portion of 1265 Smith Road**

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

WHEREAS, ON September 16, 2024, the Town Board granted permission to Bell Atlantic Mobile Systems d/b/a Verizon Wireless to file a special use permit to obtain permission to construct a wireless communication tower at 1265 Smith Road (Resolution 2024-740); and

WHEREAS, the parcel is designated as parkland, limited in use by jurisdictional wetlands; and

WHEREAS, the parcel has remained vacant since its donation to the Town; and

WHEREAS, Resolution 2019-617 was amended to require the following forms in connection with the alienation process: (1) Parkland Alienation and Municipality Information Form; and (2) Statement of Lands Proposed as Replacement (attached); and

WHEREAS, the required forms and supporting documents should be posted on the Town of Amherst website and provided to Town of Amherst Town Board members for review and approval prior to submission to the State Legislature; and

WHEREAS, New York State Senator Sean Ryan and New York State Assemblywoman Karen McMahon have each sponsored the required legislation (A04030 AND S03282 respectively) to alienate a portion of 1265 Smith Road; and

WHEREAS, New York State Law requires that the Town adopt a resolution approving the legislature's alienation legislation; and

WHEREAS, SEQR was completed on October 16, 2024 and a Negative Declaration issued; and

WHEREAS, the Town Board reaffirms the attached Negative Declaration as approved by the Planning Department (Assistant Planning Director/ZEO) and Chairman of the Zoning Board of Appeals;

NOW, THEREFORE BE IT RESOLVED, that the Supervisor, with the assistance of the Town Attorney's Office and in conjunction with the New York State Legislature, is authorized to proceed with the alienation; and

BE IT FURTHER RESOLVED, that a Public Hearing be set for April 28, 2025 at 7:00 p.m. to take action on the above matter.

SB:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(*w/attachments,* **Agenda Item – April 7th, 2025**)

4/7/2025
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved via Roll Call vote 5-0.

FINANCIAL IMPACT:

None for the purposes of this resolution.

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

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

Attachment: SEQRNegDec.1265SmithPortion-04022025130045 (RES-2025-351 : Assembly (A04030) and Senate (S03282) Bills to Alienate a

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:	Town of Amherst Zoning Board of Appeals	**Action:**	Special Use Permit
Address:	5583 Main Street Williamsville, NY 14221 (716) 631-7051	**Date:**	October 16, 2024

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:	Special Use Permit
SEQR Status:	Unlisted action
Description of Action:	Granting a special use permit for the installation of 115 foot tall Wireless Telecommunications Facility
Location:	1265 Smith Road, Town of Amherst, Erie County, New York
Petitioner:	Bell Atlantic Mobile Systems, LLC d/b/a Verizon

Reasons Supporting This Determination

Based on information submitted by the applicant, including a complete ZBA application, Full Environmental Assessment Form, Part 1 and supporting documentation, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that the proposed request will not have a significant impact on the environment based on the following:

1. The action is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems.

2. The action 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 total of 0.23 +/- acres of jurisdictional wetlands will be unavoidably displaced to accommodate an access driveway and the construction of the wireless communications facility, for which a joint wetlands permit is being sought from the NYS Department of Environmental Conservation and the USACOE.

3. Granting a special use permit for the installation of an 115 foot tall wireless communications facility, will not create any material conflict with the Town Comprehensive Plan.

4. The site is within an area identified by the State as potentially containing significant cultural or archeological resources. Prior to any site disturbance the NYS Office of Parks Recreation & Historic Preservation will be consulted for a letter of no impact. Impacts to cultural resources are not anticipated.

5. The action will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character.

6. The action will not cause a change in the use or the quantity of energy.

7. The action will not create a hazard to human health. The applicant has provided a Radio Frequency Analysis demonstrating that the facility does not exceed the technical exposure limits for electromagnetic radiation.

8. The action will not cause a change in use or intensity of use of land.

9. The proposed wireless telecommunications facility installation will not substantially increase the number of people using the site over its current level of use.

Attachment: SEQRNegDec.1265SmithPortion-04022025130045 (RES-2025-351 : Assembly (A04030) and Senate (S03282) Bills to Alienate a

10. Significant negative traffic impacts are not anticipated as a result from the proposed action. The wireless telecommunications facility will be serviced on occasion by the telecommunications provider, with limited vehicular movements on and off the site.

Daniel J. Ulatowski, AICP
Assistant Planning Director/ZEO

10/16/2024
date

Brian Bray
Chairperson

10/31/24
date

DU/du
X:\ZBA\ZBA REVIEWS\SEQR NEG Dec attachments\1265 Smith Road_SUP_Verizon_WTF_draft.docx

cc: Amherst Town Clerk
Amherst Building Department
Erie County DEP
Jared Lusk, Esquire

Attachment: SEQRNegDec.1265SmithPortion-04022025130045 (RES-2025-351 : Assembly (A04030) and Senate (S03282) Bills to Alienate a

Name of Municipality: _____

Name of Park: _____

Appendix 2 Parkland Alienation Form: Municipality Information

Revised 2017

The following form should be completed by the Municipality that is seeking to alienate parkland. Copies should be provided to the Members of the Senate and Assembly who will be sponsoring the legislation authorizing the alienation and to the Regional Grants Representative of the Office of Parks, Recreation and Historic Preservation.

MUNICIPAL INFORMATION FORM

Lands Being Alienated or Discontinued

1. Has the proposed alienation been analyzed under the State Environmental Quality Review Act and applicable local laws?

    a. If so, and if the review documents provide the answers to the following questions, you may substitute the review documents for this questionnaire.

2. How did the Municipality acquire the parkland being alienated?

3. When was the parkland acquired?

4. What is, in acres, the size of the park in which the land being alienated is located?

Attachment: ParklandAlienationForm.1265SmithPortion-04022025130140 (RES-2025-351 : Assembly (A04030) and Senate (S03282) Bills to

5. What is its name (if not given above)? Has the park ever been called something else?

6. What is the size, in acres, of the specific parcel being alienated?

7. Were State or Federal funds used in the acquisition or development of any portion of the park in which the land being alienated is located? If the answer is "Yes" please provide some details about the amount of the grant, its source, date of award and for what purpose it was used.

8. How is the land to be alienated currently used?

9. Are there any structures 50 years old or older on the property? Are any of the structures listed in the State or National Register of Historic Places? Does the property contain archeological resources?

10. Does the property contain wetlands, streams, significant habitats, or other similar features?

Attachment: ParklandAlienationForm.1265SmithPortion-04022025130140 (RES-2025-351 : Assembly (A04030) and Senate (S03282) Bills to

11. What is the reason the land is being alienated?

12. Describe any alternatives which would make the alienation unnecessary and why they were rejected.

13. How will any remaining parkland be affected by the alienation?

14. What impacts, including aesthetic, historic, environmental, social, cultural and recreational impacts, will the alienation of this parkland have on the surrounding neighborhood?

15. What public facility will provide residents of the community with park or recreational facilities to take the place of those being alienated?

16. Will other land be dedicated for park purposes to replace the land being alienated? If so, please answer the questions on the next page.

Date:_____ Signed:_____

Title:_____

Please provide a survey map of the property being alienated and a map, such as a tax map or street map, showing its general location in the community.

Attachment: ParklandAlienationForm.1265SmithPortion-04022025130140 (RES-2025-351 : Assembly (A04030) and Senate (S03282) Bills to

In addition, you are invited to include with this questionnaire any photos or other documents which will better enable us to understand this proposal. Kindly send this information to

- the Office of Parks, Recreation and Historic Preservation's Regional Grant Representative for your area;
- Counsel's Office, Office of Parks, Recreation and Historic Preservation, 625 Broadway, Albany, NY 12238; and
- Members of the Senate and the Assembly who will sponsor the parkland alienation legislation.

Attachment: ParklandAlienationForm.1265SmithPortion-04022025130140 (RES-2025-351 : Assembly (A04030) and Senate (S03282) Bills to

Lands Proposed As Replacement
(if applicable)

1. Describe the location and setting of the land proposed as replacement in relation to the land being alienated.

2. Give its approximate size.

3. How is are the replacement land currently used? Who owns the land? Describe any facilities located on the land.

4. Has the land ever been used for park and/or recreational purposes?

5. What facilities and/or uses does the Municipality plan for the replacement land?

6. Describe any natural or cultural resources on the replacement land (streams, wetlands, significant habitats, historic or archeological resources).

7. As a best guess, is the land approximately equivalent in fair market value and potential for recreational usefulness to the land being alienated or converted?

Attachment: LandProposedAsReplacement.1265SmithPortion-04022025130241 (RES-2025-351 : Assembly (A04030) and Senate (S03282) Bills

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Steven Bengart**
Co-Sponsored by:

DOC ID: 30316 **RESOLUTION 2025-352** **ADOPTED**

Request for Public Hearing - a Local Law Amending Chapter 175, Taxation

AGENDA ITEM : APRIL 7TH, 2025

TO: **Town Board**

FROM: **Steven Bengart, Esq., Town Attorney**

DATE: **April 2, 2025**

RE: **Schedule A Public Hearing – A Local Law Amending Chapter 175, Taxation (Creation of Property Exemption for New ADU (Accessory Dwelling Units)**

As requested by the Town of Amherst Planning Department, kindly adopt a resolution to set a Public Hearing for April 28, 2025 at 7:00 p.m. to adopt the attached Local Law.

Also attached is a revised agenda request from the Planning Department together with an explanation relative to the creation of the new property exemption.

The final version of this Local Law will be distributed to the Town Board at least ten (10) days before the public hearing as required by law.

Thank you.

SB:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(*w/attachments,* **Agenda Item – April 7, 2025**)
Laurie Stillwell, Director, Town of Amherst Community Development Program
(*w/attachments*)

4/7/2025
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, Szukala, Marinucci

Amherst

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

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

April 1st, 2025

Agenda of April 7, 2025

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

Subject: Set Public Hearing for Real Property Tax Law §421-p-adu

Honorable Board Members:

Through administration of the Town of Amherst's Accessory Dwelling Unit (ADU) Pilot Program, Town staff have recognized the need to further assist homeowners interested in developing ADUs. Town staff are now recommending the adoption of a new local law: Real Property Tax Law 421-p-adu to support the development of accessory dwelling units (ADUs). The exemption will provide temporary relief from the property tax increases associated with new ADUs constructed, in order to incentivize diversifying the housing stock while also lessening the cost burden for those who wish to add a unit to their property.

The proposed local law was drafted after an analysis of potential available exemptions tools and the current proposal was recommended by a coalition made up of the Planning Department, Building Department, Assessor's Office, and Attorney's Offices. Please see the attached Proposal Summary outlining this process as well as the proposed draft local law.

At this time, Town staff are requesting the Town Board set a public hearing to present the proposed RPTL §421-p-adu, to solicit public input and consider it for adoption. **Please set the public hearing date for April 28, 2025 at 7:00 PM.** Thank you for your assistance with this matter.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

Att.
X:\Special Projects \ADU Grant\ADU Property Tax Exemption/ FINAL_RPTL ADU Exemption_Package

Attachment: Revised Request for Public Hearing 4.1.25 - FINAL (RES-2025-352 : Request for Public Hearing - a Local Law Amending Chapter

TOWN OF AMHERST

Proposal for a Local Real Property Tax Law: §421-P-ADU Exemption of capital improvements to residential new construction involving the creation of accessory dwelling unit

As demand for affordable and alternative housing options in the Town of Amherst continues to grow, accessory dwelling units (ADUs) have emerged as a viable strategy to address the demand without extensive development. Pursuant to Chapter 203, §2-4 and §6-8-2 of the Town Law, ADUs are defined as independent residences that are "attached to or located on the same lot as a principal residential dwelling used for the living, sleeping, cooking, and bathroom facilities of individuals for a period of time longer than 6 months." A limit of one ADU is permitted per individual lot and the dwelling must be attached (except in zoning districts R-R, R-1, SA, and AG), as well as exteriorly complimentary to the principal structure.

The proposed Adoption of Real Property Tax Law section 421-P*2 by the Town Board a crucial step in supporting homeowners to decide to construct accessory dwelling units. The associated exemption offers temporary relief from the property tax increases associated with the improvement. By providing a tax exemption, the Town can support the growth of a sustainable housing model, enhance housing diversity, and increase overall livability in the community. These units can provide housing for a range of residents with benefits to the property owner, including:

a. Enabling residents to reside on the same property as elderly or special-needs family members while having their own living spaces.
b. Providing housing for a hired caregiver or other young professional.
c. Allowing fixed- or low-income homeowners to earn rental income.
d. Helping older homeowners remain independent and "age in place" with close community members.

---

1. Background

Local efforts to increase homeowner ease in the construction of Accessory Dwelling Units arose from the Plus One ADU Program that was launched by NYS Homes and Community Renewal in May 2024. Through this program, the Town of Amherst was awarded $2 Million and partnered with Belmont Housing Resources for WNY. Participants in the program received up $125,000 toward the construction of an ADU on their single-family home. Households were required to meet the Basic Threshold Criteria, which notably included earning under 100% of the area median income.

After two rounds of applicants to the ADU program in Amherst, approximately half of the grant funding has been awarded. Even with the state backing provided, the financial burden incurred by ADU construction was evident and remained a barrier for some awardees. Furthermore, Amherst does not expect that the state will continue the program in perpetuity. After it finishes, accessory dwelling unit construction will once again become inaccessible for many homeowners who want or need one, also

Attachment: Revised Request for Public Hearing 4.1.25 - FINAL (RES-2025-352 : Request for Public Hearing - a Local Law Amending Chapter

limiting housing market diversification. A clear need has been demonstrated for a targeted tax exemption to support ADU production for not only current participants in the ADU Plus One program, but for all Town residents.

TABLE 1

ADU Financing Payment Scenarios

ADU Size	**500 sq. ft**	**600 sq. ft**	**700 sq. ft**	**800 sq. ft**
Without ADU Grant Program				
Monthly Loan Payment Amount =	($1,915.79)	($2,264.12)	($2,612.44)	($2,960.77)
Less Rental Income $1,200 =	($715.79)	($1,064.12)	($1,412.44)	($1,760.77)
With $125,000 ADU Grant Assistance				
Monthly Loan Payment Amount =	($464.43)	($812.76)	($1,161.08)	($1,509.41)
Less Rental Income $1,200 =	$735.57	$387.24	$38.92	($309.41)

*Assumes $300/sq. ft construction on a 10-year HELOC/Construction Loan at 7%

---

2. Exemption Preview

NYS Real Property Tax Exemption §421-P*2 reduces property tax increases associated with the construction of an accessory dwelling unit over the course of a ten-year period. An outline of the law follows.

a. Eligible property must be exclusively residential for up to two families and remain so for the exemption period of 10 years.
b. The improvement that serves as the base for the exemption must result in one or more additional residential dwelling units on the same parcel as the pre-existing residential building to provide independent living facilities for one or more persons.
c. The value of the improvement must exceed $3,000 and not be considered ordinary maintenance and repairs.
d. The market value of the property cannot increase more than $200,000 as a result of the ADU.
e. During the exemption period, the property title cannot be transferred to anyone beside heirs or distributes of the owner. In this event, the exemption granted pursuant to section 421-p*2 shall cease.
f. Construction must begin on the ADU after the adoption of the property tax exemption.
g. Following a five-year 100% exemption on the increase in the assessed value due to the accessory dwelling unit improvement, the exemption shall decrease 25% per year in the next three years and 10% in the final two years. The decreasing rate of the exemption is displayed in Table 1.

Attachment: Revised Request for Public Hearing 4.1.25 - FINAL (RES-2025-352 : Request for Public Hearing - a Local Law Amending Chapter

TABLE 2

Year of exemption	Percentage of exemption
1	100
2	100
3	100
4	100
5	100
6	25
7	25
8	25
9	10
10	10

---

3. Housing Goals

The anticipated outcomes of Section 421-P*2 align with and advance several of Amherst's Accessory Dwelling Unit Pilot Program housing goals:

a. **Generate additional housing options in the Town** by creating flexible units in areas where mixed housing types would complement the existing neighborhood.
b. **Keep low- and middle-income homeowners in place** by allowing them earn additional income by renting underutilized parts of their property.
c. **Promote inclusive and supportive housing** for multi-generational households, including those seeking care for their elderly or special needs loved-one, while remaining in the house they already live.
d. **Increase affordable housing options** by reducing homeowners' need to earn back what was spent on ADU construction and creating
e. **Protect existing neighborhood character** while maximizing land use efficiency.

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4. Policy Evaluation

To come to propose section 421-P*2, an extensive review process was conducted, including discussions with other New York State municipalities who had either passed the exemption or were in the late stages of doing so. Two other RPTL sections, 421-f and 421-p, were initially considered to support accessory dwelling unit development as well. Section 421-P*2 was selected using the following rationale:

a. Section 421-p*2 offers a reasonable exemption to homeowners that could help justify the cost of construction without having a significant effect on the Town's revenue.
   i. Section 421-f offers a reduced 8-year duration and lessened exemption value that may not offer enough support to low-income homeowners seeking ADU.
   ii. Section §421-p's extended 25-year duration and increased exemption value may be unnecessarily large for homeowners as well as place a strain on the Town's revenue without producing commensurate benefits.

Attachment: Revised Request for Public Hearing 4.1.25 - FINAL (RES-2025-352 : Request for Public Hearing - a Local Law Amending Chapter

b. Section 421-p*2 includes language specific to ADU construction and prohibits the exemption of other forms of improvements that may lawfully fall under 421-f and 421-p*2.
    i. Section 421-f deems nearly any capital improvements made to residential properties as eligible for an exemption, such as building a swimming pool or updating a kitchen.

c. Section 421-p*2 corresponds with Amherst's zoning law regarding accessory dwelling units, which does not allow more than one ADU per induvial lot.
    i. Section 421-p is intended to result in the development of a property with ten or more residential dwelling units, with strict income qualifications for renters. The law also requires that the improvement must take place on predominantly vacant or underutilized land, or land with substandard or unsanitary housing.

d. The administrative effort of ensuring owner-occupancy or verifying income for section 421-p*2 is warranted in order to achieve the goals of ADUs development in the Town.
    i. Verifying compliance with the many occupancy guidelines associated with §421-p create an unwarranted administrative burden that is unsuitable with the local ADU laws.

As part of the evaluation process, discussions were held with the Assessor of the City of Kingston as well as with the Senior Planner in charge of housing within the Ulster County in New York. These discussions provided insight to the process of adopting and implementing section 421-p*2. The City of Kingston adopted the law in August of 2024 while Ulster County remains in the late stages of adoption, postponed until approval is given by New York State verifying that certain local adjustments can be made to the law. The officials provided the following relevant information about §421-p*2:

a. The adoption of §421-p*2 has not resulted in an overwhelming number of ADU applications or exemptions.
b. Administration of the law has been manageable for the Assessor's Office.
c. The §421-p*2 application form similar to the application for 421-f, which is not overburdensome to assemble.
d. Once approval for Ulster County is granted by New York State confirming the legality of additional local rental use criteria, all municipalities will be able to adopt adjustments. In the future, the Town of Amherst may adopt eligibility requirements if it sees fit.

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5. Case Study

A case study of a resident in Amherst can be used to illustrate the impacts of the adoption of section 421-p*2 on homeowners as well as the Town's property tax collections. Consider a resident in the Amherst Central school district that is currently constructing an accessory dwelling unit at their primary place of residence:

a. The new, attached unit is planned to be 740 Sq. ft. and has an estimated construction cost of $207,250.
b. As a client in the Plus One Accessory Dwelling Unit Program, the resident is below 100% of the Area Median Income and therefore the recipient of a $125,000 grant towards ADU construction.

Attachment: Revised Request for Public Hearing 4.1.25 - FINAL (RES-2025-352 : Request for Public Hearing - a Local Law Amending Chapter

c. After the grant, $82,250 will be required in gap funding.
d. The improvement will add $59,125 to the currently assessed property value of $300,000.
e. As a resident within the Amherst School District, the property taxes on the parcel will increase 19.71%, from $6,900.00 to $8,259.88.
f. However, as the beneficiary of §421-p*2, the resident would be exempted from the property tax increase in its entirety for five years, then gradually progress to the full amount. * The case study's decreasing rate of exemption is displayed in Table 3.

TABLE 3*

Year of Exemption	Percentage of exemption	*Example Case: Exempted*	*Example Case: Owed*
1	100	$ 1,359.88	$ -
2	100	$ 1,359.88	$ -
3	100	$ 1,359.88	$ -
4	100	$ 1,359.88	$ -
5	100	$ 1,359.88	$ -
6	25	$ 1,019.91	$ 339.97
7	25	$ 679.94	$ 679.94
8	25	$ 339.97	$ 1,019.91
9	10	$ 203.98	$ 1,155.90
10	10	$ 67.99	$ 1,291.89
11	0	$ -	$ 1,359.88

*The totals in this case study reflect the scenario in which county, school and local leaderships have all adopted §421-p*2

Granting this exemption would lessen pressure on the homeowner to quickly recoup what was spent on gap funding, thereby allowing them to rent the ADU at an affordable rate or cover lender financing payments. If the homeowner planned to utilize the unit for an elderly family member or and not charge rent, §421-p*2 would also enable them to more easily afford this option. The exemption, although relatively small in the scope of the Town's collection, might allow homeowners to afford to build the ADU, but also maintain it over time and keep the rent for their unit low.

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6. Conclusion

a. **Section 421-p*2 balances community housing goals with tax revenue.** While §421-p*2 is a modest exemption in the scope Town's tax revenue and will only delay the payment of increased property taxes, it could be significant enough to encourage a homeowner to construct an ADU on their home.
b. **Section 421-p*2 is an investment in the Amherst's housing stock.** For the wider community, the exemption offers a multitude of long-term benefits that include an increase in housing options, sustainable land use and lifestyles, support of a diversifying workforce, and capabilities to maintaining a stable community.
c. **Accessory dwelling unit restrictions in the Town zoning code prevents misuse of the exemption,** such as short-term renting of the unit, absentee ownership of the property, and multiple household occupancy.

Attachment: Revised Request for Public Hearing 4.1.25 - FINAL (RES-2025-352 : Request for Public Hearing - a Local Law Amending Chapter

d. **Rental-use limits target intended beneficiaries,** such as elderly and low-income homeowners. Utilizing affidavits and monitoring over time, these units will assist vulnerable populations to find safe, suitable, and affordable housing.

Attachment: Revised Request for Public Hearing 4.1.25 - FINAL (RES-2025-352 : Request for Public Hearing - a Local Law Amending Chapter

Attachment: ADU Local Exemption Law Draft 3.11.25.NMB (RES-2025-352 : Request for Public Hearing - a Local Law Amending Chapter 175,

LOCAL LAW NO. ___-2025

TOWN OF AMHERST

COUNTY OF ERIE, STATE OF NEW YORK

A Local Law Amending Chapter 175 of the Code of the Town of Amherst, Taxation

Be it enacted by the Town Board of the Town of Amherst as follows:

Section 1. Title.

This Local Law shall be referred to as, "A Local Law Amending Chapter 175 of the Code of the Town of Amherst, Taxation."

Section 2. Purpose

The purpose of this Local Law shall be to amend Chapter 175 of the Code of the Town of Amherst to include a property tax exemption for the creation of new accessory dwelling units per RPTL 421-P(2).

Section 3.

Chapter 175 of the Code of the Town of Amherst is amended by adding a new Article, Article XV, as follows:

Article XV Exemption for Accessory Dwelling Units

§ **175-67 Purpose**

The purpose of this Local Law is to grant a temporary property tax exemption of capital improvements to residential new construction involving the creation of accessory dwelling units as defined in the Town of Amherst's Zoning Code, Chapter 203, Section 6-8-2.

§ **175-68 Exemption Schedule**

Accessory dwelling units subject to § 421-p*2 shall be exempt for a period of five years to the extent of 100% of the increase in assessed values attributable to the residential unit. In each of the subsequent three years the extent of such exemption shall be decreased by 25%, and in each of the subsequent two years the extent of such exemption shall be decreased by a further 10%.

§ **175-69 Qualifications for exemption**

Only those persons and capital improvements meeting the requirements of § 421-P(2) of the Real Property Tax Law shall be entitled to the exemption hereby provided.

~~Strikethrough~~ = Deleted language; Underline = Added language

§ **175-70 Severability**

If any clause, sentence, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, section, or part directly involved in the controversy in which such judgement shall have been rendered.

§ **175-71 Effective Date**

This Local Law shall take effect immediately and be filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and published pursuant to Section 130 of the Town Law and Chapter 28 of the Code of the Town of Amherst. and shall apply to assessment rolls completed on or after such effective date.

Francina J. Spoth, Town Clerk
Town of Amherst
County of Erie, New York

~~Strikethrough~~ = Deleted language; Underline = Added language

Attachment: ADU Local Exemption Law Draft 3.11.25.NMB (RES-2025-352 : Request for Public Hearing - a Local Law Amending Chapter 175,

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Nicole M. Burroughs**
Co-Sponsored by:

DOC ID: 30308 **RESOLUTION 2025-353** **ADOPTED**

Deed for Sale of 160 Campus Drive (From TOA to 177 Darwin LLC)

AGENDA ITEM : APRIL 7th, 2025

TO: **Town Board**

FROM: **Steven Bengart, Esq., Town Attorney**

DATE: **April 1, 2025**

RE: **Deed For Transfer of Property – 160 Campus Drive**
From Town of Amherst To 177 Darwin LLC

Kindly adopt a resolution authorizing the Town Supervisor to execute the attached deed and any other documents that are required to effectuate the sale and transfer of 160 Campus Drive.

Thank you.

SB:NMB:hs
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item – April 7th, 2025**)
Laurie Stillwell, Director, Community Development (*w/attachment*)

4/7/2025
Consent

FINANCIAL IMPACT:

Refund to Distressed Trust Account (Approximately $65,000)

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

RECORD AND RETURN:

13.A.5.a

Warranty Deed with Lien Covenant
Laws of 1917, Chap. 681, Laws of 1954 880 ½

This Indenture,

Made the _____ day of _____, Two Thousand Twenty-Two

Between,

TOWN OF AMHERST , a municipal corporation formed pursuant to the laws of State of New York, with an address at 5583 Main Street, Williamsville, New York 14221 *Party of the First Part, and*

Grantor(s),

177 DARWIN LLC, A Corporation organized under the Laws of the State of New York, and having its principal place of business at 171 Darwin Drive, Amherst, New York 14226 *Party of the Second Part,*

Grantee(s).

Witnesseth, that the said Grantor(s), in consideration of **One and No More Dollars** ($1.00 & No More) lawful money of the United States, paid by the Grantee(s), does hereby grant and release unto the Grantee(s), their heirs and assigns forever.

SEE SCHEDULE "A" ATTACHED

Together with the appurtenances and all the estate and rights of the Grantor(s) in and to the said premises.

To have and to hold, the above granted premises unto the said Grantee(s), their heirs, assigns forever.

And, the said Grantor(s) do covenant with said Grantee(s) as follows:

First. – That the Grantee(s) shall quietly enjoy the said premises.

Second. – That the Grantor(s) will forever **WARRANT** the title to said premises.

Third. – Subject to the trust fund provisions of section thirteen of the lien law.

In Witness Whereof, the said Grantor(s) has here unto set hand and seal the day and year first above written.

In Witness Whereof, *the party of the first part has duly executed this deed the day and year first above written.*

IN PRESENCE OF

_____[L.S.]
Brian J. Kulpa, Town Supervisor

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

On the _____ day of April in the year 2025 before me, the undersigned, a notary public in and for said state, personally appeared Brian J. Kulpa, 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 acknowledged 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.

_____
Notary Public

Attachment: Deed Town of Amherst to 177 Darwin -160 Campus Drive, Amherst (RES-2025-353 : Deed for Sale of 160 Campus Drive (From TOA to 177 Darwin LLC))

SCHEDULE "A"
LEGAL DESCRIPTION OF PREMISES

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 14, Township 12, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the westerly line of premises conveyed to Joseph C. Troidl by a deed recorded in Erie County Clerk's Office in liber 4226 of Deeds at page 37, which point of beginning is 1500 feet northerly from the intersection of the westerly line of said lands conveyed to Joseph C. Troidl by deed aforesaid with the northerly line of Main Street; thence northerly along said westerly line of lands of Joseph C. Troidl 100 feet; thence easterly at right angles 111 feet to the westerly line of Campus Drive; thence southerly along the westerly line of Campus Drive 100 feet; thence westerly on a line at right angles with said westerly line of lands of Joseph C. Troidl 111 feet to the place of beginning

Attachment: Deed Town of Amherst to 177 Darwin -160 Campus Drive, Amherst (RES-2025-353 : Deed for Sale of 160 Campus Drive (From TOA to 177 Darwin LLC))

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Steven Bengart**
Co-Sponsored by:

DOC ID: 30265 **RESOLUTION 2025-354** **ADOPTED**

Amendment to Westlaw Proflex Contract (Original CRS #3795/Amendment CRS #5421)

AGENDA ITEM – APRIL 7th, 2025

TO: **Town Board**

FROM: **Steven Bengart, Esq., Town Attorney**

DATE: **April 2, 2025**

RE: **Amendment To Westlaw Proflex Contract (Original CRS #3795/Amendment CRS #5421)**

Kindly adopt a resolution authorizing the Town Supervisor to execute the attached amendment to the above contract to incorporate two more attorneys to our current database plan, pending successful completion of the CRS.

Thank you.

SB:nmb
Attachment
c: Timothy Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)

4/7/2025
Consent

FINANCIAL IMPACT:

Additional $152.00 per month to include 2 more attorneys (Increase FROM $596.31 TO $748.31) (A1420.4010)

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

Thomson Reuters™

Order Form Order ID: Q-09482332

Contact your representative mark.prewett@thomsonreuters.com with any questions. Thank you.

Sold To Account Address	Shipping Address	Billing Address
Account #: 1000241679 AMHERST LAW DEPT TOWN ATTORNEY 5583 MAIN ST WILLIAMSVILLE NY 14221-5488 US "Customer"	Account #: 1000241679 AMHERST LAW DEPT TOWN ATTORNEY 5583 MAIN ST WILLIAMSVILLE NY 14221-5488 US	Account #: 1000241679 AMHERST LAW DEPT TOWN ATTORNEY 5583 MAIN ST WILLIAMSVILLE, NY 14221-5488 US

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ProFlex Modification

Material #	Product	Agreement #	New Monthly Charges
40757482	West Proflex	0000250198	$748.31

This Order Form modifies the current order form for the products listed above("Original Order Form"). The terms of this modification will b effective on the date we process the modification. The Monthly Charges will increase to new Monthly Charges identified in the New Monthl Charges column and will begin billing the first of the month following processing. All other terms and conditions of the Original Order Forr including, but not limited to, annual monthly charges increases and the length of the term remain unchanged.

ProFlex Modification Governing Agreement. Access and use of the products and services on this ProFlex Modification Order Form is governe by the same agreement terms and conditions as the order form this Order Form is modifying ("General Terms and Conditions") along with an applicable Product Specific Terms (set forth below). Such terms are incorporated into this Order Form by this reference. In the event that there is conflict of terms among the General Terms and Conditions, the Product Specific Terms and this Order Form, the order of precedence shall b Order Form, the Product Specific Terms, and last the General Terms and Conditions.

If this modification is of a ProFlex under a current WestPack, this Order Form serves as a modification of the Principal product.

If you are licensing banded products, you certify the total number of attorneys (partners, shareholders, associates, contract or staff attorneys, o counsel, and the like), corporate users, personnel or full-time-equivalent students is indicated in the this Order Form. Our pricing for bande products is made in reliance upon your certification. If we learn that the actual number is greater or increases at any time, we reserve the right t increase your charges as applicable.

Banded Product Subscriptions. You certify your total number of attorneys (full-time and part-time partners, shareholders, associates, contract c staff attorneys, of counsel, and the like), corporate users, personnel or full-time-equivalent students is indicated in this Order Form. Our pricing fc banded products is made in reliance upon your certification. If we learn that the actual number is greater or increases at any time, we reserve th right to increase your charges to the market rate for all of your attorneys.

Miscellaneous

Applicable Law. If you are a state or local governmental entity, your state's law will apply, and any claim may be brought in the state or federa courts located in your state. If you are a non-governmental entity, this Order Form shall be interpreted under Minnesota state law and any claim b one of us shall exclusively be brought in the state or federal courts in Minnesota. If you are a United States Federal Government subscriber, Unite States federal law will apply, and any claim may be brought in any federal court.

Material Change. If, at any time during the Minimum Term or the Renewal Term, there is a material change in your organizational structure including, but not limited to merger, acquisitions, combination, significant increase in the number of attorneys at a location covered by the agreement, divestitures, downsizing or dissolution, we will modify your rates proportionally. If you acquire the assets of, or attorneys from, another entity that is a current subscriber, you assume all obligations under the agreements that apply to those assets and attorneys, and you will pay the invoiced charges on both those agreements as they become due, until a superseding agreement is negotiated in good faith.

Attachment: WestlawContractAmendment (RES-2025-354 : Amendment to Westlaw Proflex Contract (Original CRS#3795/Amendment CRS#5421))

Charges, Payments & Taxes. You agree to pay all charges in full within 30 days of the date of invoice. You are responsible for any applicable sales, use, value added tax (VAT), etc. unless you are tax exempt. If you are a non-government customer and fail to pay your invoiced charges, yo are responsible for collection costs including attorneys' fees.

Excluded Charges And Schedule A Rates. If you access products or services that are not included in your subscription you will be charged ou then-current rate ("Excluded Charges"). Excluded Charges will be invoiced and due with your next payment. For your reference, the currer Excluded Charges schedules are located in the below link. Excluded Charges may change from time-to-time upon 30 days written or onlin notice. We may, at our option, make certain products and services Excluded Charges if we are contractually bound or otherwise required to do s by a third party provider or if products or services are enhanced or if new products or services are released after the effective date of this orderin document. Modification of Excluded Charges or Schedule A rates is not a basis for termination under paragraph 9 the General Terms an Conditions.
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eBilling Contact. All invoices for this account will be emailed to your e-Billing Contact(s) unless you have notified us that you would like to b exempt from e-Billing.

Credit Verification. If you are applying for credit as an individual, we may request a consumer credit report to determine your creditworthiness. I we obtain a consumer credit report, you may request the name, address and telephone number of the agency that supplied the credit report. If yo are applying for credit on behalf of a business, we may request a current business financial statement from you to consider your request.

Cancellation Notification Address. Send your notice of cancellation to Customer Service, 610 Opperman Drive, P.O. Box 64833, Eagan MN 55123-1803

Returns and Refunds. You may return a print product to us within 45 days of the original shipment date if you are not completely satisfied Please see http://static.legalsolutions.thomsonreuters.com/static/returns-refunds.pdf or contact Customer Service at 1-800-328-4880 for additiona details regarding our policies on returns and refunds.

Confidentiality of Ordering Document. You understand that disclosure of the terms contained in this ordering document would cause competitive harm to us, and you agree not to disclose these terms to any third person.

Product Specific Terms

Document Intelligence Product Specific Terms: The following product specific terms shall apply to the Document Intelligence products on this order form, and are incorporated by reference: http://www.thomsonreuters.com/document-intelligence-PST.

Additional Terms for Services with Generative AI Skills: The following additional terms shall apply to Thomson Reuters Products wit Generative AI Skills (including but not limited to all CoCounsel branded Products; all Products with AI Assisted Research; Practical Law o Practical Law Connect, with Dynamic Tool Set; Practical Law UK Premium; Practical Law Global Premium), listed on this order form, and ar incorporated into this order form by reference: http://tr.com/genai-terms.

CoCounsel Core and CoCounsel Drafting Product Specific Terms: The following product specific terms shall apply to CoCounsel Core an CoCounsel Drafting and are incorporated into this order form by reference: http://tr.com/cocounselcore-and-drafting-product-specific-terms.

Product Specific Terms and Service Levels: The following product specific terms and service levels shall apply to the HighQ products on thi order form, and are incorporated by reference:

- HighQ Product Specific Terms http://tr.com/HighQ-PST
- HighQ Service Level**s:** Thomson Reuters shall provide service availability, maintenance and support for the term of the Agreement. Detail are available at: http://tr.com/HighQ-SLA. Note that Sections 3.3 of the SLA does not apply to any HighQ Light packages

The Federal Product Specific Terms can be found here: http://tr.com/federal-product-specific-terms

Product Specific Terms. The following products have specific terms which are incorporated by reference and made part of this Order Form i they apply to your order. They can be found at https://static.legalsolutions.thomsonreuters.com/static/ThomsonReuters-General-Terms-Conditions PST.pdf. If the product is not part of your order, the product specific terms do not apply.

- Campus Research
- Hosted Practice Solutions
- ProView eBooks
- Time and Billing
- West km Software
- West LegalEdcenter
- Westlaw
- Westlaw Doc & Form Builder
- Westlaw Paralegal
- Westlaw Patron Access
- Westlaw Public Records

Drafting Tools Product Specific Terms: The following product specific terms shall apply to the Drafting Tools products (Drafting Assistan Clause Finder, Clause Finder: Internal Agreements) on this order form, and are incorporated b reference: https://www.thomsonreuters.com/draftingassistant-and-clausefinder-pst.

Attachment: WestlawContractAmendment (RES-2025-354 : Amendment to Westlaw Proflex Contract (Original CRS#3795/Amendment CRS#5421))

Attachment: WestlawContractAmendment (RES-2025-354 : Amendment to Westlaw Proflex Contract (Original CRS#3795/Amendment CRS#5421))

This Order Form will expire and will not be accepted after 7/24/2025.

Thomson Reuters™

Attachment Order ID: Q-09482332

Contact your representative mark.prewett@thomsonreuters.com with any questions. Thank you.

Payment, Shipping, and Contact Information

Payment Method:
Payment Method: Bill to Account
Account Number: 1000241679
This order is made pursuant to:

Shipping Information:
Shipping Method: Ground Shipping - U.S. Only

Order Confirmation Contact (#28)
Contact Name: Alba, Samuel
Email: salba@amherst.ny.us

eBilling Contact
Contact Name Samuel Alba
Email **salba@amherst.ny.us**

ProFlex Multiple Location Details

Account Number	Account Name	Account Address	Action
1000241679	AMHERST LAW DEPT	5583 MAIN ST WILLIAMSVILLE NY 14221-5488 US	Existing

Modifications to ProFlex

Material Number	Product Title	Agreement Number	Prior Quantity	New Amended Quantity	Unit	Subscription Type
40757481	West Proflex	0000250198		1	Each	Exist
41933477	Westlaw Litigation Collection, Enterprise access, Government	0000250198	4	6	Attorneys	Exist
42639043	Westlaw Edge Primary Law, New York, Enterprise access, Government	0000250198	4	6	Attorneys	Exist
42077754	Westlaw All Analytical, Enterprise access, Government	0000250198	4	6	Attorneys	Exist
41935299	Gvt PeopleMap Premier And Company Investigator For Government (Westlaw PRO™)	0000250198	4	6	Attorneys	Exist

Attachment: WestlawContractAmendment (RES-2025-354 : Amendment to Westlaw Proflex Contract (Original CRS#3795/Amendment CRS#5421))

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Steven Bengart**
Co-Sponsored by:

DOC ID: 30314 **RESOLUTION 2025-355** **ADOPTED**

Daemen College Banners

AGENDA ITEM – APRIL 7TH, 2025

TO: **Town Board**

FROM: **Steven Bengart, Esq., Town Attorney**

DATE: **April 2, 2025**

RE: **Daemen College Banners**

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

WHEREAS, Daemen University is located at 4380 Main Street in the Town of Amherst and has been a part of the Amherst Community since 1947; and

WHEREAS, Daemen University is an economic, educational and cultural asset in the Town of Amherst, and recently culminated campus beautification efforts including trees and walking trails enjoyed by the community; and

WHEREAS, Daemen achieved university status in 2022, and will soon celebrate its 80th anniversary; and

WHEREAS, In 2007 and 2015, Daemen University placed banners along Main Street and Getzville Road to acknowledge milestones; and

WHEREAS, Daemen University once again expressed interest in hanging visually appealing banners on National Grid power poles to commemorate its university status and upcoming 80th anniversary along:

- the north side of Main Street (Route 5) between Campus Drive and Getzville Road
- the east side of Getzville Road between Main Street and Elmhurst Road; and

WHEREAS, Daemen University has requested the Town of Amherst assist with obtaining the proper NYSDOT permits specific to the hanging of banners along Main Street; and

WHEREAS, the NYSDOT's Civil Banner Policy requires that a Highway Work Permit for Non-Utility Work be signed by a Town, Village or City as the permittee; and

WHEREAS, the Town of Amherst assisted Daemen University in 2007 and in 2015 by becoming the NYSDOT permit holder for a similar banner request; and

WHEREAS, Daemen University recently obtained National Grid approvals for these banners to hang on National Grid utility poles;

RESOLVED, the Supervisor of the Town of Amherst be and is hereby authorized to sign all NYSDOT permits and applications on behalf of Daemen University in connection with the hanging of Daemen University banners along Main Street for a duration 3 years and that the NYSDOT work permit and necessary applications shall be reviewed and approved by the Town Attorney's Office prior to execution;

NOW THEREFORE, BE IT FURTHER RESOLVED, after execution a certified copy of this Resolution shall be provided to the New York State Department of Transportation permitting office at the time of permit submittal; and

NOW THEREFORE, BE IT FURTHER RESOLVED, that the Town Board authorizes the banner placement within the Town's Right-of-Way of Getzville Road contingent on Daemen University providing an acceptable addendum to contract and proper insurances to the Town Attorney.

SB:nmb
c: Tim Koller, Deputy Town Clerk (**Agenda Item – April 7, 2025**)

4/7/2025
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, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30252 **RESOLUTION 2025-356** **ADOPTED**

Settlement of Article 7 Matter - Brandi Freiman V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **March 31, 2025**

RE: **Settlement of Article 7 Matter**
Brandi Freiman v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. JOHN J. DELMONTE, J.S.C
STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

BRANDI FREIMAN,

Petitioner,

v.

CONSENT ORDER

Index No.: 810068/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
55 Van Pelt Court	42.16-5-8

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, the Attorney for the County of Erie, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

Attachment: Proposed Consent Order Freiman 55 Van Pelt Court (RES-2025-356 : Settlement of Article 7 Matter - Brandi Freiman V. Town of

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026, 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
55 Van Pelt Court	42.16-5-8	$1,150,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding

Attachment: Proposed Consent Order Freiman 55 Van Pelt Court (RES-2025-356 : Settlement of Article 7 Matter - Brandi Freiman V. Town of

Attachment: Proposed Consent Order Freiman 55 Van Pelt Court (RES-2025-356 : Settlement of Article 7 Matter - Brandi Freiman V. Town of

paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, 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, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, 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 discontinued with prejudice.

_____

Hon. John J. Delmonte, J.S.C.

DATED:

Attachment: Proposed Consent Order Freiman 55 Van Pelt Court (RES-2025-356 : Settlement of Article 7 Matter - Brandi Freiman V. Town of

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By:_____
Sam A. Alba , Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
Brandi Freiman
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman , Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By:_____
Margaret A. Hurley , Esq.
Attorney for Intervenor

Date: _____

14603370_1

Attachment: Proposed Consent Order Freiman 55 Van Pelt Court (RES-2025-356 : Settlement of Article 7 Matter - Brandi Freiman V. Town of

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30253 **RESOLUTION 2025-357** **ADOPTED**

Settlement of Article 7 Matter - Cayuga Bend V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **March 31, 2025**

RE: **Settlement of Article 7 Matter**
Cayuga Bend v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. SHEILA A. DITULLIO, A.J.S.C
STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

CAYUGA BEND,

Petitioner,

v.

CONSENT ORDER

Index No.: 810308/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
208 South Cayuga Road	81.05-1-12.1

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

Attachment: Proposed Consent Order Cayuga Bend 208 South Cayuga (RES-2025-357 : Settlement of Article 7 Matter - Cayuga Bend V. Town of

Attachment: Proposed Consent Order Cayuga Bend 208 South Cayuga (RES-2025-357 : Settlement of Article 7 Matter - Cayuga Bend V. Town of

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026 the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
208 South Cayuga Road	81.05-1-12.1	$720,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
208 South Cayuga	81.05-1-12.1	$1,100,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market

valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of

Attachment: Proposed Consent Order Cayuga Bend 208 South Cayuga (RES-2025-357 : Settlement of Article 7 Matter - Cayuga Bend V. Town of

Attachment: Proposed Consent Order Cayuga Bend 208 South Cayuga (RES-2025-357 : Settlement of Article 7 Matter - Cayuga Bend V. Town 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 Harter Secrest & Emery LLP, as attorneys and agents for Petitioner, accompanied by a calculation sheet, such attorneys to hold the proceeds as trust funds for appropriate distribution, and are to remain subject to the further jurisdiction of this Court relative to their attorney's lien pursuant to Judiciary Law Section 475, or in the event that any such tax payment has not been paid, issue corrected tax bills which reflect the proper reduced assessment for the property, with a copy of corrected tax bills sent to the attorneys for Petitioner, said corrected tax bills to be paid without interest or penalty if paid within 90 days of receipt of said corrected bills, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, 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

discontinued with prejudice.

_____
Hon. Sheila A. Ditullio, A.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

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By:_____
Sam A. Alba, Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
Andrea Vossler
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman, Esq.
Attorney for Intervenor

Date: _____

14626611_1

Attachment: Proposed Consent Order Cayuga Bend 208 South Cayuga (RES-2025-357 : Settlement of Article 7 Matter - Cayuga Bend V. Town of

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30258 **RESOLUTION 2025-358** **ADOPTED**

Settlement of Article 7 Matter - Laverne Mosey-Murphy & Michael Murphy V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **March 31, 2025**

RE: **Settlement of Article 7 Matter**
Laverne Mosey-Murphy & Michael Murphy 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 Senior Deputy 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 : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At an IAS Term of the Supreme Court of the State of New York, held for the County of Erie, Buffalo, New York on the ___ day of _____, 2025.

PRESENT: HON. SHELIA DITULLIO, A.J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION FOR REVIEW UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW OF A TAX ASSESSMENT BY LAVERENE MOSEY-MURPHY & MICHAEL MURPHY

CONSENT ORDER AND JUDGMENT

Petitioners,

Index No.: 810178/2024

-vs.-

THE BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF AMHERST; THE ASSESSOR OF THE TOWN OF AMHERST; and THE TOWN OF AMHERST, NEW YORK

Respondents.

For Review of the Assessment of Certain Real Property known as 429 Le Brun Rd in the said Town of Amherst for the 2024-25 Tax Year.

WHEREAS Petitioner has heretofore commenced the within proceeding under Article 7 of the Real Property Tax Law to review the assessment of a certain parcel of real property located at and known as 429 Le Brun (SBL #79.16-1-6), in the Town of Amherst, County of Erie and State of New York for the tax year 2024-25, and

WHEREAS this proceeding has duly come before an IAS Term of this Court, and Kavinoky Cook LLP, Scott C. Becker, Esq., of counsel, having appeared for the Petitioner, Samuel A. Alba,

Attachment: Consent O&J 429 Le Brun Murphy (RES-2025-358 : Settlement of Article 7 Matter - Laverne Mosey-Murphy & Michael Murphy V.

Esq., Town of Amherst Counsel, having appeared for the Respondent Town of Amherst, and Hodgson Russ LLP, Henry A. Zomerfeld, Esq., of counsel, having appeared for the Intervenor-Respondent Amherst Central School District, and the parties having agreed to a settlement of these proceedings, it is hereby

STIPULATED, ORDERED and ADJUDGED, that the assessment on the property designated as SBL #79.16-1-6 on the tax assessment roll of the Town of Amherst for the following tax year, has been as follows:

Assessment Year	Assessment
2024-25	$882,000

and it is further

STIPULATED, ORDERED and ADJUDGED, that the assessment on the property designated as SBL #79.16-1-6 on the tax assessment roll of the Town of Amherst for the following tax year shall be adjusted as follows:

Assessment Year	Assessment
2024-25	$780,000

and it is further

STIPULATED, ORDERED and ADJUDGED, that the assessment on the property designated as SBL# 79.16-1-6 on the tax assessment roll of the Town of Amherst for the following tax years shall be as follows:

Assessment Year	Assessment
2025-26	$780,000
2026-27	$780,000
2027-28	$780,000

STIPULATED, ORDERED and ADJUDGED, that the assessments as reduced, corrected

Attachment: Consent O&J 429 Le Brun Murphy (RES-2025-358 : Settlement of Article 7 Matter - Laverne Mosey-Murphy & Michael Murphy V.

and adjusted herein are fair, equitable and proper for the purpose of this settlement, and it is further

STIPULATED, ORDERED and ADJUDGED, that the officer or officers having custody of the aforesaid assessment rolls and the tax rolls of the Town of Amherst shall make or cause to be made upon the proper books and records of said Town the entries, changes and corrections necessary to conform said combined assessments to such corrected and reduced valuations that the appropriate financial officers are hereby directed and authorized to calculate and disburse any resulting refunds of taxes, and it is further

STIPULATED, ORDERED and ADJUDGED, that Petitioner hereby waives any tax refund in connection with the October, 2024 School tax bill, and it is further

STIPULATED, ORDERED and ADJUDGED, Petitioner shall be issued a corrected 2025 County/Town tax bills and that, in the alternative, Petitioner shall be entitled to a refund of a portion of taxes paid with respect to its 2024-25 County/Town tax bill on the property designated as 429 Le Brun Rd (SBL #79.16-1-6) such portion shall be the difference in taxes based upon the unadjusted 2024-25 assessment and the 2024-25 assessment as adjusted herein. Such refund shall be made payable to Kavinoky Cook LLP as attorneys for Petitioner and shall be paid without interest so long as it is paid within 30 days after service of a Court Order confirming this settlement. After such 30-day period expires, such refund shall be paid with statutory interest pursuant to Real Property Tax Law, such interest to be calculated from the date the taxes were paid through the date such refund is received, and it is further

STIPULATED, ORDERED and ADJUDGED, that the provisions of Section 727 of the Real Property Tax Law shall apply to this settlement, and it is further

STIPULATED, ORDERED and ADJUDGED, that in the event that the Assessor for the Town of Amherst assesses SBL #79.16-1-6 for any stated year at a level higher than provided for herein, Petitioner hereby reserves the right to reinstate and reinstitute its Article 7 proceedings herein

Attachment: Consent O&J 429 Le Brun Murphy (RES-2025-358 : Settlement of Article 7 Matter - Laverne Mosey-Murphy & Michael Murphy V.

settled, and the Respondents hereby agree to waive any objection based upon Statute of Limitations Grounds, and it is further

STIPULATED, ORDERED and ADJUDGED, that Petitioner shall have the right to seek specific enforcement of this Consent Order and Judgment by whatever means provided by law, and it is further

STIPULATED, ORDERED and ADJUDGED, that this Consent Order and Judgment hereby constitutes and represents the entire understanding and agreement among the parties and the full settlement of the assessment review proceeding herein, that there are no costs or disbursements awarded to, by, or against any party and that upon compliance with the terms of this Consent Order and Judgment, the above proceeding shall be, and the same hereby is, settled and discontinued with prejudice, and it is further

STIPULATED, ORDERED and ADJUDGED, that this Consent Order and Judgment may be executed in multiple counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

Signing and Entry of the within Order and Judgment is hereby
Consented to:

KAVINOKY COOK LLP

Dated: _____

By: _____

Scott C. Becker, Esq.
Attorneys for Petitioner
726 Exchange Street, Suite 800
Buffalo, New York 14210

Attachment: Consent O&J 429 Le Brun Murphy (RES-2025-358 : Settlement of Article 7 Matter - Laverne Mosey-Murphy & Michael Murphy V.

AMHERST TOWN ATTORNEY

Dated: _____ By: _____

Samuel A. Alba, Esq.
Respondent, Town of Amherst
5583 Main Street
Williamsville, New York 14221

HODGSON RUSS LLP

Dated: _____ By: _____

Henry A. Zomerfeld, Esq.
Attorneys for Intervenor-Respondent
Amherst Central School District
140 Pearl Street, Suite 100
Buffalo, New York 14202-4040

SO ORDERED:

_____
HON. SHELIA DITULLIO, A.J.S.C.

ENTER:

0008682/0034159/640302.1

Attachment: Consent O&J 429 Le Brun Murphy (RES-2025-358 : Settlement of Article 7 Matter - Laverne Mosey-Murphy & Michael Murphy V.

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30273 **RESOLUTION 2025-359** **ADOPTED**

Settlement of Article 7 Matter - 5525-5529 Main Street, LLC, Et. Al. V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
5525-5529 Main Street, LLC, et. al. v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. SHEILA A. DITULLIO, J.S.C
STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

5525-5529 MAIN STREET LLC; 207 YOUNGS ROAD LLC; JAMES A ZAEPFEL; JAMES A ZAEPFEL REVOCABLE LIVING TRUST; 1151 WEHRLE DRIVE LLC,

Petitioner,

v.

CONSENT ORDER

Index No.: 810048/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
5511 Main Street	80.08-3-8
1151 Wehrle Drive	81.03-4-4
5529 Main Street	80.08-3-11
78 Willowbrook	81.09-6-46
78 Willowbrook	81.05-1-11
5507 Main Street	80.08-3-6
5351 Main Street	80.08-5-1
5525 Main Street	80.08-3-10

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, the Attorney for the County of Erie, and the Attorney for

Attachment: Proposed Consent Order Zaepfel Main and Willowbrook Properties (RES-2025-359 : Settlement of Article 7 Matter - 5525-5529 Main

Attachment: Proposed Consent Order Zaepfel Main and Willowbrook Properties (RES-2025-359 : Settlement of Article 7 Matter - 5525-5529 Main

Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026, 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
5511 Main Street	80.08-3-8	$400,000
1151 Wehrle Drive	81.03-4-4	$209,000 (No Change)
5529 Main Street	80.08-3-11	$685,000 (No Change)
78 Willowbrook	81.09-6-46	$10,000
78 Willowbrook	81.05-1-11	$410,000
5507 Main Street	80.08-3-6	$350,000
5351 Main Street	80.08-5-1	$650,000
5525 Main Street	80.08-3-10	$65,000 (No Change)

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

Attachment: Proposed Consent Order Zaepfel Main and Willowbrook Properties (RES-2025-359 : Settlement of Article 7 Matter - 5525-5529 Main

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

Attachment: Proposed Consent Order Zaepfel Main and Willowbrook Properties (RES-2025-359 : Settlement of Article 7 Matter - 5525-5529 Main

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, 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, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, 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 discontinued with prejudice.

_____
Hon. Sheila A. Ditullio, 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

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By:_____
Sam A. Alba , Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
James A. Zaepfel
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman , Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By:_____
Margaret A. Hurley , Esq.
Attorney for Intervenor

Date: _____

14653441_1

Attachment: Proposed Consent Order Zaepfel Main and Willowbrook Properties (RES-2025-359 : Settlement of Article 7 Matter - 5525-5529 Main

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30274 **RESOLUTION 2025-360** **ADOPTED**

Settlement of Article 7 Matter - 1760 Wehrle Drive, LLC V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
1760 Wehrle Drive, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. DANIEL FURLONG, J.S.C
STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

1760 WEHRLE DRIVE LLC,

Petitioner,

v.

CONSENT ORDER

Index No.: 810246/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
1760 Wehrle Drive	81.01-1-13.2

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, the Attorney for the County of Erie, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

Attachment: Proposed Consent Order 1760 Wehrle Drive LLC (RES-2025-360 : Settlement of Article 7 Matter - 1760 Wehrle Drive, LLC V. Town

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026, 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
1760 Wehrle Drive	81.01-1-13.2	$11,100,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding

Attachment: Proposed Consent Order 1760 Wehrle Drive LLC (RES-2025-360 : Settlement of Article 7 Matter - 1760 Wehrle Drive, LLC V. Town

paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, 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

Attachment: Proposed Consent Order 1760 Wehrle Drive LLC (RES-2025-360 : Settlement of Article 7 Matter - 1760 Wehrle Drive, LLC V. Town

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, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, 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 discontinued with prejudice.

_____

Hon. Daniel Furlong, J.S.C.

DATED:

Attachment: Proposed Consent Order 1760 Wehrle Drive LLC (RES-2025-360 : Settlement of Article 7 Matter - 1760 Wehrle Drive, LLC V. Town

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By:_____
Sam A. Alba , Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
James A. Zaepfel
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman , Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By:_____
Margaret A. Hurley , Esq.
Attorney for Intervenor

Date: _____

Attachment: Proposed Consent Order 1760 Wehrle Drive LLC (RES-2025-360 : Settlement of Article 7 Matter - 1760 Wehrle Drive, LLC V. Town

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30275 **RESOLUTION 2025-361** **ADOPTED**

Settlement of Article 7 Matter - David I. Shapiro and Mary Pfeifer-Shapiro V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
David I. Shapiro and Mary Pfeifer-Shapiro v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. SHEILA A. DITULLIO, A.J.S.C
STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

DAVID I SHAPIRO AND MARY PFEIFER-SHAPIRO,

Petitioner,

v.

CONSENT ORDER

Index No.: 810181/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
16 Royalwoods Court	42.18-1-8

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, the Attorney for the County of Erie, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

AMH 24197
14626564_1

Attachment: Proposed Consent Order Shapiro 16 Royalwoods Court (RES-2025-361 : Settlement of Article 7 Matter - David I. Shapiro and Mary

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026, 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
16 Royalwoods Court	42.18-1-8	$855,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding

Attachment: Proposed Consent Order Shapiro 16 Royalwoods Court (RES-2025-361 : Settlement of Article 7 Matter - David I. Shapiro and Mary

Attachment: Proposed Consent Order Shapiro 16 Royalwoods Court (RES-2025-361 : Settlement of Article 7 Matter - David I. Shapiro and Mary

paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, 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, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, 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 discontinued with prejudice.

_____

Hon. Sheila A. Ditullio, A.J.S.C.

DATED:

Attachment: Proposed Consent Order Shapiro 16 Royalwoods Court (RES-2025-361 : Settlement of Article 7 Matter - David I. Shapiro and Mary

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By:_____
Sam A. Alba, Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
Mary Pfeifer-Shapiro
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman, Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By:_____
Margaret A. Hurley, Esq.
Attorney for Intervenor

Date: _____

14626564_1

Attachment: Proposed Consent Order Shapiro 16 Royalwoods Court (RES-2025-361 : Settlement of Article 7 Matter - David I. Shapiro and Mary

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30277 **RESOLUTION 2025-362** **ADOPTED**

Settlement of Article 7 Matter - James A. Zaepfel; James A. Zaepfel Revocable Living Trust V. TOA

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
James A. Zaepfel; James A. Zaepfel Revocable Living Trust v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. SHEILA A. DITULLIO, J.S.C

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

JAMES A. ZAEPFEL; JAMES A. ZAEPFEL REVOCABLE LIVING TRUST,

Petitioner,

v.

CONSENT ORDER

Index No.: 810050/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
19 South Cayuga Road	80.08-3-13
25 South Cayuga Road	80.08-3-14
31 South Cayuga Road	80.08-3-15
37 South Cayuga Road	80.08-3-16

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, the Attorney for the County of Erie, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst

Attachment: Proposed Consent Order James A. Zaepfel Cayuga Road (RES-2025-362 : Settlement of Article 7 Matter - James A. Zaepfel; James

provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026, 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
19 South Cayuga Road	80.08-3-13	$280,000
25 South Cayuga Road	80.08-3-14	$480,000
31 South Cayuga Road	80.08-3-15	$335,000
37 South Cayuga Road	80.08-3-16	$405,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market

Attachment: Proposed Consent Order James A. Zaepfel Cayuga Road (RES-2025-362 : Settlement of Article 7 Matter - James A. Zaepfel; James

valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of

Attachment: Proposed Consent Order James A. Zaepfel Cayuga Road (RES-2025-362 : Settlement of Article 7 Matter - James A. Zaepfel; James

taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, 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, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, 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: Proposed Consent Order James A. Zaepfel Cayuga Road (RES-2025-362 : Settlement of Article 7 Matter - James A. Zaepfel; James

discontinued with prejudice.

_____
Hon. Sheila A. Ditullio, 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

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By:_____
Sam A. Alba , Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
James A. Zaepfel
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman , Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By:_____
Margaret A. Hurley , Esq.
Attorney for Intervenor

Date: _____

14649871_1

Attachment: Proposed Consent Order James A. Zaepfel Cayuga Road (RES-2025-362 : Settlement of Article 7 Matter - James A. Zaepfel; James

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30278 **RESOLUTION 2025-363** **ADOPTED**

Settlement of Article 7 Matter - AAP College Park Associates, LLC V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
AAP College Park Associates, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. EDWARD A. PACE, J.S.C

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

AAP COLLEGE PARK ASSOCIATES LLC,

Petitioner,

v.

CONSENT ORDER

Index No.: 810051/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
235 College Parkway	81.01-1-12.2

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, the Attorney for the County of Erie, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

Attachment: Proposed Consent Order AAP College Park 235 College Parkway (RES-2025-363 : Settlement of Article 7 Matter - AAP College Park

Attachment: Proposed Consent Order AAP College Park 235 College Parkway (RES-2025-363 : Settlement of Article 7 Matter - AAP College Park

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026, 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
235 College Parkway	81.01-1-12.2	$1,250,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding

Attachment: Proposed Consent Order AAP College Park 235 College Parkway (RES-2025-363 : Settlement of Article 7 Matter - AAP College Park

paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, 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, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, 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 discontinued with prejudice.

_____

Hon. Edward A. Pace, J.S.C.

DATED:

Attachment: Proposed Consent Order AAP College Park 235 College Parkway (RES-2025-363 : Settlement of Article 7 Matter - AAP College Park

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By:_____
Sam A. Alba , Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
James A. Zaepfel
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman , Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By:_____
Margaret A. Hurley , Esq.
Attorney for Intervenor

Date: _____

14649866_1

Attachment: Proposed Consent Order AAP College Park 235 College Parkway (RES-2025-363 : Settlement of Article 7 Matter - AAP College Park

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30280 **RESOLUTION 2025-364** **ADOPTED**

Settlement of Article 7 Matter - Airport Landing Center, LLC V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
Airport Landing Center, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. GERALD J. GREENAN III, J.S.C
STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

AIRPORT LANDING CENTER, L.L.C.,

Petitioner,

v.

CONSENT ORDER

Index No.: 810055/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
1127 Wehrle Drive	81.03-4-5.2

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, the Attorney for the County of Erie, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

Attachment: Proposed Consent Order Airport Landing Center 1126 Wehrle Drive (RES-2025-364 : Settlement of Article 7 Matter - Airport

Attachment: Proposed Consent Order Airport Landing Center 1126 Wehrle Drive (RES-2025-364 : Settlement of Article 7 Matter - Airport

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026, 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
1127 Wehrle Drive	81.03-4-5.2	$1,900,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding

Attachment: Proposed Consent Order Airport Landing Center 1126 Wehrle Drive (RES-2025-364 : Settlement of Article 7 Matter - Airport

paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, 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, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, 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 discontinued with prejudice.

_____

Hon. Gerald J. Greenan III, J.S.C.

DATED:

Attachment: Proposed Consent Order Airport Landing Center 1126 Wehrle Drive (RES-2025-364 : Settlement of Article 7 Matter - Airport

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By:_____
Sam A. Alba , Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
James A. Zaepfel
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman , Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By:_____
Margaret A. Hurley , Esq.
Attorney for Intervenor

Date: _____

14649863_1

Attachment: Proposed Consent Order Airport Landing Center 1126 Wehrle Drive (RES-2025-364 : Settlement of Article 7 Matter - Airport

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30282 **RESOLUTION 2025-365** **ADOPTED**

Settlement of Article 7 Matter - 205 Young Road, LLC, Et. Al. V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
205 Young Road, LLC, et. al. v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. JOHN J. DELMONTE, J.S.C

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

205 YOUNG ROAD LLC; NORTHWEST COLLEGE PARK ASSOCIATES, L.L.C.,

Petitioner,

v.

CONSENT ORDER

Index No.: 810059/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
205 South Youngs Road	81.01-1-3.12

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, the Attorney for the County of Erie, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

Attachment: Proposed Consent Order 205 Young Road (RES-2025-365 : Settlement of Article 7 Matter - 205 Young Road, LLC, Et. Al. V. Town of

Attachment: Proposed Consent Order 205 Young Road (RES-2025-365 : Settlement of Article 7 Matter - 205 Young Road, LLC, Et. Al. V. Town of

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026, 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
205 South Youngs Road	81.01-1-3.12	$2,000,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding

Attachment: Proposed Consent Order 205 Young Road (RES-2025-365 : Settlement of Article 7 Matter - 205 Young Road, LLC, Et. Al. V. Town of

paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, 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, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, 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 discontinued with prejudice.

_____

Hon. John J. DelMonte, J.S.C.

DATED:

Attachment: Proposed Consent Order 205 Young Road (RES-2025-365 : Settlement of Article 7 Matter - 205 Young Road, LLC, Et. Al. V. Town of

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By:_____
Sam A. Alba , Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
James A. Zaepfel
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman , Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By:_____
Margaret A. Hurley , Esq.
Attorney for Intervenor

Date: _____

14649851_1

Attachment: Proposed Consent Order 205 Young Road (RES-2025-365 : Settlement of Article 7 Matter - 205 Young Road, LLC, Et. Al. V. Town of

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30283 **RESOLUTION 2025-366** **ADOPTED**

Settlement of Article 7 Matter - Remmington Heights, LLC V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
Remmington Heights, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. DANIEL FURLONG, J.S.C
STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

REMMINGTON HEIGHTS LLC,

Petitioner,

v.

CONSENT ORDER

Index No.: 810060/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
1690-1720 Wehrle Drive	81.01-1-14

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, the Attorney for the County of Erie, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

Attachment: Proposed Consent Order Remmington Heights 1690-1720 Wehrle Drive (RES-2025-366 : Settlement of Article 7 Matter -

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026, 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
1690-1720 Wehrle Drive	81.01-1-14	$2,200,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding

Attachment: Proposed Consent Order Remmington Heights 1690-1720 Wehrle Drive (RES-2025-366 : Settlement of Article 7 Matter -

paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, 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

Attachment: Proposed Consent Order Remmington Heights 1690-1720 Wehrle Drive (RES-2025-366 : Settlement of Article 7 Matter -

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, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, 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 discontinued with prejudice.

_____

Hon. Daniel Furlong, J.S.C.

DATED:

Attachment: Proposed Consent Order Remmington Heights 1690-1720 Wehrle Drive (RES-2025-366 : Settlement of Article 7 Matter -

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By:_____
Sam A. Alba , Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
James A. Zaepfel
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman , Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By:_____
Margaret A. Hurley , Esq.
Attorney for Intervenor

Date: _____

Attachment: Proposed Consent Order Remmington Heights 1690-1720 Wehrle Drive (RES-2025-366 : Settlement of Article 7 Matter -

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30284 **RESOLUTION 2025-367** **ADOPTED**

Settlement of Article 7 Matter - Frederick G. Attea and Elizabeth A. Attea V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
Frederick G. Attea and Elizabeth A. Attea v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. SHEILA A. DITULLIO, A.J.S.C
STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

FREDERICK G ATTEA AND ELIZABETH A ATTEA,

Petitioner,

v.

CONSENT ORDER

Index No.: 810667/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
111 Rollingwood	56.07-5-4

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, the Attorney for the County of Erie, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

Attachment: Proposed Consent Order Attea 111 Rollingwood (RES-2025-367 : Settlement of Article 7 Matter - Frederick G. Attea and Elizabeth

Attachment: Proposed Consent Order Attea 111 Rollingwood (RES-2025-367 : Settlement of Article 7 Matter - Frederick G. Attea and Elizabeth

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026, 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
111 Rollingwood	56.07-5-4	$1,000,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding

Attachment: Proposed Consent Order Attea 111 Rollingwood (RES-2025-367 : Settlement of Article 7 Matter - Frederick G. Attea and Elizabeth

paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, 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, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, 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 discontinued with prejudice.

_____

Hon. Sheila A. Ditullio, A.J.S.C.

DATED:

Attachment: Proposed Consent Order Attea 111 Rollingwood (RES-2025-367 : Settlement of Article 7 Matter - Frederick G. Attea and Elizabeth

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By:_____
Sam A. Alba, Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
Frederick Attea
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman, Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By:_____
Margaret A. Hurley, Esq.
Attorney for Intervenor

Date: _____

14626582_1

Attachment: Proposed Consent Order Attea 111 Rollingwood (RES-2025-367 : Settlement of Article 7 Matter - Frederick G. Attea and Elizabeth

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30285 **RESOLUTION 2025-368** **ADOPTED**

Settlement of Article 7 Matter - Sturbridge Apartments, LLC V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
Sturbridge Apartments, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. GERALD J. GREENAN, III, J.S.C

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

STURBRIDGE APARTMENTS LLC,

Petitioner,

v.

CONSENT ORDER

Index No.: 810238/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
770-790 Maple Road	55.16-2-22

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, the Attorney for the County of Erie, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

Attachment: Proposed Consent Order Sturbridge 770-790 Maple (RES-2025-368 : Settlement of Article 7 Matter - Sturbridge Apartments, LLC V.

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026, 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
770-790 Maple Road	55.16-2-22	$8,500,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding

Attachment: Proposed Consent Order Sturbridge 770-790 Maple (RES-2025-368 : Settlement of Article 7 Matter - Sturbridge Apartments, LLC V.

Attachment: Proposed Consent Order Sturbridge 770-790 Maple (RES-2025-368 : Settlement of Article 7 Matter - Sturbridge Apartments, LLC V.

paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, 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, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, 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 discontinued with prejudice.

_____
Hon. Gerald J. Greenan III, J.S.C.

DATED:

Attachment: Proposed Consent Order Sturbridge 770-790 Maple (RES-2025-368 : Settlement of Article 7 Matter - Sturbridge Apartments, LLC V.

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By:_____
Sam A. Alba , Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
Patrick Finucane
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman , Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By:_____
Margaret A. Hurley , Esq.
Attorney for Intervenor

Date: _____

14626309_1

Attachment: Proposed Consent Order Sturbridge 770-790 Maple (RES-2025-368 : Settlement of Article 7 Matter - Sturbridge Apartments, LLC V.

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30286 **RESOLUTION 2025-369** **ADOPTED**

Settlement of Article 7 Matter - George Hofheins V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
George Hofheins v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. SHEILA A. DITULLIO, III, A.J.S.C

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

GEORGE HOFHEINS,

Petitioner,

v.

CONSENT ORDER

Index No.: 810183/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
36 Alexia Court	69.16-8-3

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the County of Erie, the Attorney for the Williamsville CSD, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

AMH 24172
14649457_1

Attachment: Proposed Consent Order 36 Alexia (RES-2025-369 : Settlement of Article 7 Matter - George Hofheins V. Town of Amherst)

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026, 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
36 Alexia Court	69.16-8-3	$980,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding

Attachment: Proposed Consent Order 36 Alexia (RES-2025-369 : Settlement of Article 7 Matter - George Hofheins V. Town of Amherst)

paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, 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

Attachment: Proposed Consent Order 36 Alexia (RES-2025-369 : Settlement of Article 7 Matter - George Hofheins V. Town of Amherst)

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, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, 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 discontinued with prejudice.

_____
Hon. Sheila A. Ditullio, A.J.S.C.

DATED:

Attachment: Proposed Consent Order 36 Alexia (RES-2025-369 : Settlement of Article 7 Matter - George Hofheins V. Town of Amherst)

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR PETITIONER

By: _____
George Hofheins
As Agent

Date: _____

FOR RESPONDENT
Town of Amherst

By: _____
Samuel A. Alba, Esq.
Attorney for Respondent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman , Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By:_____
Margaret Hurley, Esq.
Intervenor

Date: _____

14649457_1

Attachment: Proposed Consent Order 36 Alexia (RES-2025-369 : Settlement of Article 7 Matter - George Hofheins V. Town of Amherst)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30287 **RESOLUTION 2025-370** **ADOPTED**

Settlement of Article 7 Matter - North Forest Apartment Associates, LLC V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
North Forest Apartment Associates, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. EDWARD A. PACE, J.S.C

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

NORTH FOREST APARTMENT ASSOCIATES LLC A/K/A MUIR LAKE APARTMENTS,

Petitioner,

v.

CONSENT ORDER

Index No.: 810229/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
2371-2395 North Forest Road	41.03-1-18.21

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, the Attorney for the County of Erie, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

Attachment: Proposed Consent Order North Forest Apartments (RES-2025-370 : Settlement of Article 7 Matter - North Forest Apartment

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026, 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
2371-2395 North Forest Road	41.03-1-18.21	$11,250,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding

Attachment: Proposed Consent Order North Forest Apartments (RES-2025-370 : Settlement of Article 7 Matter - North Forest Apartment

Attachment: Proposed Consent Order North Forest Apartments (RES-2025-370 : Settlement of Article 7 Matter - North Forest Apartment

paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, 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

Attachment: Proposed Consent Order North Forest Apartments (RES-2025-370 : Settlement of Article 7 Matter - North Forest Apartment

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, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, 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 discontinued with prejudice.

_____

Hon. Edward A. Pace, 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

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By:_____
Sam A. Alba, Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
Patrick Finucane
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman, Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By:_____
Margaret A. Hurley, Esq.
Attorney for Intervenor

Date: _____

14626610_1

Attachment: Proposed Consent Order North Forest Apartments (RES-2025-370 : Settlement of Article 7 Matter - North Forest Apartment

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30289 **RESOLUTION 2025-371** **ADOPTED**

Settlement of Article 7 Matter - Donald B. Steel and Kathleen M. Steel V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
Donald B. Steel and Kathleen M. Steel v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. SHEILA A. DITULLIO, A.J.S.C
STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

DONALD B STEEL AND KATHLEEN M STEEL,

Petitioner,

v.

CONSENT ORDER

Index No.: 810137/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
376 Ayer Road	56.19-6-31

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, the Attorney for the County of Erie, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

Attachment: Proposed Consent Order Steel 376 Ayer (RES-2025-371 : Settlement of Article 7 Matter - Donald B. Steel and Kathleen M. Steel V.

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026, 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
376 Ayer Road	56.19-6-31	$300,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding

Attachment: Proposed Consent Order Steel 376 Ayer (RES-2025-371 : Settlement of Article 7 Matter - Donald B. Steel and Kathleen M. Steel V.

Attachment: Proposed Consent Order Steel 376 Ayer (RES-2025-371 : Settlement of Article 7 Matter - Donald B. Steel and Kathleen M. Steel V.

paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, as attorneys and agents for Petitioner, accompanied by a calculation sheet, such attorneys to hold the proceeds as trust funds for appropriate distribution, and are to remain subject to the further jurisdiction of this Court relative to their attorney's lien pursuant to Judiciary Law Section 475, or in the event that

any such tax payment has not been paid, issue corrected tax bills which reflect the proper reduced assessment for the property, with a copy of corrected tax bills sent to the attorneys for Petitioner, said corrected tax bills to be paid without interest or penalty if paid within 90 days of receipt of said corrected bills, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, 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 discontinued with prejudice.

_____

Hon. Sheila A. Ditullio, A.J.S.C.

DATED:

Attachment: Proposed Consent Order Steel 376 Ayer (RES-2025-371 : Settlement of Article 7 Matter - Donald B. Steel and Kathleen M. Steel V.

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By:_____
Sam A. Alba , Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
Kathleen Steel
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman , Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By:_____
Margaret A. Hurley , Esq.
Attorney for Intervenor

Date: _____

14626546_1

Attachment: Proposed Consent Order Steel 376 Ayer (RES-2025-371 : Settlement of Article 7 Matter - Donald B. Steel and Kathleen M. Steel V.

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30290 **RESOLUTION 2025-372** **ADOPTED**

Settlement of Article 7 Matter - Nora Devoe V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
Nora Devoe v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. SHEILA A. DITULLIO, A.J.S.C
STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

NORA DEVOE,

Petitioner,

v.

CONSENT ORDER

Index No.: 810147/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
236 Mill Street	69.13-4-20

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, the Attorney for the County of Erie, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

Attachment: Proposed Consent Order Devoe 236 Mill Street (RES-2025-372 : Settlement of Article 7 Matter - Nora Devoe V. Town of Amherst)

Attachment: Proposed Consent Order Devoe 236 Mill Street (RES-2025-372 : Settlement of Article 7 Matter - Nora Devoe V. Town of Amherst)

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026, 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
236 Mill Street	69.13-4-20	$420,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding

Attachment: Proposed Consent Order Devoe 236 Mill Street (RES-2025-372 : Settlement of Article 7 Matter - Nora Devoe V. Town of Amherst)

paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, 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, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, 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 discontinued with prejudice.

_____
Hon. Sheila A. Ditullio, A.J.S.C.

DATED:

Attachment: Proposed Consent Order Devoe 236 Mill Street (RES-2025-372 : Settlement of Article 7 Matter - Nora Devoe V. Town of Amherst)

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By: _____
Sam A. Alba, Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
Nora Devoe
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By: _____
Michael Risman, Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By: _____
Margaret A. Hurley, Esq.
Attorney for Intervenor

Date: _____

14626562_1

Attachment: Proposed Consent Order Devoe 236 Mill Street (RES-2025-372 : Settlement of Article 7 Matter - Nora Devoe V. Town of Amherst)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30291 **RESOLUTION 2025-373** **ADOPTED**

Settlement of Article 7 Matter - John S. Trifilo, Jr. V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
John S. Trifilo, Jr. v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. SHEILA A. DITULLIO, A.J.S.C
STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

JOHN S TRIFILO JR.,

Petitioner,

v.

CONSENT ORDER

Index No.: 810033/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
146 Mill Valley Court	42.07-2-20
91 Marine Drive	41.05-2-9

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, the Attorney for the County of Erie, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, the Sweet Home CSD, and the County of Erie, it is hereby

Attachment: Proposed Consent Order Trifilo 146 Mill Valley and 91 Marine (RES-2025-373 : Settlement of Article 7 Matter - John S. Trifilo, Jr. V.

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026, 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
146 Mill Valley Court	42.07-2-20	$600,000
91 Marine Drive	41.05-2-9	300,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

Attachment: Proposed Consent Order Trifilo 146 Mill Valley and 91 Marine (RES-2025-373 : Settlement of Article 7 Matter - John S. Trifilo, Jr. V.

Attachment: Proposed Consent Order Trifilo 146 Mill Valley and 91 Marine (RES-2025-373 : Settlement of Article 7 Matter - John S. Trifilo, Jr. V.

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, Sweet Home CSD and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, 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, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, 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 discontinued with prejudice.

_____

Hon. Sheila A. Ditullio, A.J.S.C.

DATED:

14626557_1

Attachment: Proposed Consent Order Trifilo 146 Mill Valley and 91 Marine (RES-2025-373 : Settlement of Article 7 Matter - John S. Trifilo, Jr. V.

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By:_____
Sam A. Alba, Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
John Trifilo Jr.
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman, Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By:_____
Margaret A. Hurley, Esq.
Attorney for Intervenor

Date: _____

14626557_1

Attachment: Proposed Consent Order Trifilo 146 Mill Valley and 91 Marine (RES-2025-373 : Settlement of Article 7 Matter - John S. Trifilo, Jr. V.

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30292 **RESOLUTION 2025-374** **ADOPTED**

Settlement of Article 7 Matter - 80 Lawrence Bell Drive, LLC V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
80 Lawrence Bell Drive, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. EMILIO L. COLAIACOVO, J.S.C

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

80 LAWRENCE BELL DRIVE LLC,

Petitioner,

v.

CONSENT ORDER

Index No.: 810056/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
80 Lawrence Bell Drive	81.02-3-26.12

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, the Attorney for the County of Erie, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

Attachment: Proposed Consent Order 80 Lawrence Bell Drive (RES-2025-374 : Settlement of Article 7 Matter - 80 Lawrence Bell Drive, LLC V.

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
80 Lawrence Bell Drive	81.02-3-26.12	$1,900,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall not apply to the aforementioned tax years, 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 it is further

Attachment: Proposed Consent Order 80 Lawrence Bell Drive (RES-2025-374 : Settlement of Article 7 Matter - 80 Lawrence Bell Drive, LLC V.

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, 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, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, and it is further

ORDERED, STIPULATED, AND ADJUDGED that this Court shall retain jurisdiction over this proceeding pending the expiration of the periods herein recited, and that all applications to enforce any or all of the terms of this Consent Order shall be brought by motion before this Court, and it is further

ORDERED, STIPULATED, AND ADJUDGED that Petitioner shall have the right to seek specific enforcement of this Order, Stipulation and Judgment by all means provided by law, and it is further

ORDERED, STIPULATED, AND ADJUDGED that this Order, Stipulation and Judgment hereby constitutes and represents the entire understanding and agreement amongst the

Attachment: Proposed Consent Order 80 Lawrence Bell Drive (RES-2025-374 : Settlement of Article 7 Matter - 80 Lawrence Bell Drive, LLC V.

parties, and the full settlement of the tax certiorari herein; there are no costs or disbursements awarded to, by or against any party, and upon compliance with the terms of this Order, Stipulation and Judgment, the proceedings herein shall be, and the same hereby are, settled and discontinued with prejudice.

_____
Hon. Emilio L. Colaiacovo, 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

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By:_____
Sam A. Alba , Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
James A. Zaepfel
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman , Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By:_____
Margaret A. Hurley , Esq.
Attorney for Intervenor

Date: _____

Attachment: Proposed Consent Order 80 Lawrence Bell Drive (RES-2025-374 : Settlement of Article 7 Matter - 80 Lawrence Bell Drive, LLC V.

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30293 **RESOLUTION 2025-375** **ADOPTED**

Settlement of Article 7 Matter - Bowdoin Square Apartments, LLC V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 1, 2025**

RE: **Settlement of Article 7 Matter**
Bowdoin Square Apartments, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. DEBORAH A. CHIMES, J.S.C

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

BOWDOIN SQUARE APARTMENTS LLC,

Petitioner,

v.

CONSENT ORDER

Index No.: 810240/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
1260 North Forest Road	55.19-3-28.1

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, the Attorney for the County of Erie, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

Attachment: Proposed Consent Order Bowdoin Square 1260 North Forest (RES-2025-375 : Settlement of Article 7 Matter - Bowdoin Square

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2024-2025 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further,

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026, 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
1260 North Forest Road	55.19-3-28.1	$7,350,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding

Attachment: Proposed Consent Order Bowdoin Square 1260 North Forest (RES-2025-375 : Settlement of Article 7 Matter - Bowdoin Square

Attachment: Proposed Consent Order Bowdoin Square 1260 North Forest (RES-2025-375 : Settlement of Article 7 Matter - Bowdoin Square

paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, 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, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, 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 discontinued with prejudice.

_____
Hon. Deborah A. Chimes, J.S.C.

DATED:

Attachment: Proposed Consent Order Bowdoin Square 1260 North Forest (RES-2025-375 : Settlement of Article 7 Matter - Bowdoin Square

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By:_____
Sam A. Alba, Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
Patrick Finucane
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman, Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By:_____
Margaret A. Hurley, Esq.
Attorney for Intervenor

Date: _____

14626602_1

Attachment: Proposed Consent Order Bowdoin Square 1260 North Forest (RES-2025-375 : Settlement of Article 7 Matter - Bowdoin Square

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A. Alba**
Co-Sponsored by:

DOC ID: 30313 **RESOLUTION 2025-376** **ADOPTED**

Settlement of Article 7 Matter - Virginia L. Henderson V. Town of Amherst

AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

DATE: **April 2, 2025**

RE: **Settlement of Article 7 Matter**
Virginia L. Henderson v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : April 7, 2025**)
Emily Murphy, Town Assessor

4/7/2025
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at Delaware Avenue, Buffalo, New York, on the ____ day of _____, 20_____.

PRESENT: HON. SHEILA A. DITULLIO, J.S.C

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

VIRGINIA L HENDERSON,

Petitioner,

v.

CONSENT ORDER

Index No.: 810934/2024

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE 2024-2025 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as:

Address	Section/Block/Lot
302 Old Oak Post Road	28.02-1-31

having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Williamsville CSD, the Attorney for the County of Erie, and the Attorney for Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

Attachment: Proposed Consent Order Henderson 302 Old Oak Post (RES-2025-376 : Settlement of Article 7 Matter - Virginia L. Henderson V.

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2025-2026, 2026-2027, 2027-2028 and 2028-2029 for the premises be set as follows:

Address	Section/Block/Lot	Assessed Value
302 Old Oak Post Road	28.02-1-31	$170,000

, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law ("RPTL") shall apply to the aforementioned tax years, however the exceptions that permit assessment changes under Section 727(2)(a) and (b) shall not apply to permit assessment changes to the aforementioned tax years that are the subject of this Consent Order, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town of Amherst conducts an update or revaluation of property tax assessments during the term of this Consent Order, upon expiration of the Order, the Town may adjust the assessed value of the subject property to the value that the Town would have set the assessment at pursuant to the fair market valuation(s) determined as a result of the update or revaluation as of the taxable status date and taxable valuation date of the update or revaluation tax year, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event the Town adjusts the assessed value of the subject property pursuant to the terms of the immediately preceding paragraph of this Consent Order, Petitioner retains the right to challenge the assessed value set by the Town, and waives the right to claim selective or unlawful reassessment related to the roll

Attachment: Proposed Consent Order Henderson 302 Old Oak Post (RES-2025-376 : Settlement of Article 7 Matter - Virginia L. Henderson V.

Attachment: Proposed Consent Order Henderson 302 Old Oak Post (RES-2025-376 : Settlement of Article 7 Matter - Virginia L. Henderson V.

or otherwise beyond the challenge to the fair market value of the property as adjusted, 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 it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Harter Secrest & Emery LLP, 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, with interest and/or penalties beginning to accrue on the new corrected balance after 45 days, and it is further

ORDERED, STIPULATED, AND ADJUDGED that this Court shall rctain 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 discontinued with prejudice.

_____

Hon. Sheila A. Ditullio, J.S.C.

DATED:

Attachment: Proposed Consent Order Henderson 302 Old Oak Post (RES-2025-376 : Settlement of Article 7 Matter - Virginia L. Henderson V.

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER

By: _____
Ryan K. Parisi, Esq.
Attorney for Petitioner

Date: _____

FOR RESPONDENT
Town of Amherst

By:_____
Sam A. Alba , Esq.
Attorney for Intervenor

Date: _____

FOR PETITIONER

By: _____
Virginia L Henderson
As Agent

Date: _____

FOR INTERVENOR
Williamsville CSD

By:_____
Michael Risman , Esq.
Attorney for Intervenor

Date: _____

FOR INTERVENOR
County of Erie

By:_____
Margaret A. Hurley , Esq.
Attorney for Intervenor

Date: _____

14654960_1

Attachment: Proposed Consent Order Henderson 302 Old Oak Post (RES-2025-376 : Settlement of Article 7 Matter - Virginia L. Henderson V.

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Clerk
Initiated by: **Ashley Brownson**
Co-Sponsored by:

DOC ID: 30240 **RESOLUTION 2025-377** **ADOPTED**

Amusement License for 1565-1703 Niagara Falls Boulevard

Request by Benderson Development for a First Class Amusement License to hold the following events:

Spring Eggstravaganza – 4/5/2025
Mother's Day Celebration – 5/3/2025
Sport's Spectacular – 06/07/2025
Star Spangled Spectacular – 07/05/2025
Circus Fun Day – 08/02/2025
Heroes Day – 9/6/2025
Fall Family Fun Fest – 10/25/2025
Holidays at The Boulevard - 12/13/2025
Holidays at The Boulevard – 12/20/2025

Supervising Code Enforcement Officer recommends a fee of $50.00 per day

The following conditions apply:

- Food Trucks must have a current Town of Amherst Food Vendor License and have the current inspection sticker affixed to the vehicle.
- That all fire lanes be kept clear at all times.
- For any tents in excess of 400 square feet being used, a fire prevention tent permit must be obtained.
- All temporary power must be code compliant
- Bathroom facility must be made available & accessible.
- Off street parking must be available and on site accessible parking must be maintained.
- Fire Department access must be maintained at all times in the event of an emergency.
- Events with 1,000 guests or more will require "Crowd Managers" per the 2020 FCNYS.
- The applicant must abide by Chapter 138 of the Town of Amherst Code regarding noise.

4/7/2025
Consent

FINANCIAL IMPACT:

Income for the Town

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

TOWN OF AMHERST
BUILDING DEPARTMENT
INTER-DEPARTMENTAL CORRESPONDENCE
5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221

PHONE: (716) 631-7080
FAX: (716) 631-7192

Mark S. Berke, P.E.
Commissioner of Building

Agenda Item

DATE: March 17, 2025

TO: Town Board

FROM: Douglas Gesel, Supervising Code Enforcement Officer

RE: Amusement License for 1565-1703 Niagara Falls Boulevard

In response to the Amusement License Application dated 3/12/2025, from Daniel Gaeta, I recommend the approval of his request for First Class outdoor events at the above noted address.

The fee for such an event is set be the Town Board, the fee can be from $5.00 to $50.00 per day, or fraction thereof.
With the events being held over multiple days from 11:00am until 2:00pm in the court yard area of the address noted above, I would recommend a fee of $50.00 per day.

Event Dates:
- April 5 - Spring Eggstravaganza
- May 3 - Mother's Day Celebration
  Summer Family Fun Fest
- June 7 - Sports Spectacular
- July 5 - Star Spangled Spectacular
- August 2 - Circus Fun Day
- September 6 - Heroes Day
  Fall Family Fun Fest
- October 25 - Fall Family Fun Fest
  Holidays at The Boulevard
- December 13 - Holidays at The Boulevard
- December 20 - Holidays at The Boulevard

Nine events total.

I would recommend that the following conditions be stated:

- Food Trucks must have a current Town of Amherst Food Vendor License and have the current inspection sticker affixed to the vehicle.
- That all fire lanes be kept clear at all times.
- For any tents in excess of 400 square feet being used, a fire prevention tent permit must be obtained.

Attachment: Amusement-Benderson-03202025132044 (RES-2025-377 : Amusement License for 1565-1703 Niagara Falls Boulevard)

- All temporary power must be code compliant.
- Bathroom facility must be made available & accessible.
- Off street parking must be available and on site accessible parking must be maintained.
- Fire Department access must be maintained at all times in the event of an emergency.
- Events with 1,000 guests or more will require "Crowd Managers" per the 2020 FCNYS.
- The applicant must abide by Chapter 138 of the Town of Amherst Code regarding noise.

Please contact me if you have any questions regarding this response.

Douglas Gesel, Supervising Code Enforcement Officer

cc: Fran Spoth, Town Clerk, Mark Berke P.E. Commissioner of Building, Bryan Parnell, Senior Fire Inspector

Attachment: Amusement-Benderson-03202025132044 (RES-2025-377 : Amusement License for 1565-1703 Niagara Falls Boulevard)

Town of Amherst
Amusement License Application

Organization or Resident: Benderson Development Company

Address of Event: The Boulevard
1565-1703 Niagara Falls Blvd
Amherst, NY 14228

Describe Event: See Attached – Weather Permitting

List All Dates: 4/5, 5/3, 6/7, 7/5, 8/2, 9/6, 10/25, 12/13, 12/20 - 2025
day/month/year & day of week

Number of Occasions: 9

Time (Start & End): 11AM-2PM

PLEASE ATTACH A SITE PLAN WITH DESIGNATED AREA FOR EVENT

Name of Organizer Benderson Development Company, LLC

Address 570 Delaware Avenue, Buffalo, NY 14202

Phone Number (716)225-3647

Signature of Organizer _____

Date _____

Office use only:
Submitted to Police & Building _____
Fee determined by Town Board _____
Business or Resident notified _____
Payment Rcvd _____
License issued and mailed out _____

Attachment: Amusement-Benderson-03202025132044 (RES-2025-377 : Amusement License for 1565-1703 Niagara Falls Boulevard)

2025 Boulevard - Event Themes/Ideas

Event Dates:

- April 5 - Spring Eggstravaganza
- May 3 - Mother's Day Celebration

Summer Family Fun Fest

- June 7 - Sports Spectacular
- July 5 - Star Spangled Spectacular
- August 2 - Circus Fun Day
- September 6 - Heroes Day

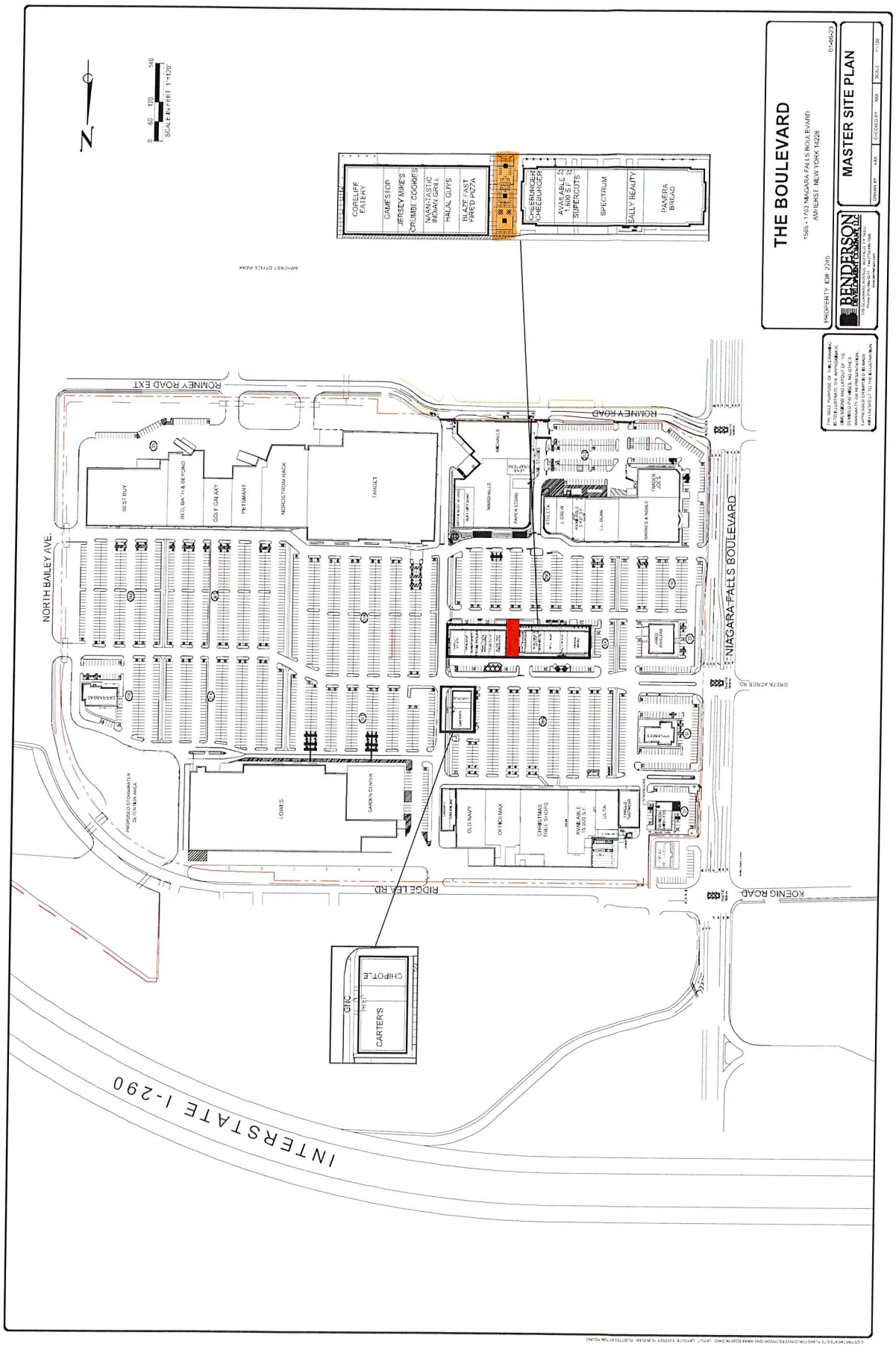
Fall Family Fun Fest

- October 25 - Fall Family Fun Fest

Holidays at The Boulevard

- December 13 - Holidays at The Boulevard
- December 20 - Holidays at The Boulevard

Attachment: Amusement-Benderson-03202025132044 (RES-2025-377 : Amusement License for 1565-1703 Niagara Falls Boulevard)



Attachment: Amusement-Benderson-03202025132044 (RES-2025-377 : Amusement License for 1565-1703 Niagara Falls Boulevard)

Brownson, Ashley

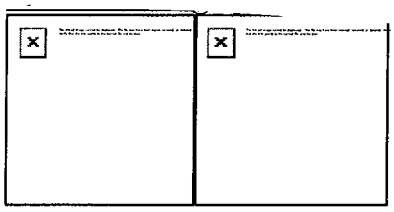
From: Scott Chamberlin <
Sent: Thursday, March 13, 2025 10:46 AM
To: Brownson, Ashley
Subject: Re: FW: 2025 TOA Amusement License Application (002).pdf

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

No issues with this event.

Regards,

Scott P. Chamberlin
Chief of Police
Town of Amherst Police Department
500 John James Audubon Parkway
Amherst, NY 14228
(716) 689-1351



On Wed, Mar 12, 2025 at 3:22 PM Brownson, Ashley <abrownson@amherst.ny.us> wrote:
Please see the attachment for an amusement license request from Benderson Development, for events at 1565-1703 Niagara Falls Blvd. Please send any written comments or concerns to me, so I can place this on the earliest Town of Amherst board meeting.
Thank you,
Ashley Brownson
Supervising Tax Clerk
Town of Amherst
716-631-7048

From: Daniel Gaeta <DanielGaeta@benderson.com>
Sent: Wednesday, March 12, 2025 2:59 PM
To: Brownson, Ashley <abrownson@amherst.ny.us>
Cc: Brandon Frye <BrandonFrye@benderson.com>
Subject: 2025 TOA Amusement License Application (002).pdf

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.
Hi Ashley,

Attachment: Amusement-Benderson-03202025132044 (RES-2025-377 : Amusement License for 1565-1703 Niagara Falls Boulevard)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Assessor
Initiated by: **Emily Murphy**
Co-Sponsored by:

DOC ID: 30271 **RESOLUTION 2025-378** **ADOPTED**

Contract for Schneider Geospatial LLC CRS #5393

Kindly adopt a resolution authorizing the Supervisor to sign the attached Contract for Schneider Geospatial LLC pending successful completion of CRS.

4/7/2025
Consent

FINANCIAL IMPACT:

$5,000

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

Arnold, Bonnie

From: Infotech Services
Sent: Friday, March 28, 2025 4:24 PM
To: Murphy, Emily; Arnold, Bonnie; Burroughs, Nicole; Sliwa, Renee M.
Subject: Contract Approval: CRS ID #5393

CRS ID #: 5393
Title: Professional Services Agreement
Vendor: Schneider Geospatial LLC
Contract Type: Under $5000

Contract #5393 for Schneider Geospatial LLC has been approved by the Attorney's Office and can now be signed by the Supervisor.

At this stage, you are required to submit three (3) original signed (by the Vendor) contract packet to the Attorney's Office. Please print out this approval email and attach it with the original contract being submitted to the Town Attorney's Office. This contract cannot be utilized until you are notified that it has been fully executed.

Please print out this approval email and attach it with the original contract being submitted to the Town Attorney's Office. Thank you.

Comment:

https://intranet/acms/cont_crs_main_rte_list.php?q=(rec_crs_id~equals~5393)

Attachment: DOC040125-04012025120646 (RES-2025-378 : Contract for Schneider Geospatial LLC CRS #5393)

PROFESSIONAL SERVICES AGREEMENT

This Agreement is made and entered into by and between **Schneider Geospatial, LLC**, a Delaware Limited Liability Company, whose place of business is 8901 Otis Avenue, Suite 300, Indianapolis, IN 46216 ("PROFESSIONAL") and **Town of Amherst, New York**, whose place of business is 5583 Main Street, Williamsville, NY 14221 ("CLIENT").

NOTE: This Agreement replaces previous agreements between Systems Development Group (SDG) and the CLIENT for the IMO and related solutions.

1 Services.

PROFESSIONAL shall provide CLIENT with the following services ("Services"):

A. **Outpost Anywhere**
PROFESSIONAL will deploy the Outpost Anywhere mobile application for CLIENT to use for real estate property field data and image collection. CLIENT will be required to access the app through an Android OS-based mobile device.

Other Fixed Fee phases of this project may be developed during the course of this agreement. Once the estimates are accepted, an Authorization to Proceed will have to be signed and submitted before work will begin.

2 Payment for Services.

CLIENT shall compensate PROFESSIONAL for the Services as follows:

a. **Annual Hosting:** **$1,200**

Other Software Items:

Outpost Anywhere:	Included
Subtotal:	$ 3,800
Discount:	($ 2,600)
Total:	$ 1,200

B. Payment Schedule

Year 1	**January 1, 2025 – December 31, 2025:**	**$1,200**
Year 2	**January 1, 2026 – December 31, 2026:**	**$1,260**
Year 3	**January 1, 2027 – December 31, 2027:**	**$1,320**

Invoicing will be done on an annual basis at the beginning of the term unless otherwise specified.
If the CLIENT cancels the agreement before end of initial multi-year term, any waived discounts and promotional fees will be included in the final invoice.

CLIENT agrees to pay for any and all costs of collection including, but not limited to interest, lien costs, court costs, expert fees, attorney's fees and other fees or costs involved in or arising out of collecting any unpaid or past due balances, including late fees or penalties. If payment is not received within thirty (30) days of the due date, PROFESSIONAL reserves the right, after giving seven (7) days written notice to CLIENT, to suspend services to CLIENT or to terminate this Agreement.

Attachment: DOC040125-04012025120646 (RES-2025-378 : Contract for Schneider Geospatial LLC CRS #5393)

3 Terms of Service. Each party's rights and responsibilities under this Agreement are conditioned upon and subject to the Terms of Service which can be found at http://schneiderGIS.com/termsofservice. By executing this Agreement, CLIENT acknowledges that it has read the above-described Terms of Service and agrees that such Terms of Service are incorporated herein and made a part of this Agreement. PROFESSIONAL reserves the right to update or modify the Terms of Service upon ten (10) days prior notice to CLIENT. Such notice may be provided by PROFESSIONAL to CLIENT by e-mail.

4 Term, Termination and Renewal. The initial term of this Agreement shall be defined in the Scope of Services or Payment Schedule above. If the services provided are for an annual rate and extend for multiple years, PROFESSIONAL will prorate the first year of the agreement to match the fiscal year for the CLIENT, followed by consecutive, twelve (12) month periods. This Agreement may renew upon mutual written agreement for successive terms which consist of a twelve (12) month period, subject to earlier termination as set forth in this Agreement or upon written notification by either party thirty (30) days prior to the end of a term. If, for any reason, this Agreement is terminated prior to the end of a term, any waived or discounted fees or specified promotional items provided by PROFESSIONAL shall be invoiced by PROFESSIONAL and paid by CLIENT. PROFESSIONAL reserves the right to update the pricing applicable to this Agreement after the initial term for any renewal terms and/or any subsequent terms occurring after the initial term of the Agreement; PROFESSIONAL shall provide prior written notice to CLIENT of any pricing adjustments applicable to any such renewal and/or subsequent terms.

5 Additional Data Hosting. PROFESSIONAL's website hosting services allow for storage of up to ten (10) Gigabytes of data and files to include as content for CLIENT's website hosted in PROFESSIONAL's web data server environment. Additional storage and transfer requirements may be negotiated, at PROFESSIONAL's discretion, if CLIENT decides to add additional content to the website – such as orthophotos, scanned documents, etc.

6 Assignment. PROFESSIONAL has the right to assign or transfer any rights under or interest in this Agreement upon fifteen (15) days' written or electronic notice to CLIENT. Nothing in this Paragraph shall prevent PROFESSIONAL from employing consultants or subcontractors to assist in the performance of the Services.

7 Rights and Benefits. Nothing in this Agreement shall be construed to give any rights or benefits in this Agreement to anyone other than CLIENT and PROFESSIONAL. CLIENT and PROFESSIONAL expressly state there are no third-party beneficiaries to this Agreement.

8 Successors. This Agreement is binding on the partners, successors, executors, administrators and assigns of both parties.

9 Applicable Law. The terms and conditions of this Agreement are subject to the laws of the State of Indiana.

IN WITNESS WHEREOF, the Parties have executed this Agreement by affixing their signatures below.

Pricing is valid through April 30, 2025.

PROFESSIONAL:
Schneider Geospatial, LLC

By: _____

Print: Jeff Cotps, GISP

Title: President & CEO

Date: March 18, 2025

CLIENT:
Town of Amherst, New York

By: _____

Print: _____

Title: _____

Date: _____

Attachment: DOC040125-040120251206 46 (RES-2025-378 : Contract for Schneider Geospatial LLC CRS #5393)

Arnold, Bonnie

From: Willer, David
Sent: Wednesday, February 5, 2025 9:06 AM
To: Kittleman, Zach
Cc: Arnold, Bonnie
Subject: RE: Schneider Geospatial Contract

[redacted]

I have no objections to this moving forward.

David J. Willer
Director of Information Technology
Town of Amherst, New York
P: 716.631.7059
C: 716.245.3467

From: Kittleman, Zach <zkittleman@amherst.ny.us>
Sent: Tuesday, February 4, 2025 2:53 PM
To: Willer, David <dwiller@amherst.ny.us>
Cc: Arnold, Bonnie <barnold@amherst.ny.us>
Subject: FW: Schneider Geospatial Contract

Hi Dave,

Can you review the attached quote and advise if you have any issues with it? They will be hosting out data. The previous contract was CRS 4584.

Thank you,

Zach Kittleman
Purchasing Agent
Town of Amherst - Contract Compliance Department
5583 Main Street
Williamsville, NY 14221
(716) 631-7183
zkittleman@amherst.ny.us

From: Kittleman, Zach
Sent: Tuesday, February 4, 2025 2:51 PM
To: Alba, Sam <salba@amherst.ny.us>
Cc: Arnold, Bonnie <barnold@amherst.ny.us>; Murphy, Emily <emurphy@amherst.ny.us>; Juul, Lynda <ljuul@amherst.ny.us>
Subject: FW: Schneider Geospatial Contract

Hi Sam,

Attachment: DOC040125-04012025120646 (RES-2025-378 : Contract for Schneider Geospatial LLC CRS #5393)

The Assessor's Department is putting together a new under $5k contract for the Outpost Application software licensing and support. This was previously purchased under CRS 4584 thru Systems Development Group. They have recently been purchased by Schneider Geospatial, and have marked up the addendum major attached. Could you please review these and advise if they are acceptable for the Town? I have also attached the quote/psa for reference.

Thank you,

Zach Kittleman
Purchasing Agent
Town of Amherst - Contract Compliance Department
5583 Main Street
Williamsville, NY 14221
(716) 631-7183
zkittleman@amherst.ny.us

From: Sarah Dickmeyer <sdickmeyer@schneidergis.com>
Sent: Tuesday, February 4, 2025 2:44 PM
To: Kittleman, Zach <zkittleman@amherst.ny.us>
Cc: Arnold, Bonnie <barnold@amherst.ny.us>; Murphy, Emily <emurphy@amherst.ny.us>
Subject: RE: contract

[redacted]

Hi Zach,

I'm still waiting on items 2 and 3 from our CEO, but attached is the redlines from our attorney on the addendum.

Also, attached are the 3 insurance documents. Please let me know if anything else is missing.

Thanks,
Sarah

Sarah Dickmeyer | Client Success Manager
SCHNEIDER GEOSPATIAL
515-474-7676 | www.schneidergis.com
866-362-6789 | support@schneiderGIS.com
Book a meeting with me

From: Kittleman, Zach <zkittleman@amherst.ny.us>
Sent: Tuesday, February 4, 2025 11:05 AM
To: Sarah Dickmeyer <sdickmeyer@schneidergis.com>; Arnold, Bonnie <barnold@amherst.ny.us>; Murphy, Emily <emurphy@amherst.ny.us>
Cc: Jesse Waninger <jwaninger@schneidergis.com>
Subject: RE: contract

Hi Sarah,

They you for meeting with us today. As discussed, please send us the updated PSA with pricing validity updated. In addition, we request the following updates on the PSA:

Attachment: DOC040125-04012025120646 (RES-2025-378 : Contract for Schneider Geospatial LLC CRS #5393)

TOWN OF AMHERST
AMHERST, NEW YORK 14221

EXHIBIT "F"

Addendum to Contract Award Major Exposure

1. Notwithstanding any other provision in this Agreement, the following clauses shall be controlling in the event of any direct conflict between provisions in this Addendum and the Agreement (or documents incorporated by reference into the Agreement). Should any other provision of the Agreement directly 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. Absent a direct conflict between provisions, this Addendum and the Agreement (including documents incorporated by reference into the Agreement) shall be construed in a way to harmonize the provisions and give full effect to the terms therein.

2. No rules, requirements or customs of any society or association of professional Contractors or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.

3. To the fullest extent permitted by law, Contractor shall indemnify and hold the Town, its officers, agents, and employees, harmless from any and all liability, demands, claims, or expenses, awards or judgments imposed upon the Town, its officers, agents, and/or employees, but only to the extent actually caused by the negligence, active or passive, of the Contractor its officers, agents, subcontractors, and/or employees.

4. Contractor shall not commence work under this Agreement until it has obtained all insurance specified below, produced satisfactory proof of the same and such insurance has been approved by the Town.

(a) Workers' Compensation Insurance: Contractor shall take out and maintain during the life of this Agreement, Workers' Compensation Insurance (both Part A and Part B) for its employees to be assigned to the work hereto under.

(b) General Liability, Professional (if applicable) Liability and Property Damage Insurance: Contractor shall take out and maintain during the life of this Agreement, such general liability and property damage insurance as shall protect it from claims for damages for personal injury, including accidental death, as well as from claims for property damage, which may arise from Contractor's operations under this Agreement. The amounts of such insurance shall be as follows in an amount not less than $1,000,000.00 per occurrence for bodily injury and property damage including wrongful death, and $2,000,000.00 aggregate. Umbrella coverage shall be in an amount of at least $5,000,000.00.

(c) Contractor shall furnish the above insurances, including subcontractors' insurances, to the Town and shall also assure that any policy procured by it shall name the Town as an additional insured on a primary and non-contributory basis.

(d) Contractor shall ensure all its subcontractors, if any, have obtained all the above insurances and shall also assure that any policy procured by any subcontractor or sub-subcontractor shall name the Town as an additional insured on a primary and non-contributory basis.

Attachment: DOC040125-04012025120646 (RES-2025-378 : Contract for Schneider Geospatial LLC CRS #5393)

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: To the extent that section 109 of the General Municipal Law is applicable to this Agreement, the Contractor is prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of its right, title or interest in this agreement, or its power to execute this Agreement, to any other person or corporation without the previous consent in writing of the Town.

7. Required Provisions of Law: Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon the application of either party this Agreement shall be physically amended forthwith to make such insertion. In particular, the Contractor shall, among other things, fully comply with (but only to the extent such laws are actually applicable to the services to be provided by Vendor under the Agreement):

(a) Article 8 of the NYS Labor Law for public work contracts and Article 9 of the Labor Law regarding prevailing wage for Building Service employees.
(b) Labor Law Section 220-e and Executive Law Sections 291-299 and the Civil Rights Law relating to prohibition against discrimination and equal opportunity.
(c) Affirmative action as required by the Labor Law.
(d) Prevention of dust hazard required by Labor Law Section 222-a.
(e) Preference in employment of persons required by Labor Law Section 222.
(f) Eight-hour workday as required by Labor Law Section 220(2).
(g) Chapter 32 of the Town of Amherst: Minority Women and Business Utilization Commitment.
(h) Chapter 163 of the Town of Amherst: Registration of Sex Offenders.

8. The Contractor, in accordance with its status as an independent Contractor, covenants and agrees that it will conduct itself consistent with such status. It will neither hold itself out as nor claim to be, an officer or employee of the Town by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the Town, including, but not limited to: workers' compensation coverage, unemployment insurance benefits, Social Security coverage, or retirement membership or credit.

Waiver: No waiver of any breach of any condition of the Agreement shall be binding on either party unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

Attachment: DOC040125-04012025120646 (RES-2025-378 : Contract for Schneider Geospatial LLC CRS #5393)

9. This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If the contract between the parties refers to the laws, statutes, rules, regulations or ordinances for any state other than New York State, to the laws, statutes, rules, regulations or ordinances for any county other than Erie County, New York or to the laws, statutes, rules, regulations or ordinances for any municipality other than the Town of Amherst, then the laws, statutes, rules, regulations or ordinances for New York State, Erie county and/or the Town of Amherst shall apply as applicable. **Unless otherwise prohibited by applicable laws, any and all legal action necessary to enforce the Agreement will be venued in a state or federal court located in the State of New York."**

10.

11.

12. 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:

Schneider Geospatial, LLC

Print Name of Company

By:
Signature

Printed name
Jeff Corns, President & CEO

Date: March 18, 2025

Agreed to and Accepted by:

Town of Amherst

By: Brian J. Kulpa, Supervisor

Date:

Attachment: DOC040125-04012025120646 (RES-2025-378 : Contract for Schneider Geospatial LLC CRS #5393)

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) Schneider Geospatial, LLC 8901 Otis Avenue Suite 300 Indianapolis, IN 46216 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 317-826-7131 1c. Federal Employer Identification Number of Insured or Social Security Number 88-2604266
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst, New York 5583 Main Street Williamsville, NY 14221	3a. Name of Insurance Carrier First Symetra National Life Insurance Company of New York 3b. Policy Number of Entity Listed in Box 1a 01 020470 01 3c. Policy Effective Period 01/01/2025 to 01/01/2026

4. Policy provides the following benefits:
   - [X] A. Both disability and Paid Family Leave benefits.
   - [ ] B. Disability benefits only.
   - [ ] C. Paid Family Leave benefits only.

5. Policy covers:
   - [X] A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.
   - [ ] B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS disability and/or Paid Family Leave benefits insurance coverage as described above.

Date Signed 01/21/2025 By Maureen Arnone
(Signature of insurance carrier's authorized representative or NYS licensed insurance agent of that insurance carrier)

Telephone Number 425-256-8500 Name and Title Maureen Arnone, Associate Benefit Ops Analyst

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.***

Attachment: DOC040125-04012025120646 (RES-2025-378 : Contract for Schneider Geospatial LLC CRS #5393)

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: DOC040125-04012025120646 (RES-2025-378 : Contract for Schneider Geospatial LLC CRS #5393)

NEW YORK STATE Workers' Compensation Board

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name & Address of Insured (use street address only) SCHNEIDER GEOSPATIAL, LLC 8901 OTIS AVE STE 300 INDIANAPOLIS IN 46216-1068 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 866-362-6789 1c. NYS Unemployment Insurance Employer Registration Number of Insured 337-09-037 1d. Federal Employer Identification Number of Insured or Social Security Number 882604266
2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst, New York 5583 Main Street Williamsville, NY 14221	3a. Name of Insurance Carrier TRAVELERS CASUALTY AND SURETY COMPANY 3b. Policy Number of entity listed in box "1a" UB-6T612575-24-I5-G 3c. Policy effective period 11/01/2024 to 11/01/2025 3d. The Proprietor, Partners or Executive Officer are ☒ included. (Only check box if all partners/officers included) ☐ all excluded or certain partners/officers excluded.

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. **(To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy).** The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than 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: Bessie Fletcher
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by: Bessie Fletcher 01/22/2025
(Signature) (Date)

Title: Sr. Customer Service Representative

Telephone Number of authorized representative or licensed agent of insurance carrier: 804-527-4812

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.

Attachment: DOC040125-040120251206 46 (RES-2025-378 : Contract for Schneider Geospatial LLC CRS #5393)

Workers' Compensation Law

Section 57. Restriction on issue of permits and the entering into contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

Attachment: DOC040125-04012025120646 (RES-2025-378 : Contract for Schneider Geospatial LLC CRS #5393)

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/D): 2/4/2025

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 RBN & Associates, Inc. 303 E Wacker Dr Suite 650 Chicago IL 60601	**CONTACT NAME:** Ashley Williams **PHONE (A/C, No, Ext):** 312-856-9400 **FAX (A/C, No):** 312-856-9425 **E-MAIL ADDRESS:** awilliams@rbninsurance.com
INSURED SCHNGEO-01 Schneider Geospatial, LLC SGeospatial Intermediate Holdings, LLC 8901 Otis Avenue Suite 300 Indianapolis IN 46216-1037	**INSURER(S) AFFORDING COVERAGE** — **NAIC #** **INSURER A :** Travelers Prop Cas Co of Amer — 25674 **INSURER B :** Admiral Insurance Company — 24856 **INSURER C :** Great American Insurance Co. — 16691 **INSURER D :** The Standard Fire Insurance Co — 19070 **INSURER E :** **INSURER F :**

COVERAGES **CERTIFICATE NUMBER:** 1537042694 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY [ ] PRO-JECT [ ] LOC OTHER:	Y		ZLP16P41425	11/1/2024	11/1/2025	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG $	$ 1,000,000 $ 1,000,000 $ 10,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $
A	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY / SCHEDULED AUTOS X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY			BA6T607159	11/1/2024	11/1/2025	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) $	$ 1,000,000 $ $ $ $
A	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 10,000			CUP6T613210	11/1/2024	11/1/2025	EACH OCCURRENCE AGGREGATE $	$ 5,000,000 $ 5,000,000 $
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N: N If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		UB6T612575	11/1/2024	11/1/2025	X PER STATUTE / OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000
B C	Cyber/E&O Crime			EO000057290-03 SAA E862790 02 00	11/1/2024 11/1/2024	11/1/2025 11/1/2025	Limit/Each claim Limit	5,000,000 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Town of Amherst, New York is an a additional insured as respects the General Liability per written contract or agreement.

CERTIFICATE HOLDER

Town of Amherst, New York
5583 Main Street
Williamsville NY 14221

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Attachment: DOC040125-040120251206 46 (RES-2025-378 : Contract for Schneider Geospatial LLC CRS #5393)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Comptroller
Initiated by: **Daryl Bramer**
Co-Sponsored by:

DOC ID: 30256 **RESOLUTION 2025-379** **ADOPTED**

Check Signing

BE IT RESOLVED to temporarily allow the use of facsimile signature by the Supervisor for signing checks until a Comptroller or an interim Comptroller is appointed and appropriate bank signatures and software program can be updated;

BE IT FURTHER RESOLVED that any manual checks will continue to be countered signed by the Supervisor, Director of Finance, Comptroller, and / or interim Comptroller.

4/7/2025
Consent

FINANCIAL IMPACT:

N/A

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

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Comptroller
Initiated by: **Daryl Bramer**
Co-Sponsored by:

DOC ID: 30268 **RESOLUTION 2025-380** **ADOPTED**

Budget Transfers and Amendments

For April 7. 2025 Town Board Agenda

To: Town Board
From: Office of Town Comptroller
Date: 04/01/2025
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 – 2025

FROM: ***TO:***

BUDGET AMENDMENTS – 2025

INCREASE: ***INCREASE***

N1042.05002 Em'ee HI Contribution $2,187.02 N1042.8050 Retirement $2,187.02
To recognize 1st quarter employee health insurance contribution.

F3012.05001 Swormville- Refund of CY Exp $40,353.83 F3012.4090 Professional Svcs $40,353.83
F3013.05001 East Amherst- Refund of CY Exp $39,663.93 F3013.4090 Professional Svcs $39,663.93
To recognize Clarence's portion of LOSAP.

N2440.02785 AMH HOME- PI $8,185.60 N2440.4000 Contractual $8,185.60
N2454.02785 HOME Admin- PI $909.51 N2454.4003 10% Admin $909.51
To recognize Community Development program income from 51 Oakland Drive, Amherst.

N2444.02785 CHEEK HOME- PI $6,750.00 N2444.4000 Contractual $6,750.00
N2449.02785 HOME Admin- PI $750.00 N2449.4003 10% Admin $750.00
To recognize Community Development program income from 16 Samantha Way, Cheektowaga.

4/7/2025
Consent

FINANCIAL IMPACT:

See Descriptions.

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

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 30247 **RESOLUTION 2025-381** **ADOPTED**

Extension - Bid #2021001 Aftermarket Components - Light & Heavy Duty Equipment - CRS #5412/5413/5414

WHEREAS, Casullo's Automotive Service (Original CRS #2437), Fleet Maintenance (Original CRS #2561) and D & W Diesel (Original CRS #2543) have agreed to hold pricing and extend for an additional two-year term; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves a two-year extension of the contract with Casullo's Automotive Service, Fleet Maintenance and D & W Diesel for the period of May 3, 2025 through May 2, 2027; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract extensions with Casullo's Automotive Service, Fleet Maintenance and D & W Diesel.

4/7/2025
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, Szukala, Marinucci

TOWN OF AMHERST

Erie County, New York

SUPERVISOR
Brian J. Kulpa
716-631-7032

DEPUTY SUPERVISOR/COUNCILMEMBER
Shawn Lavin

COUNCILMEMBERS
Jacqualine Berger
Angela Marinucci
Michael Szukala

March 6, 2025

Casullo's Automotive Service, Inc.
2783 Elmwood Ave.
Kenmore, NY 14217
ATTN: Rocco Casullo, President

Re: CRS 2530 – Aftermarket Components for Light & Heavy Duty Vehicles

Dear Mr. Casullo:

The Town of Amherst wishes to extend this agreement for an additional contract period, through May 2, 2027, under the same pricing structure, terms and conditions as the original agreement.

This offer is for your immediate consideration and acceptance. Please indicate below whether you agree to extend or do not wish to extend. Please respond **within seven days upon receipt of this request.**

If you wish to extend, please return three signed (3) originals of this Extension Agreement to:
Town of Amherst Contract Compliance Department, ATTN: Karen Halton
5583 Main Street
Williamsville, NY 14221

After approval and execution by the Town of Amherst, a fully signed copy will be returned to you for your files.

✓ Yes, I agree to extend ____ No, I do not wish to extend

Company Name: Casullo's Automotive Services Inc

Representative (Please print): Sarah Giammarise Title: Controller

Signature: _____ Date: 3/19/25

Acceptance by the Town of Amherst:

_____

Brian Kulpa, Supervisor Date

Attachment: Minutetraq attachment (RES-2025-381 : Extension of Bid #2021001 Aftermarket Components -Light & Heavy Duty Equipment - CRS

Attachment: Minutetraq attachment (RES-2025-381 : Extension of Bid #2021001 Aftermarket Components -Light & Heavy Duty Equipment - CRS

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

March 6, 2025

Fleet Maintenance, Inc.
67 Ransier Drive
West Seneca, NY 14224
ATTN: Debra Gawron, President

Re: CRS 2560 – Aftermarket Components for Light & Heavy Duty Vehicles

Dear Ms. Gawron:

The Town of Amherst wishes to extend this agreement for an additional contract period, through May 2, 2027, under the same pricing structure, terms and conditions as the original agreement.

This offer is for your immediate consideration and acceptance. Please indicate below whether you agree to extend or do not wish to extend. Please respond **within seven days upon receipt of this request.**

If you wish to extend, please return three signed (3) originals of this Extension Agreement to:
Town of Amherst Contract Compliance Department, ATTN: Karen Halton
5583 Main Street
Williamsville, NY 14221

After approval and execution by the Town of Amherst, a fully signed copy will be returned to you for your files.

X Yes, I agree to extend ____ No, I do not wish to extend

Company Name: Fleet Maintenance Inc

Representative (Please print): Deborah Gawron Title: President

Signature: Deborah Gawron Date: 3/18/2025

Acceptance by the Town of Amherst:

Brian Kulpa, Supervisor Date

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

March 6, 2025

D&W Diesel, Inc.
1503 Clark Street Road
Auburn, NY 13021
ATTN: Susan Clickner, Bidding Coordinator

D&W agrees to hold the discount percentage for this contract extension. Actual sell prices will be based on the current published Parker Chelsea hydraulics price sheet at the time of the order.

Re: CRS 2543 – Aftermarket Components for Light & Heavy Duty Vehicles

Dear Ms. Clickner:

The Town of Amherst wishes to extend this agreement for an additional contract period, through May 2, 2027, under the same pricing structure, terms and conditions as the original agreement.

This offer is for your immediate consideration and acceptance. Please indicate below whether you agree to extend or do not wish to extend. Please respond **within seven days upon receipt of this request.**

If you wish to extend, please return three signed (3) originals of this Extension Agreement to:
Town of Amherst Contract Compliance Department, ATTN: Karen Halton
5583 Main Street
Williamsville, NY 14221

After approval and execution by the Town of Amherst, a fully signed copy will be returned to you for your files.

X Yes, I agree to extend ____ No, I do not wish to extend

Company Name: D&W Diesel, Inc.

Representative (Please print): Susan Clickner Title: Bid Coordinator

Signature: Susan Clickner Date: 3/18/2025

Acceptance by the Town of Amherst:

Brian Kulpa, Supervisor Date

Attachment: Minutetraq attachment (RES-2025-381 : Extension of Bid #2021001 Aftermarket Components -Light & Heavy Duty Equipment - CRS

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 30276 **RESOLUTION 2025-382** **ADOPTED**

Award NYS OGS Mini Bid #2025015 (2) Chassis & Dump Bodies - CRS #5423

WHEREAS, the Contract Compliance and Administration Department issued Mini-Bid #2025015 through NYS OGS for the purchase of two (2) Chassis & Dump Bodies for the Highway Department; and

WHEREAS, the bid process resulted in a response from one (1) vendor as per the attached bid tabulation form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to Fleet Maintenance; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with Fleet Maintenance pending successful completion of the contract routing process due to the fact that we have 10 days to award a mini bid.

4/7/2025
Consent

FINANCIAL IMPACT:

KP2504.2250; $619,025.42.

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

Rank	Total Quantity	Chassis Make & Model / Body Made & Model	Model Code	Mini-Bid #	Contractor	Contract #	NYS Discount (Vehicle)	NYS Base Price (MSRP)	NYS Base Price (After Discount)	Aftermarket Components Price	Body Price	Total Price per Vehicle	Grand Total Price for Mini-Bid	Built to Specification or Pre-Existing Inventory	Estimated # of days if built to spec	Notes
1	2	2026 Western Star 49X / 2026 Viking Proline 1415	49X / 1415	2025015	Fleet Maintenance Inc	PC68935	29.10%	$246,734.00	$174,934.41	$12,339.00	$122,239.30	$309,512.71	$619,025.42	Built to Specification	730 days	Vendor needs approval letter from DEC to proceed.
												$0.00	$0.00			
												$0.00	$0.00			
												$0.00	$0.00			
												$0.00	$0.00			
												$0.00	$0.00			
												$0.00	$0.00			
												$0.00	$0.00			
												$0.00	$0.00			

Late Bids Received for Mini-Bid

Mini-Bid #	Contractor		Contract #	Date/Time Bid Arrived

Attachment: Mini Bid 2025015 - Bid Tab (RES-2025-382 : Award NYS OGS Mini Bid #2025015 (2) Chassis &

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 30281 **RESOLUTION 2025-383** **ADOPTED**

Bid #2025005 Town Wide Towing - Partial Re-Assignment of Award - CRS #5424

WHEREAS, the Contract Compliance and Administration Department awarded contracts for Town Wide Towing & Road Service at the March 10, 2025 Town Board meeting (Resolution #2025-217) to 2113 Factory Outlet Blvd., dba United Auto Towing (CRS #5353) and Rusiniak's Service, Inc. (CRS #5454), pending successful completion of the contract routing process, due to the fact that the contract expired on March 5, 2025; and

WHEREAS, 2113 Factory Outlet Blvd., dba United Auto Towing has been declared an unresponsive bidder due to the fact that they have been unable to provide the appropriate insurance required under the bid within a reasonable time frame;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to re-assign the line items previously awarded to 2113 Factory Outlet Blvd., dba United Auto Towing to Dadswell Thruway Service, Inc. as per the attached revised bid tabulation sheet; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with Dadswell Thruway Service, Inc.; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the fact that the last contract expired on March 5, 2025.

4/7/2025
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, Szukala, Marinucci

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

Francina J. Spoth
Town Clerk

Meeting: 03/10/25 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 30052 **RESOLUTION 2025-217** **ADOPTED**

Award Bid #2025005 Town Wide Towing & Road Service - CRS #5353 & 5354

WHEREAS, the Contract Compliance and Administration Department received bids on February 6, 2025 for Town Wide Towing & Road Service; 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 this bid to 2113 Factory Outlet Blvd., dba United Auto Towing and to Rusiniak's Service, Inc., as per the bid tabulation; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contracts with 2113 Factory Outlet Blvd., dba United Auto Towing and Rusiniak's Service, Inc.; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the fact that the last contract expired on March 5, 2025.

3/10/2025
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, Szukala, Marinucci

Attachment: Award Resolution 2025 017 (RES-2025-383 : Bid #2025005 Town Wide Towing - Partial Re-Assignment of Award - CRS #5424)

Bid #2025005 Town Wide Towing & Road Service					
Low Bid	Vendor	~~2113 Factory Outlet Blvd. dba United Auto Towing~~	Dadswell Thruway Services, Inc.	Rusiniaks Service, Inc.	~~9180 Transit Road Inc. dba Becker's Towing & Recovery~~
ITEM NO.	CATALOG NO/DESCRIPTION	~~UNIT PRICE~~	UNIT PRICE	UNIT PRICE	~~UNIT PRICE~~
	TOWING				
	Hook Up Charge				
1a	Light Duty	~~$100.00~~	$85.00	$100.00	~~$65.00~~
1b	Medium Duty	~~No Bid~~	No Bid	$215.00/Hr.	~~$190.00/Hr.~~
1c	Heavy Duty	~~No BId~~	No Bid	$275.00/Hr.	~~$225.00/Hr.~~
	Flat Bed				
2a	Light Duty	~~$100.00~~	$85.00	$100.00	~~$65.00~~
2b	Medium Duty	~~No Bid~~	No Bid	$215.00/Hr.	~~$190.00/Hr.~~
2c	Heavy Duty	~~No Bid~~	No Bid	$275.00/Hr.	~~No Bid~~
	Price Per Mile – Port to Port				
3a	Light Duty	~~$3.00 (5 Free Miles)~~	$5.00	$6.00	~~$2.50~~
3b	Medium Duty	~~No Bid~~	No Bid	No Bid	~~No Bid~~
3c	Heavy Duty	~~No Bid~~	No Bid	No Bid	~~No Bid~~
	BATTERY SERVICE				
	Jump Start				
4a	Light Duty	~~$50.00~~	$95.00	$125.00	~~$65.00~~
4b	Medium Duty	~~No Bid~~	No Bid	$100.00 service truck fee plus $145.00/hr. labor	~~No Bid~~
4c	Heavy Duty	~~No Bid~~	No Bid	$100.00 service truck fee plus $145.00/hr. labor	~~No Bid~~
	Battery Replacement				
5a	Light Duty	~~No Bid~~	No Bid	No Bid	~~Cost of Battery + $95.00/Hr.~~
5b	Medium Duty	~~No Bid~~	No Bid	No Bid	~~Cost of Battery + $95.00/Hr.~~
5c	Heavy Duty	~~No Bid~~	No Bid	No Bid	~~Cost of Battery + $95.00/Hr.~~
	LOCK OUT SERVICE				
7a	Light Duty	~~$50.00~~	$95.00	$125.00	~~$65.00~~
7b	Medium Duty	~~No Bid~~	No Bid	$110.00 service truck fee plus $145.00/hr. labor	~~$95.00~~
7c	Heavy Duty	~~No Bid~~	No Bid	$110.00 service truck fee plus $145.00/hr. labor	~~$95.00~~
	WINCHING SERVICE				
8a	Light Duty	~~$55.00~~	$125.00/Hr.	$150.00	~~$65.00 First Quarter Hr.~~
8b	Medium Duty	~~No Bid~~	No Bid	$215.00/Hr.	~~$190.00/Hr.~~
8c	Heavy Duty	~~No Bid~~	No Bid	$275.00/Hr.	~~$225.00/Hr.~~
	24-Hour Phone Number	~~716-818-7453~~	716-633-7276	716-656-8479	~~716-688-9852~~
	NO ADDITIONAL CHARGES ALLOWED				

NOTES:

Dadswell - Pricing per Erie County Towing Services Contract.

Rusiniaks Service - Lines 7b, 7c, 8b, and 8c confirmed via email that there is a service truck fee plus a per hour labor charge.

9180 Transit Road dba Becker's Towing - did not complete the Non-Collusive Certification. Therefore, their bid is non-responsive per NYS GML 103-d.

2113 Factory Outlet Blvd. dba United Towing: Unresponsive bidder due to inability to provide required insurance. Award was rescinded and reassigned to the next lowest responsible bidder.

Attachment: Bid Tab Town Wide Towing (RES-2025-383 : Bid #2025005 Town Wide Towing - Partial Re-Assignment of Award - CRS #5424)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 30301 **RESOLUTION 2025-384** **ADOPTED**

2025 - 2030 Capital Improvement Program Amendment CIP Project Nos. ACP-1, YR-1A, 9A & 10A

The Engineering Services Division is recommending amendment of the 2025 - 2030 Capital Improvement Program for the above project in the amounts shown in the table below. As the Amherst Central Park renovations are likely to be delayed, the town bond portion of those funds will be reallocated to cover costs associated with other townwide recreational and senior citizen related needs and improvements.

CIP No.	Project Description	2025 CIP Allocations	Amended 2025 CIP Allocations
ACP-1	Amherst Central Park Focus Area 1	$1,000,000 LA $1,000,000 F/S[1] $250,000 F/S[2] $545,000 X[1]	$ 0 LA $1,000,000 F/S[1] $ 0 F/S[2] $545,000 X[1]
YR-1A	Paradise Park Restroom Improvement	$305,000 LA $250,000 X[2]	$645,000 LA $250,000 X[2]
YR-9A (new)	North Forest Park Renovations (Pool renovations and construction of a new splashpad and playground)	0	$325,000 LA $250,000 F/S[2] $150,000 X[3]
YR-10A (new)	North Bailey Senior Shelter	0	$335,000 LA
	Total Allocated Town-bonded Funds	**$1,000,000 LA**	**$1,000,000 LA**

LA: General Fund Bond
F/S[2]: OPRHP Grant Funds (Splashpad)
X[2]: Erie County Grant Funds
F/S[1]: DASNY Grant Funds (Playground)
X[1]: Erie County Grant Funds (Wintermarket)
X[3]: Jolly Boys Grant Funds (Playground)

Please approve amendment of the 2025-2030 Capital Improvement Program and allocate funding as shown above. Please note that the above request is a budget neutral amendment.

4/7/2025
Consent

FINANCIAL IMPACT:

Total Allocated Town-bonded Funds$1,000,000 LA $1,000,000 LA

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

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 30303 **RESOLUTION 2025-385** **ADOPTED**

Change Order No. 01-PC & Final – MKS Plumbing Corp. Royal Park Sports Complex Town of Amherst Job # 2019.055 CRS #5411

We are requesting the Town Board Consider approval of this resolution authorizing the Supervisor to sign the above referenced Change Order, which decreases the overall contract by $2,896.00. This change reflects a credit received associated with a revision to the floor plan and the elimination of plumbing associated with a single use toilet room. Upon approval, the total value of the referenced contract will be reduced to $245,104.00.

This credit shall be applied to the project account KP2303.4972.

Thank you for considering this request.

4/7/2025
Consent

FINANCIAL IMPACT:

the total value of the referenced contract will be reduced to $245,104.00. This credit shall be applied to the project account KP2303.4972

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

AIA® Document G701® – 2017

Change Order

PROJECT: *(Name and address)*
Royal Park Sports Complex
Town Job No. 2019-055

OWNER: *(Name and address)*
Town of Amherst

5583 Main Street
Williamsville, NY 14221

CONTRACT INFORMATION:
Contract For: Plumbing
Date:

ARCHITECT: *(Name and address)*
Wendel WD Architecture, Engineering, Surveying & Landscape Architecture P.C
375 Essjay Road, Suite 200
Williamsville, NY 14221

CHANGE ORDER INFORMATION:
Change Order Number: 01
Date: 3/11/2025

CONTRACTOR: *(Name and address)*
MKS Plumbing Corp.

19 Ransier Driive
West Seneca, NY 14224

THE CONTRACT IS CHANGED AS FOLLOWS:
(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)
ASI 2 Changes (Remove Bathroom) – a deduct change order for $-2896

The original Contract Sum was	$	248,000.00
The net change by previously authorized Change Orders	$	0.00
The Contract Sum prior to this Change Order was	$	248,000.00
The Contract Sum will be decreased by this Change Order in the amount of	$	2896.00
The new Contract Sum including this Change Order will be	$	245,104.00

The Contract Time will be unchanged by Zero (0) days.
The new date of Substantial Completion will be

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Wendel WD Architecture, Engineering, Surveying & Landscape Architecture P.C	MKS Plumbing Corp.	Town of Amherst
ARCHITECT *(Firm name)*	**CONTRACTOR** *(Firm name)*	**OWNER** *(Firm name)*
SIGNATURE	**SIGNATURE**	**SIGNATURE**
David L. Kenyon		
PRINTED NAME AND TITLE	**PRINTED NAME AND TITLE**	**PRINTED NAME AND TITLE**
3/11/25		
DATE	**DATE**	**DATE**

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User Notes:

Attachment: Change Order 1 and Final Backup (RES-2025-385 : Change Order No. 01-PC & Final – MKS Plumbing Corp.)

MKS PLUMBING CORPORATION

19 RANSIER DRIVE
WEST SENECA, NY 14224

716-675-5771 PHONE
716-675-0441 FAX

REVISED

ADDITIONAL WORK COST BREAKDOWN

TO: WENDEL
CENTERPOINTE CORP. PARK
375 ESSJAY RD, SUITE 200
WILLIAMSVILLE, NY 14221
ATTN: LEANNE VOIT

DATE: 8/22/2024
PROJECT: ROYAL PARK SPORTS

CONTRACT NO.: 261341
C.I. NO.: ASI-02

MKS#1 DESCRIPTION OF WORK
CREDIT FOR DELETION OF BATHROOM

AEWR#

LABOR RATE	QTY	PER	RATE		
PLUMBER FOREMAN	8.00	HR.	$ (105.29)	$	(842.32)
PLUMBER JOURNEYMAN	10.00	HR.	$ (95.48)	$	(954.80)
				$	-
		TOTAL LABOR		$	(1,797.12)

MATERIAL	QTY	PER	PRICE		
				$	-
SEE ATTACHED QUOTE FROM VP SUPPLY	1.00		$ (720.80)	$	(720.80)
				$	-
				$	-
				$	-
				$	-
				$	-
				$	-
				$	-
				$	-
				$	-
				$	-
				$	-
				$	-
				$	-
		TOTAL MATERIALS		$	(720.80)

SUBCONTRACTORS					
				$	-
		TOTAL SUBS		$	-

EQUIPMENT & TOOL	QTY	PER	RATE		
				$	-
				$	-
		TOTAL EQUIPMENT		$	-

OVERHEAD AND PROFIT			
LABOR	15%	$	(269.57)
MATERIAL	15%	$	(108.12)
SUBCONTRACTOR	5%	$	-
EQUIPMENT & TOOL	15%	$	-
		$	(377.69)

AARON D. ROOT, PM / ESTIMATOR

GRAND TOTAL **$ (2,896.00)**

Attachment: Change Order 1 and Final Backup (RES-2025-385 : Change Order No. 01-PC & Final – MKS Plumbing Corp.)

P R I C E Q U O T A T I O N

VP Supply Corp - Buffalo
2200 Harlem Road
Cheektowaga, NY 14225
716-895-2800

Printed At : 08:59:45 12 JUL 2024

Quote Date	Quote No.	Quote Expiration Date	Writer	Slsm	WH
07/12/24	3661440	08/11/24	AAH	KJH	4

Quoted To:M.K.S.-0430

MKS PLUMBING CORP
19 RANSIER DR
BUFFALO NY 14224-2259

Ship To:M.K.S.-0430

ROYAL PARK SPORTS COMPLEX
187 ROYAL PKWY WEST
WILLIAMSVILLE NY 14221

ROYAL PARK LAV/WC

Ln		Order Quant		EDP Code / Description	Net Price	UM	Ext Price
				Customer Contact: AARON			
1							
2							
3				WC-1			
4		1		2102459			
				ST2459A EL W/H 1.1/1.6GPF BOWL	61.053	EA	61.05
5		1		3910168			
				ROYAL 111-1.28GPF WC FV	131.875	EA	131.88
6		1		523SS-00			
				O/F EB WHT SEAT W/SS HNGES	12.000	EA	12.00
7		1		WD-ISCA-101-L			
				WATTS LH HORIZ CLOSET CARRIER	258.480	EA	258.48
				COMPLETE CARRIER CONSISTS OF			
				1PC. JCA-100-L-PF-GRAY-BODY			
				AND 1PC.TRIM (BOX) IS-FP-1			
8				SUBTOTAL LINE			463.41
9							
10							
11				LAV-1			
12		1		3873003			
				SS-3003 W/MNT LAV 20X18 4"CC	43.157	EA	43.16
13		1		B-0831-02VR			
				4" CTR LAV WITH VR PUSH	146.364	EA	146.36
				BUTTON METERING CARTRIDGE AND			
				VR FLOW CONTROL AERATOR			
14		1		WD-WCA-411			
				WCA-411 CONC ARM CARRIER	158.520	EA	158.52
15				SUBTOTAL LINE			348.04
16							
17							
18				ON FAUCET AND FLUSH VALVE			
19				20% RESTOCK FEE			-55.65

* C O N T I N U E D *

Attachment: Change Order 1 and Final Backup (RES-2025-385 : Change Order No. 01-PC & Final – MKS Plumbing Corp.)

P R I C E Q U O T A T I O N

VP Supply Corp - Buffalo
2200 Harlem Road
Cheektowaga, NY 14225
716-895-2800

Printed At : 08:59:45 12 JUL 2024

Quote Date	Quote No.	Quote Expiration Date	Writer	Slsm	WH
07/12/24	3661440	08/11/24	AAH	KJH	4

Quoted To:M.K.S.-0430

MKS PLUMBING CORP
19 RANSIER DR
BUFFALO NY 14224-2259

Ship To:M.K.S.-0430

ROYAL PARK SPORTS COMPLEX
187 ROYAL PKWY WEST
WILLIAMSVILLE NY 14221

ROYAL PARK LAV/WC

Ln		Order Quant		EDP Code / Description	Net Price	UM	Ext Price
20							
21				ESTIMATED FREIGHT TO RETURN			-35.00

Net Amount	$720.80
Tax	$0.00
Quotation Total	

Attachment: Change Order 1 and Final Backup (RES-2025-385 : Change Order No. 01-PC & Final – MKS Plumbing Corp.)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 30304 **RESOLUTION 2025-386** **ADOPTED**

Change Order No. 04- SU – Louis Del Prince & Sons, Inc. Royal Park Sports Complex Town of Amherst Job # 2019.055 CRS #5410

We respectfully request your approval of the resolution authorizing the Supervisor to sign the referenced Change Order. This Change Order proposes an increase of $59,459.51 to the overall contract to enhance safety measures and user controls within the park.

In an effort to enhance functionality, safety, and better contain soccer and lacrosse balls from leaving the field of play and possibly impacting vehicular traffic on the adjacent thruway, the netting and poles in close proximity to the thruway will be increased in height within the scope of this change order. Additionally, field access gates will also be installed in order to facilitate proper maintenance and emergency access to the field.

This change order will also provide for enhanced safety and user-controls for the tennis court lights and allow them to be utilized on an as-needed basis instead of through the use of light sensors, which will also save energy.

Please note that this request is contingent upon the successful completion of the contract review procedure. Funding for this added expense is available within the project account KP2303.4972. Thank you for your attention to this matter.

4/7/2025
Consent

FINANCIAL IMPACT:

This Change Order proposes an increase of $59,459.51 to the overall contract to enhance safety measures and user controls within the park. Funding for this added expense is available within the project account KP2303.4972

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

AIA® Document G701® – 2017

Change Order

PROJECT: *(Name and address)*
ROYAL PARK SPORTS COMPLEX
TOWN JOB NO. 2019-055

OWNER: *(Name and address)*
TOWN OF AMHERST

5583 MAIN STREET
WILLIAMSVILLE, NY 14221

CONTRACT INFORMATION:
Contract For: SITE/UTILITY
Date: May 13, 2024

ARCHITECT: *(Name and address)*
Wendel WD Architecture, Engineering, Surveying & Landscape Architecture P.C.
375 Essjay Road, Suite 200
Williamsville, NY 14221

CHANGE ORDER INFORMATION:
Change Order Number: 004
Date: March 20, 2025

CONTRACTOR: *(Name and address)*
LOUIS DEL PRINCE & SONS, INC.

580 CAYUGA ROAD
CHEEKTOWAGA, NY 14225-1312

THE CONTRACT IS CHANGED AS FOLLOWS:
(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)
Add RFP 17 Tennis Court Controls, RFP 18 Gates and RFP 22 Ballstop Netting (6 poles 100')

The original Contract Sum was	$	6,490,400.00
The net change by previously authorized Change Orders	$	291,217.02
The Contract Sum prior to this Change Order was	$	6,781,617.02
The Contract Sum will be increased by this Change Order in the amount of	$	59,459.51
The new Contract Sum including this Change Order will be	$	6,841,076.53

The Contract Time will be increased by Zero (0) days.
The new date of Substantial Completion will be N/A

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Wendel WD Architecture, Engineering, Surveying & Landscape Architecture P.C.	LOUIS DEL PRINCE & SONS, INC	TOWN OF AMHERST
ARCHITECT *(Firm name)*	**CONTRACTOR** *(Firm name)*	**OWNER** *(Firm name)*
SIGNATURE	**SIGNATURE**	**SIGNATURE**
David L. Kenyon		
PRINTED NAME AND TITLE	**PRINTED NAME AND TITLE**	**PRINTED NAME AND TITLE**
3/20/25		
DATE	**DATE**	**DATE**

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User Notes:

Attachment: Change Order 04 - LDP Backup (RES-2025-386 : Change Order No. 04- SU – Louis Del Prince & Sons, Inc.)

Louis Del Prince Summary of Proposal Requests for Change Order 04 -SU

RFP 17 Tennis Court Controls	
LDP Labor	$ 1,208.88
LDP equip	$ 400.00
LDP materials	$ 300.00
10% mark up	$ 190.89
LDP Net Total	$ 2,099.77
LDP Subcontractor Work	
Stenzel Electric	$ 16,058.80
5% Mark up on sub	$ 802.94
Subcontractor Net Total	$ 16,861.74
RFP 17 Total Additional Cost	**$ 18,961.51**
RFP 18 Access Gate modifications	
LDP Subcontractor Work Only	$ 2,855.25
5% Mark up on sub	$ 142.75
Subcontractor Net Total	$ 2,998.00
RFP 18 Total Additional Cost	**$ 2,998.00**
RFP 22 Ball Stop Netting	
LDP Labor	$ 668.64
LDP equip.	$ 131.04
LDP materials	$ 28,998.50
10% mark up	$ 2,979.82
LDP Net Total	$ 32,778.00
LDP Subcontractor Work	
Fox Fence	$ 7,830.00
5% Mark up on sub	$ 391.50
Subcontractor Net Total	$ 8,221.50
RFP 22 Net Total	$ 40,999.50
LDP Discount	$ (3,499.50)
RFP 22 Total Additional Cost	**$ 37,500.00**
Overall Change Order 04 Total	**$ 59,459.51**

Attachment: Change Order 04 - LDP Backup (RES-2025-386 : Change Order No. 04- SU – Louis Del Prince & Sons, Inc.)

"Buffalo's Orignal Paving Contractor"

580 Cayuga Road
Cheektowaga, NY 14225-1312
Phone (716) 633-6944
Fax (716) 633-1053
office@louisdelprince.com

Change Order 010

Project Name: ***Amherst Royal Park Sports Complex***

Owner's Project #: *261341* **LDP #:** *24-075*

Requested by: *Town Of Amherst* **Date:**

Description of Change: *RFP-017 -Tennis Court Lighting Controls-Add underground conduit from manholes to (3) locations on tennis court fence posts for future switching.*

Description	# People	# Hours	Unit Cost	Item Total
Laborers	1	8	$66.47	$531.76
operator	1	8	$84.64	$677.12
				$0.00
				$0.00
				$0.00
			Total	**$1,208.88**

Equipment

Description	Qty	# Hours	Unit Cost	Item Total
Kobelco 80	1	8	$50.00	$400.00
				$0.00
				$0.00
				$0.00
				$0.00
			Total	**$400.00**

Materials

Description	Qty	UOM	Unit Cost	Item Total
Sand	10	Ton	$30.00	$300.00
				$0.00
				$0.00
				$0.00
			Total	**$300.00**

Subcontractor

Description	Qty	UOM	Unit Cost	Item Total
Stenzel electric	1	Ls	$1,042.80	$1,042.80
Stenzel electric	1	LS	$15,016.00	$15,016.00
				$0.00
			Total	**$16,058.80**

Markup L. E. M. (10%)	**$2,099.77**
Markup Sub (5%)	**$16,861.74**
TOTAL	**$18,961.51**

Attachment: Change Order 04 - LDP Backup (RES-2025-386 : Change Order No. 04- SU – Louis Del Prince & Sons, Inc.)

LOUIS DEL PRINCE & SONS INC.
PAVING CONTRACTORS
Since 1937

"Buffalo's Orignal Paving Contractor"

580 Cayuga Road
Cheektowaga, NY 14225-1312
Phone (716) 633-6944
Fax (716) 633-1053
office@louisdelprince.com

Change Order 011

~~Amherst Royal Park Sports Complex~~

Project Name: ***Amherst Royal Park Sports Complex***

Owner's Project #: *261341* **LDP #:** *24-075*

Requested by: *Town Of Amherst* **Date:**

Description of Change: *RFP-018 LDP-Item #1 Install (2) 4' wide x 7' tall manual swing gates in lieu of 4' h gates, including extension of (4) posts, pipe header across top of posts and trimming of net.*

Labor

Description	# People	# Hours	Unit Cost	Item Total
				$0.00
				$0.00
				$0.00
				$0.00
				$0.00
				$0.00
			Total	**$0.00**

Equipment

Description	Qty	# Hours	Unit Cost	Item Total
				$0.00
				$0.00
				$0.00
				$0.00
				$0.00
				$0.00
			Total	**$0.00**

Materials

Description	Qty	UOM	Unit Cost	Item Total
				$0.00
				$0.00
				$0.00
				$0.00
			Total	**$0.00**

Subcontractor

Description	Qty	UOM	Unit Cost	Item Total
Fox Fence	1	LS	$2,855.25	$2,855.25
				$0.00
				$0.00
			Total	**$2,855.25**

Markup L. E. M. (10%)	**$0.00**
Markup Sub (5%)	**$2,998.01**

Attachment: Change Order 04 - LDP Backup (RES-2025-386 : Change Order No. 04- SU – Louis Del Prince & Sons, Inc.)

LOUIS DEL PRINCE & SONS INC.
PAVING CONTRACTORS
Since 1937

"Buffalo's Orignal Paving Contractor"

Change Order 009

580 Cayuga Road
Cheektowaga, NY 14225-1312
Phone (716) 633-6944
Fax (716) 633-1053
office@louisdelprince.com

Project Name: *Amherst Royal Park Sports Complex*

Owner's Project #: *261341* **LDP #:** *24-075*

Requested by: *Town Of Amherst* **Date:**

Description of Change: *RFP-022 Ball Stop Netting (LDP Bid Item #1) 100 LF*

Labor

Description	# People	# Hours	Unit Cost	Item Total
Laborers	1	8	$83.58	$668.64
				$0.00
				$0.00
			Total	**$668.64**

Equipment

Description	Qty	# Hours	Unit Cost	Item Total
Skid Steer	1	4	$32.76	$131.04
				$0.00
			Total	**$131.04**

Materials

Description	Qty	UOM	Unit Cost	Item Total
Durabase mat	18	ea	$55.00	$990.00
				$0.00
Sportsfield Specialties	1	LS	$28,008.50	$28,008.50
				$0.00
			Total	**$28,998.50**

Subcontractor

Description	Qty	UOM	Unit Cost	Item Total
Fox Fence	1	LS	$7,830.00	$7,830.00
				$0.00
				$0.00
			Total	**$7,830.00**

Markup L. E. M. (10%)	**$32,778.00**
Markup Sub (5%)	**$8,221.50**
TOTAL	**$40,999.50**

Attachment: Change Order 04 - LDP Backup (RES-2025-386 : Change Order No. 04- SU – Louis Del Prince & Sons, Inc.)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Highway
Initiated by: **Vianne Uthman**
Co-Sponsored by:

DOC ID: 30320 **RESOLUTION 2025-387** **ADOPTED**

Highway Work Permit – ECWA – 23 Glen Meadow Drive S, 86 Glen Meadow, 63, 71, 79 Streamsong Court

Kindly adopt a resolution:

. Authorizing the Highway Superintendent to both execute and issue the attached permit; and

. Authorizing the Town Supervisor to execute the attached permit.

Thank you.

4/7/2025
Consent

FINANCIAL IMPACT:

n/a

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

UTILITY WORK PERMIT

Permit Issued Under Section 149 of the Highway Laws

The undersigned, the Town Superintendent of Highways, of the town of Amherst

County of Erie, upon the written application of ECWA

dated on the 26 day of March, 2025, and filed with him, as provided by section 149 of the Highways Laws, hereby grants permission to said applicant to Install various residential services

(see attached)

on the highway described as follows: (see attached)

This permit is granted subject to the following conditions:

1. The work authorized by this permit shall be performed in a manner satisfactory to the town superintendent.

2. The applicant is to keep in good repair all pipes, hydrants or appurtenances which may be placed within the bounds of the highway under terms of this permit and is to save the town harmless from all damages which may accrue by reason of their location in the highway and upon notice by the town superintendent agrees to make any repairs required for the protection and preservation of the highway; and further agrees that upon the failure of the applicant to make such repairs they may be made by the town superintendent at the expense of the applicant and such expense shall be a prior lien upon the land benefited by the use of the highway for such pipes, hydrants or appurtenances.

3. If the drainage, sewer or water pipes or appurtenances which are laid under this permit are placed in a town road they shall be so placed as not to interrupt or interfere with public travel upon the highway; and the earth removed must be replaced, and the highway left in all respects in as good condition as before the work was performed.

4. If the work performed is on a road which has been improved by State aid, drainage, sewer or water pipes must be placed at least four (4) feet below and in such a manner as in no way to interfere with the pavement, shoulders or drainage ditches of the highway, and that portion of the trench which passes under the pavement shall be bored or pipe-driven, and in no case shall the pavement be disturbed. Upon completion of the work the highway shall be left in as good condition as before the work was performed and to the satisfaction of the town superintendent.

A–Where it becomes necessary to cut the existing pavement, a pavement cut permit is required, which you will obtain from the Town Clerk. B–The said applicant hereby agrees to hold the Town of Amherst harmless on account of damages of any kind which may arise during the progress of the work authorized by this permit or by reason thereof. C–Applicant certifies all persons concerned with actual work under this permit are duly covered by Workmen's Compensation Insurance and the Town of Amherst shall be held harmless on account thereof.

Policy adopted by the TOWN BOARD OF AMHERST at its regular meeting, on Monday, June 23, 1958; pertaining to procedure to be followed hereafter when it becomes necessary to lay sewer, water, gas mains, including all other utilities, across Town of Amherst improved pavements:

"All utility firms and all others shall be required to bore under an improved pavement, where it becomes necessary to continue laying of its mains, sewers, or conduits across town streets and roads, at any location along said street or road and it shall be prohibited hereafter to make a pavement cut for such purpose as hereinafter above referred to."

Failure to comply with the above requirement will be considered a violation of this and other conditions as set forth in approved permit.

5. It is agreed by the applicant that any injury or disturbance of the paved portion of the highway, its shoulders or drainage ditches which may occur hereafter by reason of the laying of said drainage, sewer or water pipes and their appurtenances shall be repaired by and at the expense of the applicant to the satisfaction of the town superintendent.

6. The said town superintendent may, upon the failure of the applicant to comply with any of the conditions contained herein, revoke this permit and remove any pipes, or hydrants or other appurtenances which may have been placed in the highway under the permit.

7. If the road which this permit is issued is at the time of issuance a town highway, and should it be thereafter improved by State aid as a State or county highway, it is agreed that the applicant shall, before its improvement at the applicant's own expense, remove drainage, sewer or water pipes or appurtenances which may be placed under this permit and will relay the same in conformity with the direction of the engineer in charge of such improvement and in accordance with the rules and regulations prescribed by the State Commission of Highways.

Dated this 26 day of March, 2025

I hereby agree to conform to the conditions in the foregoing permit.

X _____
Town Superintendent

X _____
Town Engineer

X Michael Stoklosa
Applicant

Please return one signed copy to Erie County Water Authority, 3030 Union Rd. Cheektowaga, NY 14227

Attachment: Utility Permit ECWA 1 (RES-2025-387 : Highway Work Permit – ECWA)

Permit Under Section 149

Issued _____

To _____

P.O. Address _____

_____

_____

_____

Town Superintendent

Attachment: Utility Permit ECWA 1 (RES-2025-387 : Highway Work Permit – ECWA)

Applied for Monday 3/17/25 To Friday 3/21/25

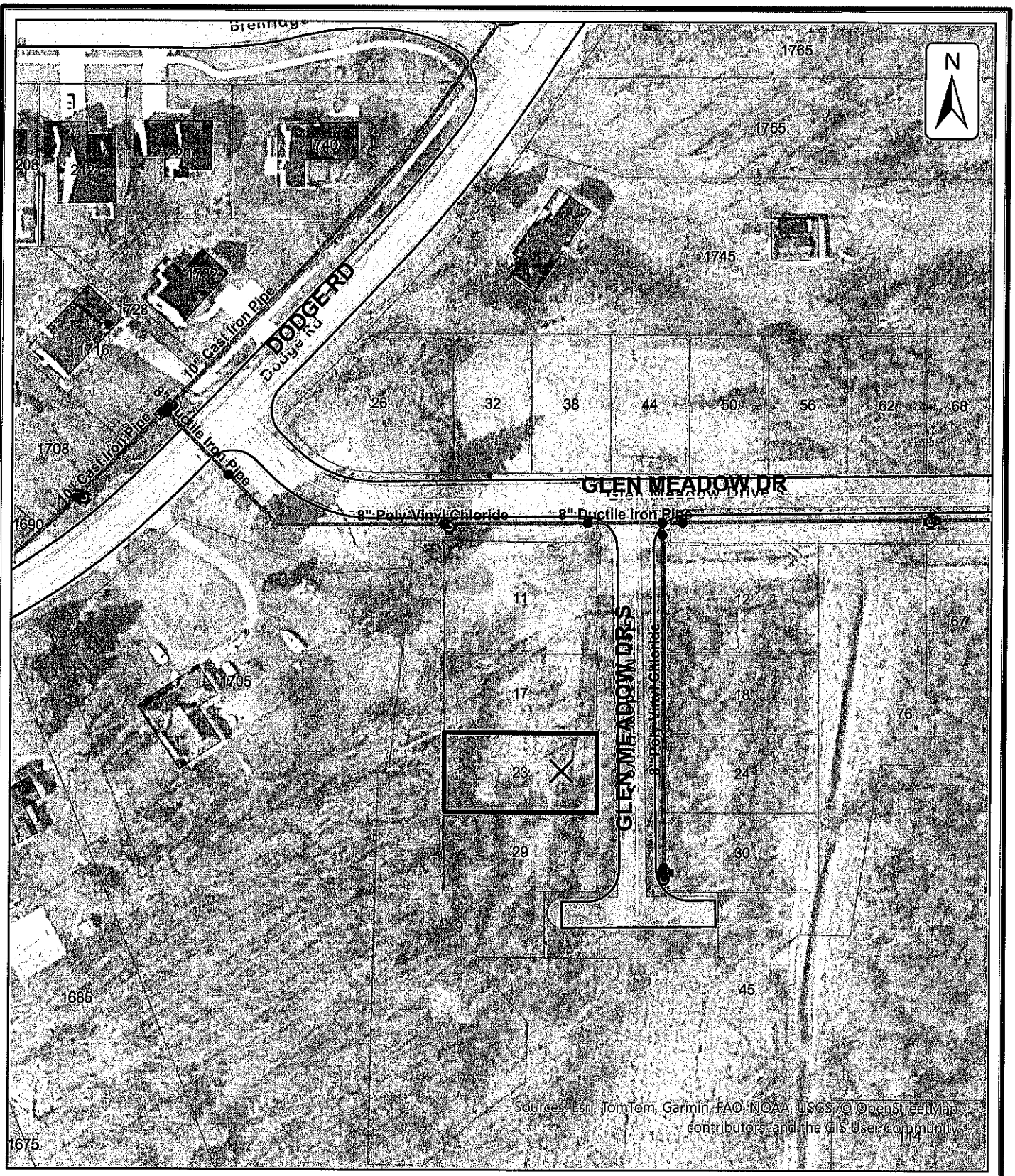
UTITLY WORK PERMIT No. _____

TOWN OF AMHERST
AMHERST HIGHWAY DEPARTMENT
1042 NORTH FRENCH RD., WILLIAMSVILLE, NEW YORK 14221
UTILITY WORK PERMIT FOR ERIE COUNTY WATER AUTHORITY

House Number	Road Name	Between Roads		Size of Service	Main Location	Size of Main	ECWA Service Number
23	Glen Meadow Dr S	Dodge Rd	Glen Meadow Dr	3/4	Easterly ROW	8"	6832021
86	Glen Meadow Dr	Dodge Rd	Glen Meadow Dr	3/4	Southerly ROW	8"	683022
63	Streamsong Ct	River Oak Ln	New Rd	3/4	Southerly ROW	8"	315914940
71	Streamsong Ct	River Oak Ln	New Rd	3/4	Southerly ROW	8"	315914941
79	Streamsong Ct	River Oak Ln	New Rd	3/4	Southerly ROW	8"	315914942

C:\Users\jh1\Desktop\Highway Permits\001 AMTN TABLE.docx\

Attachment: Utility Permit ECWA 1 (RES-2025-387 : Highway Work Permit – ECWA)

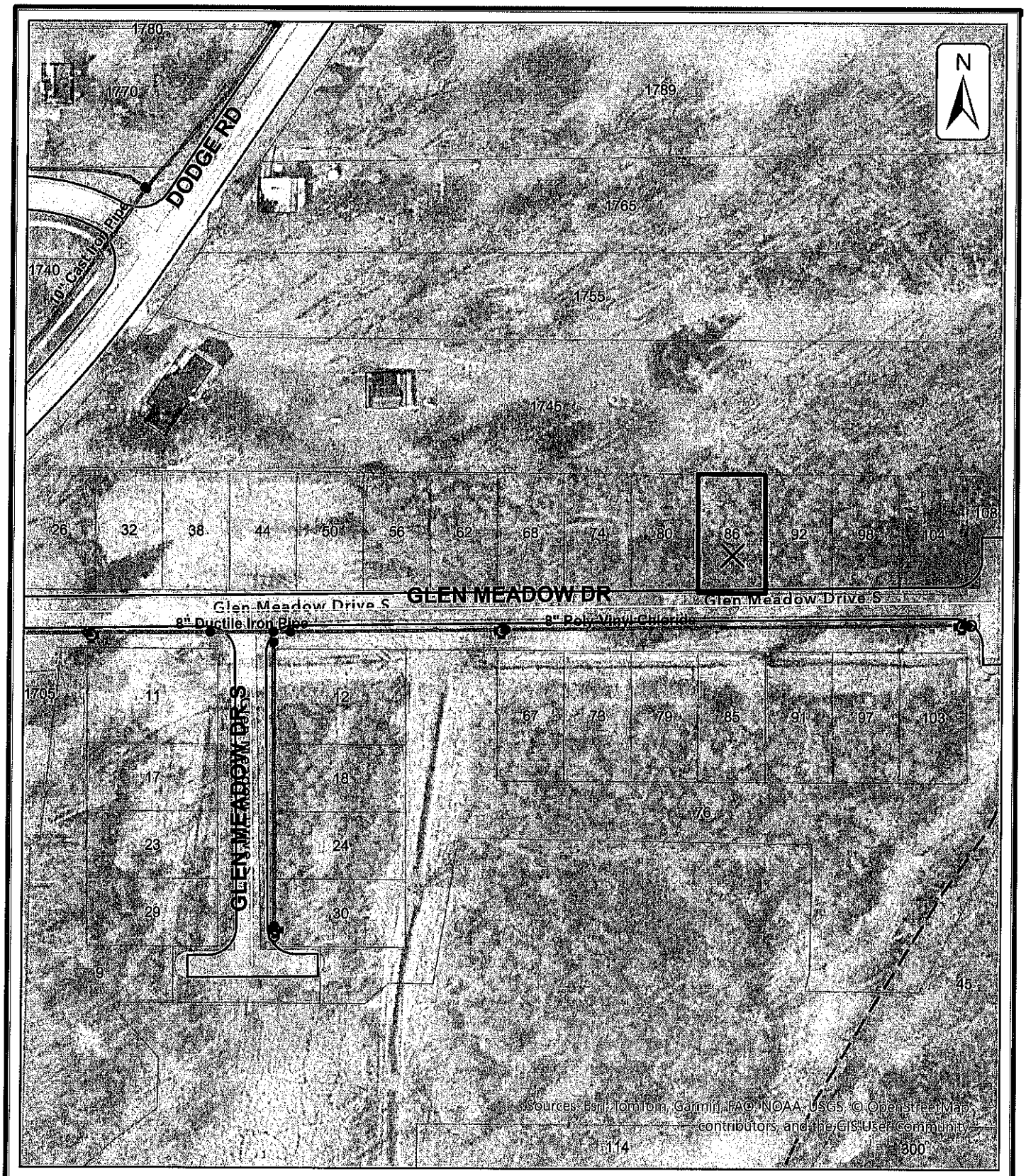


23 Glen Meadow Dr S, AMTN

0 50 100 200 Feet

Erie County Water Authority
Buffalo, New York

Attachment: Utility Permit ECWA 1 (RES-2025-387 : Highway Work Permit – ECWA)

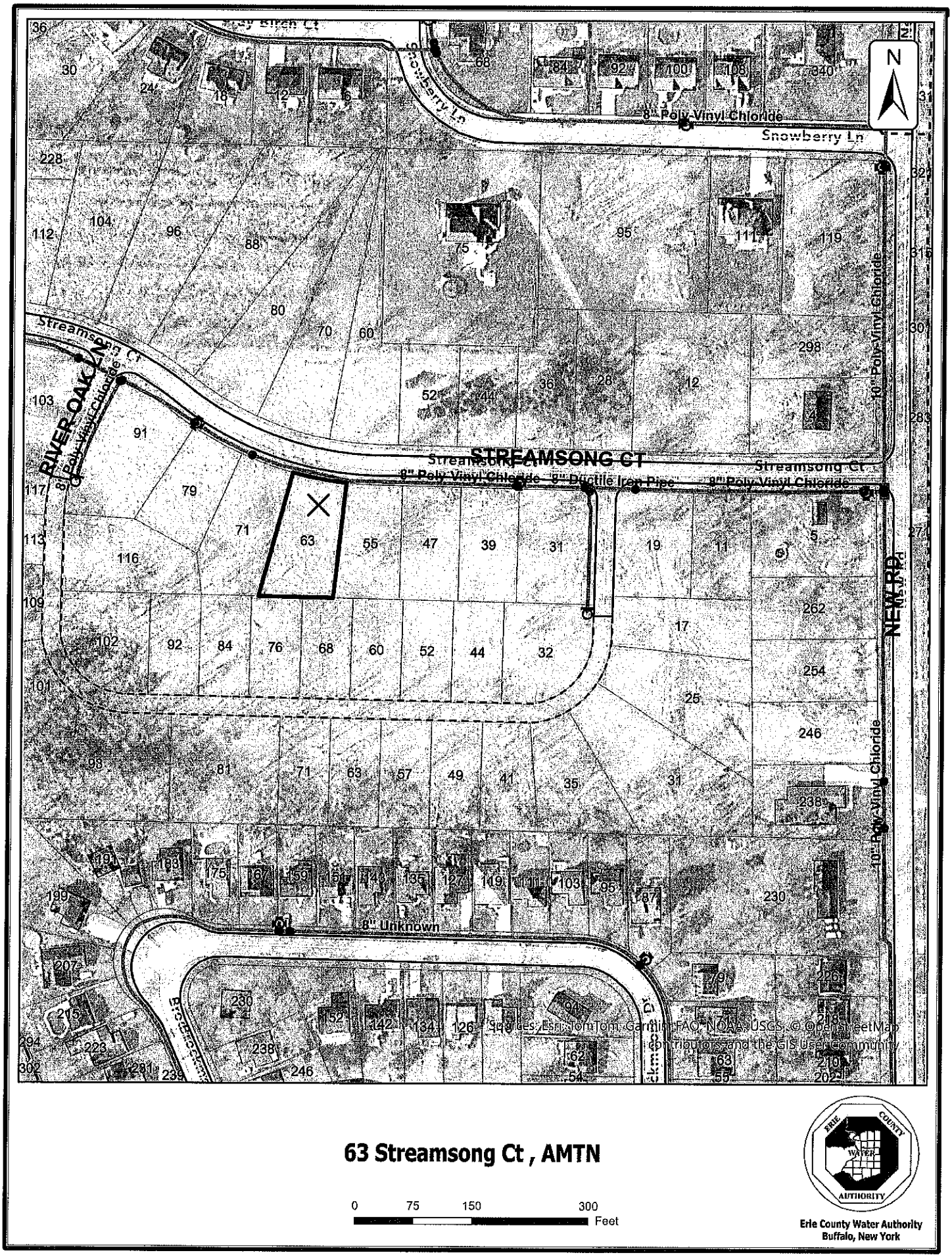


86 Glen Meadow Dr , AMTN

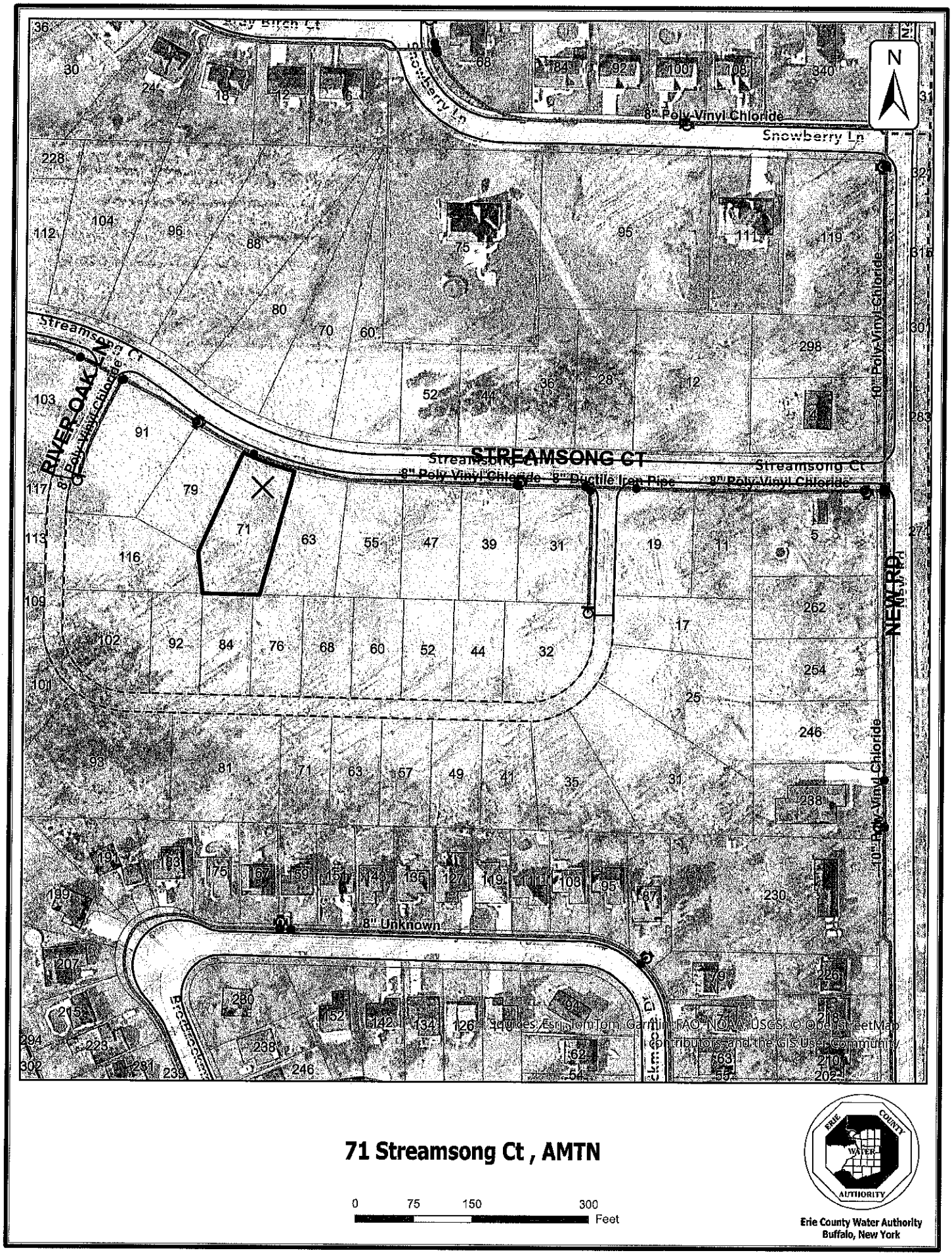
0 55 110 220 Feet

Erie County Water Authority
Buffalo, New York

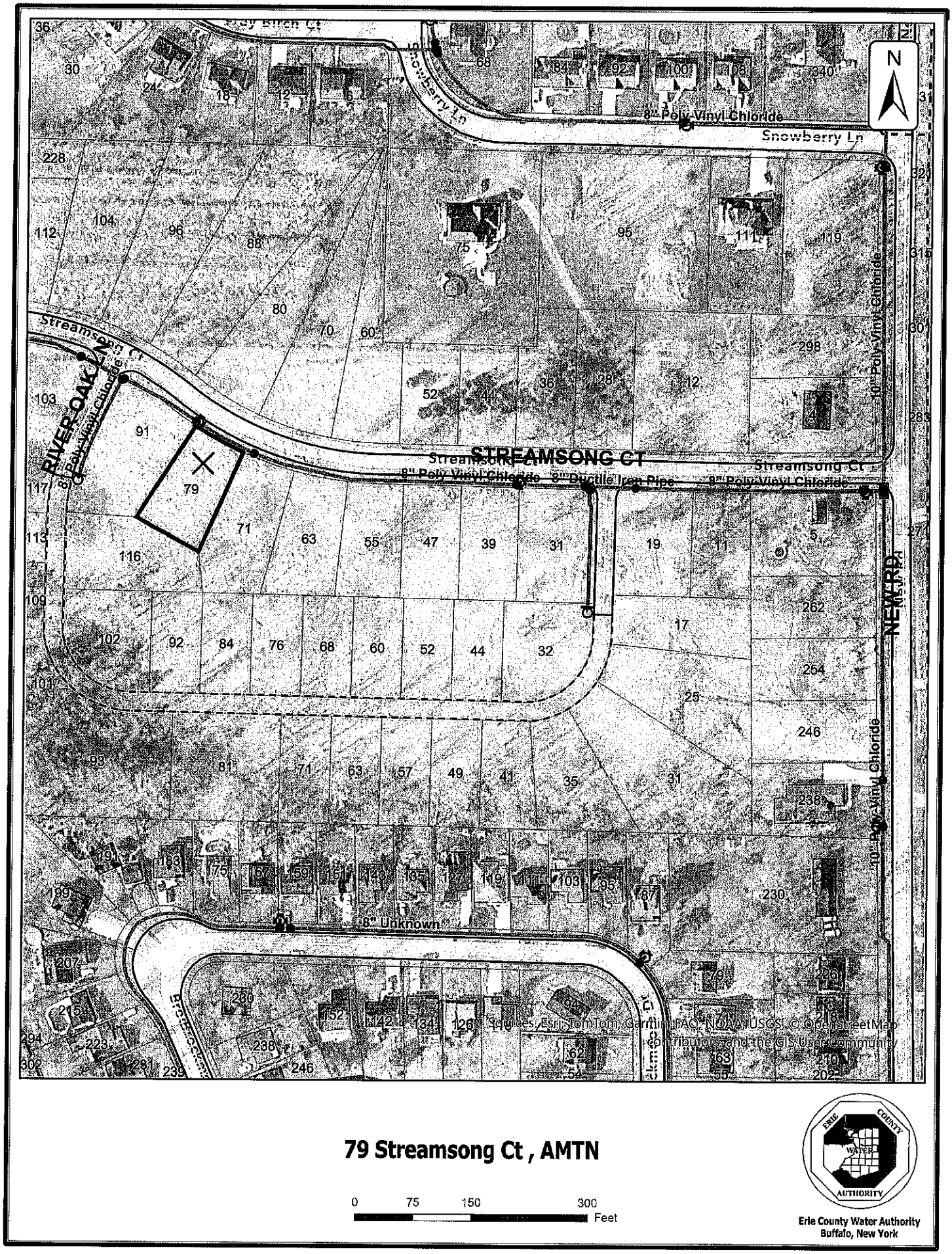
Attachment: Utility Permit ECWA 1 (RES-2025-387 : Highway Work Permit – ECWA)



Attachment: Utility Permit ECWA 1 (RES-2025-387 : Highway Work Permit – ECWA)



Attachment: Utility Permit ECWA 1 (RES-2025-387 : Highway Work Permit – ECWA)



79 Streamsong Ct , AMTN

0 75 150 300 Feet

Erie County Water Authority
Buffalo, New York

Attachment: Utility Permit ECWA 1 (RES-2025-387 : Highway Work Permit – ECWA)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Highway
Initiated by: **Vianne Uthman**
Co-Sponsored by:

DOC ID: 30321 **RESOLUTION 2025-388** **ADOPTED**

Highway Work Permit – ECWA – 36 Streamsong Court

Kindly adopt a resolution:

. Authorizing the Highway Superintendent to both execute and issue the attached permit; and

. Authorizing the Town Supervisor to execute the attached permit.

Thank you.

4/7/2025
Consent

FINANCIAL IMPACT:

n/a

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

UTILITY WORK PERMIT

Permit Issued Under Section 149 of the Highway Laws

The undersigned, the Town Superintendent of Highways, of the town of Amherst

County of Erie , upon the written application of ECWA

dated on the 25 day of March , 20 25 , and filed with him, as provided by section 149 of the Highways Laws, hereby grants permission to said applicant to Install various residential services

(see attached)

on the highway described as follows: (see attached)

This permit is granted subject to the following conditions:

1. The work authorized by this permit shall be performed in a manner satisfactory to the town superintendent.

2. The applicant is to keep in good repair all pipes, hydrants or appurtenances which may be placed within the bounds of the highway under terms of this permit and is to save the town harmless from all damages which may accrue by reason of their location in the highway and upon notice by the town superintendent agrees to make any repairs required for the protection and preservation of the highway; and further agrees that upon the failure of the applicant to make such repairs they may be made by the town superintendent at the expense of the applicant and such expense shall be a prior lien upon the land benefited by the use of the highway for such pipes, hydrants or appurtenances.

3. If the drainage, sewer or water pipes or appurtenances which are laid under this permit are placed in a town road they shall be so placed as not to interrupt or interfere with public travel upon the highway; and the earth removed must be replaced, and the highway left in all respects in as good condition as before the work was performed.

4. If the work performed is on a road which has been improved by State aid, drainage, sewer or water pipes must be placed at least four (4) feet below and in such a manner as in no way to interfere with the pavement, shoulders or drainage ditches of the highway, and that portion of the trench which passes under the pavement shall be bored or pipe-driven, and in no case shall the pavement be disturbed. Upon completion of the work the highway shall be left in as good condition as before the work was performed and to the satisfaction of the town superintendent.

A–Where it becomes necessary to cut the existing pavement, a pavement cut permit is required, which you will obtain from the Town Clerk. B–The said applicant hereby agrees to hold the Town of Amherst harmless on account of damages of any kind which may arise during the progress of the work authorized by this permit or by reason thereof. C–Applicant certifies all persons concerned with actual work under this permit are duly covered by Workmen's Compensation Insurance and the Town of Amherst shall be held harmless on account thereof.

Policy adopted by the TOWN BOARD OF AMHERST at its regular meeting, on Monday, June 23, 1958; pertaining to procedure to be followed hereafter when it becomes necessary to lay sewer, water, gas mains, including all other utilities, across Town of Amherst improved pavements:

"All utility firms and all others shall be required to bore under an improved pavement, where it becomes necessary to continue laying of its mains, sewers, or conduits across town streets and roads, at any location along said street or road and it shall be prohibited hereafter to make a pavement cut for such purpose as hereinafter above referred to."

Failure to comply with the above requirement will be considered a violation of this and other conditions as set forth in approved permit.

5. It is agreed by the applicant that any injury or disturbance of the paved portion of the highway, its shoulders or drainage ditches which may occur hereafter by reason of the laying of said drainage, sewer or water pipes and their appurtenances shall be repaired by and at the expense of the applicant to the satisfaction of the town superintendent.

6. The said town superintendent may, upon the failure of the applicant to comply with any of the conditions contained herein, revoke this permit and remove any pipes, or hydrants or other appurtenances which may have been placed in the highway under the permit.

7. If the road which this permit is issued is at the time of issuance a town highway, and should it be thereafter improved by State aid as a State or county highway, it is agreed that the applicant shall, before its improvement at the applicant's own expense, remove drainage, sewer or water pipes or appurtenances which may be placed under this permit and will relay the same in conformity with the direction of the engineer in charge of such improvement and in accordance with the rules and regulations prescribed by the State Commission of Highways.

Dated this 25
day of March , 20 25

I hereby agree to conform to the conditions in the foregoing permit.

X _____
Town Superintendent

X _____
Town Engineer

X _____
Applicant

Please return one signed copy to Erie County Water Authority, 3030 Union Buffalo, NY 14227

Attachment: Utility Permit ECWA 2 (RES-2025-388 : Highway Work Permit – ECWA – 36 Streamsong Court)

Permit Under Section 149

Issued _____

To _____

P.O. Address _____

_____

_____

_____

Town Superintendent

Attachment: Utility Permit ECWA 2 (RES-2025-388 : Highway Work Permit – ECWA – 36 Streamsong Court)

Applied for Monday 3/24/2025 To Friday 3/28/2025

UTITLY WORK PERMIT No. _____

TOWN OF AMHERST
AMHERST HIGHWAY DEPARTMENT
1042 NORTH FRENCH RD., WILLIAMSVILLE, NEW YORK 14221
UTILITY WORK PERMIT FOR ERIE COUNTY WATER AUTHORITY

House Number	Road Name	Between Roads		Size of Service	Main Location	Size of Main	ECWA Service Number
36	Streamsong Ct	River Oak Ln	New Rd	¾"	Southerly ROW	8"	315914937

C:\Users\rd\Desktop\36 Streamsong Ct Amherst Permit Application Table.docx\

Attachment: Utility Permit ECWA 2 (RES-2025-388 : Highway Work Permit – ECWA – 36 Streamsong Court)



36 Streamsong Ct.
Town of Amherst

Erie County Water Authority
Buffalo, New York

Attachment: Utility Permit ECWA 2 (RES-2025-388 : Highway Work Permit – ECWA – 36 Streamsong Court)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 30260 **RESOLUTION 2025-389** **ADOPTED**

Laborer/Building Maintenance/Facilities Department

Please appoint a Laborer to the Building Maintenance/Facilities Department. Permanent, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective April 8, 2025 at an hourly rate of $19.65, Grade 3, Step B for Colton Reilly.

Contingent upon completing all pre-employment requirements.

Replacing an employee who resigned.

4/7/2025
Consent

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

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 30261 **RESOLUTION 2025-390** **ADOPTED**

Clerk- PT/Town Clerk

Please appoint a Clerk - PT to the Town Clerk's Office, Temporary, Effective April 8, 2025 at an hourly rate of $24.00 for Barbara Fiorella.

Contingent upon completing all pre-employment requirements.

Replacing an employee who resigned.

4/7/2025
Consent

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

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 30262 **RESOLUTION 2025-391** **ADOPTED**

Clerk Typist/Highway Department

Please appoint a Clerk Typist to the Highway Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective April 8, 2025 at an annual salary of $43,046, Grade 2, Step I for James Spence.

Replacing an employee who retired.

This is a promotion for an employee currently serving as Laborer.

4/7/2025
Consent

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

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 30264 **RESOLUTION 2025-392** **ADOPTED**

Clerk Typist/Engineering Department

Please appoint a Clerk Typist to the Engineering Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective April 8, 2025 at an annual salary of $38,540, Grade 2, Step E Noemi Goldstein.

This is a promotion for an employee currently serving as Messenger.

4/7/2025
Consent

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

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 30251 **RESOLUTION 2025-393** **ADOPTED**

To Authorize the Supervisor to Enter into a New Cooperation Agreement to Continue the HOME Consortium for Federal Fiscal Years 2026, 2027 and 2028

WHEREAS, the Congress of the United States has passed and the President of the United States has signed into law the National Affordable Housing Act of 1990, making federal funds for housing activities available to the towns of Amherst, Cheektowaga and Tonawanda; and

WHEREAS, said Act provides that a consortium of geographically contiguous units of local government can be considered to be a unit of general local government for purposes of the HOME program; and

WHEREAS, the Towns of Cheektowaga, Tonawanda and Amherst, with Amherst acting as Lead Town, desire to be considered as a Consortium for the purpose of applying for assistance under the HOME Program; and

WHEREAS, all grant administration costs are funded by the grant; and

WHEREAS, this agreement shall automatically be renewed for the Consortium's participation in successive three-year qualification periods if the member towns determine it's desirable.

NOW, THEREFORE, BE IT RESOLVED, that subject to the satisfactory completion of the contract routing process, the Town Board of the Town of Amherst authorizes the Supervisor to enter into a new HOME Cooperation Agreement with the towns of Cheektowaga and Tonawanda during the fiscal years of 2026, 2027 & 2028.

4/7/2025
Consent

FINANCIAL IMPACT:

Adoption of the proposed resolution involves no monetary consideration and will have no impact on the Town Budget or tax rate.

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

Amherst

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

Brian J. Kulp
Supervisor
Daniel C. Howard P
Planning Direc
Daniel J. Ulatowsk P
Assistant Planning tor

March 28, 2025

Agenda of April 7, 2025

Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, New York 14221

Subject: Authorization for Supervisor to sign a new Cooperation Agreement for the HOME Investment Partnership Program for Federal FYs 2026-2028

Honorable Members:

Every three years, from 1992 through 2025 the Town Board has authorized the Supervisor to enter into Cooperation Agreements with the Towns of Cheektowaga and Tonawanda for the purpose of forming a HOME Consortium, thus qualifying Amherst to receive funds from the Department of Housing and Urban Development through the HOME Investment Partnership Program. Those Cooperation Agreements covered funds received from Federal fiscal years 1993 through 2025. It is now necessary for the three towns to execute a new Cooperation Agreement in order to qualify to receive HOME funding in Federal fiscal years 2026, 2027 and 2028. We anticipate that Amherst's share will be approximately $300,000 annually under this agreement.

Staff recommends that a new agreement be used, similar to the existing one with a new clause allowing for automatic renewal of the agreement after the initial 3-year period has expired. The agreement permits the member towns to "Opt Out" of the automatic renewal if they so desire. Under this agreement, the Town will continue as the Lead Agency for the Consortium with the associated responsibilities for submitting applications and performance reports to HUD.

Attached for your consideration is a resolution authorizing the Supervisor to sign a new HOME Cooperation Agreement at the Town Board meeting of April 7, 2025.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

Att.
X:\Community Development\New Structure\ACT CONSORTIUM\HOME Consortium Agreement\3 twn 3 yr consortium agrmnt\2023-24-25\TB ltr_3_yr._agreement_ 3.28.22.docx

Attachment: tb letter-03312025082026 (RES-2025-393 : Authorize the Supervisor to Sign a New HOME Cooperation Agreement)

COOPERATION AGREEMENT BETWEEN THE TOWN OF AMHERST, TOWN OF CHEEKTOWAGA AND TOWN OF TONAWANDA FOR THE PURPOSE OF FORMING A CONSORTIUM FOR THE HOME INVESTMENT PARTNERSHIPS PROGRAM

THIS AGREEMENT, entered into as of this _____ day of _____, 2025, by and between the TOWN OF AMHERST (hereinafter called the "Lead Town"), TOWN OF CHEEKTOWAGA (hereinafter called "Cheektowaga") and the TOWN OF TONAWANDA (hereinafter called "Tonawanda"), each being a municipal corporation within the State of New York.

WITNESSETH:

WHEREAS, under the Cranston-Gonzalez National Affordable Housing Act (hereinafter called NAHA), the Secretary of Housing and Urban Development is authorized to make grants to states and units of general local government to help finance investments in affordable housing; and

WHEREAS, Section 216(2) of the NAHA provides that a consortium of geographically contiguous units can be considered to be a unit of general local government for purposes of the HOME Investment Partnerships Act (hereinafter called HOME); and

WHEREAS, the Lead Town, Cheektowaga and Tonawanda are geographically contiguous within the meaning of the NAHA; and

WHEREAS, the Lead Town, Cheektowaga and Tonawanda desire to be considered such a consortium and have sufficient statutory authority under the laws of the State of New York as well as sufficient administrative capabilities to carry out the purposes of HOME on behalf of its member jurisdictions; and

WHEREAS, the Lead Town, Cheektowaga and Tonawanda agree to direct their activities to the alleviation of housing problems within their respective jurisdictions; and

WHEREAS, it is desirable and in the public interest that the Lead Town, Cheektowaga and Tonawanda make application for HOME funding as a consortium in order to maximize receipt of funding under HOME; now therefore, the parties mutually agree as follows:

1. This Cooperation Agreement will govern activities to be carried out with annual HOME Partnerships Program grants from federal fiscal years 2026, 2027 and 2028 appropriations and from any program income generated from the expenditure of such funds

Attachment: Agreement for CRS (RES-2025-393 : Authorize the Supervisor to Sign a New HOME Cooperation Agreement)

including such additional time as may be required for the expenditure of such funds granted to the Consortium, and may not be terminated during such time.

This Cooperation Agreement will be considered in effect from the date of execution through the end date of the Amherst-Cheektowaga-Tonawanda HOME Consortium Program Year covered by this agreement: March 31, 2028.

2. The Lead Town, Cheektowaga and Tonawanda agree to cooperate to undertake or assist in undertaking housing assistance activities for the HOME Partnerships Program, and that in the furtherance of implementing the HOME Program, shall each within its own territory undertake efforts to affirmatively further the cause of fair housing.

3. The parties authorize the Lead Town to act in a representative capacity for Cheektowaga and Tonawanda for the purposes of the HOME Program.

4. The Lead Town, Cheektowaga and Tonawanda agree that each shall use its best efforts to assure that the Consortium's HOME Program is carried out in compliance with the requirements of the Program within their jurisdiction, including the provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Title II of the Cranston-Gonzalez Act (NAHA).

The Lead Town, Cheektowaga and Tonawanda each agrees to affirmatively further fair housing.

The Lead Town agrees to assume overall responsibility for ensuring that the Consortium's HOME Program is carried out in compliance with the requirements of the HOME Program, the requirements concerning a Consolidated Plan and all other applicable laws.

5. The Lead Town, Cheektowaga and Tonawanda shall obtain authorized resolutions from their respective governing bodies, or other acceptable evidence that each chief executive officer is authorized to sign the Agreement.

6. The term of this Agreement covers the period necessary to carry out the activities that will be funded from funds afforded for three federal fiscal years. The Lead Town, Cheektowaga and Tonawanda shall remain as part of a consortium for the entire three-year period and shall not withdraw from this Agreement. This agreement is governed by the requirements of HUD Notice CPD-13-002 or its successor. If the consortium fails to meet the $500,000 minimum threshold to receive a HOME allocation for the first Federal Fiscal Year of its qualification period, it must request to be considered to receive a HOME allocation in each of the subsequent two years.

7. The Lead Town, Cheektowaga and Tonawanda shall agree on an equitable distribution of all funds obtained under this Program.

Attachment: Agreement for CRS (RES-2025-393 : Authorize the Supervisor to Sign a New HOME Cooperation Agreement)

8. The Lead Town, Cheektowaga and Tonawanda agree to meet every six months for review of the HOME Program, and the progress each unit has achieved in committing and expending HOME funds.

9. Cheektowaga and Tonawanda agree to assist the Lead Town in the preparation of reports, applications and other administrative work for the Program. Matching fund requirements, if any, will be apportioned among the three towns in accordance with the benefits received by each.

10. This Agreement may be executed by the parties in counterpart.

11. The program year start date for this consortium agreement shall be April 1, 2026. This date shall be the beginning of the 2026 program year for all funding received by the Lead Town, Cheektowaga and Tonawanda from Federal Fiscal Year 2026 allocations under the Community Development Block Grant, HOME, and Emergency Solutions Grant (ESG) programs.

12. The Lead Town, Cheektowaga and Tonawanda must each sign and approve any amendments to this consortium agreement.

13. This agreement shall automatically be renewed for the Consortium's participation in successive qualification periods of three federal fiscal years each. No later than the date specified by HUD's consortia designation notice or HOME Consortia web page, the Lead Entity shall notify each Consortium Member in writing of its right to decide not to participate in the Consortium for the next qualification period and the Lead Entity shall send a copy of each notification to the HUD Field Office. If a Consortium Member decides not to participate in the Consortium for the next qualification period, the Consortium Member shall notify the Lead Entity, and the Lead Entity shall notify the HUD Field Office, before the beginning of the new qualification period.

14. Before the beginning of each new qualification period, the Lead Entity shall submit to the HUD Field Office a statement of whether or not any amendments have been made to this agreement, a copy of each amendment to this agreement, and, if the Consortium's membership has changed, the state certification required under 24 C.F.R. § 92.101(a)(2)(i). The Consortium shall adopt any amendments to this agreement that are necessary to meet HUD requirements for consortium agreements in successive qualification periods. The automatic renewal of the agreement will be void if: the Lead Entity fails to notify a Consortium member or the HUD field office as required under this automatic renewal provision or the Lead Entity fails to submit a copy of each amendment to this agreement as required under this automatic renewal provision.

Attachment: Agreement for CRS (RES-2025-393 : Authorize the Supervisor to Sign a New HOME Cooperation Agreement)

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

Brian J. Kulpa
Supervisor, Town of Amherst

State of New York: SS
County of Erie

On this day of _____, 2025, before me, Brian J. Kulpa, personally came to me known, who being by me duly sworn did depose and say that he resides in Amherst, New York; that he is the Supervisor of the Town of Amherst, the corporation described in and which executed the above instrument; that he knows the seal of said corporation, that the seal affixed to such instrument is such corporate seal; that it was affixed by virtue of the statutes of the State of New York in such case made and provided and by resolution adopted by the Town Board of Amherst on _____, 2025, and that he signed his name thereto by virtue of such authority.

Notary Public

Attachment: Agreement for CRS (RES-2025-393 : Authorize the Supervisor to Sign a New HOME Cooperation Agreement)

COOPERATION AGREEMENT BETWEEN
THE TOWN OF AMHERST, TOWN OF CHEEKTOWAGA
AND TOWN OF TONAWANDA
FOR THE PURPOSE OF FORMING A CONSORTIUM
FOR THE HOME INVESTMENT PARTNERSHIPS PROGRAM
FEDERAL FISCAL YEARS 2026 - 2028

Brian Nowak
Supervisor, Town of Cheektowaga

State of New York: SS
County of Erie

On this 27 day of March, 2025, before me, Brian Nowak, personally came to me known, who being by me duly sworn did depose and say that he resides in Cheektowaga, New York; that he is the Supervisor of the Town of Cheektowaga, the corporation described in and which executed the above instrument; that he knows the seal of said corporation, that the seal affixed to such instrument is such corporate seal; that it was affixed by virtue of the statutes of the State of New York in such case made and provided and by resolution adopted by the Town Board of Cheektowaga on March 27, 2025, and that he signed his name thereto by virtue of such authority.

Colleen Poules
Notary Public

COLLEEN POULES
Notary Public, State of New York
No. 01PO6392195
Qualified in Erie County
Commission Expires 5-20-2027

Attachment: Agreement for CRS (RES-2025-393 : Authorize the Supervisor to Sign a New HOME Cooperation Agreement)

COOPERATION AGREEMENT BETWEEN
THE TOWN OF AMHERST, TOWN OF CHEEKTOWAGA
AND TOWN OF TONAWANDA
FOR THE PURPOSE OF FORMING A CONSORTIUM
FOR THE HOME INVESTMENT PARTNERSHIPS PROGRAM
FEDERAL FISCAL YEARS 2026-2028

Joseph H. Emminger
Supervisor, Town of Tonawanda

State of New York: SS
County of Erie

On this 25th day of March 2025, before me, Joseph H. Emminger, personally came to me known, who being by me duly sworn did depose and say that he resides in Tonawanda, New York; that he is the Supervisor of the Town of Tonawanda, the corporation described in and which executed the above instrument; that he knows the seal of said corporation, that the seal affixed to such instrument is such corporate seal; that it was affixed by virtue of the statutes of the State of New York in such case made and provided and by resolution adopted by the Town Board of Tonawanda on 3/24, 2025, and that he signed his name thereto by virtue of such authority.

Notary Public
JEANNE M. STEWART
No. 01ST6344073
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 06/27/2028

X:\Community Development\New Structure\ACT CONSORTIUM\HOME Consortium Agreement\3 twn 3 yr consortium agrmnt\2026-27-28\HOME Consortium 3-year coop agreement 2026-2028.docx

Attachment: Agreement for CRS (RES-2025-393 : Authorize the Supervisor to Sign a New HOME Cooperation Agreement)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 30296 **RESOLUTION 2025-394** **ADOPTED**

Police Dog Boarding Agreement Amherst Boarding Kennel, LLC (CRS #5385)

TOWN BOARD AGENDA : APRIL 7, 2025

TO: **Town Board**

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

RE: **Police Dog Boarding Agreement**
Amherst Boarding Kennel, LLC (CRS #5385)

Kindly adopt a resolution authorizing the Supervisor to execute the attached agreement between the Town of Amherst (Police) and Amherst Boarding Kennel, LLC, with regard to the above-entitled matter. Approval of this agreement is pending the successful completion of the Contract Routing Process.

Thank you.

SPC: msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: April 7, 2025)**

4/7/2025
Consent

FINANCIAL IMPACT:

T 2917 .4002: Amount TBD

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

Attachment: Amherst Boarding Contract for CRS Routing (RES-2025-394 : Police Dog Boarding Agreement: Amherst Boarding Kennel (CRS#

AGREEMENT
BY AND BETWEEN
TOWN OF AMHERST, NEW YORK
AND
AMHERST BOARDING KENNEL, LLC

THIS AGREEMENT made _____, 2025, by and between the TOWN OF AMHERST, NEW YORK, a municipal corporation organized and existing under the laws of the State of New York, having its offices located at 5583 Main Street, Williamsville, New York 14221 (hereinafter referred to as the "Town") and AMHERST BOARDING KENNEL, LLC a limited liability corporation organized and existing under the laws of the State of New York, having its principal offices located at 4650 Millersport Highway, East Amherst, New York 14051 (hereinafter referred to as the "Amherst Boarding").

WITNESSETH:

WHEREAS, the Town is desirous of obtaining the professional services of Amherst Boarding for the kenneling services of the law enforcement canines owned by the Town of Amherst Police Department (hereinafter referred to as the "Police Department") and to provide the services set forth herein; and

WHEREAS, Amherst Boarding specializes in the caring for and training of law enforcement canines; and

WHEREAS, Amherst Boarding is conveniently located approximately five (5) miles from the Police Department; and

NOW, THEREFORE, in consideration of the foregoing and the mutual agreements as set forth hereinbelow, it is hereby agreed between the Town and Amherst Boarding as follows:

1. The purpose of this Agreement is to provide commercial kenneling facilities and services in support of the Police Department's canine program.

2. Amherst Boarding shall provide all labor, materials and supervision, and facilities to provide kenneling services for the Police Department's canines.

3. Amherst Boarding shall issue a key to the kennel facility to each assigned Police Department canine officer and their supervisor to enable access to the facility twenty-four (24) hours a day, seven (7) days a week. Amherst Boarding shall ensure that only authorized personnel have access to the Police Department's canines. Access to the Police Department's canines by the general public is prohibited at all times.

4. In addition to housing the canines, Amherst Boarding shall also be responsible for cleaning the kennels and maintaining them in a safe and sanitary condition.

5. Facility Requirements: Amherst Boarding's facility should be an indoor/outdoor type, which allows the canines access to adequate shade, fresh air, exercise and protection from inclement weather and unauthorized personnel. Regardless of the kennel type, only one (1) canine shall be in each kennel run. Shipping crates or wire cages are not acceptable at any time for the boarding or kenneling of the canine.

    a. Floor and Dog Runs: The kenneling building will be constructed with a concrete foundation and floor; all runs will be constructed of concrete. Kennel run floors will be a sealed hard surface (i.e. concrete or tile is acceptable). All concrete surfaces will be sloped and constructed to allow for adequate drainage for flushing stools and urine from the kennel run. Pooling of liquid is not permitted. Other floors and pathways should be of non-skid surface.

    b. Outside Kennel Runs: If kennel runs use a common barrier to separate adjacent runs, the barrier should be a solid wall at least 4 feet wide in height.

    c. Inside/Outside Kennel Runs: The outside portion of each kennel run will have 4 feet in height with solid walls between adjacent runs and the kennel run will be at least 6 feet long and 4 feet wide. The sleeping area will be large enough to allow the animal to turn freely and be at least 2 inches taller than the canine's head while in the standing position. Access doors to the inside sleeping area will be sufficient size to allow the canines to enter without scraping their sides or back. A guillotine type drop door is permissible.

    d. Enclosed Indoor Kennel Runs: Runs that are totally enclosed in a building will meet the same size requirements for indoor/outdoor or outdoor runs. Indoor runs will meet or exceed all requirements for ventilation in accordance with all local, state and federal regulations regarding kennel services. Indoor runs shall have air conditioning/ventilations systems that maintain the inside ambient air temperature within 10 degrees above or below the outside ambient air temperature. The kennel facility shall have fresh air either through windows, doors, vents or air conditioning. Auxiliary ventilation (i.e. air conditioning or exhaust fans) is required where the ambient temperature can reach 90 degrees fahrenheit or higher. The minimum indoor air temperature shall not be less than 40 degrees fahrenheit. The maximum indoor temperature shall not be more than 90 degrees fahrenheit. The minimum/maximum is to ensure that the canines maintain acclimation to the weather conditions in the work environment.

    Each run shall be separated by a partition constructed of concrete, fiberglass or stainless steel at least 48 inches high to prevent cross contamination between kennels. The partition shall be capable of preventing cross

Attachment: Amherst Boarding Contract for CRS Routing (RES-2025-394 : Police Dog Boarding Agreement: Amherst Boarding Kennel (CRS#

Attachment: Amherst Boarding Contract for CRS Routing (RES-2025-394 : Police Dog Boarding Agreement: Amherst Boarding Kennel (CRS#

contamination between runs. All runs shall have chain link tops, to prevent the canine from jumping or climbing out. Kennel runs shall be disinfected with veterinary approved chemicals. Dog beds shall be of non-porous materials (i.e. stainless steel, fiberglass).

e. Fencing and Gates: Wire mesh fence fabric will be utilized on the runs and gates.

f. Lighting: The kennel compound and kennel runs will be sufficiently lighted to provide security and to allow for safe nighttime activity in removing or returning canines to their kennel runs. All accessible areas will be lighted, either by motion sensors or permanent lighting.

g. Kennel Construction: The Town will not reimburse Amherst Boarding for any construction or remodeling.

6. Sanitation: Kennel runs and sleeping areas will be disinfected at least every four calendar days with a veterinarian approved disinfectant solution. Kennel runs will be washed and stools will be removed from the runs as often as necessary. Stools, urine and waste dog food will not be allowed to remain in a run for more than one hour during normal operating hours. All stools will be removed within one hour after the facility opens for business or no later than 9:00 AM on days when the kennel is not open for business. All chemicals shall be stored away from any food items or near the floor, capped and in the original labeled containers. Chemicals not in the original container shall be clearly marked. The Environmental Protection Agency or the State shall approve all disinfectants used for cleaning.

7. Food and Water Areas: The food and water utensils shall be cleaned daily with hot soapy water. Utensils used in preparation of food shall be cleaned immediately after each food preparation period. Stainless steel feed and water pans will be used. Empty dog food bags will be removed and disposed of in a covered container. All food will be stored in rodent proof storage containers. The area will be rodent and pest free. A refrigerator for diet and medications will be available. Medication will be properly labeled and stored in the refrigerator. If the water supply comes from an underground well, it must be tested and approved for human consumption (potable). The kennel shall have potable hot and cold running water. Self-waterers will not be permitted.

8. Health: The kennel shall have First Aid Kits for personnel and animals. Amherst Boarding shall have written procedures to educate employees on how to handle animal related injuries.

   Amherst Boarding shall observe the appearance and activity of the canines for signs of illness, wounds, disease and discontent. Amherst Boarding shall specifically watch for signs of injury and other changes in physical condition. In the event a Police Department owned canine is injured or becomes ill, Amherst Boarding will

Attachment: Amherst Boarding Contract for CRS Routing (RES-2025-394 : Police Dog Boarding Agreement: Amherst Boarding Kennel (CRS#

contact the assigned handler of the canine within one (1) hour. If he/she is unavailable, the supervisor will be contacted. If it is an emergency and a canine handler or supervisor cannot be contacted, Amherst Boarding will take the ill or injured canine to Green Acres Veterinary Center, 2060 Niagara Falls Blvd, Tonawanda New York. In the unlikely event a Police Department canine passes away, the canine's handler will take possession of the canine and dispose of the remains at an offsite location. No Police Department canine shall be buried or disposed of by kennel personnel.

9. Bathing: Police Department Officers shall be responsible for bathing of their own canines.

10. Debris: Amherst Boarding shall ensure the compound area in which the kennels are located shall be free of all refuse, garbage, trash and debris. Seeded areas within the compound shall be mowed/chopped and kept free of brush and tall vegetation that could pose a health hazard to the canines, handlers or other individuals entering the premises.

11. Food: Amherst Boarding shall provide dog food that meets the Police Department's minimum requirements.

12. Feeding: The canine's feeding schedule shall be determined by each individual canine officer.

13. General Requirements:

    a. Protection: Amherst Boarding shall have a plan for emergency procedures. A copy of the local fire evacuation plan shall be posted in the kennel. Amherst Boarding will provide fire extinguishers onsite to extinguish common construction materials and/or electrical fires. Amherst Boarding will ensure the fire extinguishers are inspected and maintained in accordance with the local/state/federal fire regulations. Amherst Boarding shall have business insurance as required by law.

    b. Amherst Boarding shall have a written plan for handling the "escaped dog" scenario. The plan shall define what steps are taken to notify the owner, advertise in local publications, etc.

    c. Personnel: If required by the state, the county in which the kennel is located must certify the kennel manager. If the kennel manager is replaced, Amherst Boarding kennel will provide prior notification to the Police Department.

    d. Access: All canine officers will require 24-hour access to the portion of the kennel facility used to kennel the Police Department's canines. If key type door locks or padlocks are used for after hour's security, Amherst Boarding will provide a key (or set of keys, as appropriate) to each assigned canine

officer. All entry/exit points will be locked after hours or when unattended. All dog runs will be secured. Kennels shall have double gate/doors to enter/exit the facility and grounds. Amherst Boarding shall provide keys and/or access codes to alarm systems for 24-hour a day canine officer access to the facility.

e. Record Keeping: Amherst Boarding will keep a record of all Police Department canines kenneled at the facility during each thirty (30) day/monthly billing cycle. The record will include the following information at a minimum:

    1. The date of arrival and departure;
    2. If food is provided by Amherst Boarding, the number of pounds of dog food consumed by the canine(s) during the billing cycle.

f. Invoice: Amherst Boarding will submit an invoice to the Police Department for approval at the end of each month.

14. Indemnity: To the fullest extent permitted by law, Amherst Boarding 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 Amherst Boarding 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.

15. Insurance Requirements: Amherst Boarding 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: Amherst Boarding 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: Amherst Boarding 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.

Attachment: Amherst Boarding Contract for CRS Routing (RES-2025-394 : Police Dog Boarding Agreement: Amherst Boarding Kennel (CRS#

16. Term of Agreement: The term of this Agreement shall be for the period beginning on April 1, 2025 and running through March 31, 2027.

17. Renewal of Agreement: One party shall notify the other party of their desire to renew the Agreement by written notice at least thirty (30) calendar days prior to the expiration of this Agreement. Upon receipt and written acknowledgment of such notice this Agreement shall renew for successive terms of two (2) years.

18. Termination of Agreement: This Agreement may be terminated by either party upon sixty (60) calendar days by written notice to the other party.

19. Rates:

Daily Rate	Purpose of Stay
$20.00	Residential Rate
$36.00	Vacation Rate

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed by their duly authorized officers the day and year first written above.

TOWN OF AMHERST, NEW YORK

By: _____ _____
Brian J. Kulpa, Town Supervisor Date

AMHERST BOARDING KENNEL, LLC

By: _____ _____
Richard Smehlik, Owner Date

Attachment: Amherst Boarding Contract for CRS Routing (RES-2025-394 : Police Dog Boarding Agreement: Amherst Boarding Kennel (CRS#

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 03/11/2025

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
Stahlka Agency, Inc
6724 Main St
Williamsville NY 14221

CONTACT NAME: Amy Schumacher
PHONE (A/C, No, Ext): (716) 634-7070 **FAX (A/C, No):** (716) 634-6411
E-MAIL ADDRESS: aschumacher@emsinsurance.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Erie Insurance Company of New York	
INSURER B : Erie Insurance Co	26263
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
AMHERST BOARDING KENNEL LLC
4650 MILLERSPORT HWY
EAST AMHERST NY 14051-1016

COVERAGES **CERTIFICATE NUMBER:** 24-25 L A U **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC OTHER:	Y		Q61-0474151	10/17/2024	10/17/2025	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG Employment Practices	$ 1,000,000 $ 1,000,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $ 100,000
B	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] OWNED AUTOS ONLY [X] SCHEDULED AUTOS [X] HIRED AUTOS ONLY [X] NON-OWNED AUTOS ONLY			Q06-6430117	06/14/2024	06/14/2025	~~COMBINED SINGLE LIMIT~~ (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
B	[X] UMBRELLA LIAB [X] OCCUR EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [X] RETENTION $ 10,000			Q34-6770010	10/17/2024	10/17/2025	EACH OCCURRENCE AGGREGATE	$ 2,000,000 $
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N [ ] If yes, describe under DESCRIPTION OF OPERATIONS below	N / A					[ ] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ $ $

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Town of Amherst is included as additional insured. Coverage applies on a primary and non-contributory basis for all ongoing and completed operations.

CERTIFICATE HOLDER

Town of Amherst
5583 Main St
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

Mark E. Stahlka

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Attachment: Amherst Boarding Contract for CRS Routing (RES-2025-394 : Police Dog Boarding Agreement: Amherst Boarding Kennel (CRS#

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name and address of Insured (use street address only) AMHERST BOARDING KENNEL LLC 4650 MILLERSPORT HWY EAST AMHERST NY 14051 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 1c. NYS Unemployment Insurance Employer Registration Number of Insured 1d. Federal Employer Identification Number of Insured or Social Security Number 16-1602888
2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst 5583 MAIN ST BUFFALO NY 14221-5488	3a. Name of Insurance Carrier Property and Casualty Insurance Company of Hartford 34690 3b. Policy Number of Entity Listed in Box "1a": 76 WEG FO1954 3c. Policy effective period: 01/01/2025 to 01/01/2026 3d. The Proprietor, Partners or Executive Officers are ☐ Included. (Only check box if all partners/officers included) ☒ all excluded or certain partners/officers excluded.

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. **(To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy).** The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than 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 Worker's 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: Sara Seier
(print name of authorized representative or licensed agent of insurance carrier)

Approved by: Sara Seier 03/21/2025
(Signature) (Date)

Title: Operations Manager

Telephone Number of authorized representative or licensed agent of insurance carrier: (877) 287-1312

Attachment: Amherst Boarding Contract for CRS Routing (RES-2025-394 : Police Dog Boarding Agreement: Amherst Boarding Kennel (CRS#

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)
AMHERST BOARDING KENNEL LLC
4650 MILLERSPORT HIGHWAY
EAST AMHERST, NY 14051

Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)*

1b. Business Telephone Number of Insured
716-636-6172

1c. Federal Employer Identification Number of Insured or Social Security Number
161602888

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
ShelterPoint Life Insurance Company

3b. Policy Number of Entity Listed in Box "1a"
DBL288277

3c. Policy effective period
01/01/2025 to 12/31/2025

4. Policy provides the following benefits:
- [X] A. Both disability and paid family leave benefits.
- [ ] B. Disability benefits only.
- [ ] C. Paid family leave benefits only.

5. Policy covers:
- [X] A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.
- [ ] B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 3/20/2025 By _____
(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number 516-829-8100 Name and Title Leston Welsh,Chief Executive Officer

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be emailed to PAU@wcb.ny.gov or it can be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4B, 4C or 5B have been checked)

State of New York
Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law(Article 9 of the Workers' Compensation Law) with respect to all of their employees.

Date Signed _____ By _____
(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number _____ Name and Title _____

Please Note: *Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1.* ***Insurance brokers are NOT authorized to issue this form.***

DB-120.1 (12-21)

DB-120.1 (12-21)

Attachment: Amherst Boarding Contract for CRS Routing (RES-2025-394 : Police Dog Boarding Agreement: Amherst Boarding Kennel (CRS#

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 30297 **RESOLUTION 2025-395** **ADOPTED**

Memorandum of Understanding Use of Amherst Police Department Community Policing and Training Facility Main-Transit Fire Department (CRS #5425)

TOWN BOARD AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

RE: **Memorandum of Understanding**
Use of Amherst Police Department Community Policing and Training Facility: Main-Transit Fire Department (CRS #5425)

Kindly adopt a resolution authorizing the Supervisor to adopt and execute the attached Memorandum of Understanding between the Town of Amherst (Police) and the Main-Transit Fire Department, with regard to the above-entitled matter. Approval of this MOU is contingent upon the successful completion of the Contract Routing Process.

Thank you.

SPC: msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: April 7, 2025)**

4/7/2025
Consent

FINANCIAL IMPACT:

No cost to the Fire Department

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

MEMORANDUM OF UNDERSTANDING
BETWEEN TOWN OF AMHERST POLICE DEPARTMENT and
MAIN-TRANSIT FIRE DEPARTMENT

1. Parties. This Memorandum of Understanding (hereinafter referred to as the "MOU") is made and entered into by and between the Town of Amherst, whose address is 5583 Main Street, Williamsville, New York, the Town of Amherst Police Department, whose address is 500 John James Audubon Parkway, Amherst, New York 14228 (hereinafter collectively referred to as the "Town") and the Main-Transit Fire Department, whose address is 6777 Main Street, Williamsville, New York 14221(hereinafter referred to as the "Fire Department"). As used in this MOU, the term "Parties'' describes the Town of Amherst Police Department and the Main-Transit Fire Department.

2. Purpose. This MOU constitutes a professional service and/or shared-use agreement between the parties, wherein the Town will make available to the Fire Department, the Amherst Police Department's Community Policing and Training Facility located at 4220 Bailey Avenue, Amherst, New York 14226 (hereinafter referred to as the "Facility") for training as described below. The purpose of this MOU is to establish the terms and conditions for use of the Facility by the Fire Department.

3. Conditions. In order for the Fire Department to utilize the Town's Facility, approval must be given by the Chief of Police, or his designee, and an individual MOU must be executed. The Fire Department is responsible for complying with all applicable Federal laws and, to the extent that they do not conflict with Federal law, State, County, Municipal laws, ordinances, and regulations wherein the Facility is located. The privilege granted to use the Facility will be without cost or expense to the Town.

4. Use of the Facilities. The Town agrees to allow the Fire Department the use of the agreed upon area of the Facility to conduct suitable training, together with the necessary rights and ingress and egress to the Facility. The Facility consists of four (4) separate areas and this MOU specifically covers use of the designated training areas to be used:

A. Classroom and presentation area located at the southernmost part of the Building. The area includes classroom furniture and audio/visual equipment.

B. Realistic training area.

5. Scheduling. Scheduling for use of the Facility is done by request in writing or email to the Chief of Police or his designee. Scheduling of the Facility will be a mutually agreeable date

Attachment: MOU Main Transit for CRS Routing (RES-2025-395 : MOU: Main-Transit Fire Department: Bailey Range Use (CRS# 5425))

and time. A designee of the Amherst Police Department will be responsible for maintaining a schedule of events at the Facility and communicating the schedule with the parties involved.

6. Rules and Regulations.

A. The Fire Department will use reasonable care in its use of the Facility and shall be responsible to the Town for conducting all activities in a safe and prudent manner so as not to endanger others while on Town property.

B. The Fire Department shall return the Facility to the Town after each use in the same condition as before its use, except for reasonable wear and tear as would be expected with the type of training done.

C. The Fire Department accepts the Facility in "as is" condition and acknowledges that the Town makes no warranty in any manner as to the fitness of the Facility for any specific purpose.

D. The Fire Department agrees that the Facility shall be used solely for training purposes and to follow all posted rules and safety regulations.

E. The Fire Department agrees to have a qualified instructor present who has attended and completed a safety and orientation briefing presented by a Town Facility administrator.

F. The Fire Department, its agents, employees and invitees, agree to abide by all Facility and training safety rules and to attend and complete a safety briefing by a qualified instructor before each use.

G. Violations of any of the agreed upon rules and regulations, or any above stated laws, or any damage (negligent or otherwise) may result in the termination of this MOU for the Fire Department, resulting in the loss of the Facility usage for the Fire Department.

7. Acknowledgement of Risk. To the fullest extent permissible by New York State law, the Fire Department agrees to hold harmless the Town and its officials, agents and employees, and agrees to indemnify and defend the Town and its officials, agents and employees against any and all liability, claims or damages including reasonable attorney's fees, arising out of the Fire Department's use of the Facility by person or persons who are officials, professionals affiliated with, or employees of the Fire Department acting within the scope of their employment arising from any activities relating to this MOU.

Attachment: MOU Main Transit for CRS Routing (RES-2025-395 : MOU: Main-Transit Fire Department: Bailey Range Use (CRS# 5425))

All persons being trained by the Fire Department, or who are at the Facility at the request or invitation of the Fire Department, will be at all times under the direct supervision of authorized Fire Department instructors.

The Fire Department shall not commence training under this MOU until it has obtained all insurance specified below, produced satisfactory proof of the same and such insurance has been approved by the Town. (a) General Liability, Professional (if applicable) Liability and Property Damage Insurance: Vendor shall take out and maintain during the life of this MOU, 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 MOU. 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 $10,000,000.00 aggregate. Umbrella coverage shall be in an amount of at least $5,000,000.00. The Town of Amherst carries the Workers' Compensation Insurance for the Fire Department's volunteer Firefighters.

The Fire Department is responsible for ensuring that all personnel using the Facility, while it is assigned to or otherwise being used by the Fire Department, understand and agree that the use of the Facility is an inherently dangerous activity and that in consideration for being allowed to use the Facility, each individual assumes the risk of any injuries that may occur while using the Facility. Further, the Fire Department is responsible for ensuring that the individuals release the Town from any liability for injuries occurring on Town property to the extent allowable by law.

The Town expressly disclaims any and all liability for damage or injury to the Fire Department, its agents, employees or invitees related to this MOU. The Town shall not be liable for theft, vandalism or pilferage of the Facility or any items contained therein, which occurs during such time as the Facility is being used by the Fire Department.

8. Term of MOU. This MOU becomes effective when approved by the parties identified below and will remain in effect for five (5) years after the MOU is signed. The parties then have the option to renew the MOU for two (2) additional, five (5) year terms.

Either party may terminate this MOU upon thirty (30) days written notification to the other party. Such notice will be the subject of immediate consultation to the parties to decide upon the appropriate course of action. Additionally, this MOU may be modified upon the mutual written consent of the parties, signed by the signatories to this MOU.

Attachment: MOU Main Transit for CRS Routing (RES-2025-395 : MOU: Main-Transit Fire Department: Bailey Range Use (CRS# 5425))

9. General Provisions

A. Applicable Law. The construction, interpretation and enforcement of this MOU shall be governed by the laws of the United States, and to the extent that they do not conflict with the laws of the United States, the laws of the State of New York. Any action arising out of this MOU and the parties shall be brought in U.S. District Court. The Chief of Police or their designees have final say on all matters pertaining to safety, usage and administration at the Facility. This supersedes any and all rank or administrative titles carried by members of guest agencies.

B. Entirety of Agreement. This MOU, consisting of five (5) pages, represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral.

C. Severability. Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.

D. Sovereign Immunity. The Fire Department, the Town and their respective governing bodies do not waive their sovereign immunity by entering into this MOU, and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.

E. Third Party Beneficiary Rights. The Parties do not intend to create in any other individual or entity the status of a third-party beneficiary and this MOU shall not be construed so as to create such status. The rights, duties and obligations contained in this MOU shall operate only between the Parties to this MOU and shall insure solely to the benefit of the Parties to this MOU. The provisions of this MOU are intended only to assist the Parties in determining and performing their obligations under this MOU. The Parties to this MOU intend and expressly agree that only Parties signatory to this MOU shall have any legal or equitable right to seek to enforce this MOU, to seek any remedy arising out of a Party's performance or failure to perform any term or condition of this MOU, or to bring an action for the breach of this MOU.

F. Force Majeure. Neither the Town nor the Fire Department shall be deemed in default hereunder if either Party is prevented from performing any of the obligations by reason of strikes, labor disputes, acts of God, acts of the public enemy, acts of the government, or sabotage or any other circumstances for which it is not responsible or which are not within its control.

10. Funding.

There will be no cost to the Fire Department to utilize the Facility.

Attachment: MOU Main Transit for CRS Routing (RES-2025-395 : MOU: Main-Transit Fire Department: Bailey Range Use (CRS# 5425))

11. <u>Signatures</u>. In witness whereof, the parties to this MOU through their duly authorized representatives have executed this MOU on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein.

The effective date of this MOU is the date of the signature last affixed to this page.

Main-Transit Fire Department

_____

Adam Karl, 1st Assistant Chief Date

Town of Amherst Police Department

_____

Brian J. Kulpa, Town Supervisor Date

_____

Scott P. Chamberlin, Chief of Police Date

Attachment: MOU Main Transit for CRS Routing (RES-2025-395 : MOU: Main-Transit Fire Department: Bailey Range Use (CRS# 5425))

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 03/26/2025

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
Emerling, Floss, Murphy & Associates, LLC.
9092 Main Street
Clarence NY 14031

CONTACT NAME: Karen Stucker-Leising
PHONE (A/C, No, Ext): (716) 631-0190 **FAX (A/C, No):** (716) 631-0198
E-MAIL ADDRESS: kleising@emsinsurance.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : National Union Fire Ins. Co	19445
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Main-Transit Fire Department, Inc.
6777 Main Street
Williasmville NY 14221

COVERAGES **CERTIFICATE NUMBER:** CL2442414662 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC [ ] OTHER:	Y		VFNU-TR-0012635-04	04/20/2024	04/20/2025	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 1,000,000 $ 10,000 $ 1,000,000 $ 10,000,000 $ 10,000,000
A	AUTOMOBILE LIABILITY [X] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY			VFNU-TR-0012635-04	04/20/2024	04/20/2025	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
A	[X] UMBRELLA LIAB [X] OCCUR EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $			VFNU-TR-0012635-04	04/20/2024	04/20/2025	EACH OCCURRENCE AGGREGATE	$ 5,000,000 $ 10,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N [ ] If yes, describe under DESCRIPTION OF OPERATIONS below	N / A					[ ] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ $ $

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Town of Amherst is included as an additional insured for the named insured's use of the Town of Amherst Police Department Bailey training facility for a training drill.

CERTIFICATE HOLDER
Town of Amherst
5583 Main Street
Williamsville NY 14221

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Joseph M. Floss

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Attachment: MOU Main Transit for CRS Routing (RES-2025-395 : MOU: Main-Transit Fire Department: Bailey Range Use (CRS# 5425))

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 30298 **RESOLUTION 2025-396** **ADOPTED**

Intermunicipal Agreement: Police Tactical Team Cooperation Town of Tonawanda (CRS #5405)

TOWN BOARD AGENDA ITEM : APRIL 7, 2025

TO: **Town Board**

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

RE: **Intermunicipal Agreement: Police Tactical Team Cooperation Town of Tonawanda (CRS #5405)**

Kindly adopt a resolution authorizing the Supervisor to adopt and execute the attached agreement between the Town of Amherst (Police) and the Town of Tonawanda, with regard to the above-entitled matter. This agreement has successfully completed the Contract Routing Process.

Thank you.

SPC: msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: April 7, 2025)**

4/7/2025
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, Szukala, Marinucci

INTERMUNICIPAL AGREEMENT
POLICE TACTICAL TEAM COOPERATION

This Agreement, made the 25 day of February, 2025 between the Town of Tonawanda, a municipal corporation with its principal place of business at the Kenmore-Tonawanda Municipal Building, 2919 Delaware Avenue, Kenmore, New York 14217, and the Town of Amherst, a municipal corporation with its principal place of business at 5583 Main Street, Williamsville, New York 14221

RECITALS

WHEREAS, §119-o of the General Municipal Law ("GML") permits municipal corporations to enter into agreements for the performance amongst themselves or one for the other of their respective functions, powers, and duties on a cooperative or contract basis or for the provision of a joint service; and

WHEREAS, the parties hereto have experienced within their jurisdictions a potential need for the joint response of both participants' police tactical teams to deal with certain criminal acts or threats, including but not limited to barricaded suspects, hostage takers, or other persons committing violent acts that may be more effectively dealt with through the use of a specially trained tactical team rather than standard police operations.

NOW THEREFORE, the parties do mutually agree pursuant to the terms and provisions of this Tactical Team Cooperation Agreement as follows:

ARTICLE ONE
Purpose of the Agreement

The purpose of this Agreement is to:

1. Formalize the relationship between the Town of Tonawanda Police Department and its SWAT Team and the Town of Amherst and its Emergency Response Team (hereinafter referred to as "Tactical Teams") and the use of the combined tactical team resources;

Attachment: Original Contract 3.19.2025 (RES-2025-396 : Intermunicipal Agreement: Town of Tonawanda Tactical Team Cooperation

2. Eliminate the need to follow the formal procedure outlined in GML §209-m to request assistance from the other party in the form of personnel and/or equipment;

3. Provide for more efficient utilization of law enforcement resources and services; and

4. In accordance with the provisions of this Agreement, each participating entity shall make available to the other participating entity the tactical team resources of the other participating entity in the event of an emergency.

ARTICLE TWO
Personnel and Equipment

Each party agrees that its police department may supply tactical team personnel, equipment, and other available resources to the other upon request in an emergency if their respective police chief or his designee deems it appropriate. The number of personnel, if any, and the amount of equipment to be dispatched by the responding party shall be determined by that agency's police chief or designee.

In furtherance of this Agreement, the parties agree to conduct joint training for all employees participating in tactical team operations, subject to the terms of this Agreement. Such training shall occur at a mutually agreed upon time and place between the parties.

ARTICLE THREE
Retained Personnel and Equipment

Each party agrees that the responding party may hold back sufficient personnel and equipment to provide adequate protection within its territory. Should a need for the loaned personnel and equipment arise within its territory, the responding party may recall such personnel and equipment or any part thereof. The responding party shall inform the requesting party of its intent to withdraw.

Attachment: Original Contract 3.19.2025 (RES-2025-396 : Intermunicipal Agreement: Town of Tonawanda Tactical Team Cooperation

ARTICLE FOUR
Compensation

Neither participant, as a requesting party, shall be obligated to compensate the responding party for services rendered by or injuries to the responding party's personnel or for the use or damage to the responding tactical team's equipment. Specifically, and without limiting the foregoing, the requesting party shall have no obligation to pay wages or withholding for unemployment, workers' compensation, or for the payment of any other benefits to the personnel of the responding party. Each participant hereto hereby waives all claims of whatever type or nature, except for those resulting from gross negligence or reckless disregard, against the other and its personnel, which may arise from the performance of this Agreement.

ARTICLE FIVE
Control of Personnel and Equipment

The Incident Commander of the requesting party shall be in command of the operation(s) under which the equipment and personnel sent by the responding party shall serve, provided that the responding personnel and equipment shall be under the immediate supervision of the officer in charge of the responding party. Command, however, may be relinquished to a ranking or senior officer of the party rendering assistance under the terms of this Agreement.

ARTICLE SIX
Privileges and Immunities

To the extent permitted by law, all the powers, duties, rights, privileges, and immunities from liability that surround the activities of any participating tactical team or agency when performing its functions within the public agency's territorial limits shall apply to the activities of that agency's tactical team while furnishing tactical assistance outside its territorial limits under the terms of this Agreement.

Specifically, as set forth in GML §119-n(c) and §119-o of the GML, police officers assisting another local government outside their normal geographical area of employment shall have all powers and authority of law enforcement officers in such other jurisdiction as provided by law, including but not limited to, the power of arrest.

Attachment: Original Contract 3.19.2025 (RES-2025-396 : Intermunicipal Agreement: Town of Tonawanda Tactical Team Cooperation

ARTICLE SEVEN
Line of Duty Death or Injury

The effect of the death, injury, or disability of any officer who is killed, injured, or disabled outside the territorial limits of either participating entity while in the performance of this agreement shall be the same as if they were killed, injured, or were to become disabled while that officer was functioning within its territorial limits, and such injury or death shall be considered to be in the line of duty.

ARTICLE EIGHT
Liability and Indemnification

Neither party shall incur any liability or responsibility for failing to respond to any request for assistance according to this Agreement. This Agreement shall not be construed as or deemed an agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action whatsoever for any claim.

Neither party shall be required to indemnify the other for any claim arising from its participation under this Agreement. Each party shall be responsible for defending its respective entity in any action or dispute that arises in connection with or as a result of this Agreement, and each party will be responsible for bearing their own costs, damages, losses, expenses, and attorney fees. Each party shall be obligated to notify the other of any claims or lawsuits received arising out of tactical team operations.

ARTICLE NINE
Administration

The participants intend that no separate legal entity is created by this Agreement to carry out its provisions. To the extent this Agreement requires administration other than as set forth herein, it shall be administered by the governing bodies or an appointee of the governing bodies acting as a joint board. The participants shall acquire no real or personal property because of this Agreement.

Each party shall have equal access to the records created by the other party related to incidents responded to under this Agreement.

Attachment: Original Contract 3.19.2025 (RES-2025-396 : Intermunicipal Agreement: Town of Tonawanda Tactical Team Cooperation

ARTICLE TEN
Compliance with Laws

Each participant agrees to comply with all applicable federal, state, and local laws, rules, and regulations applicable to the respective entities and employees in connection with the performance of this Agreement.

ARTICLE ELEVEN
Approval, Duration, and Termination

This Agreement shall not be effective until approved by a majority vote, as required by §119-o of the GML, of each party's governing body.

This Agreement may be changed, modified, or amended by written agreement of the participants, subject to the requirements of paragraph 1 of this Article.

This agreement shall terminate on December 31, 2025. However, the terms herein shall continue until both legislative bodies have held their annual organizational meetings. At such meetings, this agreement shall be considered for renewal, and if approved by each legislative body, such renewal shall be made effective January 1, 2026. Either party may terminate any rights and obligations under this Agreement at any time by giving thirty (30) days written notice of its intent to withdraw to the Chief of Police of the other party.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date and year above written.

TOWN OF TONAWANDA

By: _____
Joseph H. Emminger
Supervisor

TOWN OF AMHERST

By: _____
Brian J. Kulpa,
Supervisor

Attachment: Original Contract 3.19.2025 (RES-2025-396 : Intermunicipal Agreement: Town of Tonawanda Tactical Team Cooperation

State of New York)
) ss.:
County of Erie)

On the 25th day of February in the year 2025, before me, the undersigned personally appeared JOSEPH H. EMMINGER, personally known to me or proved to me based on satisfactory evidence to be the individual whose name is subscribed to within the instrument and acknowledged to me that they executed the same in their capacity and that by their signatures on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

JEANNE M. STEWART
No. 01ST6344073
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 06/27/20 28

State of New York)
) ss.:
County of Erie)

On the day of in the year 2025, before me, the undersigned personally appeared BRIAN J. KULPA, personally known to me or proved to me based on satisfactory evidence to be the individual whose name is subscribed to the within the instrument and acknowledged to me that they executed the same in their capacity and that by their signatures on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

Attachment: Original Contract 3.19.2025 (RES-2025-396 : Intermunicipal Agreement: Town of Tonawanda Tactical Team Cooperation

Town of Tonawanda Board
2919 Delaware Ave
Kenmore, NY 14217
Marguerite Greco, Town Clerk

Meeting: 02/24/25 07:00 PM
Department: Police

RESOLUTION (ID # 21529)

Motion: Approve and Authorize the Supervisor to Execute an Intermunicipal Agreement Between the Town of Tonawanda and the Town of Amherst to Formalize the Relationship Between Their Respective Tactical Teams, as Set Forth in the Agenda Before You.

WHEREAS, Section 119-o of the General Municipal Law (GML) permits municipal corporations to enter into agreements for the performance amongst themselves or one for the other of their respective functions, powers, and duties on a cooperative or contract basis or for the provision of a joint service; and

WHEREAS, the parties hereto have experienced within their jurisdictions a potential need for the joint response of both participants' police tactical teams to deal with certain criminal acts or threats including but not limited to barricaded suspects, hostage takers, or other persons committing violent acts that may be more effectively dealt with through the use of a specially trained tactical team rather than standard police operations; and

NOW THEREFORE BE IT RESOLVED, that this Town Board does hereby approve and authorize Supervisor Joseph Emminger to sign and execute an Intermunicipal Agreement with the Town of Amherst to formalize the relationship between the Town of Tonawanda and Town of Amherst Police Departments' tactical teams.

I do certify that I have compared the foregoing with the original minutes of the regular meeting of the Town Board held on February 24, 2025 and that the foregoing is a true and correct transcript from said original minutes and the whole thereof, and that the resolutions duly adopted by said Town Board are on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said Town of Tonawanda, Erie County, New York, this 25th day of February, 2025.

Marguerite Greco, Town Clerk
Town of Tonawanda, NY

Attachment: Original Contract 3.19.2025 (RES-2025-396 : Intermunicipal Agreement: Town of Tonawanda Tactical Team Cooperation

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Economic Development
Initiated by: **Megan Winnert**
Co-Sponsored by:

DOC ID: 30305 **RESOLUTION 2025-397** **ADOPTED**

Town of Amherst Emergency Services Sole Source and Standardization of Communication Equipment- CRS #5427

WHEREAS, The Town of Amherst Police Department, Emergency Services Department, Highway Department and Amherst Central Fire Alarm Office require extensive radio network system improvements to provide reliable public safety communications; and

WHEREAS, The Town of Amherst's radio network system improvements require the Town to join Niagara County's Trunked Radio Network to ensure improved radio communications and interoperable communications throughout Amherst and adjacent municipalities, including service in areas of Amherst that currently lack adequate radio communications; and

WHEREAS, Niagara County has standardized their communication equipment as part of their regional Trunked Radio Network and it is critical and required for the Town of Amherst to meet Niagara County's standardized specifications and utilize the same vendor to be compatible with their existing communications network; and

WHEREAS, The Town of Amherst does not require competitive bidding when a good or service is only available from one possible source and the services provide a unique benefit to the public to which there is no other service that provides substantially similar benefits; and

WHEREAS, Motorola Solutions Inc, is the sole source vendor for the required equipment needed to ensure connectivity with Niagara County's Trunked Radio Network and Motorola does not allow their contracting partners to bid against them with their own products; now therefore be it

RESOLVED, that for reasons of efficiency and compatibility, and to meet Niagara County's specifications, the Town Board adopts this resolution to standardize and sole source with Motorola Solutions Inc; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor, subject to the satisfactory completion of the contract routing process (CRS 5427), to enter into an agreement with Motorola Solutions, Inc. for the purposes of Radio Network System Improvements to the Town's Dispatch Centers.

4/7/2025
Consent

FINANCIAL IMPACT:

The funds necessary to contract for services with Motorola have been awarded to the Town by a U.S. Department of Justice COPS Technology Grant (#15JCOPS-23-GG-01700-TECHP). The resolution will, therefore, have no impact on the Town's current budget or tax rate.

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

OFFICE OF THE SHERIFF
COUNTY OF NIAGARA
5526 Niagara Street Ext.
P.O Box 496
Lockport, New York 14095-0496

Michael J. Filicetti
Sheriff
Michael P. Dunn
Undersheriff
(716) 438-3370

April 1, 2025

Supervisor Brian J. Kulpa
Town of Amherst
5583 Main St
Williamsville, NY 14221

Dear Supervisor Kulpa,

The Niagara County P25 Trunked Radio System consists of 13 Land Mobile Radio (LMR) Trunking sites. This system operates on a Motorola Public Safety Technology Platform, encompassing the necessary hardware and system components required for reliable P25 interoperable communications.

To ensure seamless integration, system integrity, and operational performance for all users, participation requires adherence to these established standards. Any additional radio sites connected to the Niagara County Emergency Communications Radio Network must utilize compatible Motorola communications equipment, including relevant hardware components, as specified by our system's technical requirements.

End user equipment such as portable radios and mobile radios do not need to be specifically a Motorola product, however, there is more functionality with a Motorola product that operates on a site built with Motorola components. In addition, any other vendor that offers end user equipment needs to be P25 Phase 2 (TDMA) compliant and meet the specifications as adopted and published by the Niagara County 911 Board. A copy of this will be provided for reference.

Sincerely,

Sheriff Michael Filicetti
Niagara County Sheriff's Office

Attachment: Amherst PD Motorola Standardization (RES-2025-397 : Emergency Services Standardization of Communication Equipment)

MOTOROLA SOLUTIONS

Motorola Solutions, Inc.
123 Tice Blvd Suite 202
Woodcliff Lake, NJ 07677

Telephone: +1 201.949.5500
Fax: +1 201.949.5799

April 3, 2025

Rich Phillips
Amherst Police Department
500 John James Audubon Pkwy
Amherst, NY 14228

Re: Motorola 2nd Tier Sole Source Justification

Dear Mr. Phillips

This letter seeks to affirm that the Motorola AXS Dispatch System proposal submitted to Amherst Police Department utilizing NYS-OGS Contract PT68722 would not require Second Tier Competition.

The NYS OGS Contract PT68722 outlines the exceptions to the second tier competition section in Attachment 7 – How to Use This Contract, Section 2.1.1 – Exceptions to Second Tier Competition Requirements (p. 2-3). Additionally, an Authorized User (AU) may engage directly with a Contractor if they are the only vendor on Contract offering the items the AU is looking to purchase, and they have no Resellers.

In the case of this specific proposal, all of the equipment is outside of our PCR or Commercial line of products. Therefore, as the clarifying email from the NYS Office of General Services (attached) indicates, since we do not have any resellers of this line of equipment, second tier competition is not required.

Please feel free to reach out to Patrick Heavey, Motorola Strategic Projects Team, at 773-931-0565 if you have any questions. Motorola Solutions truly appreciates the opportunity to support the Town of Amherst as you modernize your public safety communications system.

Sincerely

Patrick Heavey
Strategic Projects Manager
Motorola Solutions, Inc.

Attachment:

Attachment: Amherst - Dispatch System OGS 2nd Tier Sole Source - 04.03.25 (RES-2025-397 : Emergency Services Standardization of

MOTOROLA SOLUTIONS

Motorola Solutions, Inc.
123 Tice Boulevard, Suite 202
Woodcliff Lake, NJ 07677

Telephone: +1 201.949.5500
Fax: +1 201.949.5799

Chan, Lydia (OGS) <Lydia.Chan@ogs.ny.gov>

Mar 25, 2022, 10:11 AM

To: Christopher Meyer

Good morning,

Thank you again for reaching out to OGS with your questions. As discussed, here is a follow-up on the Second Tier Competition with regard to Motorola:

Generally speaking, Second Tier Competition is **required** in the following situations:

- Equipment with Service, or Service only purchases **equal to or over** $10,000
- Equipment Only purchases **equal to or over** $5,000

There are some exceptions, outlined in Attachment 7 – *How to Use This Contract*, Section 2.1.1 – *Exceptions to Second Tier Competition Requirements* (p. 2-3). Additionally, an Authorized User (AU) may engage directly with a Contractor if they are the only vendor on Contract offering the items the AU is looking to purchase, and they have no Resellers.

In Motorola's case, there are four Contractors who offer Motorola products:

- Bear Communications INC dba Bearcom*
- Electronic Systems Solutions INC *
- Motorola Solutions INC
- Philip M Casciano Associates INC dba PMC Associates*

However, the three Contractors highlighted with an asterisk(*) only offer equipment from the Professional and Commercial Radios (PCR) Product Lines. Therefore, in addition to the situations outlined above, the requirement for Second Tier Competition would depend on what equipment the AU is looking to purchase:

- If the AU wants to purchase Motorola PCR equipment and/or services, Second Tier Competition would be required.
- If the AU wants to purchase Motorola equipment and/or services outside of the PCR Product Lines, Second Tier Competition would not be required, because Motorola has no Resellers.

All OGS Contract information may be found on the OGS website: https://online.ogs.ny.gov/purchase/snt/awardnotes/7720023141can.htm. Product Pricing and Labor Rates are located under "Contractor Information."

Attachment: Amherst - Dispatch System OGS 2nd Tier Sole Source - 04.03.25 (RES-2025-397 : Emergency Services Standardization of

MOTOROLA SOLUTIONS

Motorola Solutions, Inc.
123 Tice Boulevard, Suite 202
Woodcliff Lake, NJ 07677

Telephone: +1 201.949.5500
Fax: +1 201.949.5799

I hope this information is helpful! Please let me know if you have any additional questions.

Sincerely,

Lydia Chan
She/Her/Hers
Contract Management Specialist 2, Data & Market Analytics

Office of General Services | Procurement Services
37th Floor, Corning Tower, ESP, Albany, NY 12242
p. (518) 473-6962 | lydia.chan@ogs.ny.gov
www.ogs.ny.gov

Attachment: Amherst - Dispatch System OGS 2nd Tier Sole Source - 04.03.25 (RES-2025-397 : Emergency Services Standardization of

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Senior Services
Initiated by: **Melissa Abel**
Co-Sponsored by:

DOC ID: 30270 **RESOLUTION 2025-398** **ADOPTED**

Class Instructor, Harriet Grayson CRS #5397

We respectfully request Town Board permission to authorize the Supervisor to sign the Class Instructor Commitment Form between the Town of Amherst (Dept. of Sr. Services) and Class Instructor, Harriet Grayson. Pay rate is $30.00 per hour.

4/7/2025
Consent

FINANCIAL IMPACT:

$30.00 per hour charged to A6772-4090

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

TOWN OF AMHERST

CLASS INSTRUCTOR/SUB-CONTRACTOR COMMITMENT FORM

Amherst Center for Senior Services
370 John James Audubon Pkwy.
Amherst NY 14228

Instructor Name: Harriet Grayson
(Payment/Check payable to same)

Address: 9500 Transit Road Apt. 324

East Amherst, NY 14228

Class/Activity: Literature Instructor

This is a -5- year contract.

Start Date: May 5, 2025 Date executed below by the Town Supervisor

End Date: May 4, 2030

Rate per hr.: $30.00

Harriet Grayson, agrees to indemnify and hold the Town of Amherst harmless for any charges, damages, or liability resulting directly or indirectly from the negligence or culpable conduct of the instructor, its agents and/or employees and to release the Town of Amherst and its employees, agents, districts, commissions, and boards from liability arising from the performance of this agreements.

Harriet Grayson
Instructor/Leader Signature

3-5-25
Date

Brian J. Kulpa, Supervisor, Town of Amherst

Date

Contract Name Class Instructor CRS# 5397 *Vendor Name* Harriet Grayson

Contractor Commitment Form 2021

Attachment: Harriet Grayson-04012025113706 (RES-2025-398 : Class Instructor, Harriet Grayson CRS #5397)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Senior Services
Initiated by: **Melissa Abel**
Co-Sponsored by:

DOC ID: 30272 **RESOLUTION 2025-399** **ADOPTED**

Class Instructor, Colleen Besseghini CRS #5398

We respectfully request Town Board permission to authorize the Supervisor to sign the Class Instructor Commitment Form between the Town of Amherst (Dept. of Sr. Services) and Class Instructor, Colleen Besseghini. Pay rate is $25.00 per hour.

4/7/2025
Consent

FINANCIAL IMPACT:

$25.00 per hour charged to A6772-4090

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

TOWN OF AMHERST

CLASS INSTRUCTOR/SUB-CONTRACTOR COMMITMENT FORM

Amherst Center for Senior Services
370 John James Audubon Pkwy.
Amherst NY 14228

Instructor Name: Colleen Besseghini
(Payment/Check payable to same)

Address: 24 Lyman Road

Amherst, NY 14226

Class/Activity: Belly Dance Instructor

This is a -5- **year contract.**

Start Date: May 1, 2025 **Date executed below by the Town Supervisor**

End Date: April 30, 2030

Rate per hr.: $25.00

Colleen Besseghini, **agrees to indemnify and hold the Town of Amherst harmless for any charges, damages, or liability resulting directly or indirectly from the negligence or culpable conduct of the instructor, its agents and/or employees and to release the Town of Amherst and its employees, agents, districts, commissions, and boards from liability arising from the performance of this agreements.**

Colleen Besseghini
Instructor/Leader Signature

2/20/25
Date

Brian J. Kulpa, Supervisor, Town of Amherst

Date

Contract Name Class Instructor CRS# _____ *Vendor Name* Colleen Besseghini

Contractor Commitment Form 2021

Attachment: Colleen Besseghini-04012025115745 (RES-2025-399 : Class Instructor, Colleen Besseghini CRS #5398)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Sewer/Plant 16
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 30288 **RESOLUTION 2025-400** **ADOPTED**

Budget Transfer - MLP Plumbing & Mechanical, Inc. WPCF: HVAC Facility Improvements, Phase 4 – Mechanical Contract Town Project No. 2017.002D

At the February 3rd, 2025 Town Board Meeting, the above referenced project was awarded to MLP Plumbing & Mechanical, Inc. per their bid amount of $494,400.00. Town Board Resolution 2025-151.

To provide the proper level of funding for the project's mechanical contract, funds are available for this contract from the following accounts:

Funding Source	Account No.	Amount
WPCF: HVAC Improvements Phase 4 Bond	KP1724-4972	$330,332.80
WPCF: HVAC Facility Improvements Phase 5 Bond	KP2348-4972	$158,325.00
Plant 16 HVAC/Plumbing General Account	G9916-4923	$5,742.20

May we have your approval for the above referenced Budget Transfer? Thank you for considering this request.

4/7/2025
Consent

FINANCIAL IMPACT:

KP1724-4972, KP2348-4972, G9916-4923

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

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Clerk
DOC ID: 30248

COMMUNICATION 2025-24 **APPROVED**

Fee Waiver Request- Main-Transit Fire Department

Main-Transit Fire Department will be hosting the New York Championship Drill and Parade on August 16th and 17th of 2025 and requests the parade permit fee, the police fee, and the fire prevention/tent permit fee. Building Commissioner and Police Captain responses are attached.

4/7/2025
Consent

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

Main - Transit Fire Department, Inc.

SERVING AMHERST, NEW YORK SINCE 1936

Mailing Address • 6777 Main Street, Williamsville, NY 14221-5948 **Web Site** • WWW.MTFD.COM
Fire Station #1 • 6777 Main Street • Phone (716) 632-9710 • Fax (716) 632-8798
Fire Station #2 • 5560 Sheridan Drive • Phone (716) 632-1358

Attachment: Main-Transi-03262025144427 (COM-2025-24 : Fee Waiver Request- Main-Transit Fire Department)

Francina J. Spoth
Amherst Town Clerk
5583 Main Street
Williamsville, NY 14221

October 10, 2024

I am writing on behalf of the Main-Transit Fire Department. On August 16th and 17th of 2025, Main-Transit will be hosting the New York State Championship Drill and Parade. This event will bring large groups of people from across New York State to the Amherst and Williamsville area.

As in previous years, we are specifically requesting the approval of a parade permit for Sunday, August 17th, 2025, along with the waiver of the associated parade permit fee. The parade will proceed along Main Street, starting at ECC North's Tech Drive entrance and ending at the Main-Transit Fire Department grounds at 6777 Main Street. See attached parade map for more details.

Additionally, we request that any fees for tents set-up on the fire station property at 6777 Main Street throughout the week of the event be waived.

Main-Transit greatly appreciates your support and consideration for these requests. Should you have any questions or require further information, please feel free to contact me via phone or Email at (716) 380-3789, AZippiroll@mtfd.com or contact Daniel Hooper at your earliest convenience.

Thank you for your time, and we look forward to your response.

Andrew C. Zippiroli
2025 NYS Committee Chairmen
Main-Transit Fire Department

TOWN OF AMHERST

TOWN CLERK'S OFFICE

5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
(716) 631-7021
FAX (716) 631-7152
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Kathleen Cooper
Deputy Town Clerk

Timothy Koller
Deputy Town Clerk

WALK/RUN/BIKE/PARADE EVENT APPLICATION

Date of application: 10/10/2024	
Requesting Organization: Main-Transit Fire Department	Name of Representative: Andrew Zippiroli
Address: 6777 Main Street, Amherst, NY 14221	
Business phone: (716) 632-9710	Cell phone: (716) 380-3789
Email: AZippiroli@mtfd.com	

Name of event: 2025 NYS Championship Parade

Event Date: August 17th, 2025

Event times (include necessary setup/cleanup): 9:00am to 4:00pm

YOU MUST ATTACH A MAP OF THE ROUTE TO THIS APPLICATION

Please describe route: The parade will proceed along Main Street, starting at ECC North's Tech Drive entrance and ending at the Main-Transit Fire Department grounds at 6777 Main Street. See attached parade map for more details.

Est. number of participants: 800

(Please include walkers/runners/bikers, volunteers, staff, etc. in this total)

For groups with 1,000 or more participants, a safety/emergency plan must be submitted.
****Please make sure you have approval from your Fire Chief prior to submitting application.***

Return this application to the Town Clerk's office with your $25.00 non-refundable fee

FOR INTERNAL USE ONLY

Application Fee Paid on: _____

Approval received from:
- ✓ Central Fire Alarm
- ✓ Police Department
- ✓ Emergency Services
- _____ Youth & Recreation

Estimated Police costs: 1,815.07

Amount due: _____ ↳ see email

Date received from applicant: _____

Attachment: Main-Transi-03262025144427 (COM-2025-24 : Fee Waiver Request- Main-Transit Fire Department)

TOWN OF AMHERST
BUILDING DEPARTMENT
ERIE COUNTY, NEW YORK
5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221

PHONE: (716) 631-7080
FAX: (716) 631-7192

Mark S. Berke, P.E.
Commissioner of Building

Agenda Item

DATE: March 26, 2025

TO: Town Board

FROM: Mark S. Berke, P.E., Commissioner of Building

RE: Request for Waiver of Fire Prevention/Tent Permit Fees
6777 Main Street – Main-Transit Fire Hall
2025 NYS Championship Parade – Week of August 17, 2025

I have reviewed the letter dated October 10, 2024, from Andrew C. Zippiroli, 2025 NYS Committee Chairmen, regarding the referenced matter. I hereby recommend the approval of this request to waive the fire prevention/tent permit fee for this event.

Please contact me if you have any questions regarding this matter.

Mark S. Berke, P.E.
Commissioner of Building

CC: Bryan Parnell, Sr. Fire Inspector
Fran Spoth, Town Clerk

Attachment: Main-Transi-03262025144427 (COM-2025-24 : Fee Waiver Request- Main-Transit Fire Department)

Brownson, Ashley

From: Charles Persons
Sent: Friday, December 20, 2024 4:18 PM
To: Brownson, Ashley
Cc: Merrill, Thomas A.; Peters, Brandon
Subject: Re: Main & Transit Parade

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I spoke to the applicant and I approved the application with our implementation plan. Our plan is to shut down both eastbound lanes and cone off the median for eastbound traffic. We will need about 12 officers to handle the traffic. I estimate the total cost to be $2,815.07 and the billable cost to be $1,815.07. The applicant is requesting that we waive the fee because they are a government partner agency. I am willing to waive the cost to the Fire Department.

On Wed, Dec 18, 2024 at 10:13 AM Brownson, Ashley <abrownson@amherst.ny.us> wrote:

> Good Morning,
>
> Please see the attachment for a parade request.
>
> Name: 2025 NYS Championship Parade
>
> Date: 8/17/2025
>
> Time: 9a-4p
>
> # of Participants: 800
>
> Thank you!

Attachment: Main-Transi-03262025144427 (COM-2025-24 : Fee Waiver Request- Main-Transit Fire Department)

Ashley Brownson

Supervising Tax Clerk

Town of Amherst

716-631-7048

--

Captain Charles Persons
Amherst Police Department
500 John James Audubon Pkwy.
Amherst, NY 14228
(716) 689-1355

Attachment: Main-Transi-03262025144427 (COM-2025-24 : Fee Waiver Request- Main-Transit Fire Department)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Supervisor
DOC ID: 30309 A

COMMUNICATION 2025-25 **REFERRED**

Letter of Intent for the Shared Use of the Niagara County Public Safety Radio Communications System

Please see attached correspondence from the Niagara County Sheriff's Office, dated March 10, 2025, and response from Town of Amherst Supervisor, dated March 17, 2025, regarding the Letter of Intent for the Shared Use of the Niagara County Public Safety Radio Communications System.

4/7/2025
Referred to Town Attorney

FINANCIAL IMPACT:

tbd

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

OFFICE OF THE SHERIFF
COUNTY OF NIAGARA
5526 Niagara Street Ext.
P.O Box 496
Lockport, New York 14095-0496

Michael J. Filicetti
Sheriff
Michael P. Dunn
Undersheriff
(716) 438-3370

Sheriff Michael Filicetti
Niagara County Sheriff's Office
5526 Niagara Street Ext.
Lockport, NY 14094

March 10, 2025

Supervisor Brian J. Kulpa
Town of Amherst
5583 Main St
Williamsville, NY 14221

Subject: Letter of Intent for the Shared Use of the Niagara County Public Safety Radio Communications System

Dear Supervisor Kulpa,

This Letter of Intent (LOI) outlines the mutual understanding between the Niagara County Sheriff's Office (Niagara County) and the Town of Amherst regarding the shared use of Niagara County's public safety radio communications system to enhance interoperability, efficiency, and emergency response capabilities within our jurisdictions.

1. Purpose: The purpose of this LOI is to establish a collaborative framework for the shared use and management of the public safety radio communications system. This collaboration aims to improve emergency response coordination, ensure seamless communication between agencies, and maximize the utilization of resources for public safety.

2. Scope of Cooperation: Both municipalities agree to work together in the following areas:

- **Access and Usage:** Granting authorized personnel from both municipalities access to the radio communications system.
- **Infrastructure and Maintenance:** Coordinating efforts to maintain and upgrade system infrastructure to ensure reliability and efficiency.

Attachment: Letter of Intent for Shared Use of the Niagara County Public Safety Radio Communication System (COM-2025-25 : Letter of Intent

- **Training and Support:** Providing necessary training and support to ensure effective utilization of the system.
- **Operational Protocols:** Establishing protocols for shared use, including priority access during emergencies.

3. Initial Responsibilities:

- Niagara County shall:
  - Provide the Town access to the existing Niagara County Public Safety Radio Communications System, allowing system build out and expansion of the system to provide additional coverage and capacity in Amherst.
- Town of Amherst shall provide as part of their build-out:
  - Redundant core/DSR
  - DDR on all 10 channels
  - 200 – TDMA flash upgrades for new Fire/ EMS APX4000's, this is for:
    - Niagara County Fire Coordinators Office/ Emergency Management
    - Niagara County EMS
    - Niagara County Emergency Services Teams (Haz-Mat, Technical Rescue)
    - Border Niagara County Fire Companies
      - Rapids Fire Company
      - Wendelville Fire Company
      - Wolcottsville Fire Company
  - Millersport Hwy/NIKE site development
  - Amherst would be responsible for any tower structural' s required for their project, and any tower enhancements that may be needed (on Niagara County towers).
  - Any additional licenses required by Motorola
- Both parties agree to adhere to federal, state, and local regulations governing public safety communications.

4. Cost-Sharing and Funding: Both municipalities will discuss and mutually agree upon a cost-sharing model, which may include contributions for infrastructure maintenance, equipment upgrades, and operational expenses. Any external funding opportunities or grants will be jointly pursued where feasible.

5. Term and Termination: This LOI shall remain in effect until replaced by a formal agreement. Termination shall not affect obligations incurred before the termination date.

6. Next Steps: Both municipalities agree to convene at a mutually convenient time to discuss the formalization of this collaboration through a legally binding intergovernmental agreement (IGA) or memorandum of understanding (MOU).

Attachment: Letter of Intent for Shared Use of the Niagara County Public Safety Radio Communication System (COM-2025-25 : Letter of Intent

This LOI is not legally binding but signifies the intent of both parties to work collaboratively toward a formal agreement.

Sincerely,

Sheriff Michael Filicetti
Niagara County Sheriff's Office

Attachment: Letter of Intent for Shared Use of the Niagara County Public Safety Radio Communication System (COM-2025-25 : Letter of Intent

Town of Amherst

March 17, 2025

Sherriff Michael Filicetti
Niagara County Sheriff's Office
5526 Niagara Street Ext.
Lockport, NY 14094

Subject: Letter of Intent for the Shared Use of the Niagara County Public Safety Radio Communications System

Dear Sheriff Filicetti,

This Letter of Intent (LOI) outlines the mutual understanding between the Niagara County Sheriff's Office (Niagara County) and the Town of Amherst regarding the shared use of Niagara County's public safety radio communications system to enhance interoperability, efficiency, and emergency response capabilities within our jurisdictions.

1. **Purpose:** The purpose of this LOI is to establish a collaborative framework for the shared use and management of the public safety radio communications system. This collaboration aims to improve emergency response coordination/ ensure seamless communication between agencies, and maximize the utilization of resources for public safety.

2. **Scope of Cooperation:** Both municipalities agree to work together in the following areas:

   - **Access and Usage:** Granting authorized personnel from both municipalities access to the radio communications system.
   - **Infrastructure and Maintenance:** Coordinating efforts to maintain and upgrade system infrastructure to ensure reliability and efficiency.
   - **Training and Support:** Providing necessary training and support to ensure effective utilization of the system.
   - **Operational Protocols:** Establishing protocols for shared use, including priority access during emergencies.

3. **Initial Responsibilities:**
   - Niagara County shall:
     - Provide the Town access to the existing Niagara County Public Safety Radio Communications System/ allowing system build out and expansion of the system to provide additional coverage and capacity in Amherst.

   - Town of Amherst shall provide as part of their build-out:
     - Redundant core/DSR
     - DDR on all 10 channels

Attachment: ToA Letter of Intent for Shared Use of Niagara Cty Public Safety Radio Comm System (COM-2025-25 : Letter of Intent for the

- 200 - TDMA flash upgrades for new Fire/ EMS APX4000's/ this is for:
  - Niagara County Fire Coordinators Office/ Emergency Management
  - Niagara County EMS
  - Niagara County Emergency Services Teams (Haz-Mat/ Technical Rescue)
  - Border Niagara County Fire Companies
    - Rapids Fire Company
    - Wendelville Fire Company
    - Wolcottsville Fire Company
- Millersport Hwy/NIKE site development
- Amherst would be responsible for any tower structural s required for their project, and any tower enhancements that may be needed (on Niagara County towers).
- Any additional licenses required by Motorola

- Both parties agree to adhere to federal, state, and local regulations governing public safety communications.

4. **Cost-Sharing and Funding:** Both municipalities will discuss and mutually agree upon a cost-sharing model, which may include contributions for infrastructure maintenance/ equipment upgrades/ and operational expenses. Any external funding opportunities or grants will be jointly pursued where feasible.

5. **Term and Termination**: This LOI shall remain in effect until replaced by a formal agreement. Termination shall not affect obligations incurred before the termination date.

6. Next Steps: Both municipalities agree to convene at a mutually convenient time to discuss the formalization of this collaboration through a legally binding intergovernmental agreement (IGA) or memorandum of understanding (MOU).

This LOI is not legally binding but signifies the intent of both parties to work collaboratively toward a formal agreement.

Sincerely,

Brian Kulpa
Supervisor
Town of Amherst

Attachment: ToA Letter of Intent for Shared Use of Niagara Cty Public Safety Radio Comm System (COM-2025-25 : Letter of Intent for the

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Supervisor
DOC ID: 30259

COMMUNICATION 2025-26 **REFERRED**

Correspondence from Interim Town Attorney Re: RES #2025-192

Please see the attached memorandum from the Interim Town Attorney as it relates to a correction in the title of RES #2025-192 adopted on March 10, 2025.

4/7/2025
Referred to Town Attorney

FINANCIAL IMPACT:

None.

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

TOWN OF AMHERST

ERIE COUNTY, NEW YORK

5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
(716) 631-7030
FAX (716) 631-7101
www.amherst.ny.us

Samuel A. Alba
Interim Town Attorney

Sebastine Odiata
Senior Deputy Attorney

Elizabeth A. Burakowski
Director of Special Projects

Catherine B. Dempsey
Town Prosecutor

Nicole M. Burroughs
Supervising Paralegal

MEMORANDUM

TO: Brian J. Kulpa, Town Supervisor
Shawn A. Lavin, Deputy Supervisor
Jacqualine G. Berger, Councilmember
Angela Marinucci, Councilmember
Michael Szukala, Councilmember

FROM: Samuel A. Alba, Interim Town Attorney

SUBJECT: Article 7

DATE: March 24, 2025

This memorandum is to advise the Town Board that there was a Scribner's error on an Article 7 matter under Resolution #2025-192 that was adopted on March 10, 2025. The agenda item was incorrectly named as "Settlement of Article 7 Matter - 93 NYRPT, LLC v Town of Amherst."

The correct caption should have been "Settlement of Article 7 Matter - Benderson Properties, Inc. v Town of Amherst." The error was in the caption only and not substantive. The attachment to the original resolution was the correct item.

Attachment: Memo to TB re Artice 7 (002) (COM-2025-26 : Correspondence from Interim Town Attorney Re: RES #2025-192)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Clerk
DOC ID: 30245

COMMUNICATION 2025-27 **REFERRED**

Correspondence from Benderson Development Company

Letter from James Boglioli, Esq. requesting to rename Bowmart Parkway to Costco Way or Costco Boulevard.

4/7/2025
Referred to Attorney & Planning

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

BENDERSON DEVELOPMENT
570 DELAWARE AVENUE
BUFFALO, NY 14202
716.886.0211.P 716.886.2269.F

March 20, 2025

Supervisor Brian Kulpa and Members of the Amherst Town Board
Town of Amherst
5583 Main Street
Williamsville, NY 14221

RE: Proposed Costco Project
4200 - 4256 Ridge Lea Road, 256 Meyer Road, 270 Meyer Road, 280 Meyer Road and 306 Meyer Road (BDP# 5077)
Request to Rename Bowmart Parkway to Costco Way or Costco Boulvard

Dear Supervisor Kulpa and Members of the Town Board:

As the Town Board is aware, the Costco project is now under construction on North Bailey Ave. The project site is located between the Boulevard Shopping Center and the I-290 and connects to Meyer Road. As part of the Costco project, a new central road is being constructed to connect the project site to Meyer Road. The new internal road will run from North Baily Ave to Meyer Road and will form an intersection with Bowmart Parkway.

We respectfully request that the Town rename Bowmart Parkway to Costco Way or Costco Boulevard. We believe this is an exciting development for the Town of Amherst and it will attract people both within and outside the Town. We believe renaming Bowmart Parkway will not only strengthen the development but will assist in wayfinding for those looking to go to the new development and shop in the area – especially for those utilizing Maple Road. Renaming Bowmart Parkway to Costco Way or Costco Boulevard may also reduce traffic on North Baily Ave. and result in improved traffic patterns.

We look forward to working with the Town on this request. If there are any questions regarding this letter or you wish to meet to discuss this request, please feel free to contact me at (716) 878-9626 or jamesboglioli@benderson.com.

Thank you,
BENDERSON DEVELOPMENT COMPANY, LLC

James A. Boglioli

James A. Boglioli, Esq.

cc: Town Clerk
Planning Department
Town Attorney's Office

Attachment: 5077 Town Board letter re road renaming 03-20-2025 (COM-2025-27 : Correspondence from Benderson Development Company)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Clerk
DOC ID: 30300

COMMUNICATION 2025-28 **REFERRED**

Correspondence from Joseph Rubino - 1789 Dodge Road

Letter from Joseph Rubino regarding the proposed residential subdivision at 1789 Dodge Road will not seek condominium status.

4/7/2025
Referred to Town Attorney & Planning

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

JOSEPH RUBINO
5462 SHERIDAN DRIVE, SUITE 2
WILLIAMSVILLE, NY 14221

April 2, 2025

Brian J. Kulpa, Town of Amherst Supervisor
Town of Amherst Town Board
5583 Main Street
Williamsville, NY 14221

Re: Proposed Residential Subdivision
Location: 1789 Dodge Road
Petitioner: Joe Rubino

Dear Supervisor Kulpa and Councilmembers:

This letter is being submitted pursuant to Section 4-6-2(H)(1) of the Town of Amherst Subdivision Regulations as amended by the Town Board on December 2, 2024 for the purpose of stating that I have no intention of seeking condominium status pursuant to Section 339-Y of the NYS Real Property Law in connection with the proposed residential subdivision at 1789 Dodge Road.

Sincerely,

Joe Rubino

cc: Shawn Lavin, Councilmember
Jacqualine Berger Councilmember
Angela Marinucci Councilmember
Michael R. Szukala, Councilmember .
Daniel Howard, Planning Director
Daniel Ulatowski, Assistant Planning Director/ZEO
Steven Bengart, Esq., Town Attorney
Francina Spoth, Town Clerk
Sean Hopkins, Esq.

Attachment: Rubino-Ltr-04-01-25 (COM-2025-28 : Correspondence from Joseph Rubino - 1789 Dodge Road)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Clerk
DOC ID: 30310

COMMUNICATION 2025-29 **REFERRED**

Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road

Letter from Sean Hopkins, Esq. regarding the proposed residential subdivision at 1789 Dodge Road.

4/7/2025
Referred to Town Attorney & Planning

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

April 2, 2025

Brian J. Kulpa, Town Supervisor
Town of Amherst Town Hall
5583 Main Street
Williamsville, NY 14221

Re: Proposed Residential Subdivision [SUB-2024-02_PP]
Location: 1789 Dodge Road
Applicant: Joe Rubino

Dear Supervisor Kulpa and Councilmembers:

During its meeting on December 16, 2024, the Town Board tabled and referred the pending request by Joe Rubino (the "Project Sponsor") for the Town Board to accept the proposed roadway for the residential subdivision to be located at 1789 Dodge Road ("Project Site") as a public roadway to the Planning Department and the Town Attorney's Office.

This letter is being submitted pursuant to Section 4-4-2H(1) of the Subdivision Regulations as adopted by the Town Board on December 2, 2024 for the purpose of requesting that the Town Board issue a "resolution of commitment" relative to the proposed residential subdivision at 1789 Dodge Road (the "Project Site") that includes a proposed public roadway and related proposed public infrastructure.

Attached is this letter is the following documentation for consideration of the Town Board:

1. **Exhibit 1**: Draft resolution for purpose of the Town Board issuing a resolution of commitment;

2. **Exhibit 2**: Correspondence from Daniel LaPierta to Daniel Ulatowski dated April 1, 2025; and

3. **Exhibit 3**: Correspondence from Joe Rubino to the Town Board dated April 2, 2025

The Project Sponsor is requesting that the Town Board adopt a resolution during its meeting on to be held on April 7th at 6:30 p.m. stating it will accept dedication of the proposed public roadway and related infrastructure.

If you have any questions regarding this letter, please feel free to contact me at 510-4338 or via e-mail at shopkins@hsmlegal.com.

HOPKINS SORGI & MCCARTHY PLLC
Attorneys at Law
35 California Drive, Suite 100, Williamsville, New York 14221
Direct: 716-510-4338 • E-mail: shopkins@hanlegal.com • www.hsmlegal.com

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-29 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

cc: Shawn Lavin, Councilmember
Jacqualine Berger, Councilmember
Michael Szukala, Councilmember
Angela Marinucci, Councilmember
Francina J. Spoth, Town Clerk
Timothy J. Koller, Deputy Town Clerk
Steve Bengart, Esq. Town Attorney
Daniel Howard, AICP, Planning Director
Daniel Ulatowski, Assistant Planning Director/ZEO
Steven Floss, Superintendent of Highways
Joe Rubino
Christopher Wood, P.E., Carmina Wood Design
Dan LaPietra, EIT, Carmina Wood Design

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-29 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

Exhibit 1

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-29 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

DRAFT RESOLUTION

1789 DODGE ROAD – REQUESTED ISSUANCE OF RESOLUTION OF COMMITMENT

WHEREAS, Joe Rubino (the "Project Sponsor") is seeking to develop the property located at 1789 Dodge Road as a residential subdivision (the "Project"), and

WHEREAS, the Project Sponsor has previously submitted letters to the Town Board on October 24, 2024 and December 10, 2024 requesting that it issue a decision stating that the Town of Amherst will accept the dedication of the proposed roadway and related infrastructure improvements to be constructed in connection with the Project (the "Proposed Public Improvements"), and

WHEREAS, on April 1, 2024, Daniel LaPierta of Carmina Wood Design submitted a letter to the Planning Department with information regarding the projected itemized estimated replacement cost for the Proposed Public Improvements (a copy of this letter is attached to the resolution), and

WHEREAS, on April 1, 2024, Daniel LaPierta of Carmina Wood Design submitted a letter to the Planning Department with information regarding the projected itemized estimated replacement cost for the Proposed Public Improvements (a copy of this letter is attached to the resolution), and

WHEREAS, on April 1, 2025, Joe Rubino submitted a letter to the Town Board stating that he does not intend seek condominium status pursuant to section 339-Y of the NYS Real Property Law for the Project (a copy of this letter is attached to the resolution), and

WHEREAS, Section 4-6-2H(1) of the Town of Amherst Subdivision Regulations as amended by the Town Board on December 2, 2024 states as follows:

> (1) If the petitioner desires to dedicate public improvements, including but not limited to sanitary sewers, water lines, storm sewers, roadways and street lighting he/she shall first obtain a "resolution of commitment" from the Amherst Town Board agreeing to accept a future public improvement before he/she makes application for preliminary plat approval.
>
> (a) After sketch plan approval, the petitioner shall make a written request to the Amherst Town Board seeking a future commitment to accept planned public improvements, once constructed, consistent with the provisions of section 4-6-3I(2). An application for preliminary plat approval with proposed public improvements shall not be accepted by the Planning Board without a Town Board resolution of commitment. In instances where a site plan is being considered, an application for site plan approval with proposed public improvements shall not be accepted by the Planning Board without a Town Board resolution of commitment. Preliminary plat submissions without public improvements shall file draft certificates of incorporation for water and sewer works as specified in the following section.

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-29 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

NOW, THEREFORE BE IT RESOLVED, pursuant to Section 4-6-2H(1) of the Subdivision Regulations, the Town Board hereby adopts this resolution for the purpose of issuing a "resolution of commitment" for future acceptance of the dedication of the Proposed Public Improvements.

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-29 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

EXHIBIT 2

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-29 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

CARMINAWOOD
DESIGN

April 1, 2025

Dan Ulatowski, Assistant Planning Director/ZEO
Town of Amherst Planning Department
5583 Main Street
Williamsville, New York 14221

Re: Probable Replacement Cost Estimate [SUB-2024-02_PP]
Proposed Residential Subdivision – Preliminary Plat Review
Location: 1789 Dodge Road
Applicant: Joe Rubino

Dear Mr. Ulatowski:

On behalf of Joseph Rubino (the "Project Sponsor"), this letter has been prepared to provide an itemized estimated replacement cost estimate as set forth below for the proposed public improvement portion of the project per Section 4-6-2 H(1)(b) of the Subdivision Regulations in connection with the request for the Town Board acceptance of the proposed public roadway.

Item #	Item Description	Price
1	Paving	$210,000
2	Curb	$120,000
3	Storm Drainage	$300,000
4	Sanitary	$140,000
5	Waterline	$90,000
6	Street Lighting	$100,000

TOTAL PRICE: **$960,000**

If you should have any questions regarding this letter, please contact Sean Hopkins, Esq. at 716.510-4338 or via e-mail at shopkins@hsmlegal.com.

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-29 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

Thank you.

Sincerely,

Dan LaPietra, EIT | Civil Engineering

cc: Scott Marshall, Principal Planner
Christopher Wood, P.E., Carmina Wood Design
Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-29 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

EXHIBIT 3

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-29 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

JOSEPH RUBINO
5462 SHERIDAN DRIVE, SUITE 2
WILLIAMSVILLE, NY 14221

April 2, 2025

Brian J. Kulpa, Town of Amherst Supervisor
Town of Amherst Town Board
5583 Main Street
Williamsville, NY 14221

Re: Proposed Residential Subdivision
Location: 1789 Dodge Road
Petitioner: Joe Rubino

Dear Supervisor Kulpa and Councilmembers:

This letter is being submitted pursuant to Section 4-6-2(H)(1) of the Town of Amherst Subdivision Regulations as amended by the Town Board on December 2, 2024 for the purpose of stating that I have no intention of seeking condominium status pursuant to Section 339-Y of the NYS Real Property Law in connection with the proposed residential subdivision at 1789 Dodge Road.

Sincerely,

Joe Rubino

cc: Shawn Lavin, Councilmember
Jacqualine Berger Councilmember
Angela Marinucci Councilmember
Michael R. Szukala, Councilmember .
Daniel Howard, Planning Director
Daniel Ulatowski, Assistant Planning Director/ZEO
Steven Bengart, Esq., Town Attorney
Francina Spoth, Town Clerk
Sean Hopkins, Esq.

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-29 : Correspondence from Sean Hopkins, Esq. - 1789 Dodge Road)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Clerk
DOC ID: 30311

COMMUNICATION 2025-30 **REFERRED**

Correspondence from Robert Savarino - 4780 Sheridan Drive

Letter from Robert Savarino regarding the proposed residential subdivision at 4780 Sheridan Drive.

4/7/2025
Referred to Town Attorney & Planning

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

4780 SHERIDAN DRIVE LLC
4727 CAMP ROAD
HAMBURG, NY 14075

April 1, 2025

Brian J. Kulpa, Town of Amherst Supervisor
Town of Amherst Town Board
5583 Main Street
Williamsville, NY 14221

Re: Proposed Residential Subdivision [SP-2024-05]
Location: 4780 Sheridan Drive
Applicant/Project Sponsor: 4780 Sheridan Drive LLC

Dear Supervisor Kulpa and Councilmembers:

This letter has been prepared to provide the Town Board with a project update. 4780 Sheridan Drive LLC (the "Applicant") is currently seeking Preliminary Plat Approval from the Planning Board for the creation of 23 lots, of which 22 lots will consist of attached townhomes for sale on individual lots, as depicted on the Preliminary Plat filed with the Planning Department. A reduced-size copy of the Preliminary Plat is provided at **Exhibit "1"**.

During the lengthy review of the requested rezoning of the property at 4780 Sheridan Drive ("Project Site") from R-3 to R-4, the development team indicated the utilization of the condominium form of ownership was necessary due to the environmental remediation proposed pursuant to the NYSDEC Brownfield Clean Up Program ("BCP"). At that time, the Project Site was intended to be remediated under the Restricted Residential cleanup standards, which would have required an environmental easement and ongoing environmental testing after construction of the project. This would have created significant challenges for owners of the townhome units and negatively impacted the marketability of the properties. In connection with the rezoning review process, the Town Board was informed that a condominium association, acting as a single entity, would be responsible for funding any additional post-construction cleanup mandated by the NYSDEC.

However, after extensive public review and debate, on February 4, 2025, the Town Board imposed a condition on its decision amending the zoning classification of the Project Site from R-3 to R-4 on February 5, 2024, that was acceptable to the Project Sponsor, stating as follows:

> "That the project site's contaminated soil be remediated to Track 1 Unrestricted standards under the purview of, and in accordance with the NYSDEC's Brownfield Cleanup Program."

While this higher BCP cleanup standard resulted in a greater initial cost for the Applicant, it yielded a critical benefit for the Town, existing nearby property owners, and future owners of the two-family townhomes to be constructed on the Project Site. Achieving Unrestricted Status and receiving a Certificate of Completion from the NYSDEC signifies that the Project Site constitutes a "Greenfield," requiring no further environmental testing or remediation.

Attachment: Savarino-Ltr-Town Board-04-01-25 (COM-2025-30 : Correspondence from Robert Savarino - 4780 Sheridan Drive)

The cleanup on the contaminated Project Site to achieve Track 1 Unrestricted status eliminated the need to BCP related need to utilize the condominium form of ownership for the project since it eliminated the need for post-cleanup monitoring and potential additional post-cleanup remediation.

It is also important to mention that when applying to the BCP, the NYSDEC reviews the site data in relation to the planned use of the site. Upon reviewing the project layout, the NYSDEC mistakenly interpreted the end use of the Project Site as a "Restricted-Residential" reuse, which permits condo/apartment buildings with a single controlling owner and would prevent the ability to sell individual legal parcels to separate owners. Because the data, in the opinion of the NYSDEC, did not support a Restricted-Residential cleanup (indicating that only a few samples exceeded the Restricted-Residential criteria for that reuse), the NYSDEC initially indicated that the Project Site was not BCP eligible.

However, the development team subsequently clarified to the NYSDEC that the planned site reuse was for "Residential" purposes, which necessitates a higher level of cleanup. Since many more samples failed the criteria for Residential reuse compared to Restricted-Residential reuse, NYSDEC agreed that the site was BCP eligible. Residential use requires a "Residential" cleanup or a Track 1 "Unrestricted" cleanup, both of which allow sites to be remediated, re-parceled, and sold to individual landowners.

While the condominium form of ownership is no longer a legal necessity for clean-up of the Project Site per the BCP, the Applicant is utilizing this form of ownership since the residential project consists of attached two-family townhome units for sale to be serviced by private infrastructure, targeted to existing homeowners who want to downsize and not be responsible for lawn maintenance, snowplowing, etc. and who want to live at a location close to the many nearby amenities including Amherst State Park, grocery stores, restaurants, medical service providers, etc.

Please feel free to contact me at (716) 908-8322 or robert.savarino@ccim.net with any questions or comments regarding this project update letter or the status of the project.

Sincerely,

4780 SHERIDAN DRIVE LLC

Robert A. Savarino

Robert A. Savarino

cc: Shawn Lavin, Councilmember
Jacqualine Berger Councilmember
Angela Marinucci Councilmember
Michael R. Szukala, Councilmember .
Daniel Howard, Planning Director

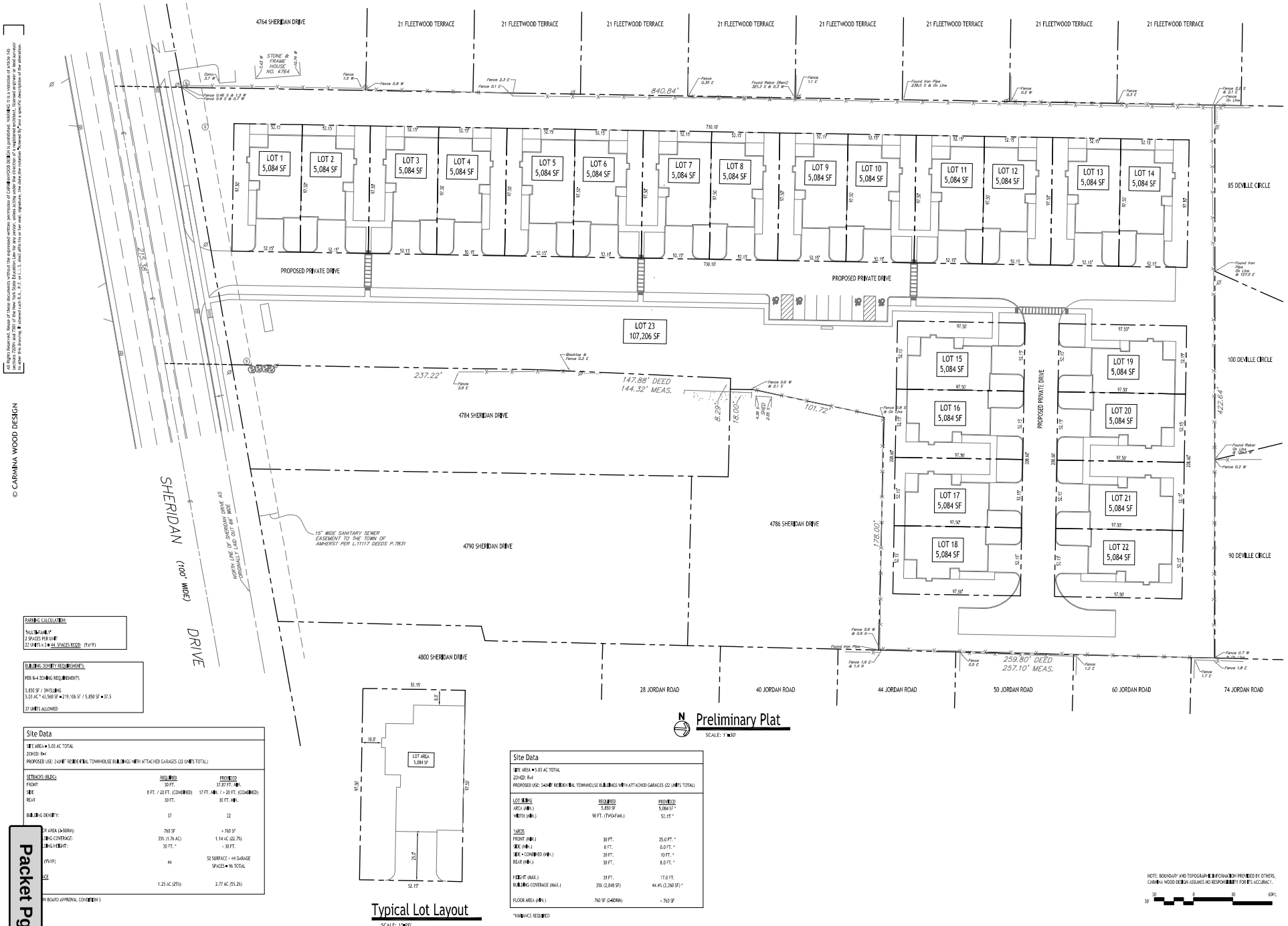
Attachment: Savarino-Ltr-Town Board-04-01-25 (COM-2025-30 : Correspondence from Robert Savarino - 4780 Sheridan Drive)

Daniel Ulatowski, Assistant Planning Director/ZEO
Steven Bengart, Esq., Town Attorney
Francina Spoth, Town Clerk
Andrew Romanowski, 4780 Sheridan Drive LLC
Patrick Sheedy, P.E., Carmina Wood Design
Michael Lesakowski, Vice President, ROUX
Michael J. Hecker, Esq.
Sean Hopkins, Esq.

Attachment: Savarino-Ltr-Town Board-04-01-25 (COM-2025-30 : Correspondence from Robert Savarino - 4780 Sheridan Drive)

Exhibit 1

Attachment: Savarino-Ltr-Town Board-04-01-25 (COM-2025-30 : Correspondence from Robert Savarino - 4780 Sheridan Drive)



PARKING CALCULATION:

"MULTI-FAM-Y"
2 SPACES PER UNIT
22 UNITS x 2 = 44 SPACES REQD (R4Y9)

BUILDING DENSITY REQUIREMENTS:

PER R-4 ZONING REQUIREMENTS

5,850 SF / DWELLING
5.03 AC * 43,560 SF = 219,106 SF / 5,850 SF = 37.5

37 UNITS ALLOWED

Site Data

SITE AREA = 5.03 AC TOTAL
ZONED: R4
PROPOSED USE: 2-UNIT RESIDENTIAL TOWNHOUSE BUILDINGS WITH ATTACHED GARAGES (22 UNITS TOTAL)

SETBACKS (BLDG)	REQUIRED	PROVIDED
FRONT	30 FT.	37.87 FT. MIN.
SIDE	8 FT. / 20 FT. (COMBINED)	17 FT. MIN. / > 20 FT. (COMBINED)
REAR	30 FT.	30 FT. MIN.
BUILDING DENSITY:	37	22
OR AREA (2-BDRM):	760 SF	> 760 SF
DING COVERAGE:	35% (1.76 AC)	1.14 AC (22.7%)
DING HEIGHT:	30 FT. *	< 30 FT.
(9'x19')	44	52 SURFACE + 44 GARAGE SPACES = 96 TOTAL
CE	1.25 AC (25%)	2.77 AC (55.2%)

N BOARD APPROVAL CONDITION 3

Typical Lot Layout
SCALE: 1"=20'

Site Data

SITE AREA = 5.03 AC TOTAL
ZONED: R-4
PROPOSED USE: 2-UNIT RESIDENTIAL TOWNHOUSE BUILDINGS WITH ATTACHED GARAGES (22 UNITS TOTAL)

LOT SIZING	REQUIRED	PROVIDED
AREA (MIN.)	5,850 SF	5,084 SF *
WIDTH (MIN.)	90 FT. (TWO-FAM.)	52.15' *
YARDS		
FRONT (MIN.)	30 FT.	25.0 FT. *
SIDE (MIN.)	8 FT.	0.0 FT. *
SIDE - COMBINED (MIN.)	20 FT.	10 FT. *
REAR (MIN.)	30 FT.	8.0 FT. *
HEIGHT (MAX.)	35 FT.	17.0 FT.
BUILDING COVERAGE (MAX.)	35% (2,048 SF)	44.4% (2,260 SF) *
FLOOR AREA (MIN.)	760 SF (2-BDRM)	> 760 SF

*VARIANCE REQUIRED

Preliminary Plat
SCALE: 1"=30'

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

30 0 30 60ft

All Rights Reserved. Reuse of these documents without the expressed written permission of CARMINA WOOD DESIGN is prohibited. WARNING: It is a violation of article 145 section 7209v and 7209 of the New York State Education Law for any person, unless acting under the direction of a registered architect, licensed engineer or land surveyor duly licensed by the State of New York, to alter this drawing in any way. If this drawing is altered, the alterer shall affix to the same, the alterer's name and a notation stating "Altered by" followed by his signature and a specific description of the alteration.

© CARMINA WOOD DESIGN

CARMINA WOOD DESIGN
Buffalo | Utica | Greensboro

Proposed Multi-Family

4774 & 4780 Sheridan Drive
Amherst, NY

REVISIONS:

No.	Description	Date

DRAWING NAME:
Preliminary Plat

Date: 3/24/25
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.
P-100

Project No:

Packet Pg. 536

15.7.a

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Clerk
DOC ID: 30312

COMMUNICATION 2025-31 **RECEIVED & FILED**

Correspondence from Sean Hopkins, Esq. - Address Change

Letter from Sean Hopkins, Esq. seeking to change the address of their office building from 1 Beresford Court to 6700 Main Street.

4/7/2025
Receive & File

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

April 2, 2025

Brian J. Kulpa, Town Supervisor
Town of Amherst Town Hall
5583 Main Street
Williamsville, NY 14221

Re: Request to Approve Address Change of 1 Beresford Court
to 6700 Main Street
Applicant: Limestone Services Center, LLC

Dear Supervisor Kulpa and Councilmembers:

During its meeting on December 16, 2024, the Town Board received and filed the letter prepared by Marc I. Rosenthal of Limestone Services Center, LLC, dated December 8, 2024, requesting to that the Town Board approve a requested change of the address of the existing office building located at 1 Beresford Court, which has frontage on Main Street, to 6700 Main Street. A copy of the letter from Mr. Rosenthal to the Town Board dated December 8, 2024 is attached as Exhibit "1" and a copy of the resolution adopted by the Town Board on December 16, 2024 is attached as Exhibit "2".

This letter is being submitted to request that the Town Board approve the requested address of 6700 Main Street during its upcoming meeting to be held on Monday, April 7th at 7:00 p.m.

If you have any questions regarding this matter, please feel free to contact me at 716.510-4338 or via e-mail at shopkins@hsmlegal.com.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

cc: Shawn Lavin, Deputy Supervisor
Jacqualine Berger, Councilmember
Michael Szukala, Councilmember
Angela Marinucci, Councilmember
Francina J. Spoth, Town Clerk
Timothy J. Koller, Deputy Town Clerk
Daniel Howard, AICP, Planning Director
Steve Bengart, Esq., Town Attorney
Marc I. Rosenthal, Limestone Services Center, LLC

HOPKINS SORGI & MCCARTHY PLLC
Attorneys at Law
35 California Drive, Suite 100, Williamsville, New York 14221
Direct: 716-510-4338 • E-mail: shopkins@hanlegal.com • www.hsmlegal.com

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-31 : Correspondence from Sean Hopkins, Esq. - Address Change)

EXHIBIT 1

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-31 : Correspondence from Sean Hopkins, Esq. - Address Change)

Limestone Services Center, LLC
6700 Main Street - 1 Beresford Ct.
Williamsville, NY 14221

December 8, 2024

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

Re: Use of Main Street Address for 1 Beresford Court.

Dear Supervisor Kulpa & Councilmembers:

We are writing to respectfully request that the Town of Amherst Town Board and its various Departments approve our request to change the address for our recently purchased office building at 1 Beresford Court to 6700 Main Street.

Our entity, Limestone Services Center, LLC purchased the building in April 2024. Prior to the closing on the purchase of the property, it was confirmed with the US Postal Service that 6700 Main Street was an acceptable address to receive mail and deliveries to the building located at the on southeast corner of Main Street and Beresford Court. Their response indicated that the US Postal Service views the front door, which directly faces Main Steet, as 6700 Main Street for Mail and delivery service.

Regardless of what transpired in the past, there has been a substantial change of circumstance on Main Street since 1998, and we are asking to have that decision reconsidered and allow us to advertise our Main Street location like so many other businesses with property with frontage on Main Street located along the Main Street corridor. .

We researched every building on Main St between Transit Rd and Evans Rd. There are 18 buildings (some older than ours) with the following characteristics:

- Corner lot;
- Main Street frontage;
- No driveway on Main Street; and
- Use a Main Street address on their building and signage

A list of the 18 addresses is provided below as follows:

5808 Main St.

5813 Main St.

5839 Main St.

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-31 : Correspondence from Sean Hopkins, Esq. - Address Change)

5870-5872 Main St.

5888 Main St.

The new build located at the corner of Main & Highland 5913 Main St.

5920-5930 Main St.

5959 Main St.

6333 Main St.

6363 Main St.

6467 Main St.

6565 Main St.

6580 Main St.

6760 Main St.

6770 Main St.

6779 Main St.

6790 Main St.

There are no buildings located on Main Street with the first three characteristics described herein that do not use a Main Street address.

The occupants of this building are comprised of four small businesses that collectively employ over 60 people, and due to the nature of our companies, we bring thousands of consumers to our building annually. These consumers come from all over Buffalo, and its suburbs, and patronize other local business while in the area. Beresford Court, which is exclusively a residential street, would be unfamiliar to people visiting our business, and even more so when they are from outside of the Town of Amherst.

Since acquiring this office building in April, we have renovated extensively, including maintenance, repairs, and paint to the exterior facade and a landscaping overhaul, attempting to be consistent with the high standards of our Main Street neighbors.

Our request is quite clearly founded in the new precedent that has been established, and now appears to be a norm, since a previous request was last made nearly 40 years ago.

We are requesting that this letter be placed on the agenda of the upcoming meeting of the Town Board to be held on Monday, December 16th at 7:00 p.m. and that this matter will be resolved expeditiously as we are anxious to submit permits for new signage and to advertise to our thousands of clients located in Western New York.

If you need anything else regarding our request, please do not hesitate to contact Chris Alderson at 716-984-4251. Chris is one of our managers of the business and is handling this matter for our group.

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-31 : Correspondence from Sean Hopkins, Esq. - Address Change)

Sincerely,

Marc I. Rosenthal, Member

cc: Town of Amherst Town Board
Fran Spoth, Town Clerk
Mark Berke, Building Commissioner
Samuel Alba, Esq., Town Attorney
Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-31 : Correspondence from Sean Hopkins, Esq. - Address Change)

EXHIBIT 2

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-31 : Correspondence from Sean Hopkins, Esq. - Address Change)

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

Francina J. Spoth
Town Clerk

Meeting: 12/16/24 07:00 PM
Department: Town Clerk
DOC ID: 29801

COMMUNICATION 2024-103

RECEIVED & FILED

Correspondence from Marc Rosenthal - Address Change

Letter from Marc Rosenthal seeking to change the address of their office building from 1 Beresford Court to 6700 Main Street.

12/16/2024
Received & Filed

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

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-31 : Correspondence from Sean Hopkins, Esq. - Address Change)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Clerk
DOC ID: 30315

COMMUNICATION 2025-32 **REFERRED**

Correspondence from Sean Hopkins, Esq. - 42-50 Dodge Road

Letter from Sean Hopkins, Esq. regarding the formation of "Sawyer's Landing Sewage Works Corporation" & "Sawyer's Landing Water Works Corporation".

4/7/2025
Referred to Town Attorney, Planning & Engineering

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

April 2, 2025

Brian J. Kulpa, Supervisor
Town of Amherst Town Board
5583 Main Street
Williamsville, NY 14221

Re: Sawyer's Landing Mixed-Use Project
Location: 42-50 Dodge Road
Applicant/Project Sponsor: Sawyers Landing LLC
File 10160.6

Dear Supervisor Kulpa:

This letter is being submitted for the purpose of requesting that the Town Board adopt a resolution during its upcoming meeting on Monday, April 7th for the purpose of consenting to the formation of the "Sawyer's Landing Sewage Works Corporation" and "Sawyer's Landing Water Works Corporation" in connection with proposed residents lots for townhomes for sale that will be serviced by privately owned infrastructure.

During its meeting on March 20, 2025, the Planning Board approved the Site Plan Amendment subject to conditions which includes the need for the Town Board to consent to the to the formation of the "Sawyer's Landing Sewage Works Corporation" and "Sawyer's Landing Water Works Corporation".

On January 15, 2025, I submitted a letter to the Town Board regarding this request and a copy of my letter dated January 15, 2025 is provided at Exhibit "1". During its meeting held on February 3, 2025, my letter dated January 15, 2025 was referred to the Planning Department and the Town Attorney's Office. A copy of the resolution adopted by the Town Board on February 3, 2025 is provided at Exhibit "2".

Please feel free to contact me at 716.510-4338 or via e-mail at shopkins@hsmlegal.com if you have any questions.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

cc: Jacqualine Berger, Councilmember
Shawn Lavin, Councilmember
Michael Szukala, Councilmember

HOPKINS SORGI & MCCARTHY PLLC
Attorneys at Law
5500 Main Street, Suite 343 • Williamsville, New York 14221
Direct: 716-510-4338 • E-mail: shopkins@hsmlegal.com • www.hsmlegal.com

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-32 : Correspondence from Sean Hopkins, Esq. - 42-50 Dodge Road)

Angela Marinucci, Councilmember
Francina J. Spoth, Town Clerk
Timothy J. Koller, Deputy Town Clerk
Jeff Burroughs, P.E., Town Engineer
Steve Bengart, Esq., Town Attorney
Daniel Howard, Planning Director
Scott Marshall, Senior Planner
Brad F. Randaccio, Esq.
Jon Barniak, Carmina Wood Design
Christopher Wood, P.E., Carmina Wood Design
William Severyn

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-32 : Correspondence from Sean Hopkins, Esq. - 42-50 Dodge Road)

EXHIBIT 1

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-32 : Correspondence from Sean Hopkins, Esq. - 42-50 Dodge Road)

January 15, 2025

Brian J. Kulpa, Supervisor
Town of Amherst Town Board
5583 Main Street
Williamsville, NY 14221

Re: Sawyer's Landing Mixed-Use Project
Location: 42-50 Dodge Road
Applicant/Project Sponsor: Sawyers Landing LLC
File 10160.6

Dear Supervisor Kulpa:

This letter is being submitted for the purpose of requesting that the Town Board adopt a resolution during its upcoming meeting on Tuesday, January 22nd for the purpose of consenting to the formation of the "Sawyer's Landing Sewage Works Corporation" and "Sawyer's Landing Water Works Corporation" in connection with proposed residents lots for townhomes for sale that will be serviced by privately owned infrastructure.

Please feel free to contact me at 716.510-4338 or via e-mail at shopkins@hsmlegal.com if you have any questions.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

cc: Jacqualine Berger, Councilmember
Shawn Lavin, Councilmember
Michael Szukala, Councilmember
Angela Marinucci, Councilmember
Francina J. Spoth, Town Clerk
Timothy J. Koller, Deputy Town Clerk
Jeff Burroughs, P.E., Town Engineer
Martin Pollowy, Esq., Town Attorney
Samuel Alba, Esq., Town Attorney
Scott Marshall, Senior Planner
Brad F. Randaccio, Esq.
William Severyn

HOPKINS SORGI & MCCARTHY PLLC
Attorneys at Law
5500 Main Street, Suite 343 • Williamsville, New York 14221
Direct: 716-510-4338 • E-mail: shopkins@hsmlegal.com • www.hsmlegal.com

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-32 : Correspondence from Sean Hopkins, Esq. - 42-50 Dodge Road)

EXHIBIT 2

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-32 : Correspondence from Sean Hopkins, Esq. - 42-50 Dodge Road)

Town of Amherst
Erie County, New York

Communication
COM-2025-4

Referred
Feb 3, 2025 7:00 PM

Correspondence from Sean Hopkins, Esq. - Sawyer's Landing Mixed-Use Project

Information

Department: Town Clerk
Category: Communications
Sponsors:

Attachments

Printout
Kulpa-Ltr-01-15-25

Body

Letter from Sean Hopkins, Esq. regarding the formation of the "Sawyer's Landing Sewage Works Corporation" and "Sawyer's Landing Water Works Corporation".

2/3/2025
Referred to Attorney & Planning

Meeting History

Feb 3, 2025 7:00 PM **Town Board** **Regular Meeting of the Town Board**

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

Discussion

Add Comment

Powered by **Granicus**

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-32 : Correspondence from Sean Hopkins, Esq. - 42-50 Dodge Road)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Clerk
DOC ID: 30317

COMMUNICATION 2025-33 **REFERRED**

Correspondence from Sean Hopkins, Esq. - 4300 Millersport Highway

Letter from Sean Hopkins, Esq. regarding the proposed mixed-use project at 4300 Millersport Highway.

4/7/2025
Referred to Town Attorney & Planning

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

April 2, 2025

Brian J. Kulpa, Town Supervisor
Town of Amherst Town Hall
5583 Main Street
Williamsville, NY 14221

Re: Proposed Mixed-Use Project – Site Plan Review [SP-2022-03A]
4300 Millersport Highway
File 10188.3

Dear Supervisor Kulpa and Councilmembers:

This letter is being submitted on behalf of Cimato & Sons (the "Project Sponsor") in connection with the above referenced mixed-use project at 4300 Millersport Highway ("Project Site"). As the Town Board is aware, sanitary sewer service for the approved project will be provided via private on-site sanitary sewer infrastructure improvements including but not limited to a pump station and sanitary sewer force main.

The Project Sponsor is that the Town enter into a long-term agreement with the Project Sponsor for the maintenance and future repairs to the on-site privately owned sanitary sewer infrastructure for the project. Pursuant to the terms and conditions of the requested agreement, the Project Sponsor would be responsible for making financial payments for the purpose of ensuring the Town is reimbursed for its expenditures in connection with maintenance and future repairs of the privately owned sanitary sewer infrastructure for the project.

The Project Sponsor is requesting that this request be referred to the appropriate Town Departments for their input during the upcoming meeting of the Town Board to be held on Monday, April 7th at 7:00 p.m.

If you have any questions regarding this letter, please feel free to contact me at 510-4338 or via e-mail at shopkins@hsmlegal.com.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

Enc.
cc: Jacqualine Berger, Councilmember
Shawn Lavin, Councilmember
Michael Szukala, Councilmember

HOPKINS SORGI & MCCARTHY PLLC
Attorneys at Law
5500 Main Street, Suite 343 • Williamsville, New York 14221
Direct: 716-510-4338 • E-mail: shopkins@hsr-legal.com • www.hsmlegal.com

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-33 : Correspondence from Sean Hopkins, Esq. - 4300 Millersport Highway)

Angela Marinucci, Councilmember
Francina J. Spoth, Town Clerk
Timothy J. Koller, Deputy Town Clerk
Daniel Howard, AICP, Planning Director
Steve Bengart, Esq., Town Attorney
Jeff Burroughs, P.E., Town Engineer
Fred Cimato
Patricia Bittar, P.E., Wm. Schutt & Associates P.C.

Attachment: Kulpa-Ltr-04-02-25 (COM-2025-33 : Correspondence from Sean Hopkins, Esq. - 4300 Millersport Highway)

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Town Clerk
DOC ID: 30244

COMMUNICATION 2025-34 **REFERRED**

Notice of Claim: Ali Lazik Vs. Town of Amherst Et Al.

4/7/2025
Referred to Town Attorney

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

STATE OF NEW YORK

ALI LAZIK
22 Mahogany Dr
Williamsville, NY 14221

Claimant/Plaintiff,

-vs-

NOTICE OF CLAIM

TOWN OF AMHERST
5583 Main St.
Williamsville, NY, 14221

VILLAGE OF WILLIAMSVILLE
5565 Main Street
Williamsville, NY 14221

COUNTY OF ERIE
95 Franklin Street, Room 1634
Buffalo, NY 14202

Respondents/Defendants.

TO: TOWN OF AMHERST
5583 Main St.
Williamsville, NY, 14221

VILLAGE OF WILLIAMSVILLE
5565 Main Street
Williamsville, NY 14221

COUNTY OF ERIE
95 Franklin Street, Room 1634
Buffalo, NY 14202

PLEASE TAKE NOTICE that the **Claimant** claims damages against the Respondents in accordance with the requirements of General Municipal Law § 50-e and states as follows:

Attachment: DOC032525-03252025093543 (COM-2025-34 : Notice of Claim: Ali Lazik Vs. Town of Amherst Et Al.)

MAR 24 2025 PM2:45

1. The name and address of **Claimant** is:

ALI LAZIK
22 Mahogany Dr
Williamsville, NY 14221

2. The **Claimant** is represented herein by:

Shaw & Shaw, P.C.
Blake Zaccagnino, Esq., of counsel
4819 South Park Avenue
Hamburg, NY 14075

LEGAL THEORY/CAUSE OF ACTION CLAIMED:

3. This is a claim founded in negligence, and is for personal injuries.

4. This is a claim for money damages for personal injuries sustained by the Claimant, when she was caused to fall on property and premises and, more specifically, on the sidewalk adjacent to/abutting **23 Mahogany Dr, Williamsville, NY 14221.** Upon information and belief, that property was under the possession, control and ownership of the Respondents.

5. On or about **February 10, 2025** while plaintiff was lawfully on the premises (sidewalk adjacent to/abutting **23 Mahogany Dr, Williamsville, NY 14221**), where she was caused to fall on an unsafe accumulation of ice and snow on the property/sidewalk, and was caused to sustain serious and permanent personal injuries.

TIME AND LOCATION AND MANNER IN WHICH THE CLAIM AROSE:

6. The time when the claim arose and the time when injuries and damages herein alleged were sustained was on or about **February 10, 2025 at approximately 9:30AM.**

7. Attached as **Exhibit A**, please find photos of the location of this incident.

Attachment: DOC032525-03252025093543 (COM-2025-34 : Notice of Claim: Ali Lazik Vs. Town of Amherst Et Al.)

NATURE AND BASIS FOR THIS CLAIM:

8. At all times hereinafter mentioned, and specifically on **February 10, 2025**, the defendants owned, occupied, operated, leased, controlled, and/or had special use of the entirety of certain real property (the sidewalk abutting/adjacent to the property) located at **23 Mahogany Dr, Williamsville, NY 14221 (where the fall took place).** The fall was caused/created by the defendants negligent, careless, and reckless failure to maintain a safe premises.

9. Attached as **Exhibit B**, please find a real property parcel search of the property.

10. Attached as **Exhibit C**, please find the deed for **23 Mahogany Dr, Williamsville, NY 14221**.

LEGAL THEORY/CAUSE OF ACTION CLAIMED:

11. The above mentioned incident and the injuries and damages occurring therefrom occurred by reason of the fault, neglect, and carelessness of the Respondents, their agents, servants, and/or employees. The negligence of the Respondents, their agents, servants and/or employees includes but is not limited to:

- Failure to properly, adequately, and safely maintain the aforesaid premises;
- in allowing a dangerous condition to exist on the property;
- In failing to repair, keep safe, and maintain the property where the incident took place;

Attachment: DOC032525-03252025093543 (COM-2025-34 : Notice of Claim: Ali Lazik Vs. Town of Amherst Et Al.)

- Failure to properly and adequately supervise and control the area where the Claimant fell on the date of the incident;
- In carelessly, negligently, and recklessly taking snow/ice removal steps that increased the danger and hazards of the icy and snow conditions that caused this incident;
- in causing/creating a dangerous icy/snowy condition on the property;
- in having actual and constructive notice of the dangerous and unsafe icy/snowy conditions that caused this fall;
- in having reasonably sufficient time to remove the dangerous icy and snowy conditions that caused this fall prior to the fall happening, but in carelessly, recklessly, and negligently failing to do so;
- in failing to provide proper warning of the dangerous conditions that caused this fall;
- in failing to remove the icy/snowy conditions that caused this fall from the location of the fall prior to the fall happening;
- in allowing an unsafe accumulation of ice and snow to exist on the property;
- in failing to take protective measures to correct the dangerous icy and snowy conditions on the property;
- in failing to clear ice/snow from the property;
- in carelessly, negligently, and recklessly failing to exercise reasonable care in removing icy and snowy conditions on the property;

Attachment: DOC032525-03252025093543 (COM-2025-34 : Notice of Claim: Ali Lazik Vs. Town of Amherst Et Al.)

- in causing and creating a dangerous icy and snowy condition on the property that they had actual and constructive notice of;
- in negligently, carelessly, and recklessly failing to use reasonable care to maintain the property in a safe condition;
- in causing/creating an icy and snowy condition to exist on the property caused by their negligent, careless, and reckless snow removal activities;
- Carelessly and negligently designing the area on said premises where the incident occurred;
- Failure to take the necessary steps to correct and remove unsafe accumulations of ice and snow on their premises;
- inadequately lighting the area;
- Failure to take the necessary steps and make the necessary observations, which, if taken or made, would have avoided the said incident;
- Failing to act reasonable under the circumstances;
- Failing to take precautionary measures to protect the Claimant from the incident after weighing the probability and gravity of the harm against the burden of precaution;
- Failing to take precautionary measures to protect the Claimant from the incident when they had ownership, occupancy, control, and or special use of the property on the date of the fall;

Attachment: DOC032525-03252025093543 (COM-2025-34 : Notice of Claim: Ali Lazik Vs. Town of Amherst Et Al.)

- The Respondents' negligence was the proximate cause of the Claimant's fall and serious injuries;
- in violating multiple dwelling law section 78;
- in violating multiple residence law section 174;
- in violating Town of Amherst Building Code: Section 83-9-5;
- in violating Village of Williamsville Code 89-13; 89-5;
- the premises was unsafe;
- the premises was not reasonably safe;
- the defendants were negligent in not keeping the premises in a reasonably safe condition;
- the defendants negligence in allowing the unsafe conditions to exist on the property was a substantial factor in bringing about the incident and injuries;
- the dangerous conditions mentioned herein were visible and apparent and existed for a sufficient period for defendants to have discovered it and remedied it, but they negligently, carelessly, and recklessly failed to do so;
- in failing to offer evidence as to when the area in question was last cleaned or inspected relative to the time with the plaintiff fell;
- the defendants had actual and constructive notice of the dangerous icy and snowy conditions based on the irregularity, width, depth, and appearance of the defect;

Attachment: DOC032525-03252025093543 (COM-2025-34 : Notice of Claim: Ali Lazik Vs. Town of Amherst Et Al.)

- the icy and snowy conditions were the result of an ongoing and recurring dangerous condition that existed in the area of the fall that was routinely left unaddressed, and the defendants had actual knowledge of the tendency of the particular dangerous conditions described herein to reoccur, charging them with constructive notice of each recurrence of those conditions;
- The Respondents' negligence was a substantial factor in bringing about the Claimant's injuries in that a reasonable person would regard it as a cause of her injuries;
- They failed in their duty to use reasonable care to keep their property in a reasonably safe condition for the protection of the Claimant whose presence was reasonably foreseeable on the date of the fall;
- the defendants had constructive notice of the dangerous conditions described herein because their employees traveled, on a daily basis through the area where the defective condition was situated, such that they could have easily noticed and removed the hazard but they negligently, carelessly, and recklessly failed to do so;
- in having actual notice of the dangerous icy and snow conditions;
- the defendants had actual and constructive notice of the dangerous icy and snowy conditions mentioned herein because of prior and post falls that happened under the same or similar circumstances;

Attachment: DOC032525-03252025093543 (COM-2025-34 : Notice of Claim: Ali Lazik Vs. Town of Amherst Et Al.)

- in failing to provide to warn of the dangerous conditions;
- in violating New York Consolidated Laws, Property Maintenance Code, Section 301. 1
- in violating Section 302. 1 of the New York Property Maintenance Code;
- in violating New York Property Maintenance Code Section 304. 1;
- in violating New York Property Maintenance Code Section 305. 1;
- in violating Building Code of New York State, 2002 Edition Section 101, 101.3;
- in violating Property Maintenance Code of New York State, 2010 Edition -section 101.1, 101.2, 101.3, 301.1, 201.2, 305.1;
- in violating ASTM F1637 – Standard Practice for Safe Walking Surfaces –sections 4.1.1, 4.1.3, 4.7.1.,4.7.1.2.,
- The Respondents created the condition that caused the Claimant to fall; and had actual and constructive notice of it;
- The Respondents either knew, or in the use of reasonable care, should have known that the condition that caused the Claimant's fall long enough before the fall to have allowed them, in the use of reasonable care to correct it or to take other suitable precautions, but they failed to do so;

Attachment: DOC032525-03252025093543 (COM-2025-34 : Notice of Claim: Ali Lazik Vs. Town of Amherst Et Al.)

- The Respondents failed to warn the Claimant about the dangerous condition before her fall;
- in affirmatively creating the dangerous conditions described herein through an act of negligence;
- causing/allowing the dangerous condition herein to have jagged edges, a rough irregular surface, poor lighting, to have the presence of other defects in the vicinity, to be irregular, the dangerous condition was located in an area where people are naturally distracted from looking down at their feet, and the surrounding circumstances and dangerous condition increased the risk of people, such as the Claimant, falling;
- in failing to warn of the dangerous conditions described herein;
- causing/allowing the intrinsic characteristics of location of the incident to be such that it was difficult for pedestrians to see and identify and to traverse safely on foot;
- failing and omitting to clean and keep safe defendants' premises identified above;
- causing, allowing and permitting a dangerous, unsafe and hazardous condition to exist at the accident site;
- failing and omitting to provide persons such as the plaintiff with any notice or warning of the existence of the dangerous, unsafe and hazardous condition at the accident site;
- failing and omitting to periodically inspect and maintain the premises so that proper repairs and maintenance were performed thereat;
- failing and omitting to take necessary steps at the accident site so that the site was free and clear of a dangerous condition;
- causing, allowing and permitting an unsafe condition to exist at the premises;

Attachment: DOC032525-03252025093543 (COM-2025-34 : Notice of Claim: Ali Lazik Vs. Town of Amherst Et Al.)

- failing and omitting to provide adequate lighting to people visiting the Premises;

- negligently, carelessly and recklessly failing to maintain and omitting to keep and maintain the Premises, in a safe condition, under the circumstances;

- negligently, carelessly and recklessly failing and omitting to provide persons such as the plaintiff with any notice or warning of the existence of the dangerous, unsafe and hazardous condition at the accident site;

- negligently, carelessly and recklessly failing and omitting to take necessary steps at the accident site so that the site was free and clear of a dangerous condition;

- causing, allowing and permitting an unsafe condition to exist at its premises;

- allowing conditions to exist on their property that posed a reasonably foreseeable hazard to the plaintiff;

- failing to prevent the harm sustained by the plaintiff;

- the defendants negligence was a proximate cause of the injuries sustained by the plaintiff;

- the defendants premises was not reasonably safe, they were negligent in not keeping the premises in a reasonably safe condition, and their negligence in allowing the unsafe condition to exist was a substantial factor in causing the plaintiff's injuries;

- the defendants created the condition and either knew or, in the use of reasonable care, should have known that the condition existed within sufficient time before the accident to have corrected it or to have provided reasonable safeguards or to provide a warning but they failed to do so;

- the defendants' negligence was a substantial factor in bringing about the plaintiff's injuries;

- the condition was visible and apparent to the defendants and had existed for a sufficient length of time for them to have discovered it and taken curative steps but they failed to do so;

Attachment: DOC032525-03252025093543 (COM-2025-34 : Notice of Claim: Ali Lazik Vs. Town of Amherst Et Al.)

- the dangerous conditions described herein had a rough irregular surface, had the presence of other defects in the vicinity, had poor lighting around it, and was in a location where pedestrians were naturally distracted from looking down at their feet;

- the conditions of the dangerous conditions mentioned herein was a trap for the unwary because it was obscured;

- the defendants had actual and constructive notice of the dangerous condition;

- the defendants had notice of the dangerous condition from prior accidents under the same conditions; employee statements made in the course of their employment; evidence of the long continued existence of the condition; evidence that the defendants' employees traveled on a daily basis through the area where the defective condition was located; in failing to identify the last inspection of the area before the fall; the defendants' employees were in the immediate vicinity of the dangerous condition before the fall and could have easily noticed and corrected it but they failed to do so; the defendants had actual knowledge of the specific recurrent dangerous conditions that caused the plaintiffs' injuries;

- the defendants failed to provide a safe means of ingress and egress to their property;

- Failure to properly and adequately supervise and control the area where the Plaintiff fell on the date of the incident;

- Carelessly and negligently designing the area on said premises where the incident occurred;

- Failure to give attention to dangerous icy and snowy conditions;

- Failure to take the necessary steps and make the necessary observations, which, if taken or made, would have avoided the said incident;

- Failing to act reasonable under the circumstances;

- In failing to keep the area where the fall happened in a safe condition for traversing and passage;

Attachment: DOC032525-03252025093543 (COM-2025-34 : Notice of Claim: Ali Lazik Vs. Town of Amherst Et Al.)

- In failing in their duty to have proper design and routine maintenance and inspections of the area where the fall happened;
- In allowing the area of the fall to be unstable, not firm, and not slip resistant;
- In failing to keep the area of the fall in a clean, safe, and sanitary condition;
- In failing to keep the area of the fall in a proper state of repair and maintain it free from hazardous conditions;
- In allowing the area of the fall to be irregular, uneven, and un-maintained;
- In failing to inspect and maintain the area of the fall;
- In allowing the condition of the walking surface of where the fall happened to be a snare or a trap;
- In having actual knowledge that the condition that caused the Plaintiff to fall was a specific recurrent dangerous condition;
- In allowing the area of the fall to be such that it neither complies with, or adheres to several universally accepted standards and codes;
- By creating the condition that caused the Plaintiff's fall, by actually knowing about it, and or, they should have had notice of the it with sufficient time before the fall to correct it or provide reasonable safeguards or provide a warning but they did not do so;
- in failing to maintain the area of the fall;
- in failing to construct and maintain the area of the fall in a reasonably safe condition;
- in failing to warn the plaintiff of the dangerous conditions described herein, and failing to take into account such factors as the traffic conditions and terrain;
- in having prior oral and written notice of the dangerous conditions mentioned herein;

Attachment: DOC032525-03252025093543 (COM-2025-34 : Notice of Claim: Ali Lazik Vs. Town of Amherst Et Al.)

- in allowing the location of the fall to have an unsafe irregular surface;

- the dangerous conditions herein was a trap and snare, causing and creating a tripping hazard and a dangerous condition;

- and that the Defendants, its agents, servants and/or employees were otherwise careless and negligent.

- in having prior written notice of the conditions described herein, and in failing to timely fix/repair it;

- in prior negligent maintenance/repair of the location where this incident took place, immediately resulting in the dangerous conditions described herein;

- in affirmatively creating the dangerous conditions described herein through an act of negligence;

- in having special use of the location where this incident took place,

  and the location of the incident, that resulted in a special benefit to

  the municipal entities noted above;

- in failing to keep the sidewalk clear of ice and snow;

- the conditions where the fall happened was unusually dangerous;

- that defendants knew of the unusually dangerous condition long enough before plaintiff's injury to have permitted them in the use of reasonable care to have corrected it, or to take other suitable precautions, or to give adequate warning, and did not do so;

- the defendants, in the use of reasonable care should have known of it and corrected it, or taken other suitable precautions, or given adequate warning, but they failed to do so;

- the defendants negligence was a substantial factor in causing the Plaintiff's fall and injuries;

- the defendants snow removal efforts, if any, caused and created a dangerous condition;

Attachment: DOC032525-03252025093543 (COM-2025-34 : Notice of Claim: Ali Lazik Vs. Town of Amherst Et Al.)

- the defendants created the defect or hazard through an affirmative act of negligence and a "special use" of the location of the incident conferred a special benefit upon the locality;

- the defendants were otherwise careless, reckless, and negligent.

DAMAGES CLAIMED:

12. By reason of the aforesaid occurrence, the Claimant sustained severe, painful and permanent injuries in and about her body, including, but not limited to, **broken right wrist**, all of which were and are severe, painful and permanent in nature including, shock to the nerves and nervous system, circulatory system, traumatic injuries to nerves, tendons and muscular system with resultant impairment and/or loss of use of normal functions; was otherwise rendered sick, sore, lame and disabled and prevented her from performing her usual activities for a period of time subsequent to this incident, and has incurred, and may suffer and sustain loss of earnings and/or loss of future earning potential and/or capacity; has caused, or may incur, hospital expenses, medical expenses, physical therapy and/or rehabilitation and counseling expenses and/or other similar types of expenses as to past, present or future, as would relate to the care, treatment and attempted cure of the injuries sustained and/or the residual effects thereof; has been deprived of the ability to enjoy the life and lifestyle that she was able to participate in and enjoy prior to the happening of this incident, and has been caused to suffer emotional upset, anxiety and depression as a result of the pain and suffering associated with the injuries as to the past, present and, upon information and belief, into the future; and together with any other special and general damages as may manifest themselves subsequent to the date of this Notice of Claim.

13. The Claimant also makes a claim for any and all medical expenses incurred as to her care, treatment and attempted cure of the injuries sustain and/or the residual effects of the same herein as to the past, present, and or future.

Attachment: DOC032525-03252025093543 (COM-2025-34 : Notice of Claim: Ali Lazik Vs. Town of Amherst Et Al.)

***WHEREFORE*, Claimant** respectfully prays and requests that these claims as set forth herein be paid and allowed by the **Respondents.**

Dated: February 20, 2025
Hamburg, New York

Shaw & Shaw, P.C.
Blake Zaccagnino, Esq., of counsel
Attorneys for Claimant
Office and Post Office Address
4819 South Park Avenue
Hamburg, New York 14075
(716) 648-3020 Telephone
(716) 648-3730 Fax
www.shawlawpc.com

Attachment: DOC032525-03252025093543 (COM-2025-34 : Notice of Claim: Ali Lazik 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: 04/07/25 07:00 PM
Department: Town Clerk
DOC ID: 30241

COMMUNICATION 2025-35 **REFERRED**

Summons and Complaint: U.S. Bank National Association Et Al Vs. Town of Amherst Et Al.

4/7/2025
Referred to Town Attorney

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

15.12.a

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

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U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SECURITIZED ASSET BACKED RECEIVABLES LLC TRUST 2006-NC2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-NC2,

Plaintiff,

-against-

KIMBERLY M. MASTANDREA BEEK, THE TOWN OF AMHERST, AS LEAD COMMUNITY FOR THE AMHERST-CHEEKTOWAGA TONAWANDA HOME CONSORTIUM, TD BANK USA, N.A., "JOHN DOE 1 to JOHN DOE 25", said names being fictitious, the persons or parties intended being the persons, parties, corporations or entities, if any, having or claiming an interest in or lien upon the mortgaged premises described in the complaint,

Defendants.

----------X

SUMMONS

INDEX NO.:

FILED:

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service or within 30 days after completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

NOTICE OF NATURE OF ACTION AND RELIEF SOUGHT

THE OBJECT of the above captioned action is to foreclose a Mortgage in the amount of $99,200.00 recorded in the Erie County Clerk's/City Register's Office on January 9, 2006 in Book 13268 of Mortgages at Page 3748 covering the premises known as 12 THORNWOOD DRIVE, CHEEKTOWAGA, NY 14227. Thereafter, the Mortgage was assigned to NEW CENTURY MORTGAGE CORPORATION, by an Assignment of Mortgage dated July 17, 2012 and recorded with the Erie County Clerk on August 8, 2012, in Book 11227 at 7553. The Mortgage was then assigned to US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SECURITIZED ASSET BACKED RECEIVABLES LLC TRUST 2006-NC2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-NC2, by an Assignment of Mortgage dated July 12, 2012 and recorded with the Erie County Clerk on August 8, 2012, in Book 13594 at Page 1196. The loan

Attachment: DOC032425-032420250929111 (COM-2025-35 : Summons and Complaint: U.S. Bank National Association Et Al Vs. Town of Amherst

15.12.a

was then modified by a Loan Modification Agreement dated February 8, 2013 and recorded with the Erie County Clerk on December 3, 2013, in Book 13664 at Page 3219.

The relief sought in the within action is a final Judgment of Foreclosure and Sale directing the sale of the premises described above to satisfy the debt secured by the Mortgage described above.

Erie County is designated as the place of trial on the basis of the fact that the real property affected by this action is located wholly within said County.

Attachment: DOC032425-032420250929111 (COM-2025-35 : Summons and Complaint: U.S. Bank National Association Et Al Vs. Town of Amherst

Packet Pg. 573

15.12.a

NOTICE

YOU ARE IN DANGER OF LOSING YOUR HOME

If you do not respond to this summons and complaint by serving a copy of the answer on the attorney for the mortgage company who filed this foreclosure proceeding against you and filing the answer with the court, a default judgment may be entered and you can lose your home.

Speak to an attorney or go to the court where your case is pending for further information on how to answer the summons and protect your Property.

Sending a payment to your mortgage company will not stop this foreclosure action.

YOU MUST RESPOND BY SERVING A COPY OF THE ANSWER ON THE ATTORNEY FOR THE PLAINTIFF (MORTGAGE COMPANY) AND FILING THE ANSWER WITH THE COURT.

Dated: Westbury, New York
March 12, 2025

DRUCKMAN LAW GROUP PLLC

By:_____
Stuart L. Druckman, Esq.
Attorneys for Plaintiff
242 Drexel Avenue
Westbury, NY 11590
(516) 876-0800

WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Attachment: DOC032425-032420250929111 (COM-2025-35 : Summons and Complaint: U.S. Bank National Association Et Al Vs. Town of Amherst

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

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U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SECURITIZED ASSET BACKED RECEIVABLES LLC TRUST 2006-NC2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-NC2,

Plaintiff,

-against-

KIMBERLY M. MASTANDREA BEEK, THE TOWN OF AMHERST, AS LEAD COMMUNITY FOR THE AMHERST-CHEEKTOWAGA TONAWANDA HOME CONSORTIUM, TD BANK USA, N.A., "JOHN DOE 1 to JOHN DOE 25", said names being fictitious, the persons or parties intended being the persons, parties, corporations or entities, if any, having or claiming an interest in or lien upon the mortgaged premises described in the complaint,

Defendants.

----------X

COMPLAINT

INDEX NO.:

FILED:

Plaintiff, by its attorneys **DRUCKMAN LAW GROUP PLLC,** complaining of the defendants, alleges:

1. At all times hereinafter mentioned plaintiff was and still is a corporation having an office for the conduct of business at c/o NewRez LLC d/b/a Shellpoint Mortgage Servicing, 75 Beattie Place, Suite 300, Greenville, SC 29601.

2. On or about December 21, 2005, KIMBERLY M. MASTANDREA BEEK duly executed and delivered to OPUS HOME EQUITY SERVICES, INC. a Note whereby she bound herself to pay the sum of $99,200.00 with interest at the Note rate, or if applicable, subject to changes according to the terms of the Note and to pay to the entity entitled to enforce the Note, its successors and assigns, this sum together with the interest due as follows: By payments under the terms of the aforementioned Note, until the principal and interest are paid in full.

3. As security for the payment of said Note, KIMBERLY M. MASTANDREA BEEK executed, acknowledged and delivered to OPUS HOME EQUITY SERVICES, INC. a mortgage that was recorded in the Office of the Clerk or Register of Erie County on January 9, 2006 in Book

Attachment: DOC032425-032420250929111 (COM-2025-35 : Summons and Complaint: U.S. Bank National Association Et Al Vs. Town of Amherst

13268 of mortgages at page 3748 and the mortgage tax was paid, whereby they mortgaged the hereinafter described real property to OPUS HOME EQUITY SERVICES, INC.

3A. Thereafter, the Mortgage was assigned to NEW CENTURY MORTGAGE CORPORATION, by an Assignment of Mortgage dated July 17, 2012 and recorded with the Erie County Clerk on August 8, 2012, in Book 11227 at 7553. The Mortgage was then assigned to US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SECURITIZED ASSET BACKED RECEIVABLES LLC TRUST 2006-NC2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-NC2, by an Assignment of Mortgage dated July 12, 2012 and recorded with the Erie County Clerk on August 8, 2012, in Book 13594 at Page 1196. The loan was then modified by a Loan Modification Agreement dated February 8, 2013 and recorded with the Erie County Clerk on December 3, 2013, in Book 13664 at Page 3219.

3B. The Plaintiff is the holder of the subject Note and Mortgage and has the authority to institute a mortgage foreclosure action. The Plaintiff has designated NewRez d/b/a Shellpoint Mortgage Servicing, as servicer for the Plaintiff, pursuant to a Limited Power of Attorney.

3C. Upon information and belief, plaintiff has complied with all of the provisions of section five hundred ninety-five-a of the banking law and any rules and regulations promulgated thereunder, section six-l or six-m of the banking law, and sections thirteen hundred four (90-Day Notice) and thirteen hundred six (Banking Department) of the RPAPL.

3D. Pursuant to CPLR Rule 3408, the above-entitled action is a foreclosure action on a residential Mortgage loan as such term is defined in RPAPL § 1304. Thus, a settlement conference is necessary in this matter.

4. The Mortgage provides that in addition to principal and interest, the mortgagor will deposit with the holder thereof monthly installments for the payment of taxes, water, sewer charges and insurance premiums; and that a late charge may be assessed if any payments are late.

5. The Note provides that in the event borrower fails to make timely payments, the borrower will be in default, and that if the holder has required immediate payment in full, the holder will have the right to be reimbursed for all of its costs and expenses in enforcing the Note including reasonable attorneys' fees.

6. The Mortgage contains the same conditions as the Note in case of default and provides that, at the option of the mortgagee, the unpaid principal balance together with accrued interest and all other amounts due pursuant to the terms of the Note and Mortgage shall become

Attachment: DOC032425-032420250929111 (COM-2025-35 : Summons and Complaint: U.S. Bank National Association Et Al Vs. Town of Amherst

15.12.a

due, and that plaintiff is empowered to sell said real property in one parcel and out of the moneys generated from the sale to pay the amount due for principal, interest, and all other amounts due pursuant to the terms of the Note and Mortgage together with the costs and expenses of this action.

7. The mortgagor has failed to comply with the terms and conditions of said Note and Mortgage and have defaulted by failing to pay $487.30 which became due on October 1, 2024 and by failing to pay the monthly payments which became due thereafter. These amounts remain unpaid and plaintiff has demanded same in accordance with the loan documents, if necessary.

8. There is now due plaintiff the principal amount of $88,259.51 with interest thereon at the rate of 5.000 per cent per annum from September 1, 2024, along with all other amounts due pursuant to the terms of the Note and Mortgage, together with the costs and expenses of this action. The plaintiff now declares the entire amount due.

9. The defendants and each of them have or claim to have or may have some interest or lien or claim upon the lands and premises covered by said mortgage or some part thereof, but that said interest, lien or claim, if any, have accrued subsequent to such mortgage, and are and each of them is subject and subordinate thereto.

9A. That the Defendants "JOHN DOE 1 to JOHN DOE 25" are joined as party Defendants because they may be tenants/occupants, or may be in possession of the aforementioned premises, or may be corporations, or other entities or persons who claim, or may claim, a lien against the premises.

9B. THE TOWN OF AMHERST, AS LEAD COMMUNITY FOR THE AMHERST-CHEEKTOWAGA TONAWANDA HOME CONSORTIUM is joined as a party defendant as subordinate mortgagee by virtue of a mortgage in the original amount of $10,000.00, dated November 14, 2008 and recorded with the Erie County Clerk on May 29, 2009, in Book 13448 at Page 4555 and subordination agreement dated January 3, 2013 and recorded with the Erie County Clerk on June 6, 2013, in Book 11247 at Page 3700; and as a party defendant as subordinate mortgagee by virtue of a mortgage in the original amount of $10,603.00, dated January 23, 2020 and recorded with the Erie County Clerk on January 11, 2021, in Book 13974 at Page 3882.

9C. TD BANK USA, N.A. is joined as a party defendant for the purpose of cutting off possible judgments, which may be liens against the subject premises. A copy of same is annexed hereto marked "Exhibit "C".

10. No other action or proceeding at law, in equity or otherwise was completed for the

Attachment: DOC032425-032420250929111 (COM-2025-35 : Summons and Complaint: U.S. Bank National Association Et Al Vs. Town of Amherst

recovery of any part of the principal or interest, secured by said Note and Mortgage.

11. Said premises and the title thereto are subject to any state of facts an accurate survey would show; to all covenants, restrictions, easements, agreements, reservations, and prior liens, if any, of record and to any violations thereof; to the physical condition of any building or structure as of the date of sale hereunder; to building restrictions and zoning ordinances and to any violations of the same.

12. The plaintiff shall not be deemed to have waived, altered, released or changed its demand for payment in full by reason of payment, after the date of the commencement of this action, of any of the defaults mentioned herein; and such demand shall continue and remain effective until the costs and disbursements of this action and any and all future defaults under the Note and Mortgage occurring prior to a discontinuance of this action are fully paid.

13. The premises affected by and described in said mortgage are known as 12 THORNWOOD DRIVE, CHEEKTOWAGA, NY 14227 as more fully described in SCHEDULE "A" annexed hereto.

14. Plaintiff has complied with the provisions of the Banking Law § 9-x, if applicable.

WHEREFORE, plaintiff demands judgment:

1. That the defendants herein and all persons claiming under them, subsequent to the commencement of this action and the filing of a notice of pendency, be barred and foreclosed of all estate, right, title, interest, claim, lien and equity of redemption to the said mortgaged real property; except the right of the United States of America and/or its political subdivisions, if it be a party defendant to this action, to redeem as provided for by applicable law.

2. That the said real property may be decreed and ordered to be sold in one parcel according to law, subject to the provisions of paragraph "11" above; that the moneys generated from the sale be disbursed as follows: to the plaintiff the amount due on said Note and Mortgage, with interest as set forth to the time of such payment, together with any amount advanced for taxes, water charges, sewer rent, insurance or to protect the validity of the mortgage or the condition of the property; together with the costs and expenses of such sale; the costs, allowances and disbursements of this action; reasonable attorneys' fees; and all other charges and liens thereon to be paid, with interest from the dates of the respective payments and advances, so far as the amount of such moneys properly applicable thereto will pay the same.

Attachment: DOC032425-032420250929111 (COM-2025-35 : Summons and Complaint: U.S. Bank National Association Et Al Vs. Town of Amherst

15.12.a

3. That the defendant KIMBERLY M. MASTANDREA BEEK be adjudged to pay any deficiency, which may remain after applying all of said moneys so applicable thereto, so long as the personal liability for said debt was not discharged in bankruptcy.

4. That during the pendency of this action, a Receiver of rents, issues and profits of the said mortgaged premises be appointed with the usual powers of such Receivers.

5. That the plaintiff be awarded such other, further and different relief in the real property and otherwise as may be just and equitable.

Dated: Westbury, New York
March 12, 2025

DRUCKMAN LAW GROUP PLLC

By:_____
Stuart L. Druckman, Esq.
Attorneys for Plaintiff
242 Drexel Avenue
Westbury, NY 11590
(516) 876-0800

Attachment: DOC032425-032420250929111 (COM-2025-35 : Summons and Complaint: U.S. Bank National Association Et Al Vs. Town of Amherst

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

Francina J. Spoth
Town Clerk

Meeting: 04/07/25 07:00 PM
Department: Highway
Initiated by: **Steven E. Floss**
Co-Sponsored by:

DOC ID: 30326 **RESOLUTION 2025-401** **ADOPTED**

Request for Budget Transfer

SUSPENSION ITEM TO TOWN BOARD AGENDA OF APRIL 7, 2025

TO: Deputy Supervisor Lavin

FROM: Steven Floss, Superintendent

DATE: April 4, 2025

RE: Request for Budget Transfer

We are respectively requesting the following budget transfers with regard to Resolution 2025-382 for Award NYS OGS Mini Bid #2025015 for (2) Chassis and Dump Bodies – CRS #5423 as follows:

- Please Transfer $7,742.31 from KP2504.2600 to KP2504.2250
- Please Transfer $26,783.11 from D5130.2600 to KP2504.2250

Thank you for your consideration.

4/7/2025
A motion to approve was made by Deputy Supervisor Lavin, seconded by Councilmember Berger and unanimously approved 5-0.

FINANCIAL IMPACT:

$7,742.31 from KP2504.2600 to KP2504.2250

$26,783.11 from D5130.2600 to KP2504.2250

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