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, November 22, 2021 **7:00 PM** **Amherst Municipal Building**

I. IN MEMORY

II. INVOCATION

Councilmember Szukala

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL:

7:00 PM Meeting called to order on November 22, 2021 at Amherst Municipal Building, 5583 Main Street, Williamsville, NY.

Attendee Name	Organization	Title	Status	Arrived
Brian J. Kulpa	Town of Amherst	Supervisor	Absent	
Jacqualine Berger	Town of Amherst	Deputy Supervisor	Present	
Deborah Bruch Bucki	Town of Amherst	Councilmember	Present	
Shawn Lavin	Town of Amherst	Councilmember	Present	
Michael Szukala	Town of Amherst	Councilmember	Present	
Francina J. Spoth	Town of Amherst	Town Clerk	Present	
Timothy Koller	Town of Amherst	Deputy Town Clerk	Present	
Christopher P. Schregel	Town of Amherst	Traffic-Safety Coordinator	Present	
Stanley J. Sliwa	Town of Amherst	Town Attorney	Present	
Daniel J. Ulatowski	Town of Amherst	Assistant Planning Director/ZEO	Present	
Dan Howard	Town of Amherst	Planning Director	Present	
Patrick G. Lucey	Town of Amherst	Highway Superintendent	Present	
Jeffrey S. Burroughs	Town of Amherst	Town Engineer	Present	
Jennifer M Brock	Town of Amherst	Chief Accountant	Present	

V. MINUTES APPROVAL

1. Monday, November 08, 2021

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Jacqualine Berger, Deputy Supervisor
SECONDER:	Michael Szukala, Councilmember
AYES:	Berger, Bucki, Lavin, Szukala
ABSENT:	Kulpa

VI. PROCLAMATIONS AND ANNOUNCEMENTS

VII. PUBLIC HEARINGS

Speakers will be limited to 3 minutes.

1. Resolution 2021-1028

New Subdivisions - Traffic Control Devices (Signs)

A public hearing to install traffic control devices (signs) in Gesel Woods, The Preserve at Muir Woods, Miller's Crossing, The Preserve at Glen Meadows, and Fair Woods Estates subdivisions.

Gesel Woods

"The tee intersection of Gesel Lane and Ayer Road is hereby designated as a stop intersection and a stop sign shall be installed at the southwest corner."

The Preserve at Muir Woods

"The tee intersection of Founders Lake Court and Sierra Drive is hereby designated as a stop intersection and a stop sign shall be installed at the southeast corner."

and,

"The tee intersection of Founders Lake Court and Lynette Lane is hereby designated as a stop intersection and a stop sign shall be installed at the northwest corner."

and,

"The intersection of Sierra Drive and Lynette Lane be signed as a roundabout with one-way signage and yield signs on all approaching legs."

Miller's Crossing

"The tee intersection of Streamsong Court and New Road is hereby designated as a stop intersection and a stop sign shall be installed at the southwest corner."

and,

"The tee intersection of Streamsong Court and Autumn Meadows Lane is hereby designated as a stop intersection and a stop sign shall be installed at the northwest corner."

The Preserve at Glen Meadow

"The tee intersection of Glen Meadow Drive and Dodge Road is hereby designated as a stop intersection and a stop sign shall be installed at the northeast corner."

and,

"The tee intersection of Glen Meadow Drive and Glen Meadow Drive South is hereby designated as a stop intersection and a stop sign shall be installed at the southeast corner."

Fair Woods Estates

"The tee intersection of Fair Woods Drive and Heim Road is hereby designated as a stop intersection and a stop sign shall be installed at the northeast corner."

11/22/2021

A motion to open the public hearing was made by Deputy Supervisor Berger, seconded by Councilmember Szukala and unanimously approved 4-0. The public hearing was opened at 7:06 PM.

Christopher Schregel, Traffic Safety Liaison, presented.

There were no speakers from the public, therefore Deputy Supervisor Berger moved to close the public hearing, seconded by Councilmember Bucki and unanimously approved 4-0. The public hearing was closed at 7:11 PM.

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

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

2. Resolution 2021-1029

Abandonment and Sale of S. Linden Drive - SEQR (Negative Declaration)

Public Hearing for the abandonment and sale of S. Linden Drive, a Paper Street, together with previously authorized Resolution 2021-468 (attached) giving Supervisor authority to execute the Negative Declaration and giving the Highway Superintendent, Town Board and Town Supervisor the authority to execute the Certificate of Abandonment once the abandonment is finalized.

11/22/2021
A motion to open the public hearing was made by Deputy Supervisor Berger, seconded by Councilmember Lavin and unanimously approved 4-0. The public hearing was opened at 7:11 PM.

Ann Demopoulos, Deputy Town Attorney, presented.

The following speakers addressed the Town Board:
Attorney Olivia Paulo-Lee - easement language
Attorney Jeff Palumbo - easement language should be determined by the Town Attorney

There were no further speakers from the public, therefore Deputy Supervisor Berger moved to close the public hearing, seconded by Councilmember Bucki and unanimously approved 4-0. The public hearing was closed at 7:19 PM.

A motion to adopt the Negative Declaration was made by Deputy Supervisor Berger, seconded by Councilmember Bucki and unanimously approved 4-0.

A motion to adopt the resolution was made by Deputy Supervisor Berger, seconded by Councilmember Bucki and unanimously approved 4-0.

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

3. Resolution 2021-1030

4252 - 4258 Ridge Lea Road Amendment to the Bicentennial Comprehensive Plan

DRAFT RESOLUTION
(November 22, 2021)

Adoption of Resolution to Amend the Bicentennial Comprehensive Plan
4252-4258 Ridge Lea Road (BCPA-2021-01)

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR are completed, as the Town Board completed a SEQR review for the Boulevard Central District planning area, which included a Final Environmental Impact Statement was adopted on January 6, 2020, and be it further

RESOLVED, that the subject area is within the aforementioned Boulevard Central District planning area, and has been determined to be consistent with the findings statement adopted on January 6, 2020, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of September 23, 2021, that the proposed Amendment to the Bicentennial Comprehensive Plan for 4252-4258 Ridge Lea Road is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that in accordance with Section 11.6 of the Bicentennial Comprehensive Plan the Town Board amends the Bicentennial Comprehensive Plan to allow industrial/office use on the subject property.

11/22/2021

A motion to open the public hearing was made by Deputy Supervisor Berger, seconded by Councilmember Lavin and unanimously approved 4-0. The public hearing was opened at 7:21 PM.

Attorney James Boglioli, Benderson Development, presented.

The following speakers addressed the Town Board and voiced their opposition and concern's:
William Kleis & Geri DiCosmo, 378 Meyer Rd.
Kenneth Holt, 370 Meyer Rd.
Sheila Goldberg & Jill Mack, 306 Meyer Rd.
John Goscinski, 105 Hilton Blvd.
Bob Stockdale, 300 Maynard Dr.
Eugene Sibick, 34 Wik St.
Merri Debany, 4243 Sheridan Dr.

There were no further speakers therefore, Deputy Supervisor Berger moved to adjourn the public hearing until December 20th, seconded by Councilmember Bucki and unanimously approved 4-0. The public hearing was adjourned at 8:05 PM.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 12/20/2021 7:00 PM**
MOVER:	Jacqualine Berger, Deputy Supervisor	
SECONDER:	Deborah Bruch Bucki, Councilmember	
AYES:	Berger, Bucki, Lavin, Szukala	
ABSENT:	Kulpa	

4. Resolution 2021-1031

1789 Dodge Road Rezoning

Request to rezone 6.7± acres of land from SA to R-3.

The Town Board is requested to not act on the subject rezoning request at its meeting of November 22, 2021 other than to conduct a public hearing. A SEQR determination and a draft resolution of approval or denial will be prepared when the Town Board establishes a decision date. Therefore, following the close of the public hearing , our office request that the subject matter be placed under Unfinished Business, consistent with rule 5G of the Town Board Rules of Order.

11/22/2021
A motion to open the public hearing was made by Deputy Supervisor Berger, seconded by Councilmember Szukala and unanimously approved 4-0. The public hearing was opened at 8:06 PM.

Attorney Sean Hopkins, presented. Joe Rubino also spoke.

The following speakers addressed the Town Board and voiced their opposition and concern's:
William Pitz, 1815 Dodge Rd.
Barbara Makuch, 143 Brenridge Dr.
David Mack, 65 Larchmont Rd.
Merja Kenola, 1800 Dodge Rd.
Cheryl Anastasia, 1860 Dodge Rd.
Daniel Ohar, 1970 Dodge Rd.
Nick Rockwell, 1765 Dodge Rd.
Annalise Carpaccio, 1810 Dodge Rd.

There were no further speakers, therefore Deputy Supervisor Berger moved to keep the hearing open and to set a decision date for the January 18th Town Board meeting, seconded by Councilmember Bucki and unanimously approved 4-0. This hearing was adjourned at 9:08 PM.

RESULT:	**DECISION DATE [UNANIMOUS]**	**Next: 1/18/2022 7:00 PM**
MOVER:	Jacqualine Berger, Deputy Supervisor	
SECONDER:	Deborah Bruch Bucki, Councilmember	
AYES:	Berger, Bucki, Lavin, Szukala	
ABSENT:	Kulpa	

VIII. 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)**
3. **Amherst Community Diversity Commission (5)**
4. **Amherst Conservation Advisory Council (4)**
5. **Amherst Industrial Development Agency**
   Membership is full.
6. **Amherst Veterans Committee (4)**
7. **Arts & Culture in Public Places Board**
8. **Board of Assessment Review**
   Membership is full.
9. **Board of Electrician Examiners**
   Membership is full.
10. **Board of Ethics**
    Membership is full.
11. **Board of Plumbing and Drainage Examiners**
    Membership is full.
12. **Citizens Financial Advisory Committee (2)**
13. **Design Advisory Board**
14. **Employee Suggestion Program Merit Award Board**
    Membership is full.
15. **Employee Suggestion Review Committee**
    Membership is full.
16. **Energy Conservation Citizens Advisory Committee (3)**
17. **Freedom of Information Law (FOIL) Board**
18. **Glen Park Joint Board (1)**
    Village vacancy

19. Government Study Committee (2)

20. Historic Preservation Commission (1)

21. Information Technology Advisory Committee (2)

22. Library Board of Trustees (1)

Membership is full.

23. Minority / Woman Owned Business (4)

24. Open Government Advisory Board (4)

25. Planning Board

Membership is full.

26. Recreation Commission

27. Recycling and Waste Committee (3)

28. Senior Services Advisory Board (2)

29. Traffic Safety Board

Membership is full.

30. Youth Board (4)

Adult vacancies (4), Youth vacancies (0)

31. Zoning Board of Appeals

Membership is full.

IX. PUBLIC EXPRESSION

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

A motion to open Public Expression was made by Deputy Supervisor Berger, seconded by Councilmember Bucki and unanimously approved 4-0. Public Expression was opened at 9:11 PM.

The following speaker addressed the Town Board:
Jane Cox, Harlem Rd. - cannabis regulation

There were no further speakers from the public, therefore Deputy Supervisor Berger moved to close Public Expression, seconded by Councilmember Bucki and unanimously approved 4-0. Public Expression was closed at 9:22 PM.

X. CONSENT AGENDA

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

XI. COUNCILMEMBER RESOLUTIONS

A. SUPERVISOR KULPA:

B. DEPUTY SUPERVISOR BERGER:

1. Resolution 2021-1032

Adoption of Local Law to Amend the Zoning Map (10060 & 10090 Transit Road & Z-2019-06)

BE IT RESOLVED, the attached is an amended Town Board letter regarding the request to rezone 29.21± acres of land from Suburban Agriculture District (SA) and Motor Service District (MS) to Center 2.5 District (CTR-2.5), Multifamily Residential District Five (MFR-5) and Residential District Three (R-3); property located at 10060 & 10090 Transit Road. Forbes Capretto Homes, Petitioner. (Z-2019-06); and

BE IT FURTHER RESOLVED, the letter be filed with the Amherst Town Clerk and added to the file regarding property located at 10060 & 10090 Transit Road.

11/22/2021
A motion to adjourn to the December 20th meeting was made by Deputy Supervisor Berger, seconded by Councilmember Lavin and unanimously approved 4-0.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 12/20/2021 7:00 PM**
MOVER:	Jacqualine Berger, Deputy Supervisor	
SECONDER:	Shawn Lavin, Councilmember	
AYES:	Berger, Bucki, Lavin, Szukala	
ABSENT:	Kulpa	

C. COUNCILMEMBER BUCKI:

D. COUNCILMEMBER LAVIN:

E. COUNCILMEMBER SZUKALA:

1. Resolution 2021-1033

Longmeadow Road – Establish Bike Lanes Between Allenhurst Road and Rosedale Blvd.

WHEREAS, Longmeadow Road is a Town roadway, classified as a Local Collector, and was recently repaved by Town Highway forces in 2021; and

WHEREAS, the Town received a request on August 11, 2021 to review vehicle speeds and street signage on Longmeadow Road since the repaving project; and

WHEREAS, the Town's Traffic Safety Board reviewed Longmeadow Road at its September 2021 meeting and found that Longmeadow Road is:

- striped with a double yellow centerline
- curbed at a 30+ feet width
- posted at 30 mph with an 85th percentile speed of 37-38 mph
- not commonly used for on-street parking and has a one-sided parking restriction
- used by bicyclists with a connection to the intercampus bike route on Rosedale Blvd; and

WHEREAS, studies have shown vehicular speeds can be calmed by narrowing driving lanes by striping 'edge of pavement' lines; and

WHEREAS, the wide width of Longmeadow Road allows for either parking lanes or the establishment of bicycle lanes; and

WHEREAS, a survey was sent to the property owners of Longmeadow Road between Niagara Falls Boulevard and Rosedale Boulevard to determine if there was support for on-street bicycle lanes; and

WHEREAS, 100% of responding residents of the survey were in favor of establishing bike lanes with the understanding that on-street parking would be prohibited; and

WHEREAS, the Amherst Traffic Safety Board is recommending that the Town establish bike lanes on Longmeadow Road between Allenhurst Road and Rosedale Boulevard with a connection to the intercampus bike route on Rosedale Boulevard.

NOW, THEREFORE, BE IT RESOLVED that Longmeadow Road be hereby designated as a roadway with 5'-wide on-street bike lanes on both sides between Allenhurst Road and Rosedale Boulevard with driving lanes narrowed to 9.5' wide; and

BE IT FURTHER RESOLVED that funding be identified to allow for the Town's Highway Department to install the appropriate striping and signage in 2022 when weather is suitable.

11/22/2021
Adjourned to December 20th meeting

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 12/20/2021 7:00 PM**
MOVER:	Jacqualine Berger, Deputy Supervisor	
SECONDER:	Shawn Lavin, Councilmember	
AYES:	Berger, Bucki, Lavin, Szukala	
ABSENT:	Kulpa	

2. Resolution 2021-1034

Set Public Hearing Date – Stop Sign Change at Cranburne Lane and Delamere Road

Please schedule a public hearing on December 20, 2021 to change the stop sign configuration at the intersection of Cranburne Lane and Delamere Road making it a single-stop intersection.

> "The T-intersection of Cranburne Lane and Delamere Road is hereby designated as a single-stop intersection with the stop sign installed at the southwest corner stopping Cranburne Lane traffic and the remaining stop signs on Delamere Road at Cranburne Lane removed."

11/22/2021
Consent

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

XII. DEPARTMENT HEAD RESOLUTIONS AND REPORTS

A. TOWN ATTORNEY:

1. Resolution 2021-1035

Request for Public Hearing - Amending Chapter 5, Design Advisory Board

AGENDA ITEM : NOVEMBER 22ND, 2021

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **November 17, 2021**

RE: **Request For Public Hearing**
A Local Law Amending Chapter 5 of the Code of the Town of Amherst - Establishment of Design Advisory Board

Kindly adopt a resolution to set a Public Hearing for December 20, 2021 at 7:00 p.m. to adopt the attached Local Law.

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.

SJS:nmb
Attachment
c: Kathy Cooper, Deputy Town Clerk (**Agenda Item : November 22, 2021**)

11/22/2021
Consent

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

2. Resolution 2021-1036

Extension of Contract with Bond Counsel - Harris Beach PLLC (CRS #2968)

AGENDA ITEM : NOVEMBER 22ND, 2021

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **November 17, 2021**

RE: Extension of Contract With Bond Counsel
Harris Beach, PLLC (CRS #2968)

Kindly authorize the Supervisor to execute the attached contract extending the retention of Harris Beach PLLC as bond counsel for all Town bond financing matters effective January 1, 2022 through and including December 31, 2023 at the negotiated fee schedule set forth in its current contract with the Town for said services.

Thank you.

SJS:NMB:hs
Attachment
c: Kathy Cooper, Deputy Town Clerk
(*w/attachment,* **Agenda Item - November 22, 2021**)
Lynda Juul, Director of Finance (*w/attachment)*
Daryl C. Bramer, Comptroller (*w/attachment)*

11/22/2021
Consent

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

3. Resolution 2021-1037

Penflex Service Award Fee Agreements (CRS #S 2990-2996)

AGENDA ITEM : NOVEMBER 22ND, 2021

TO: Town Board

FROM: Stanley J. Sliwa, Esq., Town Attorney

DATE: November 12, 2021

RE: Service Award Program : Service Fee Agreements

***Ellicott Creek Fire Protection District No. 9 (CRS #2990)**
***Getzville Fire Protection District No. 11 (CRS #2991)**
***Main Transit Fire Protection District No. 14 (CRS #2992)**
***North Amherst Fire Protection District No. 10 (CRS #2993)**
***North Bailey Fire Protection District No. 19 (CRS #2994)**
***East Amherst Fire Department (CRS #2995)**

***Swormville Fire Department (CRS #2996)**

Kindly adopt a resolution approving the attached Service Award Agreements with respect to each respective fire department/fire protection district and authorize the Supervisor to execute the Agreements.

Thank you for your consideration.

SJS:NMB:hs
Attachments
c: Kathy Cooper, Deputy Town Clerk
(w/attachments, **Agenda Item: November 22, 2021**)

11/22/2021
Consent

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

4. Resolution 2021-1038

Temporary Access Agreement - Left/Right, LLC (CRS #3022)

AGENDA ITEM : NOVEMBER 22ND, 2021

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **November 17, 2021**

RE: **Temporary Access Agreement - Left/Right, LLC (CRS #3022)**
Filming At Eco Park Playground

Kindly adopt a resolution authorizing the Supervisor to execute the attached Temporary Access Agreement with Left/Right, LLC for access to Eco Park Playground to conduct filming *nunc pro tunc* pending successful completion of the CRS.

Thank you.

SJS:nmb:hs
Attachment
c: Kathy Cooper, Deputy Town Clerk

(*w/attachment,* **Agenda Item - November 22, 2021**)

11/22/2021
Consent

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

5. Resolution 2021-1039

Conflict Waiver - Hodgson Russ, LLP (CRS #3023)

AGENDA ITEM : NOVEMBER 22ND, 2021

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **November 17, 2021**

RE: **Conflict Waiver - Hodgson Russ, LLP (CRS #3023)**
Their Client - Buffalo Niagara Heritage Village (BNHV)
Contract Negotiations With Town of Amherst

Kindly adopt a resolution authorizing the Supervisor to execute the attached letter relative to agreeing that there is no objection to Hodgson Russ, LLP's representation of the Buffalo Niagara Heritage Village (BNHV) in connection with its contract negotiations with the Town of Amherst pending successful completion of the Contract Routing System.

Thank you.

SJS:nmb:hs
Attachment
c: Kathy Cooper, Deputy Town Clerk
(*w/attachment,* **Agenda Item - November 22, 2021**)
Elizabeth A. Holden, Esq.
(*w/o attachment*, Via E-Mail - eholden@hodgsonruss.com)

11/22/2021
Consent

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

6. Resolution 2021-1040

Subdivision Settlement Participation Form (J&J) (Exhibit "L") (CRS #3027)

AGENDA ITEM : NOVEMBER 22ND, 2021

TO: **Town Board**

FROM: **Jeffrey E. Marion, Esq., Consulting Opioid Counsel**
Stanley J. Sliwa, Esq., Town Attorney

DATE: **November 17, 2021**

RE: **Subdivision Settlement Participation Form (Exhibit "L")**
Effectuating Settlement With J&J (Johnson and Johnson)
(CRS #3027)

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

WHEREAS, there is pending the matter of Town of Amherst v. Purdue Pharma L.P., et al., under Index No. 803887/2018 in the Supreme Court in and for the County of Erie, regarding the opioid addiction crisis, in which the Town of Amherst is a named Plaintiff in the action (the "Action"); and

WHEREAS, the Action is against several Defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies; and

WHEREAS, the Action alleges several causes of action against Defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutical, Inc. ("J & J") based on claims that J & J contributed to the opioid epidemic by falsely promoting prescription opioids it manufactured and sold and by falsely promoting the increased use of opioids directly and generally through various "front groups" and failing to implement measures to prevent diversion of prescription opioids in connection with distribution of its products, all of which contributed to a public health crisis in the Town of Amherst; and

WHEREAS, it is in the best interest of the Town of Amherst to resolve this matter with respect to J & J without further litigation and enter into the proposed Agreement as it shall settle all allegations against J & J and avoid protracted litigation;

NOW, THEREFORE BE IT RESOLVED that the Town Board approves the Settlement Agreement and Release ("Agreement") attached hereto as Exhibit "L;"

BE IT FURTHER RESOLVED, that the Town Board authorize the Supervisor to execute the proposed Agreement attached hereto as Exhibit "L" after successful completion of the Contract Routing Process;

BE IT FURTHER RESOLVED that the Town Board further authorizes the Supervisor to execute such other documents as may be necessary and appropriate to effectuate the settlement with J&J pending successful completion of the Contract Routing Process.

JEM:SJS:NMB:hs
Attachment
c: Kathy Cooper, Deputy Town Clerk
(*w/attachment,* **Agenda Item - November 22, 2021**)

11/22/2021
Consent

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

7. Resolution 2021-1041

NY Subdivision Election and Release Form (Distributors) (CRS #3026)

AGENDA ITEM : NOVEMBER 22ND, 2021

TO: **Town Board**

FROM: **Jeffrey E. Marion, Esq., Consulting Opioid Counsel**
Stanley J. Sliwa, Esq., Town Attorney

DATE: **November 16, 2021**

RE: **NY Subdivision Election and Release Form (Exhibit "A")**
(CRS #3026)
Effectuating Settlement With Opioid Distributors

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

WHEREAS, there is pending the matter of Town of Amherst v. Purdue Pharma L.P., et al., under Index No. 803887/2018 in the Supreme Court in and for the County of Erie,

regarding the opioid addiction crisis, in which the Town of Amherst is a named Plaintiff in the action (the "Action"); and

WHEREAS, the Action is against several Defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies; and

WHEREAS, the Action alleges several causes of action against Defendants McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Dmg Corporation, PSS World Medical, Inc., Kinray, LLC, Belko Drug Corporation, and American Medical Distributors, Inc. (the "Distributors") based on claims that the Distributors contributed to the opioid epidemic by failing to comply with their obligations under the Federal Controlled Substances Act and the New York Controlled Substances Act to implement adequate measures to prevent diversion of the prescription opioids they distributed to pharmacies and others, all of which contributed to a public health crisis in the Town of Amherst; and

WHEREAS, it is in the best interest of the Town of Amherst to resolve this matter with respect to the Distributors without further litigation and enter into the proposed Agreement as it shall settle all allegations against the Distributors and avoid protracted litigation;

NOW, THEREFORE BE IT RESOLVED that the Town Board approves the Settlement Agreement and Release ("Agreement") attached hereto as Exhibit "A;"

BE IT FURTHER RESOLVED, that the Town Board authorize the Supervisor to execute the proposed Agreement attached hereto as Exhibit "A" after successful completion of the Contract Routing Process;

BE IT FURTHER RESOLVED that the Town Board further authorizes the Supervisor to execute such other documents as may be necessary and appropriate to effectuate the settlement with the Distributors pending successful completion of the Contract Routing Process.

JEM:SJS:NMB:hs
Attachment
c: Kathy Cooper, Deputy Town Clerk
(*w/attachment,* **Agenda Item - November 22, 2021**)

11/22/2021
Consent

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

8. Resolution 2021-1042

New York Opioid Settlement Sharing Agreement (Exhibit "N") (CRS #3028)

AGENDA ITEM : NOVEMBER 22ND, 2021

TO: **Town Board**

FROM: **Jeffrey E. Marion, Esq., Consulting Opioid Counsel**
Stanley J. Sliwa, Esq., Town Attorney

DATE: **November 17, 2021**

RE: **New York Opioid Settlement Sharing Agreement (Exhibit "N")(CRS #3028)**

Kindly adopt a resolution authorizing the Supervisor to execute the attached agreement authorizing the Town of Amherst to be a part of the State of New York and New York Subdivisions opioid settlement pending successful completion of the Contract Routing System.

JEM:SJS:NMB:hs
Attachment
c: Kathy Cooper, Deputy Town Clerk
(*w/attachment,* **Agenda Item - November 22, 2021**)

11/22/2021
Consent

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

9. Resolution 2021-1043

UBF Faculty-Student Housing Corporation (Amherst Development Corporation)

AGENDA ITEM : NOVEMBER 22nd, 2021

TO: **Town Board**

FROM: Stanley J. Sliwa, Esq., Town Attorney

DATE: November 17, 2021

RE: UBF Faculty-Student Housing Corporation
Town of Amherst Development Corporation

Kindly adopt a resolution adopting the issuance of tax exempt bonds by the Town of Amherst Development Corporation to finance the UBF Faculty-Student Housing Corporation as per the attached letter from bond counsel for the Town of Amherst Development Corporation and accompanying tax-exempt bond resolution.

This is not a debt of the Town nor will the Town have any other obligation on said bonds.

Authorization of this matter is pending final review by the Town Attorney's Office.

Thank you.

SJS:nmb
Attachments
c: Kathy Cooper, Deputy Town Clerk
(*w/attachments,* **Agenda Item : November 22, 2021**)
Terrence M. Gilbride, Esq. (*w/o attachments, via E-Mail)*

11/22/2021
Consent

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

10. Resolution 2021-1044

Settlement of Article 7 Matter - Public Storage (2750 Millersport Highway)

AGENDA ITEM : NOVEMBER 22nd, 2021

TO: Town Board

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

DATE: November 16, 2021

RE: Settlement of Article 7 Matter
Public Storage v. Town of Amherst, et al.
(2750 Millersport Highway)

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.

SJS:nmb
Attachment
c: Kathy Cooper, Deputy Town Clerk
(*w/attachment,* **Agenda Item : November 22nd, 2021**)
Emily Murphy, Town Assessor (*w/attachment)*

11/22/2021
Consent

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

11. Resolution 2021-1045

Settlement of Article 7 - Public Storage Prop VI V. Town of Amherst, Et Al.

AGENDA ITEM : NOVEMBER 22nd, 2021

TO: Town Board

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

DATE: November 17, 2021

RE: Settlement of Article 7 Matter
Public Storage Prop VI v. Town of Amherst, et al.
(3671 Sheridan Drive)

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.

SJS:nmb
Attachment
c: Kathy Cooper, Deputy Town Clerk
(*w/attachment,* **Agenda Item : November 22nd, 2021**)
Emily Murphy, Town Assessor (*w/attachment)*

11/22/2021
Consent

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

12. Resolution 2021-1046

Settlement of Article 7 Matter - Premier Place Improvements, LLC V. Town of Amherst, Et Al

AGENDA ITEM : NOVEMBER 22nd, 2021

TO: **Town Board**

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

DATE: **November 17, 2021**

RE: **Settlement of Article 7 Matter**
Premier Place Improvements, LLC v. Town of Amherst, et al.

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.

SJS:nmb
Attachment
c: Kathy Cooper, Deputy Town Clerk
(*w/attachment,* **Agenda Item : November 22nd, 2021**)
Emily Murphy, Town Assessor (*w/attachment)*

11/22/2021
Consent

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

B. TOWN CLERK:

1. Resolution 2021-1047

Authorization for Pre- Payment to DXO Communications of Buffalo, Inc.

We are requesting approval for and directive to the Comptroller for pre-payment to DXO Communications of Buffalo, Inc. for the mailing of the 2022 Town and County Tax Bills ($12,447.00) and for the 2022 Town and County Tax Receipts ($9,681.00).

11/22/2021
Consent

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

2. Resolution 2021-1048

Request for Public Hearing To Amend Local Law Chapter 166 Sec. 3 Snow Plow Permit Application Procedure; Fee

Kindly adopt a resolution to set a Public Hearing for December 20, 2021 at 7:00 p.m. to adopt the above-entitled Local Law. Attached please find a copy of such proposed Local Law for your reference.

11/22/2021
Consent

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

3. Resolution 2021-1049

Snowplow Permits

Hassle Free Landscaping & Snowplowing #0140
Joseph R Oishei, Jr.
P. O. Box 1283
Amherst, NY 14226

MAT Gen Enterprises, LLC #0141-#0143
Benjamin Ziccivic
177 Tim Tam Terrace
West Seneca, NY 14224

Aarbor Service #0144-#0145
Keith F Winters
35 Augusta Avenue
Amherst, NY 14226

John Argo #0146
43 Dellwood Road
Amherst, NY 14226

Burghardt Landscaping Services #0147-#0149
David J Burghardt
8694 Lapp Road
Clarence Center, NY 14032

Mark Halla #0150
512 N. Ivyhurst Road
Amherst, NY 14226

Marinucci Landscaping #0151-#0153
Rich Marinucci
83 Brooklane Drive

Williamsville, NY 14221

Reinhart Ent Landscaping & Lawn Care, LLC
Nicholas Reinhart
92 Chassin Avenue
Amherst, NY 14226 — #0154-#0155

Armstrong Landscape & Snowplowing, Inc
Matthew Armstrong
2368 Bedell Road
Grand Island, NY 14072 — #0156-#-0161

Enhance Handyman
Robert A Krawczyk
37 Leroy Road
Cheektowaga, NY 14215 — #0162

Professional Lawn Services
David T Volo
280 Tremaine Avenue
Kenmore, NY 14217 — #0163

Richard Cooper
153 Margaret Road
Amherst, NY 14226 — #0164

Xclusive Landcare
Jason M Czajka
6 Sonsett Terrace
Tonawanda, NY 14150 — #0165

Big Rock Construction & Snowplowing
Barry Wyzykowski
32 Talewood Drive
Tonawanda, NY 14150 — #0166

Jaxx Snowplowing
Michael J Jackson
1970 Niagara Falls Blvd
Tonawanda, NY 14228 — #0167

Siberian Plowing
Jenna Wyzykowski
1340 Sherwood Avenue
N. Tonawanda, NY 14120 — #0168-#0169

Peter Schmitt
62 Thomas Jefferson
Amherst, NY14226 — #0170

Maggio Landscaping, Inc #0171- #0174
Robert C Maggio, Jr.
46 Raintree Pkwy
Tonawanda, NY 14150

Anthony Landscaping & Snowplowing #0175-#0178
Anthony Caligiuri
9342 Lakeshore Road
Angola, NY 14006

Roger Mazikowski #0179
492 Homecrest Dr
Amherst, NY 14226

Landscape Escapes Inc. #0180-#0181
Scott Krantz
41 S. Huxley Drive
Cheektowaga, NY 14225

Bob's Bestway LLc #0182
Robert Parker
280 Two Mile Creek Road
Tonawanda, NY 14150

Tim Waterman #0183
P.O. Box 122
Getzville, NY 14068

11/22/2021
Consent

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

C. ASSESSOR:

D. BUILDING/BUILDING MAINTENANCE:

E. CENTRAL ALARM:

F. COMPTROLLER:

1. Resolution 2021-1050

Budget Transfers and Amendments

For Nov 22, 2021 Town Board Agenda

To: Town Board
From: Office of Town Comptroller
Date: 11/17/2021
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 - 2021

FROM:	***TO:***
A6772.4100 Senior Center - Rentals $15,000	A6773.4000 Nutrition - Contractual $42,000
A6772.4090 Senior Center - Prof. Services $24,000	
A6772.4150 Senior Center - Special Celebrations $3,000	

To transfers savings due to COVID into Nutrition for increases in food costs and paper products.

BUDGET AMENDMENTS - 2021

INCREASE:	***INCREASE:***
G9916.02650 Plant 16 - Sales of Scrap $3,091.43	G9916.4810 Chemicals - De-watering $8,769.53
G9916.05001 Plant 16 - Refund of C/Y Exp. $6,776.58	G9916.4921 Repair Mechanical $1,098.48

To recognize revenue not budgeted and increase expenditures.

N2123.02785 CDBG & VG PI $648.80	N2123.4000 Admin $648.80
N2125.02785 CDBG & VG Admin $162.20	N2125.1000 Personal Services $150.67
	N2125.8030 FICA $11.53

To recognize Community Development program income from 6 Campus, Amherst.

N2123.02785 CDBG & VG PI $170.00	N2123.4000 Admin $170.00

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

N2123.02785 CDBG & VG PI $7,472.00	N2123.4000 Admin $7,472.00
N2125.02785 CDBG & VG Admin $1,868.00	N2125.1000 Personal Services $1,735.25
	N2125.8030 FICA $132.75

To recognize Community Development program income from 216 Coronation Drive, Amherst.

N2150.02785 Tonawanda HOME- PI $35,681.40	N2150.4000 Contractual $35,681.40
N2153.02785 Tonawanda Admin- PI $3,964.60	N2153.4003 Admin $3,964.60

To recognize Community Development program income from 114 Rockland, Tonawanda.

N2144.02785 Cheek HOME Rehab $10,730.70	N2144.4000 Contractual $10,730.70
N2149.02785 Cheek HOME Admin $1,192.30	N2149.4003 Admin $1,192.30

To recognize Community Development program income from 69 Peach Tree, Cheektowaga.

11/22/2021
Consent

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

2. Resolution 2021-1051

Year End Budget Transfers

To facilitate the closing of the books for 2021, I am requesting approval from the Town Board to move budgeted funds from accounts within the same department with department head approval without coming back to the Town Board for approval.

Additionally, I am requesting to include accounts such as health insurance, utilities, etc. within the current operating budgets of the Town. This will allow us to prepare for the year-end audit.

This does not include budget transfers from contingency accounts or budget amendments.

11/22/2021
Consent

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

G. CONTRACT COMPLIANCE:

1. Resolution 2021-1052

Award RFP #202107 - Dental Coverage - CRS #3034

WHEREAS, the Contract Compliance and Administration Department received proposals on September 16, 2021 for RFP #202107 Dental Coverage; and

WHEREAS, the RFP process resulted in responses from five (5) vendors, with the recommendation by the review committee and the Town's employee benefit consultant to award a 3-year contract to the Town's current provider, Guardian Life Insurance Company of America under a self-insured scenario;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this RFP to Guardian Life Insurance Company of America; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with Guardian Life Insurance Company of America; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the contract routing system due to the need to have a contract in place as soon as possible for a contract start date of January 1, 2022.

11/22/2021
Consent

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

2. Resolution 2021-1053

Authorize Amended Lease of Golf Carts & Utility Car - Club Car - CRS #3036 & 3037

WHEREAS, an agreement to lease golf carts and a range car and utility car through Club Car was previously adopted by the Town Board on April 5, 2021 via resolution 2021-341 (original CRS/CMS #2538/2514 & #2541/2515); and

WHEREAS, the leases are being amended to include rain covers for the sixty (60) golf carts and to remove the range car from the lease, as a used range car was purchased by Indigo / Amherst Golf, LLC;

NOW, THEREFORE, BE IT RESOLVED, the attached proposal from Club Car is hereby approved for a term of 59 months, which will cover the 2022 thru 2026 golf seasons, including the period through the spring of 2027; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign said proposal; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the contract routing system, as approval of this agreement is time sensitive and receipt of the

leased golf carts will allow Indigo / Amherst Golf, LLC to return the golf carts that are currently being rented.

11/22/2021
Consent

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

3. Resolution 2021-1054

Authorize Amended Golf Cart & Utility Car Lease Agreement with VGM Financial Services - CRS #3038

WHEREAS, the lease of golf carts, a range car and a utility car through Club Car was authorized on April 5, 2021 by Town Board resolution 2021-341 (original CRS/CMS #2538/2514 and #2541/2515); and

WHEREAS, an agreement with the leasing company, VGM Financial Services, was also required and was authorized on May 3, 2021 by Town Board resolution 2021-392 (original CRS/CMS #2583/2848); and

WHEREAS, an amendment to the Club Car proposal is on tonight's agenda for review and approval by the Town Board, which will require a corresponding amendment to the lease agreement with VGM Financial Services;

NOW, THEREFORE, BE IT RESOLVED, the amended lease agreement with VGM Financial Services is hereby approved, and the Supervisor is authorized to sign said agreement; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the contract routing system, as approval of this agreement is time sensitive and receipt of the leased golf carts will allow Indigo / Amherst Golf, LLC to return the golf carts that are currently being rented.

11/22/2021
Consent

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

H. COURT:

1. Resolution 2021-1055

Martha Emiliani - Court Reporting Services Contract - CRS ID# 2973

Martha Emiliani - Court Reporting Services - CRS ID# 2973. Please authorize the Supervisor to sign this contract between Martha Emiliani and Amherst Town Court for Court Reporting Services. This contract CRS ID# 2973 has successfully been routed through the Contracting Routing System.

11/22/2021
Consent

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

2. Resolution 2021-1056

Brenda Walck - Court Reporting Services - CRS ID# 2974

Brenda Walck - Court Reporting Services - CRS ID# 2974. Please authorize the Supervisor to sign this contract between Brenda Walck and Amherst Town Court for Court Reporting Services. This contract CRS ID# 2974 has successfully been routed through the Contract Routing System.

11/22/2021
Consent

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

I. ECONOMIC DEVELOPMENT:

J. EMERGENCY SERVICES:

K. ENGINEERING:

L. FINANCE:

1. Resolution 2021-1057

Authorize Holiday Market at Buffalo Niagara Heritage Village - CRS #2999-3021, 3024-3025, 3030-3032

WHEREAS, the Town has organized several parks programming events over the course of several months in 2021; and

WHEREAS, one such event is the Holiday Market at Buffalo Niagara Heritage Village, to be held on December 4, 2021 from 10am-2pm; and

WHEREAS, vendors are not being paid to participate, nor are they required to submit a fee to participate, and no monies have been exchanged between the vendors and the Town, or preferences given; and

WHEREAS, the attached contract documents have been reviewed and approved by the Town Attorney for form and content;

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby approves the attached contract documents for form and content; and

BE IT FURTHER RESOLVED, the Town Board hereby approves contracts with the following vendors, subject to successful completion of the Contract Routing System:

CRS #2999	Black Barn Bakery
CRS #3000	KBS Spices and Buffalo Artisan Food Traders
CRS #3001	Cosimano E. Ferrari, LLC
CRS #3002	Donna Brands, E. Harlock, d/b/a Donna's Pepper Jams and Jellies
CRS #3003	Effervescence
CRS #3004	Equitable Financial Life Insurance - Jordan Buell, Equitable Advisors
CRS #3005	Healy Enterprises Inc. - Fibrenew
CRS #3006	Fransylvania Produce
CRS #3007	Steven and Julie Rockcastle - Green Heron Growers
CRS #3008	Fudds House of Munch

CRS #3009 JM West Designs
CRS #3010 Yan88 Inc., d/b/a Kcafe
CRS #3011 Keith Wing, Author
CRS #3012 Barbara Andrews, d/b/a Kester Farms
CRS #3013 Kim's Kicking Nails
CRS #3014 Lewiston Jellies, LLC
CRS #3015 Mack's
CRS #3016 North Ridge Distillery, LLC
CRS #3017 Dakshin Canteen, LLC, d/b/a Smita's Cookery
CRS #3018 Stockman's Tavern
CRS #3019 Sugarcane WNY
CRS #3020 Weber's Landscaping Inc., d/b/a Weber's Maple
CRS #3021 Independent Business Owners, d/b/a Wellness Genie
CRS #3024 Mini Italias Bistro and Sweets
CRS #3025 My Buffalo Candle Co.
CRS #3030 M&M Pickles Inc.
CRS #3031 CBD Med Center
CRS #3032 Simone Fancher-Rowan, The Cheesy Chick LLC, Buffalo's Gotta Eat

11/22/2021
A motion to approve was made by Deputy Supervisor Berger, seconded by Councilmember Lavin and approved 3-1 via Roll Call Vote (nay, Bucki).

RESULT:	**ROLL CALL VOTE (ADOPTED) [3 TO 1]**
MOVER:	Jacqualine Berger, Deputy Supervisor
SECONDER:	Shawn Lavin, Councilmember
AYES:	Berger, Lavin, Szukala
NAYS:	Bucki
ABSENT:	Kulpa

M. HIGHWAY

1. Resolution 2021-1058

Authorize the Purchase of Two (2) Ventrac MS720 SD Mowers CRS #2982

NOW THEREFORE BE IT RESOLVED, the Town Board authorizes the purchase of two (2) VENTRAC MS720 SD MOWERS.

The purchase is from BISON TURF EQUIPMENT INC, 2800 Kenmore Avenue, Tonawanda, NY 14150 for $6,304.80 times 2 units equals $12,609.60 under SOURCEWELL Contract #031121 - TTC - 2 with maturity date of 04/ 30/2025.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign this purchase. This purchase is subject to the Contract Routing System (CRS#2982) and the approval of the Town Attorney.

11/22/2021
Consent

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

2. Resolution 2021-1059

Authorize Supervisor to Sign Contract to Piggyback - Northern Supply Company CRS #2989

NOW THEREFORE BE IT RESOLVED, that the Town of Amherst is approved to piggyback on the County of Erie - Plow Parts and Winter Highway Materials contract with Northern Supply Company, Inc. for plow replacement parts.

The Erie County and Northern Supply Company is bid Reference #221200-004, for plow replacement parts. Contract term is 09/01/2021 through 08/31/2022.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign this contract. This contract is subject to the Contract Routing System (CRS #2989) and the approval of the Town Attorney.

11/22/2021
Consent

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

3. Resolution 2021-1060

Authorize the Purchase of Three (3) FELLING Heavy Equipment Trailers, Model FT3-T-1 CRS# 3029

NOW THEREFORE BE IT RESOLVED, the Town Board authorizes the purchase of three (3) FELLING HEAVY EQUIPMENT TRAILERS, FT3-T-!.

The purchase is from Baschmann Services, Inc., 1101 Maple Road, Elma, NY 14059 for three (3) units times $5001.04 each equals $15,003.12 total under SOURCEWELL Contract #121918-FTS with maturity date of 02/11/2023.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign this purchase. This purchase is subject to the Contract Routing System (CRS#3029) and the approval of the Town Attorney.

11/22/2021
Consent

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

4. Resolution 2021-1061

Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS# 3033

NOW THEREFORE BE IT RESOLVED, the Town Board authorizes the purchase of one (1) TOWMASTER HEAVY EQUIPMENT TRAILER, MODEL T-16DT.

The purchase is from George & Swede Sales & Service Inc., 7155 Big Tree Road, Pavilion, NY 14525 for $13,657.60 under SOURCEWELL CONTRACT #121918-MNR with maturity date of 02/11/2023.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign this purchase. This purchase is subject to the Contract Routing System (CRS# 3033) and the approval of the Town Attorney.

11/22/2021
Consent

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

N. HUMAN RESOURCES:

1. Resolution 2021-1062

School Crossing Guard - PT/Police

School Crossing Guard-PT/Police, Effective November 23, 2021, Temporary, $12.50 ph, Step 1 for Linda Decker.

Contingent upon completing all pre-employment requirements.

Replacing an employee who resigned.

11/22/2021
Consent

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

2. Resolution 2021-1063

Cleaner-PT/Building Maintenance

Cleaner-PT/Building Maintenance, Effective November 23,2021, Temporary, $12.50 ph, Step 1 for Kyle Rea.

Contingent upon completing all pre-employment requirements.

Replacing an employee who left the position.

11/22/2021
Consent

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

O. INFORMATION TECHNOLOGY:

P. PLANNING:

Q. POLICE:

1. Resolution 2021-1064

Travel Request - Mobile Device Examiner Training Course

TO: **Town Board**

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

RE: **Travel Request**
Mobile Device Examiner Training Course

Kindly adopt a resolution authorizing One (1) Police Officer to attend a Mobile Device Examiner Training Course in Hoover, Alabama. This course is being held from January 3, 2022 to January 28, 2022. The cost for travel associated with this course is $369.40.

Thank you.

SPC:msl
Attachment
C: Kathy Cooper, Deputy Town Clerk **(Agenda Item: November 22, 2021)**

11/22/2021
Consent

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

R. SENIOR SERVICES:

1. Resolution 2021-1065

To Authorize the Supervisor to Submit an Application to USDA for SNAP Payment for Meal Service

RESOLVED, that the Amherst Town Board hereby authorizes the Supervisor to submit an application to the United States Department of Agriculture to allow the Department of

Senior Services to accept Supplemental Nutrition Assistance Program payment for meals served as part of the Center's congregate dining program.

11/22/2021
Consent

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

S. YOUTH AND RECREATION:

XIII. UNFINISHED BUSINESS

1. Resolution 2021-78

Local Law Amending Chapter 19, Ethics

A public hearing for "A Local Law Amending Chapter 19 of The Code Of The Town of Amherst With Respect To The Code of Ethics".

The purpose of this Local Law shall be to amend various section of Chapter 19 of the Code of the Town of Amherst with respect to the list of officials, notice and verification of filing.

1/19/2021
A motion to adjourn to April 19th was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 5-0.

4/19/2021
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was opened at 7:08 PM.

There were no speakers from the public. Supervisor Kulpa moved to Table the public hearing, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was Tabled at 7:09 PM.

RESULT:	**TABLED (NO VOTE)**	**Next: 12/20/2021 7:00 PM**

2. Resolution 2021-153

Amend the Audubon Development Plan and the Zoning Map to Reclassify 2160 & 2170 North Forest Road from NCD-SA to NCD-ND

DRAFT RESOLUTION
(2/22/21)

Amend the Audubon Development Plan and the Zoning Map
[2160 & 2170 North Forest Road (NCD); Z-2020-06]

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

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of January 21, 2021 that the proposed New Community District - Neighborhood District (NCD-ND) classification at 2160 & 2170 North Forest Road is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that to the extent the proposed classification is not consistent with the adopted Comprehensive Plan, the plan is hereby amended to be consistent with the proposed classification at this location, and be it further

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

1. That the petitioner include additional parking spaces beyond the 17 spaces shown on the concept plan at the site plan stage.

2/22/2021
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0. The public hearing was opened at 7:32 PM.

Sean Hopkins, Esq. presented.

The following speakers addressed the Town Board:
Joseph Hausbeck, 2180 N. Forest Rd. - Spoke in opposition; does not fit the concept of the neighborhood; submitted a letter listing various concerns
Fran Cummings, 2200 N. Forest Rd. - Voiced her concerns; property floods; traffic
Karen Macris, 2230 N. Forest Rd. - Asked questions; concern of dorm-like apartments; dumpster location and noise

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn the public hearing to March 8th. The motion was seconded by Councilmember Szukala and unanimously approved 5-0. The public hearing was adjourned at 8:17 PM.

3/8/2021

A motion to adjourn to April 5th was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 5-0.

4/5/2021
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was opened at 7:05 PM.

Sean Hopkins, Esq. presented updated plans.

The following speakers addressed the Town Board:
Fran Cummings, 2200 N. Forest Rd. - Concerned about it being student housing, lighting spillover, flooding and traffic
Joseph Hausbeck, 2180 N. Forest Rd. - Concerned about excavation of the site and the project being too large

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn the public hearing to April 19th. The motion was seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was adjourned at 7:34 PM.

4/19/2021
Per Supervisor Kulpa, the Petitioner has requested an adjournment. Supervisor Kulpa then moved to Adjourn to May 3rd, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The hearing was adjourned at 7:09 PM.

5/03/2021
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 5-0. The public hearing was opened at 7:09 PM.

Sean Hopkins, Esq. presented updated plans.

The following speaker addressed the Town Board:
Fran Cummings, 2200 N. Forest Rd. - Voiced her continued concerns regarding flooding, student housing in their senior citizen community

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

RESULT:	**TABLED (NO VOTE)**	**Next: 12/20/2021 7:00 PM**

3. Resolution 2021-678

10060 & 10090 Transit Road Rezoning

DRAFT RESOLUTION
(August 9, 2021)

Adoption of Local Law to Amend the Zoning Map
(10060 & 10090 Transit Road & Z-2019-06)

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

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of June 24, 2021 that the proposed Center 2.5 District (CTR-2.5), Multifamily Residential District Five (MFR-5) and Residential District Three (R-3) zoning at 10060 & 10090 Transit Road is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that to the extent the proposed zoning is not consistent with the adopted Comprehensive Plan, the plan is hereby amended to be consistent with the proposed zoning at this location, and be it further

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

1. An agricultural data statement be provided with any application for development as required by Erie County Department of Environment and Planning (ECDEP).

2. That the subject area be removed from Agricultural District 17 - Amherst prior to submittal of any application for site development as required by ECDEP.

3. As required by New York State Department of Transportation (NYSDOT) a revised Traffic Impact Study (TIS) be provided with any application for development.

4. That the Petitioner address concerns of the New York State Department of Transportation (NYSDOT) during future development review.

8/09/2021
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 5-0. The public hearing was opened at 7:16 PM.

Jeffery Palumbo, Esq. presented and answered questions from the Board.

The following speakers addressed the Town Board:
Matt Fitzgerald, Esq., Phillips Lytle LLP, spoke in opposition on behalf of the Ransom Oaks Community Corp. and their several concerns
Colleen Bogdan, 108 Summershade Ct. - Questioned detailed reports that are not included or signed off by Engineer; Spot rezoning; not consistent with neighborhood; the neighborhood is opposed
Steve Massaro, 1116 Smith Rd. - Flooding problems; grossly oversized project; traffic
William Klein, 28 Oak Hill Ct. - Water tables; traffic on Smith; cut through on Ruby Lane.; home values
Colleen Daumen, 418 Glen Oak Dr. - Additional stress of traffic, water, sewage & to fire departments
Rick Mullaney, 25 Honey Suckle Way - Voiced his concerns

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn the public hearing until Sept. 13th, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was adjourned at 8:04 PM.

9/13/2021
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was opened at 7:25 PM.

Jeffery Palumbo, Esq. presented and answered questions from the Board.

There were no speakers from the public, therefore Supervisor Kulpa moved to adjourn the public hearing and set a decision date for October 18th. The motion was seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was adjourned at 7:30 PM.

10/18/2021
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 5-0. The public hearing was opened at 7:03 PM.

Jeffery Palumbo, Esq. provided an update and answered questions from the Board.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the public hearing, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was closed at 7:05 PM.

RESULT:	**HEARING CLOSED**	**Next: 12/20/2021 7:00 PM**

XIV. COMMUNICATIONS

1. Communication 2021-110

Residents Concerns Regarding Ransom Oaks and Surrounding Area

Roads, parks, and facilities are concern of East Amherst Ransom Oaks residents.

11/22/2021
Referred to Highway, Engineering, Planning and Youth & Recreation.

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

2. Communication 2021-111

Verified Petition: Frank Cascino, Mary and Thomas Dolata, Howard Litz and Judson Paige Vs. Town of Amherst Et Al.

11/22/2021
Referred to Town Attorney.

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

XV. PUBLIC IMPROVEMENT PERMITS

1. Resolution 2021-1066

PIP 3087 - the Preserve @ Glen Meadow - Sanitary Sewer

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

A Maintenance Bond for a period of two (2) years in the amount of $35,433.75, representing 25% of the cost of construction has been forwarded to the Town Clerk.

11/22/2021
Consent

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

2. Resolution 2021-1067

PIP 3088 - the Preserve @ Glen Meadow - Waterline

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

A Maintenance Bond for a period of two (2) years in the amount of $34,887.25, representing 25% of the cost of construction has been forwarded to the Town Clerk.

11/22/2021
Consent

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

3. Resolution 2021-1068

PIP 3089 - the Preserve @ Glen Meadow - Storm Sewer

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

A Maintenance Bond for a period of two (2) years in the amount of $49,159.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

11/22/2021
Consent

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

4. Resolution 2021-1069

PIP 3090 - the Preserve @ Glen Meadow - Paving & Curbing

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

A Maintenance Bond for a period of two (2) years in the amount of $118,984.75, representing 25% of the cost of construction has been forwarded to the Town Clerk.

11/22/2021
Consent

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

XVI. SUSPENSION OF RULES

Deputy Supervisor Berger moved to open Suspension of Rules to bring forth 1 unlisted item. The motion was seconded by Councilmember Lavin and unanimously approved 4-0. Suspension of Rules was opened at 9:26 PM.

There being no further business requiring Suspension of Rules, Deputy Supervisor Berger moved to close, seconded by Councilmember Bucki and unanimously approved 4-0. Suspension of Rules was closed at 9:31 PM.

1. Resolution 2021-1070

Approval of Extension of Special Use Permit for a Dormitory [Muir Woods Site B]

Suspension to Town Board Agenda Item November 22, 2021

TO: **Amherst Town Board**

FROM: **Sean W. Hopkins, Esq.**

DATE: **November 22, 2021**

RE: **Approval of Extension of Special Use Permit for a Dormitory [Muir Woods Site B]**

RESOLUTION 2021-__

SPECIAL USE PERMIT FOR A DORMITORY [MUIR WOODS SITE B]

WHEREAS, on November 12, 2019, the Town Board adopted Resolution 2019-1030 for the purpose of approving the issuance of a Special Use Permit for a Dormitory to be located on a portion of Site B of the overall Muir Woods property that consists of a portion of 1081 North French Road (the "Project"); and

WHEREAS, the Planning Board approved the Site Plan for the Project subject to conditions during its meeting on April 15, 2021; and

WHEREAS, since the date the Town Board issued a Special Use Permit, the Town and the Applicant have worked diligently to obtain the required approvals/permits for the Project from the New York State Department of Transportation for the northerly extension of John James Audubon Parkway as a public roadway to be dedicated to the Town; and

WHEREAS, pursuant to Section 8-6-11A of the Town Zoning Code, a Special Use Permit is valid for a period of twelve (12) months from the date on which it issued unless the Special Use has been established; and

BE IT RESOLVED, that the town board expresses it's interest in the project and will act expeditiously once the project is re-reviewed through the town process.

FURTHER BE IT RESOLVED, that the Town Supervisor is authorized to to issue a letter reflecting the Town Board's support of the project.

11/22/2021
A motion to approve was made by Deputy Supervisor Berger, seconded by Councilmember Lavin and unanimously approved 4-0.

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

XVII. PUBLIC EXPRESSION #2

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

A motion to open Public Expression was made by Deputy Supervisor Berger, seconded by Councilmember Bucki and unanimously approved 4-0. Public Expression was opened at 9:32 PM.

There were no speakers from the public, therefore Deputy Supervisor Berger moved to close Public Expression, seconded by Councilmember Bucki and unanimously approved 4-0. Public Expression was closed at 9:33 PM.

XVIII. ADJOURNMENT

There being no further business to come before the Town Board, Deputy Supervisor Berger moved to adjourn, seconded by Councilmember Bucki and unanimously approved 4-0. The Town Board meeting of November 22, 2021 was adjourned at 9:33 PM.

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 25023 **RESOLUTION 2021-1028** **ADOPTED**

New Subdivisions - Traffic Control Devices (Signs)

A public hearing to install traffic control devices (signs) in Gesel Woods, The Preserve at Muir Woods, Miller's Crossing, The Preserve at Glen Meadows, and Fair Woods Estates subdivisions.

Gesel Woods

"The tee intersection of Gesel Lane and Ayer Road is hereby designated as a stop intersection and a stop sign shall be installed at the southwest corner."

The Preserve at Muir Woods

"The tee intersection of Founders Lake Court and Sierra Drive is hereby designated as a stop intersection and a stop sign shall be installed at the southeast corner."

and,

"The tee intersection of Founders Lake Court and Lynette Lane is hereby designated as a stop intersection and a stop sign shall be installed at the northwest corner."

and,

"The intersection of Sierra Drive and Lynette Lane be signed as a roundabout with one-way signage and yield signs on all approaching legs."

Miller's Crossing

"The tee intersection of Streamsong Court and New Road is hereby designated as a stop intersection and a stop sign shall be installed at the southwest corner."

and,

"The tee intersection of Streamsong Court and Autumn Meadows Lane is hereby designated as a stop intersection and a stop sign shall be installed at the northwest corner."

The Preserve at Glen Meadow

"The tee intersection of Glen Meadow Drive and Dodge Road is hereby designated as a stop intersection and a stop sign shall be installed at the northeast corner."

and,

"The tee intersection of Glen Meadow Drive and Glen Meadow Drive South is hereby

designated as a stop intersection and a stop sign shall be installed at the southeast corner."

Fair Woods Estates

"The tee intersection of Fair Woods Drive and Heim Road is hereby designated as a stop intersection and a stop sign shall be installed at the northeast corner."

11/22/2021

A motion to open the public hearing was made by Deputy Supervisor Berger, seconded by Councilmember Szukala and unanimously approved 4-0. The public hearing was opened at 7:06 PM.

Christopher Schregel, Traffic Safety Liaison, presented.

There were no speakers from the public, therefore Deputy Supervisor Berger moved to close the public hearing, seconded by Councilmember Bucki and unanimously approved 4-0. The public hearing was closed at 7:11 PM.

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

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

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Attorney
Initiated by: **Ann Demopoulos**
Co-Sponsored by:

DOC ID: 25027 **RESOLUTION 2021-1029** **ADOPTED**

Abandonment and Sale of S. Linden Drive - SEQR (Negative Declaration)

Public Hearing for the abandonment and sale of S. Linden Drive, a Paper Street, together with previously authorized Resolution 2021-468 (attached) giving Supervisor authority to execute the Negative Declaration and giving the Highway Superintendent, Town Board and Town Supervisor the authority to execute the Certificate of Abandonment once the abandonment is finalized.

11/22/2021
A motion to open the public hearing was made by Deputy Supervisor Berger, seconded by Councilmember Lavin and unanimously approved 4-0. The public hearing was opened at 7:11 PM.

Ann Demopoulos, Deputy Town Attorney, presented.

The following speakers addressed the Town Board:
Attorney Olivia Paulo-Lee - easement language
Attorney Jeff Palumbo - easement language should be determined by the Town Attorney

There were no further speakers from the public, therefore Deputy Supervisor Berger moved to close the public hearing, seconded by Councilmember Bucki and unanimously approved 4-0. The public hearing was closed at 7:19 PM.

A motion to adopt the Negative Declaration was made by Deputy Supervisor Berger, seconded by Councilmember Bucki and unanimously approved 4-0.

A motion to adopt the resolution was made by Deputy Supervisor Berger, seconded by Councilmember Bucki and unanimously approved 4-0.

FINANCIAL IMPACT:

None for the purposes of this resolution.

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

D R A F T

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency: Town of Amherst
Town Board

Project: Abandonment/Sale of Town Right-of-Way – South Linden Street (paper street) (SR-2020-06)

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

Date:

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

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

Title of Action: Abandonment / Sale of Town Right-of-Way (South Linden Street)

SEQR Status: Unlisted action

Description of Action: Abandonment and sale of a Town right-of-way known as South Linden Street (a paper street) which extends from Wehrle Drive to McIntire Road.

Location: North side of Wehrle Drive (adjacent to 864 Wehrle Drive); Town of Amherst, Erie County, New York

Petitioner: Town of Amherst

Attachment: SEQRNegDecS.Linden-08042021114245 (RES-2021-1029 : Abandonment and Sale of S. Linden Drive - SEQR (Negative

Reasons Supporting This Determination

Based on information submitted by the applicant, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that the proposed request for abandonment of an unimproved Town right-of-way will not have a significant impact on the environment, as follows:

1. The action 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.

2. The action will result in the removal of some vegetation or fauna if the land is developed. The action is not expected to result in significant adverse impacts to fish or wildlife species, habitats or other natural resources.

3. The action is not expected to create any material conflict with the Town Comprehensive Plan.

4. The action is within an area identified by the State as potentially containing significant cultural or archeological resources. An archaeological assessment will be required when the site is under review for development to ensure the action will not impair the character or quality of important historical resources.

5. The action will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character.

6. The abandonment/sale of the Town right-of-way will not cause a major change in the use of either the quantity or type of energy.

7. The abandonment/sale of Town right-of-way will not create any hazard to human health.

8. The abandonment/sale of the Town right-of-way will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The proposed action will not affect the scale of surrounding land uses, as it is within an established single-family neighborhood that is zoned R-3.

9. The abandonment/sale of the Town right-of-way will not significantly increase the number of people using the site over its previous level of use.

Attachment: SEQRNegDecS.Linden-08042021114245 (RES-2021-1029 : Abandonment and Sale of S. Linden Drive - SEQR (Negative

10. Significant negative traffic impacts are not expected to result from the proposed action. The South Linden Street right-of-way will have direct access to Wehrle Drive, a County minor arterial.

11. Reviews of the request have been undertaken by Town Departments including Engineering, Highway, Traffic/Safety Board, Assessor, Fire Chiefs, Attorney and Right-of-Way Agent. These reviews have not identified any significant environmental issues and indicate that the action will not have a significant damaging impact on the environment.

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

D. Stone, ASST. PLANNING DIRECTOR — 8/9/2021
Signature & title of preparer — date

_____ _____
Brian J. Kulpa, Supervisor — date

cc: Amherst Town Clerk
Amherst Building Department
Amherst Town Attorney
Amherst Highway Superintendent

Attachment: SEQRNegDecS.Linden-08042021114245 (RES-2021-1029 : Abandonment and Sale of S. Linden Drive - SEQR (Negative

CERTIFICATE OF ABANDONMENT OF TOWN HIGHWAY

WHEREAS, it duly appears to the undersigned, Patrick G. Lucey, Superintendent of Highways of the Town of Amherst, County of Erie, State of New York, and to the Town Board of said Town that a portion of road, a paper street named South Linden Drive, a Town highway in said Town, that running along the north side of Wehrle Drive adjacent to 864 Wehrle Drive and extending South to a dead end street known as McIntire Drive, has become wholly disused and never built or opened; and

WHEREAS, it also duly appears to the undersigned, Patrick G. Lucey, Superintendent of Highways of the Town of Amherst, County of Erie, State of New York, that abandonment of such highway is proper and will not cause injustice or hardship to the owner or occupant of any lands adjoining such highway;

NOW THEREFORE, I, the undersigned Superintendent of Highways of the Town of Amherst, County of Erie, State of New York, do hereby and certify that the aforesaid portion of said highway has never been built or opened and has become wholly disused and that the abandonment of such highway is proper and will not cause injustice or hardship to the owner or occupant of any lands adjoining the same;

AND, said Superintendent of Highways of the Town of Amherst, County of Erie, State of New York, does hereby certify that the following is a description of the portion of said Town Highway, disused as aforesaid, to wit: a paper street known as South Linden Drive, never constructed, running along the north Side of Wehrle Drive adjacent to 864 Wehrle Drive and extending South to a dead end street known as McIntire Drive;

THEREFORE, the aforesaid portion of said Town highway is henceforth abandoned within the meaning and with the effect as provided for in the State of New York Highway Law §205.

ADOPTED: _____ ___th, 2021
Town Board of the Town of Amherst

_____
Brian J. Kulpa, Town Supervisor

_____
Jacqualine Berger, Deputy Supervisor/Councilwoman

_____
Deborah Bruch-Bucki, Councilwoman

_____
Shawn Lavin, Councilman

_____
Michael Szukala, Councilman

_____
Patrick G. Lucey
Superintendent of Highways
Town of Amherst, County of Erie,
State of New York

Attachment: CERTIFICATE OF ABANDONMENT OF TOWN HIGHWAY (RES-2021-1029 : Abandonment and Sale of S. Linden Drive - SEQR

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

Francina J. Spoth
Town Clerk

Meeting: 06/07/21 07:00 PM
Department: Town Attorney
Initiated by: **Ann Demopolous**
Co-Sponsored by:

DOC ID: 23355 **RESOLUTION 2021-468** **ADOPTED**

Abandonment and Sale of S. Linden Drive (Paper Street)

AGENDA ITEM : JUNE 7TH, 2021

TO: **Town Board**

FROM: **Ann Demopolous, Esq., Deputy Town Attorney**

DATE: **June 1, 2021**

RE: **Authorization to Commence Abandonment Proceedings and Authorization To Sell S. Linden Drive (Paper Street)**

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

RESOLVED, the Town Board authorizes the Town Attorney's Office to begin abandonment proceedings for S. Linden Drive, a paper street; and

RESOLVED, the Town Board authorizes the Supervisor to execute any and all documents associated with the preparation and pursuit of the abandonment proceeding; and

RESOLVED, that pursuant to New York State Highway Law Section 205, the Town Board hereby directs the Town of Amherst Superintendent of Highways to certify to the abandonment of the above paper street once abandonment proceedings have been initiated and followed through to completion by executing the attached Certificate of Abandonment; and

RESOLVED, that the Town Board and Town Supervisor also execute the attached Certificate of Abandonment after considering and approving the Resolution herein and once abandonment proceedings have been initiated and followed through to completion; and

RESOLVED, that the Town Board adopt the draft SEQR Negative Declaration attached hereto for both the abandonment and sale of S. Linden Drive (Paper Street) and authorize the Town Supervisor to execute the draft Negative Declaration;

NOW, THEREFORE BE RESOLVED, that to avoid undue hardship to any abutting or adjacent landowner, any required easements will be approved subject to review by the Town Attorney; and

THEREFORE BE IT FURTHER RESOLVED, the preparation of any Easement Agreement(s) will be the responsibility of the buyer(s)/landowner(s); and

BE IT FURTHER RESOLVED, that once the abandonment proceedings have been finalized and the paper street is deemed abandoned, that the Town Board authorize the Town Attorney's Office to proceed with the sale of the paper street to interested parties.

Attachment: Reso2021.468S.Linden-08032021133332 (RES-2021-1029 : Abandonment and Sale of S. Linden Drive - SEQR (Negative

AD:nmb
Attachment
c: Kathy Cooper, Deputy Town Clerk
(*w/attachment,* **Agenda Item : June 7th, 2021**)
Dan Howard, Director of Planning (*w/attachment)*
Ellen Kost, AICP, Assistant Planning Director (*w/attachment)*
Patrick G. Lucey, Superintendent of Highways (*w/attachment)*

6/07/2021
Consent

FINANCIAL IMPACT:

None for the purposes of this resolution.

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

Attachment: Reso2021.468S.Linden-08032021133332 (RES-2021-1029 : Abandonment and Sale of S. Linden Drive - SEQR (Negative

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 25030 **RESOLUTION 2021-1030** **ADJOURNED**

4252 - 4258 Ridge Lea Road Amendment to the Bicentennial Comprehensive Plan

DRAFT RESOLUTION
(November 22, 2021)

Adoption of Resolution to Amend the Bicentennial Comprehensive Plan
4252-4258 Ridge Lea Road (BCPA-2021-01)

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR are completed, as the Town Board completed a SEQR review for the Boulevard Central District planning area, which included a Final Environmental Impact Statement was adopted on January 6, 2020, and be it further

RESOLVED, that the subject area is within the aforementioned Boulevard Central District planning area, and has been determined to be consistent with the findings statement adopted on January 6, 2020, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of September 23, 2021, that the proposed Amendment to the Bicentennial Comprehensive Plan for 4252-4258 Ridge Lea Road is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that in accordance with Section 11.6 of the Bicentennial Comprehensive Plan the Town Board amends the Bicentennial Comprehensive Plan to allow industrial/office use on the subject property.

11/22/2021
A motion to open the public hearing was made by Deputy Supervisor Berger, seconded by Councilmember Lavin and unanimously approved 4-0. The public hearing was opened at 7:21 PM.

Attorney James Boglioli, Benderson Development, presented.

The following speakers addressed the Town Board and voiced their opposition and concern's:
William Kleis & Geri DiCosmo, 378 Meyer Rd.
Kenneth Holt, 370 Meyer Rd.
Sheila Goldberg & Jill Mack, 306 Meyer Rd.
John Goscinski, 105 Hilton Blvd.
Bob Stockdale, 300 Maynard Dr.

Eugene Sibick, 34 Wik St.
Merri Debany, 4243 Sheridan Dr.

There were no further speakers therefore, Deputy Supervisor Berger moved to adjourn the public hearing until December 20th, seconded by Councilmember Bucki and unanimously approved 4-0. The public hearing was adjourned at 8:05 PM.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 12/20/2021 7:00 PM**
MOVER:	Jacqualine Berger, Deputy Supervisor	
SECONDER:	Deborah Bruch Bucki, Councilmember	
AYES:	Berger, Bucki, Lavin, Szukala	
ABSENT:	Kulpa	

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard, A
Planning Directo

Daniel J. Ulatowski, A
Assistant Planning Di

Town Board Agenda of November 22, 2021

November 12, 2021

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

Subject: Request to Amend the Bicentennial Comprehensive Plan for 14.8± acres of land from Commercial Mixed Use/Suburban Center to Industrial Office use; property located at 4252-4258 Ridge Lea Road, Benderson Development Company, Petitioner. BCPA-2021-01.

Honorable Members:

The subject area is a 14.8 ± acre triangle-shaped parcel located southwest of the I-290 along the east side of North Bailey Avenue. The site is connected to the former UB-Ridge Lea campus complex to the east, and north of existing single family residential houses on Meyer Road. The property contains three existing office/warehousing buildings totaling 65,161± sf with consistent uses permitted in the RD zoning district which this area was previously zoned. The subject area is located within the Boulevard Central District. Ridge Lea Road/North Bailey Avenue are designated as collectors as depicted in Figure 9 of the Bicentennial Comprehensive Plan.

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

The purpose of this request is to amend the Comprehensive Plan to allow the petitioner to apply for a rezoning of 14.8± acres of land to the Research & Development (RD) zoning district. The concept plan shows a 108,000± sf warehouse building and to connect the proposed warehouse to the existing southerly 21,736 sf office/warehouse building with a 3,000 sf building addition, including new parking, utilities, drainage and landscaping.

History of previous rezoning requests:

- Z-1997-09 The Town Board rezoned a portion of the subject site from OB to RD on July 7, 1997 with the following conditions:
    1. That debris on the parcel is removed to the satisfaction of the Commissioner of Building prior to the issuance of any building permits for building not under construction at the time the zoning is finalized.

continued...

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

2. That a 30 ft. landscaped buffer be provided and maintained along the south property line adjacent to residential development.
3. That no access be permitted to Meyer Road.
4. That no billboards be permitted.

- Z-2020-08 The Town Board rezoned the subject site and other properties in the area from GB, OB, SC, CF, MFR-5, R-4, RD & R-3 to CTR-5 & CTR-8 on December 14, 2020 as part of the Boulevard Central District.

The Planning Board offers the following findings consistent with Figure 6, Figure 6A, and Figure 33 of the Comprehensive Plan.

INTENT AND OBJECTIVES OF THE COMPREHENSIVE PLAN

The proposed development of a warehouse/manufacturing building project is currently not consistent with the new mixed use zoning district recently assigned to the property. The Center – 8 (CTR-8) zoning district is intended to create "new, walkable mixed-use places with human-scaled internal streets in locations that are near 290 or otherwise appropriate for the Town's tallest new buildings…" In addition, "The Center 8 District is intended to provide for a variety of retail, service and commercial uses, as well as multi-family residences or offices."

CONSISTENCY/COMPATIBILITY WITH SURROUNDING DEVELOPMENT/ZONING

The proposed amendment to the Comprehensive Plan is consistent with the existing uses in the subject area and the adjoining properties.

ADEQUATE SERVICES AND UTILITIES

All services and utilities necessary for the proposed rezoning are available and adequate at the subject location. This is a Type I action, in accordance with 6NYCRR, Part 617 and Local Law #3-82, as amended, the Town Board completed a SEQR, and that the subject request be approved based on the attached resolution. The subject site plan is within the aforementioned Boulevard Central District planning area, and has been determined to be consistent with the findings statement adopted on January 6, 2020, therefore, the requirements of SEQR are complete and that the subject proposal is not expected to have a significant adverse effect on the environment.

SUITABILITY FOR PROPOSED USE

The proposed development of a warehouse/manufacturing building project is consistent with the allowed uses under Research and Development (RD) zoning district. The property currently consists of 3 small warehouse buildings and associated parking and the proposed development will include warehousing and light manufacturing uses. The proposed development will expand the existing building space and parking on the remainder of the site thus maximizing the area previously designated for R&D in the Bicentennial Comprehensive Plan. The new development will round out the RD uses at the project site and fit in with the surrounding RD development.

continued…

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

Honorable Town Board

Amendment to the Bicentennail Comprehensive Plan;
property located at 4252-4258 Ridge Lea Road
Agenda of November 22, 2021

RECOMMENDATION

The Planning Board recommends that your Honorable Body concur with the Planning Board's findings relative to SEQR, and that the subject request be approved based on the attached resolution.

Very truly yours,

for. Daniel C. Howard, AICP
Planning Director

DH/RR /ac
Att.
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\BCPA-2021-01_(4252-4258 Ridge Lea Road)_2021\BCPA-2021-01 Town Board Letter 112221.docx
cc: Stanley Sliwa, Town Attorney

Planning Board Approval: September 23, 2021
Ayes 6; Noes 0; Abstain 1 (Chmiel)

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

DRAFT RESOLUTION
(November 22, 2021)

Adoption of Resolution to Amend the Bicentennial Comprehensive Plan
4252-4258 Ridge Lea Road (BCPA-2021-01)

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR are completed, as the Town Board completed a SEQR review for the Boulevard Central District planning area, which included a Final Environmental Impact Statement was adopted on January 6, 2020, and be it further

RESOLVED, that the subject area is within the aforementioned Boulevard Central District planning area, and has been determined to be consistent with the findings statement adopted on January 6, 2020, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of September 23, 2021, that the proposed Amendment to the Bicentennial Comprehensive Plan for 4252-4258 Ridge Lea Road is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that in accordance with Section 11.6 of the Bicentennial Comprehensive Plan the Town Board amends the Bicentennial Comprehensive Plan to allow industrial/office use on the subject property.

X:\Current_Planning\Files\Bicentennail Comp Plan Amends\BCPA-2021-01_(4252-4258 Ridge Lea Road)_2021\BCPA-2021-01 Town Board Letter 112221.docx

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

TOWN OF AMHERST
PLANNING BOARD
BICENTENNIAL COMPREHENSIVE PLAN
BCPA-2021-01

PETITIONER

Benderson Development Company LLC
570 Delaware Avenue
Buffalo, NY 14202

PROPERTY LOCATION

4252-4258 Ridge Lea Road (BCD)

OCT 01 '21 AM 4258 RIDGE RD

WHEREAS the Town of Amherst Planning Board on Thursday, September 23, 2021 held a remote public hearing on the proposed amendment to the Bicentennial Comprehensive Plan, and

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

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

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

A. The proposed request is generally consistent with the Zoning Ordinance and with the following sections of the Comprehensive Plan:
   - Section 3.3.4 which sets forth criteria for new industrial uses in the Town that are outside traditional industrial parks: "direct access to major transportation routes, location away from residential neighborhoods, and large tracts of land that allow for coordinated development of a park with ancillary uses that can be buffered from surrounding areas."
   - Policy 3-9: "Advance the redevelopment and revitalization of underutilized, obsolete, and vacant properties for economically viable uses."

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

C. While the proposal is not compatible with the present zoning the proposed use is compatible with nearby properties and with the character of the neighborhood.

D. The subject property is suitable for uses permitted by the current versus the proposed zoning 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 since hydric/potentially hydric soils have not been identified on the parcel.

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

TOWN OF AMHERST
PLANNING BOARD
BICENTENNIAL COMPREHENSIVE PLAN
BCPA-2021-01

PETITIONER

Benderson Development Company LLC

PROPERTY LOCATION

4252-4258 Ridge Lea Road (BCD)

OCT 01 '21 AM 9:56 RCVD

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

NOW THEREFORE BE IT RESOLVED that the Planning Board recommends to the Town Board in accordance with Section 272-a4 of New York State Town Law, that the Comprehensive Plan Amendment request be approved.

The foregoing resolution was adopted by the Town of Amherst Planning Board, September 23, 2021; moved by Giuliani; seconded by Gilmour; ayes 6; noes 0; Abstain 1 (Chmiel).

Robert J. Gilmour, Chair

9-30-21.
Date

RR/bf
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\BCPA-2021-01_(4252-4258 Ridge Lea Road)_2021\BCPA-2021-01_Resolution_092321.docx

cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Traffic/Safety Coordinator
James Boglioli, Benderson Development Co. LLC, 570 Delaware Ave., Buffalo, NY 14202

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

TOWN OF AMHERST PLANNING DEPARTMENT

Comprehensive Plan And Zoning Text Amendment Application

File # BCPA-2021-01

1. Amend Comprehensive Plan ☒
2. Zoning Code Text Amendment ☒
3. Other ☐ _____

PETITIONER:

- ☒ Town Board
- ☒ Planning Board
- ☐ Zoning Board of Appeals
- ☐ Commissioner of Building
- ☐ Planning Director

Sections Proposed to be Amended: (Attach sheets as necessary.)

Figure 3 at page 3-4_____
Figure 6 at page 3-30_____
Figure 6-A at page 3-37_____
_____

Description of Amendments: (Attached sheets as necessary.)

Figure 3 at page 3-4: Change the subject property from the "New Community District" designation to "Industrial."
Figure 6 at page 3-30: On the Conceptual Land Use Plan change the subject property from Commercial/Mixed use to Industrial/Office.
Figure 6-A at page 3-37: Remove the subject property from the Suburban Center designation.
Add a discussion to 3.3.4 Office and Industrial that this site has historically been zoned RD and that the continued use and redevelopment of this property with uses consistent with the RD district is desirable due to its location to the I-290.

Materials Received by Planning Department

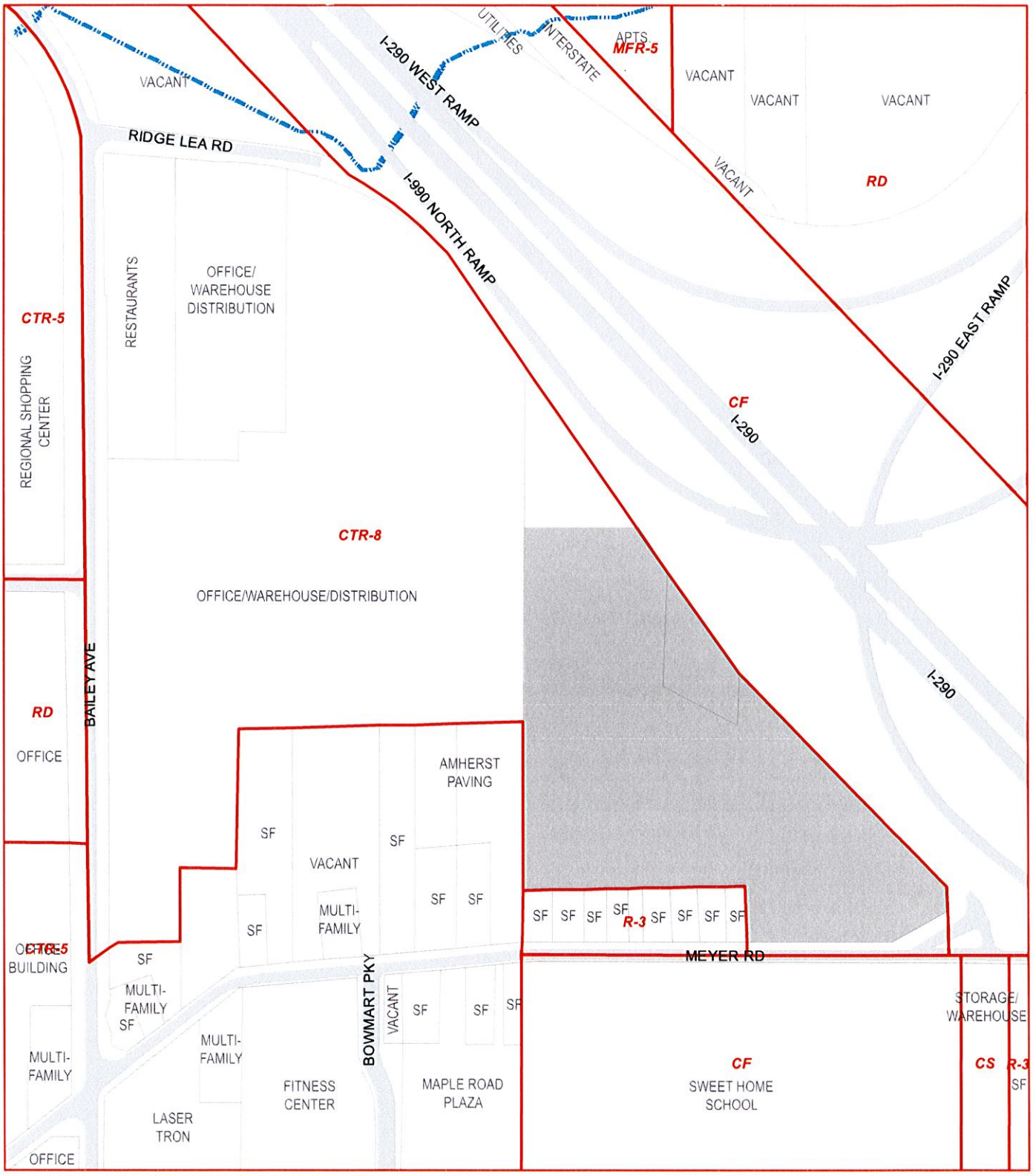
RECEIVED BY _____ 8/23/21 DATE

Materials Filed with Town Clerk

ACCEPTED BY _____ DATE

P/Currplan/Application Comp Plan & Zoning Text Amend.

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)



BCPA-2021-01

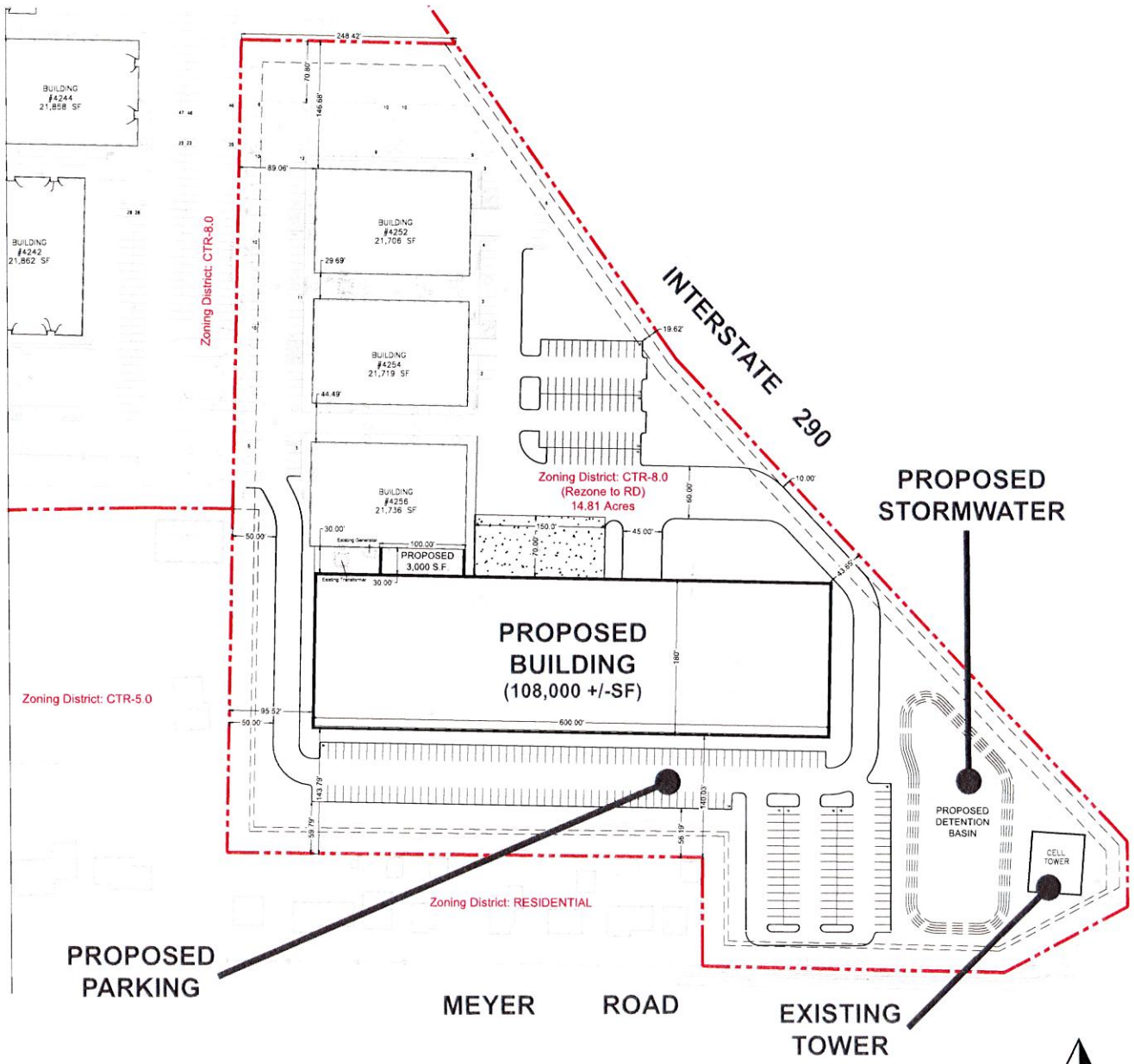
Request to Amend the Comprehensive Plan
Property Located at 4252-4258 Ridge Lea Road (portion)
(*BCD*)
Benderson Development Company, LLC, Petitioner

September 23, 2021

4252-4258 Ridge Lea Road (Portion)

Prepared by the Town of Amherst Planning Department

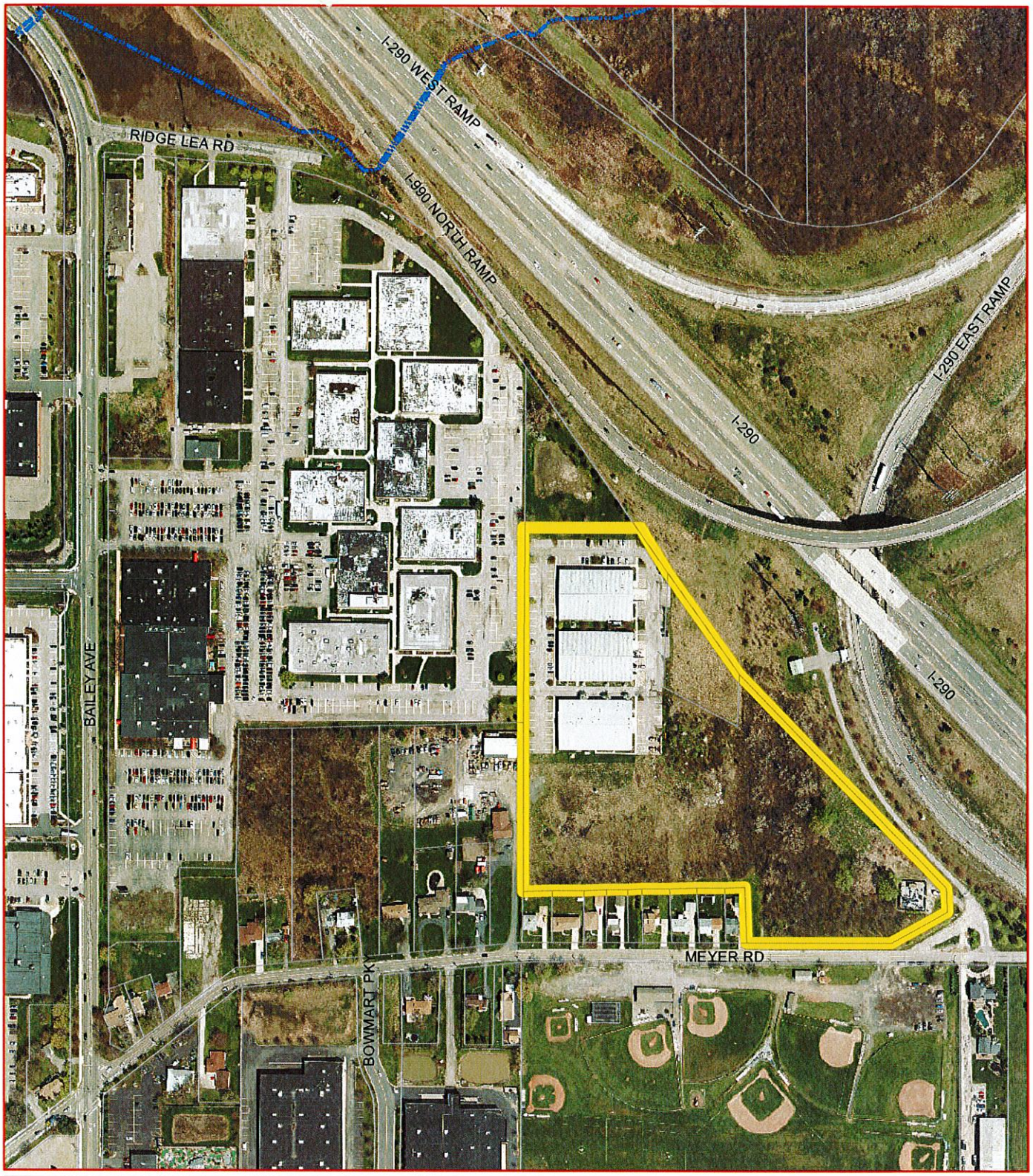
Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)



CONCEPT PLAN

Z-2021-07
4252-4256 Ridge Lea Road
Received: 8/23/21

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)



BCPA-2021-01

Request to Amend the Comprehensive Plan
Property Located at 4252-4258 Ridge Lea Road (portion)
(*BCD*)
Benderson Development Company, LLC, Petitioner

September 23, 2021

4252-4258 Ridge Lea Road

Prepared by the Town of Amherst Planning Department

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

EXISTING COMPREHENSIVE PLAN FIGURE 6

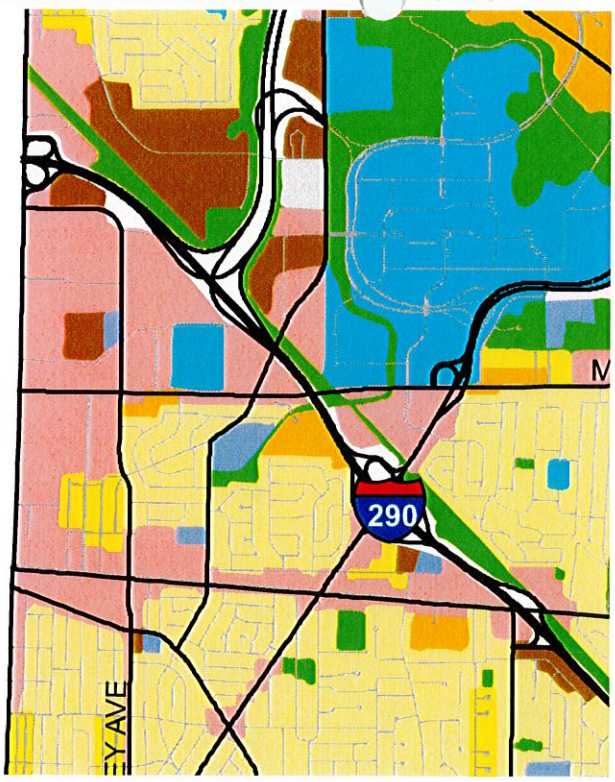


FIGURE 6 - LAND USE PLAN EXISTING

4252-4258 Ridge Lea Road (Portion)

EXISTING COMPREHENSIVE PLAN FIGURE

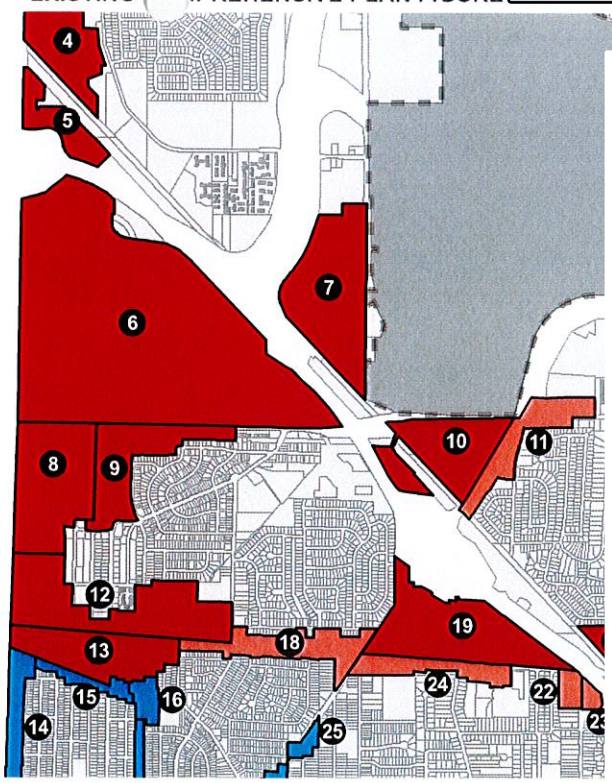


FIGURE 6A - MIXED-USE EXISTING

4252-4258 Ridge Lea Road (Portion)

PROPOSED COMPREHENSIVE PLAN FIGURE 6

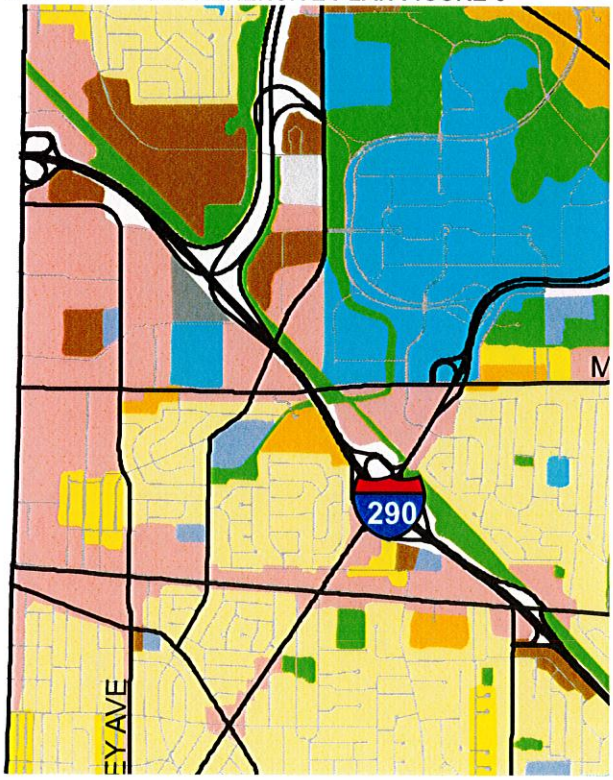


FIGURE 6 - LAND USE PLAN PROPOSED

4252-4258 Ridge Lea Road (Portion)

PROPOSED COMPREHENSIVE PLAN FIGURE 6-A

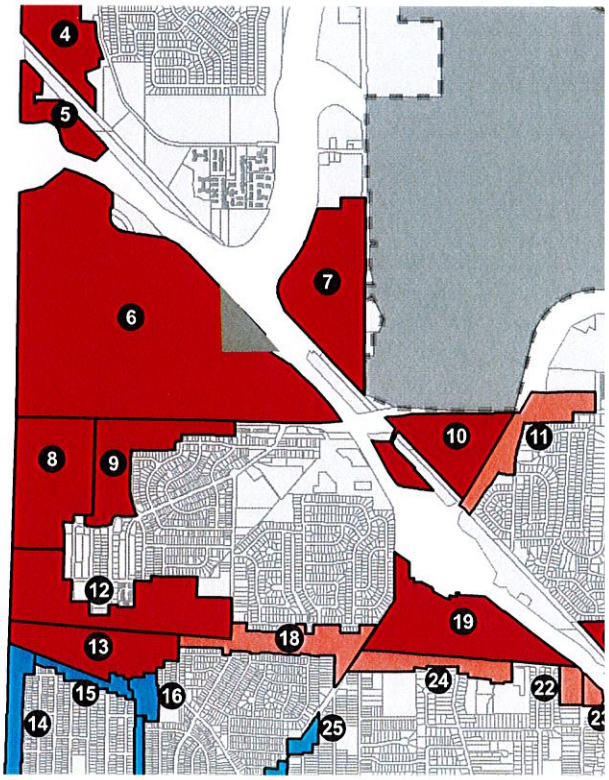


FIGURE 6A - MIXED-USE PROPOSED

4252-4258 Ridge Lea Road (Portion)

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

Amherst

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

RECEIVED
SEP 29 2021
TOWN ATTORNEY

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Director

MEMORANDUM September 27, 2021

RECEIVED
OCT 04 2021
TOWN OF AMHERST
PLANNING DEPT.

~~TO~~: Daniel Ulatowski, Principal Planner
FROM: Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent ademopoulos@amherst.ny.us
Integrated Review Coordinator, ECDEP
Edward Rutkowski, SEQR Review Coordinator, NYSDOT

TO:
~~FROM~~: Scott Marshall, Principal Planner

SUBJECT: REQUEST TO REZONE 12.54± ACRES OF LAND FROM **CTR-8** TO **RD, Z-2021-07**; PROPERTY LOCATED AT **4252-4258 RIDGE LEA ROAD (BCD)**. BENDERSON DEVELOPMENT COMPANY LLC, PETITIONER.

REVISED ZONING MAP & LEGAL DESCRIPTION:
Received September 21, 2021

REVIEW:

Do you agree with all statements made? Yes.

If you do not, briefly state why: _____

General comments relative to your agency interests: None at this time.

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

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

Signature: _____ **Date:** 9/30/21

DU/RR/ac
X:\Current_Planning\Files\Rezonings\2021\Z-2021-07_(4252-4258_Ridge_Lea_Rd)_2021\Z-20121-07_Rev_Transmittal_092721.doc
cc: Benderson Development Co. LLC, 570 Delaware Ave., Buffalo, NY 14202

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

Amherst

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

RECEIVED
OCT 01 2021
TOWN OF AMHERST
PLANNING DEPT.

RECEIVED
SEP 30 2021
TOWN ATTORNEY

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICI
Assistant Planning Directo

MEMORANDUM September 27, 2021

TO: Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent ademopoulos@amherst.ny.us
Integrated Review Coordinator, ECDEP
Edward Rutkowski, SEQR Review Coordinator, NYSDOT

10/1/21 ✓

FROM: Scott Marshall, Principal Planner

SUBJECT: REQUEST TO REZONE 12.54± ACRES OF LAND FROM **CTR-8** TO **RD, Z-2021-07**; PROPERTY LOCATED AT **4252-4258 RIDGE LEA ROAD (BCD)**. BENDERSON DEVELOPMENT COMPANY LLC, PETITIONER.

REVISED ZONING MAP & LEGAL DESCRIPTION:
Received September 21, 2021

REVIEW:

Do you agree with all statements made? Yes, agree with all statements made.

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

General comments relative to your agency interests: N/A

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) N/A

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

Signature: _____ **Date:** 10/1/21

DU/RR/ac
X:\Current_Planning\Files\Rezonings\2021\Z-2021-07_(4252-4258_Ridge_Lea_Rd)_2021\Z-20121-07_Rev_Transmittal_092721.doc
cc: Benderson Development Co. LLC, 570 Delaware Ave., Buffalo, NY 14202

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

BCPA-2021-1030
7-2021

RECEIVED
SEP 29 2021
TOWN OF AMHERST
PLANNING DEPT.

TOWN OF AMHERST

TRAFFIC SAFETY BOARD

MUNICIPAL BUILDING – 5583 MAIN STREET, WILLIAMSVILLE, NEW YORK 14221
TRAFFIC SAFETY COORDINATOR - TELEPHONE 631-7154 - FAX 631-7222

MICHAEL SZUKALA
Councilmember & Liaison Officer

ERIC FRAAS
Chairman

DANIEL J. RIDER, P.E.
Vice Chairman

CHRISTOPHER P. SCHREGEL
Traffic Safety Coordinator

MEMBERS

MICHELLE NAGEL
KENNETH A. SMITH
J. MICHNIEWICZ, P.E., P.T.O.E.
MARK STORCH
MAXWELL KAHN
KEVIN CANTWELL
KRISTIN GOSS
GREGORY DIONNE

DEPT. LIAISONS

THOMAS VOIGHT
Planning

CAPTAIN KEVIN BROWN
Police

JOE FRESE
Building

ALAN SPOTH
Highway

Memorandum

September 28, 2021

TO: Patrick G. Lucey – Highway Superintendent

FROM: Christopher P. Schregel – Traffic Safety Coordinator

RE: Bailey baseline data collection - Speed and Volume Count Request

May the Highway Department place single counters at all the location indicated on the attached map in a manner to collect vehicles in bot directions?

Please forward results to my office upon completion. Thank you in advance.

CPS/sd
cc: Al Spoth, Highway Department
Dan Howard, Planning Department

Community Service For Over 60 years ATSB

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

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

Brian J. Kulpa
Supervisor
Daniel C. Howard, AIC
Planning Director
Daniel J. Ulatowski, AI
Assistant Planning Direc

MEMORANDUM August 23, 2021

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Edward Rutkowski, SEQR Review Coordinator, NYSDOT

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

SUBJECT: REQUEST TO AMEND THE COMPREHENSIVE PLAN AND TO REZONE 14.8± ACRES OF LAND FROM **CTR-8** TO **RD, BCPA-2021-01** & **Z-2021-07**; PROPERTY LOCATED AT **4252-4258 RIDGE LEA ROAD (BDC)**. BENDERSON DEVELOPMENT COMPANY LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? YES

If you do not, briefly state why: _____

General comments relative to your agency interests: A VEGETATIVE BUFFER SHOULD BE MAINTAINED AND ENHANCED ALONG THE NORTH LINE OF THE 8 EXISTING DWELLINGS ALONG MEYER ROAD WHICH ABUT THE SUBJECT PROJECT, AS WELL AS THE EAST LINE OF 390 MEYER R

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

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

Signature: DJ Ulatowski **Date:** 9/16/2021
DANIEL J ULATOWSKI

DU/RR/ac
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\BCPA-2021-01_(4252-4258 Ridge Lea Road)_2021\BCPA-2021-01_Transmittal_082321.doc
cc: Scott Marshall, Principal Planner

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

Amherst

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

RECEIVED
SEP 01 2021
TOWN OF AMHERST
PLANNING DEPT.

Brian J. Kulp
Supervisor
Daniel C. Howard,
Planning Direc
Daniel J. Ulatowski
Assistant Planning I

MEMORANDUM August 23, 2021

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Edward Rutkowski, SEQR Review Coordinator, NYSDOT

N: Dan U/a
Fr: Dan Mur
Due 8/24/

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

SUBJECT: REQUEST TO AMEND THE COMPREHENSIVE PLAN AND TO REZONE 14.8± ACRES OF LAND FROM **CTR-8** TO **RD**, **BCPA-2021-01** & **Z-2021-07**; PROPERTY LOCATED AT **4252-4258 RIDGE LEA ROAD (BDC)**. BENDERSON DEVELOPMENT COMPANY LLC, PETITIONER.

Cc: C. Wal Fran.

REVIEW:

Do you agree with all statements made? Yes

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

General comments relative to your agency interests: Assessor's Office has No issue w/ Rezone and Amendm

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

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

Signature: _____ **Date:** 8/24/21

DU/RR/ac
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\BCPA-2021-01_(4252-4258 Ridge Lea Road)_2021\BCPA-2021-01_Transmittal_082321.doc
cc: Scott Marshall, Principal Planner

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

Amherst

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

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Director

RECEIVED
AUG 31 2021
TOWN OF AMHERST
PLANNING DEPT.

MEMORANDUM

August 23, 2021

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Edward Rutkowski, SEQR Review Coordinator, NYSDOT

RECEIVED
AUG 25 2021
TOWN OF AMHERST
BUILDING DEPT

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

SUBJECT: REQUEST TO AMEND THE COMPREHENSIVE PLAN AND TO REZONE 14.8± ACRES OF LAND FROM **CTR-8** TO **RD**, **BCPA-2021-01** & **Z-2021-07**; PROPERTY LOCATED AT **4252-4258 RIDGE LEA ROAD (BDC)**. BENDERSON DEVELOPMENT COMPANY LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? Yes.

If you do not, briefly state why: _____

General comments relative to your agency interests: None at this time.

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

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

Signature: Doug Gesel **Date:** 31 Aug 2021

DU/RR/ac
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\BCPA-2021-01_(4252-4258 Ridge Lea Road)_2021\BCPA-2021-01_Transmittal_082321.doc
cc: Scott Marshall, Principal Planner

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

Amherst
Town of Amherst Planning Department
950098
Erie County, New York

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Director

MEMORANDUM

August 23, 2021

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

RECEIVED
AUG 31 2021
TOWN OF AMHERST
PLANNING DEPT.

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

SUBJECT: REQUEST TO AMEND THE COMPREHENSIVE PLAN AND TO REZONE 14.8± ACRES OF LAND FROM **CTR-8** TO **RD**, **BCPA-2021-01** & **Z-2021-07**; PROPERTY LOCATED AT **4252-4258 RIDGE LEA ROAD (BDC)**. BENDERSON DEVELOPMENT COMPANY LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? YES.

If you do not, briefly state why: _____

General comments relative to your agency interests: NONE

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

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

Signature: _____ **Date:** 8/30/21

DU/RR/ac
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\BCPA-2021-01_(4252-4258 Ridge Lea Road)_2021\BCPA-2021-01_Transmittal_082321.doc
cc: Scott Marshall, Principal Planner

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

Amherst

950098

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

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Director

MEMORANDUM August 23, 2021

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
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Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
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Edward Rutkowski, SEQR Review Coordinator, NYSDOT

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

SUBJECT: REQUEST TO AMEND THE COMPREHENSIVE PLAN AND TO REZONE 14.8± ACRES OF LAND FROM **CTR-8** TO **RD**, **BCPA-2021-01** & **Z-2021-07**; PROPERTY LOCATED AT **4252-4258 RIDGE LEA ROAD (BDC)**. BENDERSON DEVELOPMENT COMPANY LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? Yes.

If you do not, briefly state why: _____

General comments relative to your agency interests: None @ This Time.

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

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

Signature: C. Schregel **Date:** 8/27/21

DU/RR/ac
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\BCPA-2021-01_(4252-4258 Ridge Lea Road)_2021\BCPA-2021-01_Transmittal_082321.doc
cc: Scott Marshall, Principal Planner

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

Fadel, Bryan

From: Ulatowski, Daniel
Sent: Thursday, August 26, 2021 4:27 PM
To: Marshall, Scott; Voigt, Thomas J.; Roberta Rappoccio
Cc: Fadel, Bryan
Subject: FW: 4224 - 4256 Ridge Lea Rd rezoning T. Amherst
Attachments: 4224-4256 Ridge Lea Rd T. Amherst.pdf; 4224-4256 Ridge Lea Rd T. Amherst p1 and p2.pdf

NYSDOT Review attached

From: Hayes, Ron (DOT) <Ron.Hayes@dot.ny.gov>
Sent: Thursday, August 26, 2021 3:44 PM
To: Ulatowski, Daniel <dulatowski@amherst.ny.us>
Cc: Rutkowski, Edward (DOT) <Edward.Rutkowski@dot.ny.gov>; Smith, Douglas K (DOT) <Douglas.Smith@dot.ny.gov>
Subject: 4224 - 4256 Ridge Lea Rd rezoning T. Amherst

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.
Ellen,

New York State Department of Transportation (NYSDOT) reviewed the information submitted for the subject project and has the following comments:

- NYSDOT concurs with the Town of Amherst acting as Lead Agency.
- The proposed project will not have a significant impact to traffic on the State Highway System.
- Based upon the Site Plan submitted, it does not appear that any proposed work is located within the State Highway Right-of-Way (ROW). However, if any proposed work is located within the State Highway Right-of-Way then a NYSDOT Highway Work Permit will be required.

Please do not hesitate to contact me if you have any questions or concerns.

Thank you,

Ron Hayes

Ronald J. Hayes
Planning and Program Management

New York Department of Transportation
100 Seneca Street, Buffalo, NY 14203

(716) 847-3381 I (518) 810-9951 cell
Ron.Hayes@dot.ny.gov www.dot.ny.gov

NEW YORK Department of Transportation

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

PETITION to **STOP** the PROPOSED CONSTRUCTION of a DELTA SONIC SOAP FACTORY IMMEDIATELY BEHIND MEYER RD RESIDENCES

We the undersigned homeowners and residents of Meyer Rd vehemently oppose this project!!

Our goals in stopping this factory include but are not limited to:

1. Preserving our property values
2. Preserving our quality of life
3. Preserving what is currently one of the few remaining wildlife habitats in our area

Our concerns related to this project include but are not limited to:

1. Health impact from hazardous chemicals
2. Light Pollution
3. Noise Pollution
4. Air Pollution
5. Traffic
6. Crime
7. Rats

RECEIVED
SEP 17 2021
TOWN OF AMHERST
PLANNING DEPT.

	Printed Name.	Address.	Signature
1	Russell Molloy	370 Meyer	
2	Rosemary Larusa	350 Meyer Rd	14526
3	Jean Marie Rentzer	330 Meyer Rd	14226
4	David Rentzer	330 Meyer Rd	
5	Gordon C. Kemp	290 MEYER	
6	Debra Kaiser	254 Meyer Rd	D. Kaiser
7	Maiken Helming	246 Meyer Rd	Maiken Helming
8	Todd Helmings	246 Meyer Rd	
9	Sheila Goldberg	306 Meyer	Sheila Goldberg
10	William M Everett	325 MEYER RD	WILLIAM M EVERETT
11	Dan + Kim Kowalik	382 Meyer Rd.	Amherst N.Y.
12	Della Guy	362 meyer Rd	Amherst Ny
13	John Duggan	331 Meyer Rd	John Duggan

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

	Name.	Address.	Signature
14	Anthony Casey	390 Meyer Rd	Anthony Casey
15	Melvin Taylor	354 Meyer Rd	
16	Pamela Taylor	354 Meyer Rd	
17	Diane Vatel	260 MEYER Rd.	
CAR 18	Brooke Hicks	307 Reist st.	
CAR 19	Christa Hicks	62 Mahogany Dr	
CAR 20	Josh Hicks	62 Mahogany Dr	
CAR 21	Colleen Stockdale	300 maynard Dr.	
CAR 22	Kaitlyn Silla	483 Emerson Dr.	K.
CAR 23	Nick DiCosmo	483 Emerson Dr.	N.
CAR 24	Jeremiah Hicks	307 Reist St	
CAR 25	Robert Stockdale	300 Maynard Dr	
26	Elizabeth Hughes	390 Meyer Rd	Elizabeth Hughes
27	Susan Holt	370 Meyer Rd	Susan Holt
28	KENNETH C HOLT	370 MEYER RD	Kenneth C Holt
29	WILLIAM D KLEIS	378 MEYER RD	
30	Geri DiCosmo	378 Meyer Rd	
31			
32			
33			
34			
35			

CAR - concerned Amherst resident

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

Meyer Road Residents and Homeowners

Town of Amherst Planning Board
5583 Main Street
Williamsville, NY 14221



September 13, 2021

To Whom it May Concern:

With regard to preventing the planned construction of a factory on the property located at 4252-4258 Ridge Lea Rd that is directly behind our homes on Meyer Road. The Meyer Road homeowners (your neighbors) hope that you will read and give your full consideration to our concerns as if it were your property being affected.

We strenuously object to the location of this factory behind our homes for these reasons:

- Property Devaluation
- Health Implications
- Light Pollution
- Air Pollution
- Noise Pollution
- Water Pollution
- Rats
- Crime
- Traffic
- Annihilation of the habitat and wildlife

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

We currently endure increased traffic and on street parking during the May through September Mel Ott season due to insufficient parking space in the Mel Ott parking lot. Now we will be asked to have our homes be located between the factory parking lot which would border our back yard and the Mel Ott over-parking in our front yard making us feel like we live in a used car lot and further devalue our properties. Perhaps they would consider purchasing properties adjacent to Mel Ott, freeing up a larger portion of their land for development.

We are sorely disappointed in the lack of consideration that has been given to us as long term taxpayers and homeowners of this Amherst neighborhood in that a factory is even being considered so close to our residences.

Please show us that our town will keep its residents best interests in mind when determining the best use for properties within our boundaries and set limits on what developers will be allowed to inflict on their neighbors.

We invite you to come visit and see first hand the adverse impact this will have on our neighborhood.

Sincerely,

Diane Vitel

Signature

Diane Vitel

Address. 260 MEYER RD
AMHERST, NY 14226

Date 9/18/21

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

RECEIVED
SEP 21 2021
TOWN OF AMHERST
PLANNING DEPT.

Meyer Road Residents and Homeowners

Town of Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

September 13, 2021

To Whom it May Concern:

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We invite you to come visit and see first hand the adverse impact this will have on our neighborhood.

Sincerely,

Bonnie Siegel

Signature

290 Meyer Road Amherst, NY 14226

Address.

Date 9/19/21

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

Meyer Road Residents and Homeowners

RECEIVED
SEP 21 2021
TOWN OF AMHERST
PLANNING DEPT.

Town of Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

September 13, 2021

To Whom it May Concern:

With regard to preventing the planned construction of a factory on the property located at 4252-4258 Ridge Lea Rd that is directly behind our homes on Meyer Road. The Meyer Road homeowners (your neighbors) hope that you will read and give your full consideration to our concerns as if it were your property being affected.

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Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

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We invite you to come visit and see first hand the adverse impact this will have on our neighborhood.

Sincerely,

Signature

GORDON C. KEMP

Address. 290 MEYER RD
AMHERST NY
14226

Date 9-21-21

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

RECEIVED
SEP 21 2021
TOWN OF AMHERST
PLANNING DEPT.

Meyer Road Residents and Homeowners

Town of Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

September 13, 2021

To Whom it May Concern:

With regard to preventing the planned construction of a factory on the property located at 4252-4258 Ridge Lea Rd that is directly behind our homes on Meyer Road. The Meyer Road homeowners (your neighbors) hope that you will read and give your full consideration to our concerns as if it were your property being affected.

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- Crime
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Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

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We invite you to come visit and see first hand the adverse impact this will have on our neighborhood.

Sincerely,

Sheila Goldberg

Signature

Sheila Goldberg

Address.

306 Meyer Rd

Date

9/15/21

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

RECEIVED
SEP 29 2021
TOWN OF AMHERST
PLANNING DEPT.

Meyer Road Residents and Homeowners

Town of Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

September 13, 2021

To Whom it May Concern:

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- Traffic
- Annihilation of the habitat and wildlife

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

We currently endure increased traffic and on street parking during the May through September Mel Ott season due to insufficient parking space in the Mel Ott parking lot. Now we will be asked to have our homes be located between the factory parking lot which would border our back yard and the Mel Ott over-parking in our front yard making us feel like we live in a used car lot and further devalue our properties. Perhaps they would consider purchasing properties adjacent to Mel Ott, freeing up a larger portion of their land for development.

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We invite you to come visit and see first hand the adverse impact this will have on our neighborhood.

Sincerely,

Julie M Sykes Julie Sykes

Signature

Robert C Sykes Robert Sykes

Address.

310 Meyer Rd
Amherst Wy 14226

Date 9-27-21

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

Meyer Road Residents and Homeowners

RECEIVED
SEP 16 2021
TOWN OF AMHERST
PLANNING DEPT.

Town of Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

September 13, 202

To Whom it May Concern:

With regard to preventing the planned construction of a factory on the property located at 4252-4258 Ridge Lea Rd that is directly behind our homes on Meyer Road. The Meyer Road homeowners (your neighbors) hope that you will read and give your full consideration to our concerns as if it were your property being affected.

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Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

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We invite you to come visit and see first hand the adverse impact this will have on our neighborhood.

Sincerely,

CAROLYN H. EVERETT

Signature

Carolyn H. Everett

Address.
325 MEYER RD
AMHERST, NY 14226

Date
9/13/21

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

RECEIVED
SEP 21 2021
TOWN OF AMHERST
PLANNING DEPT.

Meyer Road Residents and Homeowners

Town of Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

September 13, 2021

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Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

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We invite you to come visit and see first hand the adverse impact this will have on our neighborhood.

Sincerely,

Rosemary LaDuca

Signature

350 Mayer Rd. Buff. NY 14226

Address.

Date Sept 13, 2021

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

Meyer Road Residents and Homeowners

Town of Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

September 13, 2021

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Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

We currently endure increased traffic and on street parking during the May through September Mel Ott season due to insufficient parking space in the Mel Ott parking lot. Now we will be asked to have our homes be located between the factory parking lot which would border our back yard and the Mel Ott over-parking in our front yard making us feel like we live in a used car lot and further devalue our properties. Perhaps they would consider purchasing properties adjacent to Mel Ott, freeing up a larger portion of their land for development.

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Please show us that our town will keep its residents best interests in mind when determining the best use for properties within our boundaries and set limits on what developers will be allowed to inflict on their neighbors.

We invite you to come visit and see first hand the adverse impact this will have on our neighborhood.

Sincerely,

Melvin L - Taylor JR

Signature

Address. 354 Meyer Rd
Amherst, NY 14226

Date 9/20/21

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

RECEIVED
SEP 21 2021
TOWN OF AMHERST
PLANNING DEPT.

Meyer Road Residents and Homeowners

Town of Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

September 13, 2021

To Whom it May Concern:

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Please show us that our town will keep its residents best interests in mind when determining the best use for properties within our boundaries and set limits on what developers will be allowed to inflict on their neighbors.

We invite you to come visit and see first hand the adverse impact this will have on our neighborhood.

Sincerely,

Della Gray-Hailey

Signature Della Gray-Hailey

Address. 362 Meyer Rd Amherst, NY 14226 Date

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

Meyer Road Residents and Homeowners

Town of Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

RECEIVED
SEP 17 2021
TOWN OF AMHERST
PLANNING DEPT.

September 13, 2021

To Whom it May Concern:

With regard to preventing the planned construction of a factory on the property located at 4252-4258 Ridge Lea Rd that is directly behind our homes on Meyer Road. The Meyer Road homeowners (your neighbors) hope that you will read and give your full consideration to our concerns as if it were your property being affected.

We strenuously object to the location of this factory behind our homes for these reasons:

- Property Devaluation
- Health Implications
- Light Pollution
- Air Pollution
- Noise Pollution
- Water Pollution
- Rats
- Crime
- Traffic
- Annihilation of the habitat and wildlife

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Sincerely,

Susan Holt

Signature

Susan Holt 9/17/21

Address. Date

340 Meyer Rd
Amherst, NY 14226

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

Meyer Road Residents and Homeowners

Town of Amherst Planning Board
5583 Main Street
Williamsville, NY 14221



September 13, 2021

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Sincerely,

KENNETH C HOLT

Signature

Kenneth C Holt

Address.
[illegible] MEYER RD

Date 9-17-2021

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

RECEIVED
SEP 16 2021
TOWN OF AMHERST
PLANNING DEPT.

Meyer Road Residents and Homeowners

Town of Amherst Planning Board
5583 Main Street
Williamsville, NY 14221

September 13, 2021

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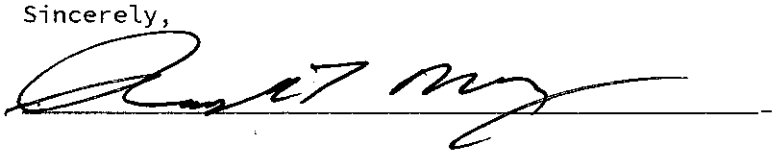
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Sincerely,



Signature

374 Meyer 9-14-2021

Address. Date

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

Meyer Road Residents and Homeowners

Town of Amherst Planning Board
5583 Main Street
Williamsville, NY 14221



September 13, 2021

Robert J Gilmour:

With regard to the attached petition to stop the planned construction of a factory on the property located at 4252- 4258 Ridge Lea that is directly behind our homes on Meyer Road. The Meyer Road homeowners (your neighbors) hope that you will read and give your full consideration to our concerns as if it were your property being affected.

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Sincerely,

Signature

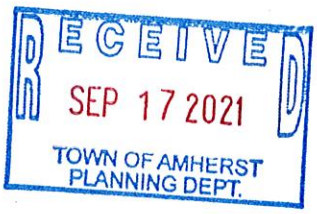
378 MEYER RD AMHERST 9-17-21

Address. Date

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

Meyer Road Residents and Homeowners

Town of Amherst Planning Board
5583 Main Street
Williamsville, NY 14221



September 13, 2021

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We invite you to come visit and see first hand the adverse impact this will have on our neighborhood.

Sincerely,

Signature

378 Meyer Rd 9/17/21

Address. Date

Attached please find the aforementioned petition and a detailed description of our concerns.

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

Town of Amherst, NY
Office of the Assessor
David C. Marrano SCA Assessor

5583 Main Street
Williamsville, New York 14221
Phone: (716) 631-7038
www.amherst.ny.us
dmarrano@amherst.ny.us

RECEIVED
OCT 01 2021
TOWN OF AMHERST
PLANNING DEPT.

Memorandum

October 4, 2021

To: Francina Spoth, Town Clerk
Re: Petition – 4252-4258 Ridge Lea Road

The protest petition for 4252-4258 Ridge Lea Road has **not** been signed by the required property owners of one of Zoning Ordinance section XXI, Article 2. The Super Majority calculations are based on three tests:

1. 20% or more of the owners signed a petition
2. 20% of the AREA surround said rezoning within 100 feet has signed a petition
3. 20% of the AREA within 100 feet directly across the street from said rezoning has signed a petition

Should you have questions, please feel free to contact me.

Cheryl E. Walfrand
Senior Real Property Appraiser

cc: Emily Murphy
Assessor

Attachment: BCPA-2021 TB letter 112221 (RES-2021-1030 : 4252 - 4258 Ridge Lea Road)

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 25025 **RESOLUTION 2021-1031** **DECISION DATE**

1789 Dodge Road Rezoning

Request to rezone 6.7± acres of land from SA to R-3.

The Town Board is requested to not act on the subject rezoning request at its meeting of November 22, 2021 other than to conduct a public hearing. A SEQR determination and a draft resolution of approval or denial will be prepared when the Town Board establishes a decision date. Therefore, following the close of the public hearing , our office request that the subject matter be placed under Unfinished Business, consistent with rule 5G of the Town Board Rules of Order.

11/22/2021
A motion to open the public hearing was made by Deputy Supervisor Berger, seconded by Councilmember Szukala and unanimously approved 4-0. The public hearing was opened at 8:06 PM.

Attorney Sean Hopkins, presented. Joe Rubino also spoke.

The following speakers addressed the Town Board and voiced their opposition and concern's:
William Pitz, 1815 Dodge Rd.
Barbara Makuch, 143 Brenridge Dr.
David Mack, 65 Larchmont Rd.
Merja Kenola, 1800 Dodge Rd.
Cheryl Anastasia, 1860 Dodge Rd.
Daniel Ohar, 1970 Dodge Rd.
Nick Rockwell, 1765 Dodge Rd.
Annalise Carpaccio, 1810 Dodge Rd.

There were no further speakers, therefore Deputy Supervisor Berger moved to keep the hearing open and to set a decision date for the January 18th Town Board meeting, seconded by Councilmember Bucki and unanimously approved 4-0. This hearing was adjourned at 9:08 PM.

RESULT:	**DECISION DATE [UNANIMOUS]**	**Next: 1/18/2022 7:00 PM**
MOVER:	Jacqualine Berger, Deputy Supervisor	
SECONDER:	Deborah Bruch Bucki, Councilmember	
AYES:	Berger, Bucki, Lavin, Szukala	
ABSENT:	Kulpa	

Amherst
Town of Amherst Planning Department
Erie County, New York

Brian J. Kulp
Supervisor

Daniel C. Howard,
Planning Direc

Daniel J. Ulatowski,
Assistant Planning D

Town Board Agenda of November 22, 2021

November 16, 2021

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

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

Honorable Members:

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

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

Dodge Road is an Erie County Highway designated as a collector roadway in the Town of Amherst Bicentennial Comprehensive Plan.

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

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

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

continued . . .

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

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

INTENT AND OBJECTIVES OF THE COMPREHENSIVE PLAN

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

INTENT AND OBJECTIVES OF THE ZONING ORDINANCE

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

CONSISTENCY/COMPATIBILITY WITH SURROUNDING DEVELOPMENT/ZONING

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

ADEQUATE SERVICES AND UTILITIES

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

continued . . .

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Honorable Town Board

Rezone land from SA to R-3;
property located at 1789 Dodge Road
Agenda of November 22, 2021

RECOMMENDATION

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

Very truly yours,

Daniel C. Howard, AICP
Planning Director

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

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

PETITIONER

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

PROPERTY LOCATION

1789 Dodge Road

OCT 01 '21 AM 9:56 RCVD

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

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

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

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

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

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

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

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

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

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

PETITIONER

Joe Rubino

PROPERTY LOCATION

1789 Dodge Road

OCT 01 '21 AM 9:56 RCVD

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

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

NOW THEREFORE BE IT RESOLVED that the Planning Board recommends to the Town Board in accordance with Section 8-3-4 of the Zoning Ordinance, that the rezoning request be denied as the proposed scale of development as presented is not in character with the surrounding neighborhood.

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

Robert J. Gilmour, Chair

9-30-21
Date

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Amended Rezoning Application & Supporting Documentation
Rezoning of 1789 Dodge Road from SA to R-3
Applicant: Joe Rubino
Date: August 16, 2021

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

Orrginal

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning Review and, if required Comprehensive Plan Amendment

For Official Use

File #: Z-2020-15 **Acreage** 6.7 **Fee $** _____

Address Verified by Assessor's Office _____ VERIFIED BY DATE

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

Materials Checked by Building Dept. _____ RECEIVED BY DATE

Materials Received by Planning Dept. 8/16/21 RECEIVED BY DATE

		Fill In Applicable Fees
2 ACRES OR LESS	**$1,250**	$1,250.00
2 – 20 ACRES **$1,250 + $250/acres or fraction thereof over 2 acres**		$1,250.00
20 – 30 ACRES **$5,700 + $150/acre or fraction thereof over 20 acres**		_____
OVER 30 ACRES **$6,900 +$75/acre or fraction thereof over 30 acres**		_____
Request for Relief of/Change to Conditions of Zoning Approval	**$ 1,200**	_____
AFFIDAVIT FEE FOR PUBLIC HEARING	**$ 15.00**	$15.00
	TOTAL FEE:	**$** 2,515.00 [Filing Fee paid previously]

RECEIVED
AUG 16 2021
TOWN OF AMHERST
PLANNING DEPT.

[Note: A completed Amended Part 1 of the Full Environmental Assessment Form dated August 16, 2021 along with Page 5[a] is attached as Exhibit "2".]

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

TO BE COMPLETED BY APPLICANT

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

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

Phone: 510-4338 Fax:

E Mail shopkins@hsr-legal.com

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

From: SA District

To: R-3 District

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

1789 Dodge Road

SBL #: 42.00-1-45.2

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

5. **Owner of Land:**

Name: Joe Rubino

Address: 1789 Dodge Road, East Amherst, NY 14051

Telephone:

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

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

Name: Sean W. Hopkins, Esq.

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

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

_____Option to purchase

__X__Owner

_____Other (explain) _____

_____

_____

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

Not Applicable.

9. **Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor.** Legal description of property to be rezoned from SA to R-3 is attached as Exhibit "3" and copy of the Survey prepared by Nussbaumer & Clarke Inc. is attached as Exhibit "4".

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

Liber _____ Page _____

11. **Information on proposed project:**

A. Description of the character of the proposed development:

See Exhibit 5.

B. Rationale for rezoning request:

1. Why was this site chosen?

See Exhibit 5.

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

See Exhibit 5.

3. How will this rezoning impact surrounding properties?

See Exhibit 5.

4. How will this rezoning impact the school system?

See Exhibit 5.

12. Quantitative Data:

A. Total # of dwelling units: 15 [The Applicant was previously proposed 17 residen lots for detached single-family homes]

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

C. Gross Residential Density per acre: 2.23 homes per acre.

D. Total amount of Open Space: 2.7 acres

E. Proposed Non-Residential Floor Area: Not Applicable

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

13. Development Schedule:

Start: Spring 2022

Finish: 2023 [Completion date dependent on build-out period for the single-family homes.]

Stages (# of): 1

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

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

Greenspace and landscaping will be privately owned and maintained. With the exception of the Permanent Open Space on the rear of the 15 proposed residential lots, the Permanent Open Space along the Dodge Road frontage and on the easternmost portion of the Project Site will be owned and maintained by association to be formed.

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

A. 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 6.

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

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

See Exhibit 6.

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

See Exhibit 6.

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

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

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

See Exhibit 6.

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

See Exhibit 6.

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

See Exhibit 6.

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

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

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

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

Counsel for Petitioner
Signature of Petitioner

Subscribed and sworn to before me this 16th day of August, 20 21

Notary Public, Erie County, New York Patricia C. Maynard

PATRICIA C. MAYN
Notary Public, State of N
Registration No. 01MA6
Qualified in Erie Cou
Commission Expires Dec.

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

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge 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-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

AUTHORIZATION

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

Date: December 28, 2020

Joe Rubino

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Amended Part 1 of Full Environmental Assessment Form - Rezoning of 1789 Dodge Road from SA to R-3
Applicant: Joe Rubino

Full Environmental Assessment Form
Part 1 - Project and Setting

Prepared By: Sean W. Hopkins Sorgi & McCarthy PLLC
5500 Main Street, Suite 343
Williamsville, New York 14221
Tel: 716.510-4338
E-mail: shopkins@hsr-legal.com

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Proposed Residential Subdivision		
Project Location (describe, and attach a general location map): 1789 Dodge Road - Town of Amherst - Erie County		
Brief Description of Proposed Action (include purpose or need): The proposed project ("action") consists of a rezoning of approximately 6.7 acres of land at 1789 Dodge Road ("Project Site") from Suburban Agriculture ("S-A") to Residential District Three ("R-3") to accommodate a proposed 18 lot residential subdivision (15 homes) along with all related site improvements. A copy of the Sketch Plan [Drawing C-100 - Date: 07/14/21] depicting the layout of the proposed residential subdivision as prepared by Carmina Wood Morris DPC is attached to the Amended Rezoning Application. The frontage of the Project Site will consist of Permanent Open Space. The proposed action has been defined broadly to include all required discretionary approvals and permits as well as all proposed site improvements including proposed detached single family homes, a public roadway, a roadway connection onto Dodge Road, driveways, lighting, an on-site storm water management system, and all required utility improvements. The project purpose is to develop the Project Site for Single-Family Residential Use per the recommended land use in Figure 6 of the Town's adopted Comprehensive Plan. The Project Sponsor believes the project will not result in any potentially significant adverse environmental impacts and that the issuance of a negative declaration by the designated lead agency [anticipated to be the Amherst Town Board] is both appropriate and justified.		
Name of Applicant/Sponsor: Joe Rubino c/o Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC	Telephone: 716.510-4338 E-Mail: shopkins@hsmlegal.com	
Address: 5500 Main Street, Suite 343		
City/PO: Williamsville	State: New York	Zip Code: 14221
Project Contact (if not same as sponsor; give name and title/role):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Same as Project Sponsor	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge 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 and Public Improvement Permits	December 28, 2020 [Amended Application: August 16, 2021]
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Planning Board - Preliminary Plat and Final Plat Approval	To be determined
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☑Yes ☐No	Engineering Dept. - Stormwater Permit; Building Dept. - Demolition Permit and Building Permits	To be Determined
e. County agencies ☑Yes ☐No	ECDPW - Highway Work Permit; ECWA - Water; ECHD - Sewer and Water	To be Determined
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	NYSDEC - SPDES Permit and DSCA Approval	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

[Note: The proposed action will not have any adverse impacts on the West Erie Canal Corridor.]

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-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge 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?
Suburban Agriculture District ("SA")

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

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

C.4. Existing community services.

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

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

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

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

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential subdivision consisting of detached single-family homes on individual lots with public roadway.

b. a. Total acreage of the site of the proposed action? 6.7 acres
b. Total acreage to be physically disturbed? 3.7 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 6.7 acres

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

d. Is the proposed action a subdivision, or does it include a subdivision? ☑ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☑ No
iii. Number of lots proposed? 18 [There will be 15 lots for detached single-family homes.]
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: _____

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

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	15			
At completion of all phases	15			

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

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☑Yes ☐No
If Yes,
i. Purpose of the impoundment: _____
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☑Other specify:
Runoff from impervious surfaces on the Project Site including roof of homes, roadway and driveways.
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: _____ 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):
Earth fill.

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): There is a small wetland with a size of 0.054 acres on the eastern portion of the Project Site. and 436.3 linear feet of a jurisdictional ditch per the wetland delineation of the Project Site prepared by Earth Dimensions, Inc. dated December 21, 2020. The small wetland area is subject to the jurisdiction of the NYSDEC and USACE.

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ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, 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: 6,600 gallons/day

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

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

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

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

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

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

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

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: 6,600 gallons/day

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

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

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

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

If Yes:

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

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

If Yes:

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

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

_____

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

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

If Yes:

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

_____ Square feet or _____ 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)

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

If Yes:

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

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

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

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

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

If Yes:

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

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

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

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

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

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

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

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

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

If Yes:

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

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

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

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

i. During Construction:

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

ii. During Operations:

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

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m. Will the proposed action produce noi[illegible]nat will exceed existing ambient noise levels du[illegible] construction, operation, or both? ☑ Yes ☐ No

If yes:

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

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

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

Describe: _____

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

If yes:

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

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

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

Describe: _____

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

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

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

If Yes:

i. Product(s) to be stored _____

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

iii. Generally, describe the proposed storage facilities: _____

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

If Yes:

i. Describe proposed treatment(s):

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

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

If Yes:

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

- Construction: _____ 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: _____

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

ii. If mix of uses, generally describe:

The properties in the vicinity of the Project Site have various zoning classifications - The principal use of the nearby parcels consists of single-family homes on individual lots.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	.3	1.495	1.2
• Forested	1.9	1.5	(0.4)
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	3.45	0	(3.45)
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0.054	0.054	0.054
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Lawn/Permanent Open Space	1.0	2.7	1.7

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

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

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

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

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

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

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

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

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

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? > 5 ft. feet

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

c. Predominant soil type(s) present on project site:

Elnora Loamy Fine Sand	53 %
Wayland Soils Complex	28 %
Cheektowaga Fine Sandy Loam	19 %

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

e. Drainage status of project site soils:
☐ Well Drained: ____% of site
☐ Moderately Well Drained: 53 % of site
☐ Poorly Drained 47 % of site

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

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

h. Surface water features.

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

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

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

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

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

- Streams: Name 837-47 Classification C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name NYS Wetland, Federal Waters, Federal Waters, Fe... Approximate Size NYS Wetland (in a...
- Wetland No. (if regulated by DEC) CC-15

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

If yes, name of impaired water body/bodies and basis for listing as impaired: _____
Name - Pollutants - Uses:Ransom Creek, Lower, and tribs – Pathogens;D.O./Oxygen Demand – Recreation;Aquatic Life

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

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

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

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

i. Name of aquifer: _____

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m. Identify the predominant wildlife sp s that occupy or use the project site:
Typical suburban speices

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

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

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

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

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

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

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

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

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

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

If Yes:

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

ii. Name: _____

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

_____

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

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

i. Identify resource: _____

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

iii. Distance between project and resource: _____ miles.

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

If Yes:

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

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

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name Joe Rubino Date August 16, 2021

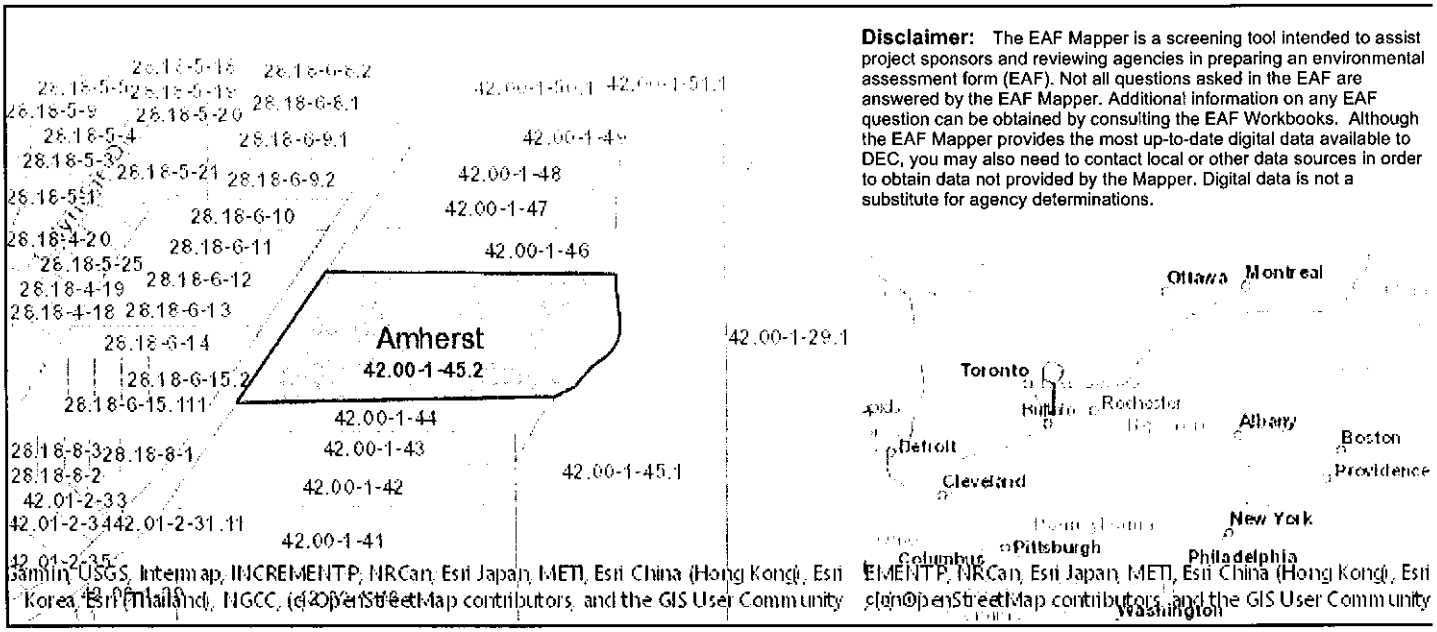
Signature _____ Title Counsel for Project Sponsor

PRINT FORM

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

EAF Mapper Summary Report

Monday, December 21, 2020 3:37 PM



Samlin, USGS, Intermap, INCREMENTP, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri Thailand, NGCC, (c) OpenStreetMap contributors, and the GIS User Community

EMENTP, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri c) OpenStreetMap contributors, and the GIS User Community

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

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	837-47
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	NYS Wetland, Federal Waters
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):182.9
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	CC-15

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E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Ransom Creek, Lower, and tribs – Pathogens;D.O./Oxygen Demand – Recreation;Aquatic Life
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

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TOWN OF AMHERST ATTACHMENT
State Environmental Quality Review
ENVIRONMENTAL ASSESSMENT FORM

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

Soil Name	Shallow excavations	Dwellings without basements	Dwellings with basements	Small commercial buildings	Local roads and streets
Wayland Soils Complex	Severe	Severe	Severe	Severe	Severe
Cheektowaga Fine Sandy Loam	Severe	Severe	Severe	Severe	Severe
Elnora Loamy Fine Sand	Severe	Moderate	Severe	Moderate	Moderate

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

   ✓ Geotechnical report attached _____ Not applicable

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

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

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

4. Are there alternative locations on the site for this project? □ Yes ● No

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

   Not Applicable.

6. Are you aware of current or future plans or intentions by others in the Town of Amherst to develop property within 1000± ft. of the present project request: ● Yes □ No
   Describe: Residential subdivision at 1696, 1701 and 1721 Dodge Road that received Final Plat Approval on 03/18/21.

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

7. Maximum number of vehicular trips to be generated per peak hour upon completion of project 15
   Source: ITE Trip Generation Report

8. Will blasting occur during construction? □ Yes ● No

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

10. Proposed net additional gallons per day (gpd) of sanitary sewer discharge upon completion of project:
    6,600 gpd average flow 26,400 gpd peak flow.

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

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Exhibit 3 – Legal Description of Property to be Rezoned from Suburban Agriculture District ("S-A") to Residential District Three ("R-3")

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

EXHIBIT 3 OF AMENDED REZONING APPLICATION

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM SUBURBAN AGRICULTURE DISTRICT ("SA") TO RESIDENTIAL DISTRICT THREE ("R-3")

All that tract or parcel of land, situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No: 52, Township 12, Range 7 of the Holland Land Company's Survey, described as follows:

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Exhibit 4 – Reduced Size Copy of Survey of Project Site as Prepared by Nussbaumer & Clarke, Inc. [Note: Full Size Copy of the Survey also attached]

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

EXHIBIT 5 OF AMENDED REZONING APPLICATION

REZONING OF 1789 DODGE ROAD FROM S-A TO R-3

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

Response to Question 11(A): The proposed residential project on the parcel 1789 Dodge Road ("Project Site") will be upscale in character and will feature fifteen (15) lots for detached single-family homes.[1] The conceptual layout of the proposed residential subdivision is depicted on the full size updated Sketch Plan [Drawing C-100 – Date: 07/14/21] prepared by Carmina Wood Morris P.C. attached to this Amended Rezoning Application. A reduced size color copy of the updated Sketch Plan depicting the proposed 2.7 acres of Permanent Open Space is also provided at Exhibit "7". The proposed residential lots will be accessed via a proposed public roadway complying with the Town specifications as depicted on the Sketch Plan. Approximately 1.5 acres of the approximately 6.7 acre Project Site will consist of Permanent Open Space.

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

Response to Question 11(B)(1): The Project Site is an appropriate location for the requested rezoning from S-A to R-3 given the character and scale of nearby land uses. It is also important to mention that the requested amendment of the zoning classification of the Project Site is consistent with the Conceptual Land Use Plan for the Town of Amherst provided Figure 6 of the adopted Bicentennial Comprehensive Plan ("Comprehensive Plan"), which designates the Project Site as appropriate for

[1] The previously submitted Sketch Plans for the proposed residential subdivision depicted seventeen (17) proposed residential lots. The two previous lots with frontage on Dodge Road have been eliminated and replaced with additional Permanent Open Space that will be consistent with the character of the segment of Dodge Road in the vicinity of the Project Site.

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

"Single Family Residential" use. A color copy of Figure 6 of the Comprehensive Plan is attached as Exhibit "8".

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

Response to Question 11(B)(2): The Project Site is currently zoned S-A and is not a suitable location for agricultural uses given that the predominant use of nearby parcels consists of single-family homes. It would not be feasible to develop a residential subdivision on the Project Site without amending the zoning classification from S-A to R-3.

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

Response to Question 11(B)(3): The requested rezoning of the Project Site from S-A to R-3 to accommodate the proposed residential subdivision for fifteen (15) homes on individual lots and 2.7 acres of Permanent Open Space will not result in any potentially significant adverse impacts on surrounding properties. The density of the proposed residential subdivision is only 2.23 homes per acre and is less than the density of many of the nearby residential subdivisions on parcels zoned R-3, CR-3A and MFR-4A.

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

Response to Question 11(B)(4): The proposed project will have positive impacts on the school district since the property taxes that will be generated on an annual basis will be substantially higher than the current property taxes. The proposed project will potentially generate demand for educational services provided by the Williamsville Central School District but the proposed residential subdivision will have positive fiscal impacts since the annual school taxes will be higher than the

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

cost of educational services for school age children of the owners of the detached single-family homes.

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

EXHIBIT 6 OF AMENDED REZONING APPLICATION

REZONING OF 1789 DODGE ROAD FROM S-A TO R-3

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

Response to Question 16(A)(1): The Town of Amherst adopted the Bicentennial Comprehensive Plan in January of 2007 after completing a lengthy planning process that included numerous public meetings and public hearings involving the Comprehensive Plan Advisory Committee, the Planning Board and the Town Board.[1] In June of 2019, the Town Board adopted amendments to the Bicentennial Comprehensive Plan.

Figure 6 of the Bicentennial Comprehensive Plan is the Conceptual Land Use Plan and it depicts the parcel at 1789 Dodge Road (the "Project Site") as being appropriate for "Single Family Residential" use. A copy of Figure 6 of the Comprehensive Plan is provided at Exhibit "8". The Conceptual Land Use Plan is intended to communicate the overall direction and concept of future development in the Town of Amherst.

Single Family Residential is described on Pages 3-30 and 3-31 of the Comprehensive Plan as consisting of 2 to 4 residential units per acre. The density of the proposed residential subdivision that will consist of fifteen (15) lots for detached-single homes will only be 2.23 residential units

[1] A copy of the resolution adopted by the Town Board on January 2, 2007 for the purpose of adopting the Bicentennial Comprehensive Plan pursuant to Town Law Section 272-a is included at the beginning of the Comprehensive Plan. This resolution recites the lengthy planning history that incorporated numerous opportunities for public input as well as a coordinated environmental review pursuant to SEQRA that involved the preparation a Generic EIS and the issuance of a Findings Statement.

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per acre. The text on Page 3-31 of the Comprehensive Plan indicates that opportunities exist for infill residential development. The Project Site represents an example of an appropriate location for an infill residential subdivision since the proposed use and the proposed R-3 zoning classification is consistent with the adopted Comprehensive Plan.

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

Response to Question 16(A)(2): The Applicant does not believe that the proposed rezoning of the Project Site from S-A to R-3 to accommodate the proposed low-density residential subdivision requires an amendment to the Bicentennial Comprehensive Plan.

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

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

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

The proposed rezoning of the Project Site from S-A to R-3 to accommodate the proposed residential subdivision for fifteen (15) lots for detached single-family homes is consistent with the "Purpose" of the Zoning Code. Section 1-2-2 of the Zoning Code sets forth the objectives of the

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Zoning Code. This section of the Zoning Code lists 13 objectives that are discussed below as follows:

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

Response: The proposed rezoning and will be consistent with the objective of protecting the character and value of existing land uses. The proposed rezoning will allow the Project Site to be utilized as a fifteen (15) lot residential subdivision with substantial Permanent Open Space as such represents orderly and beneficial development.

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

Response: The proposed rezoning of the Project Site from S-A to R-3 and the proposed fifteen (15) lot residential subdivision will not be inconsistent with this objective.

C. To prevent overcrowding of land;

Response: The proposed rezoning and the proposed residential subdivision will not result in the overcrowding of land. The density of the subdivision per the updated Sketch Plan is only 2.23 residential units per acre.

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

Response: The proposed rezoning of the Project Site from S-A to R-3 will not result in excessive concentration of population. The residential project consists of a low density residential subdivision.

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

Response: The responses to the Questions in Section 16 of the Rezoning Application set forth the reasons the proposed rezoning is consistent with the policies of the Comprehensive Plan.

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

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

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

Response: The proposed rezoning and residential project will not be inconsistent with this objective. The Project Sponsor has made a deliberate effort to propose a layout for the proposed residential subdivision that will avoid the 0.054 acres of wetlands on the easternmost portion of the Project Site.

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

Response: The development of the Project Site in a manner consistent with the updated Sketch Plan that includes Permanent Open Space along the Dodge Road frontage will be aesthetically harmonious with nearby areas and structures.

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

Response: The layout of the proposed low-density residential subdivision as depicted on the full size updated Sketch Plan prepared by Carmina Wood Morris DPC attached to this Amended Rezoning Application demonstrates the residential project will not result in any potentially significant traffic impacts. The Project Sponsor acknowledges that it will be required to obtain a Highway Work Permit from the Erie County Department of Public Works since Dodge Road is an Erie County Highway.

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

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

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

Response: The proposed rezoning of the Project Site from S-A to R-3 is consistent with this objective since the project is consistent with the policies contained in the Comprehensive Plan.

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

Response: The proposed rezoning of the Project Site from S-A to R-3 will be consistent with this objective.

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

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

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

Response to Question 16(C): The proposed residential subdivision consisting of fifteen (15) lots for detached single-family homes is compatible with the present zoning and conforming uses of nearby properties and the character of the neighborhood. There are numerous residential subdivisions in the vicinity of the Project Site. The proposed R-3 zoning classification is clearly more suitable than the existing S-A zoning classification which expressly permits high-intensity agricultural uses that would be inconsistent with character of the surrounding neighborhood.

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

Response to Question 16(D): The Project Site is not suitable for agricultural uses given its size and location. The Applicant believes the proposed residential subdivision is more appropriate for the Project Site than uses that are permitted in the existing S-A zoning classification.

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

Response to Question 16(D): The proposed change in the zoning classification of the Project Site from S-A to R-3 to accommodate the proposed residential subdivision for fifteen (15) detached single-family homes on individual lots with approximately 2.7 acres of Permanent Open Space will have

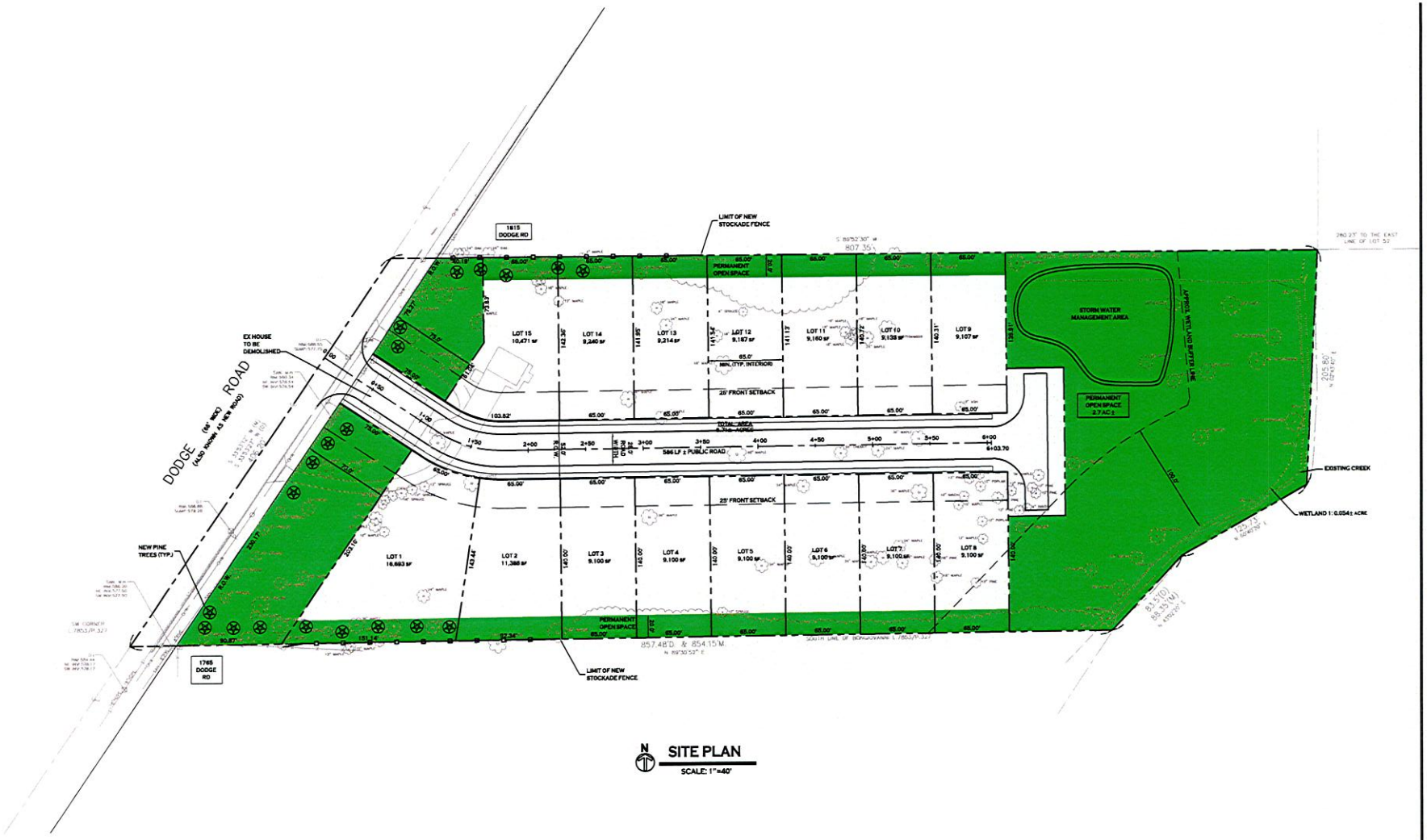
Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

positive impacts on the balance of uses in the Town since there is demand for upscale detached single-family homes on individual lots.

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Exhibit 7 – Reduced Size Copy of Color Sketch Plan [Drawing C-100 – Date: 07/14/21] as Prepared by Carmina Wood Morris DPC [Note: Full Size Copy of the Sketch Plan also attached]

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)



SITE PLAN
SCALE: 1"=40'

SITE DATA (REZONED FROM SA TO R-3 ZONING)

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)

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

40' 40 0 40 80FT

© Carmina Wood Morris DPC

Carmina Wood Morris DPC
487 Main Street Suite 600
Buffalo, New York 14203
P 716.842.3186
F 716.842.0263

REVISIONS:
No. Description Date

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

Date: 7/14/21
Drawn by: C. Wood
Scale: As Noted

DRAWING NAME:
Concept Plan

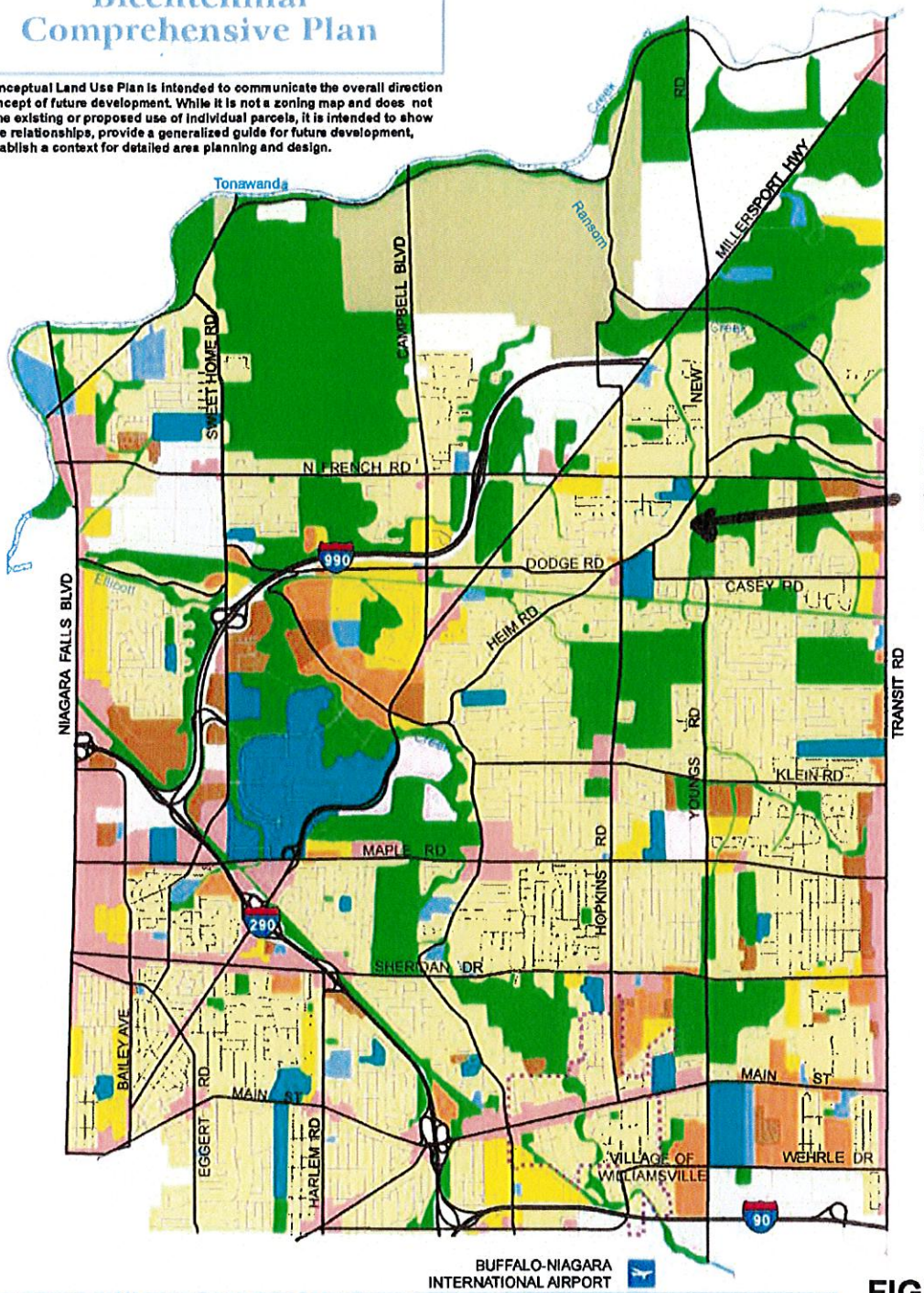
DRAWING NO.
C-100
Project no.: 20.247

Exhibit 8 – Color Copy of Figure 6 of the Town of Amherst Comprehensive Plan titled "Conceptual Land Use Plan"

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge 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.



Project Site Designated as Single Family Residential

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 Form/Type Designation

SOURCE NOTES:

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

Map Compiled by the Town of Amherst Planning Department

Date: December 2017

N

0 0.2 0.4 0.6 0.8 1 Miles

FIGURE 6

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

RECEIVED
AUG 16 2021
TOWN OF AMHERST
PLANNING DEPT.

LOCAL LAW NO. _____-201_

TOWN OF AMHERST
COUNTY OF ERIE, STATE OF NEW YORK

A LOCAL LAW AMENDING CHAPTER 203 OF THE TOWN OF AMHERST CODE, KNOWN AS THE ZONING ORDINANCE TO REZONE 1789 DODGE ROAD FROM S-A TO R-3 AND TO AMEND THE ZONING MAP ACCORDINGLY.

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 203 of Town of Amherst Code, Known As The Zoning Ordinance, to Rezone 1789 Dodge Road from S-A to R-3 and to Amend The Zoning Map Accordingly".

Section 2. Legislative Findings and Intent.

The Town Board of the Town of Amherst finds that an application to rezone 1789 Dodge Road from S-A to R-3 and to Amend the Zoning Map Accordingly has been filed and is in proper order. The Town Board further finds that the request including the rezoning is consistent with the Comprehensive Plan.

Section 3. Amherst Zoning Map.

The Town Board hereby amends its zoning map which is incorporated by reference in the Town zoning code by amending from S-A to R-3, the zoning of 1789 Dodge Road, **subject to any conditions imposed by the authorizing resolution**; legally described as follows:

All that tract or parcel of land, situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No: 52, Township 12, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point in the northerly line of the lands conveyed to Eli J. and Doris A. Bongiovanni recorded in Erie County Clerk's Office in Liber 7853 of Deeds at page 327 distant two hundred eighty and twenty-three hundredths (280.23) feet westerly from the easterly line of Lot 52; thence S 89° 52' 30" W along the northerly line of the said Bongiovanni a distance of eight hundred seven and thirty-five hundredths (807.35) feet to the centerline of Dodge Road; thence S 33° 53' 27" VV along the centerline of Dodge Road a distance of four hundred six and twenty hundredths (406.20) feet to the southwesterly corner of the said Bongiovanni; thence N 89° 30' 52" E along the southerly line of the said Bongiovanni a distance of eight hundred fifty-seven and forty-eight hundredths (857.48) feet, said point being in the approximately centerline of Town

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

of Amherst Ditch 26B; thence along the approximate centerline of Ditch 26B.the following courses and distances: 1) N 43° 02' 20" East distance of eighty-three and five tenths (83.5) feet, 2) N 60° 40' 20" East a distance of one hundred twenty-five and seventy-three hundredths (125.73) feet, N 02° 43' 40" East a distance of two hundred five and eighty hundredths (205.80) feet to the point of beginning.

Section 4. Validity.

This Local Law is adopted under the authority granted to the Town Board of the Town of Amherst pursuant to §§10(1)(ii)(a)(12), 20 and 27 of the Municipal Home Rule Law and §265 of the Town Law of the State of New York.

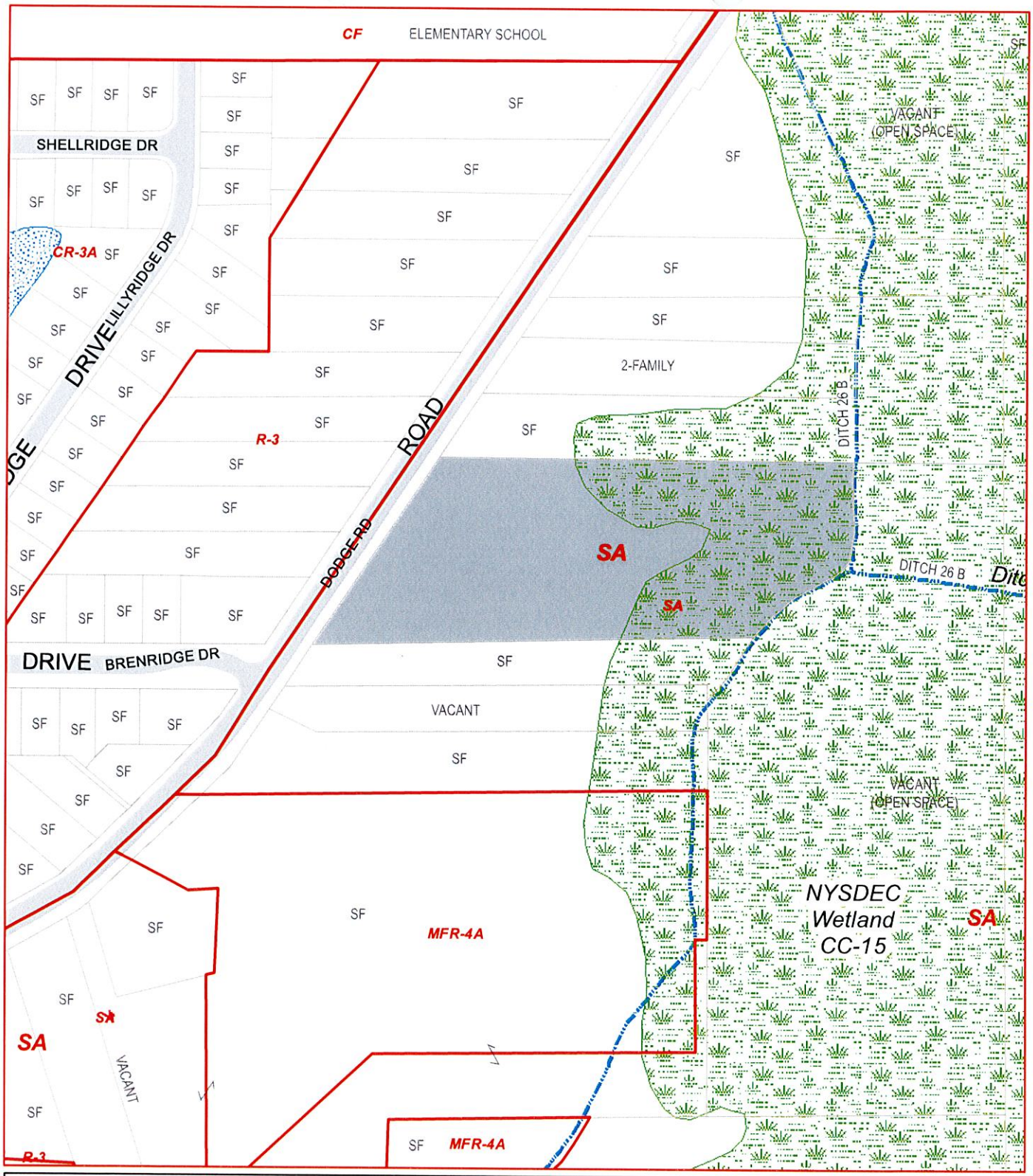
The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 5. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and published pursuant to Sections 130 & 133 of the Town Law and Chapter 28 of the Code of the Town of Amherst.

Francina J. Spoth
Town Clerk
Town of Amherst
County of Erie, State of New York

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)



Z-2020-15

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

September 23, 2021

1789 Dodge Road

NYS DEC Regulated Wetland

Prepared by the Town of Amherst Planning Department

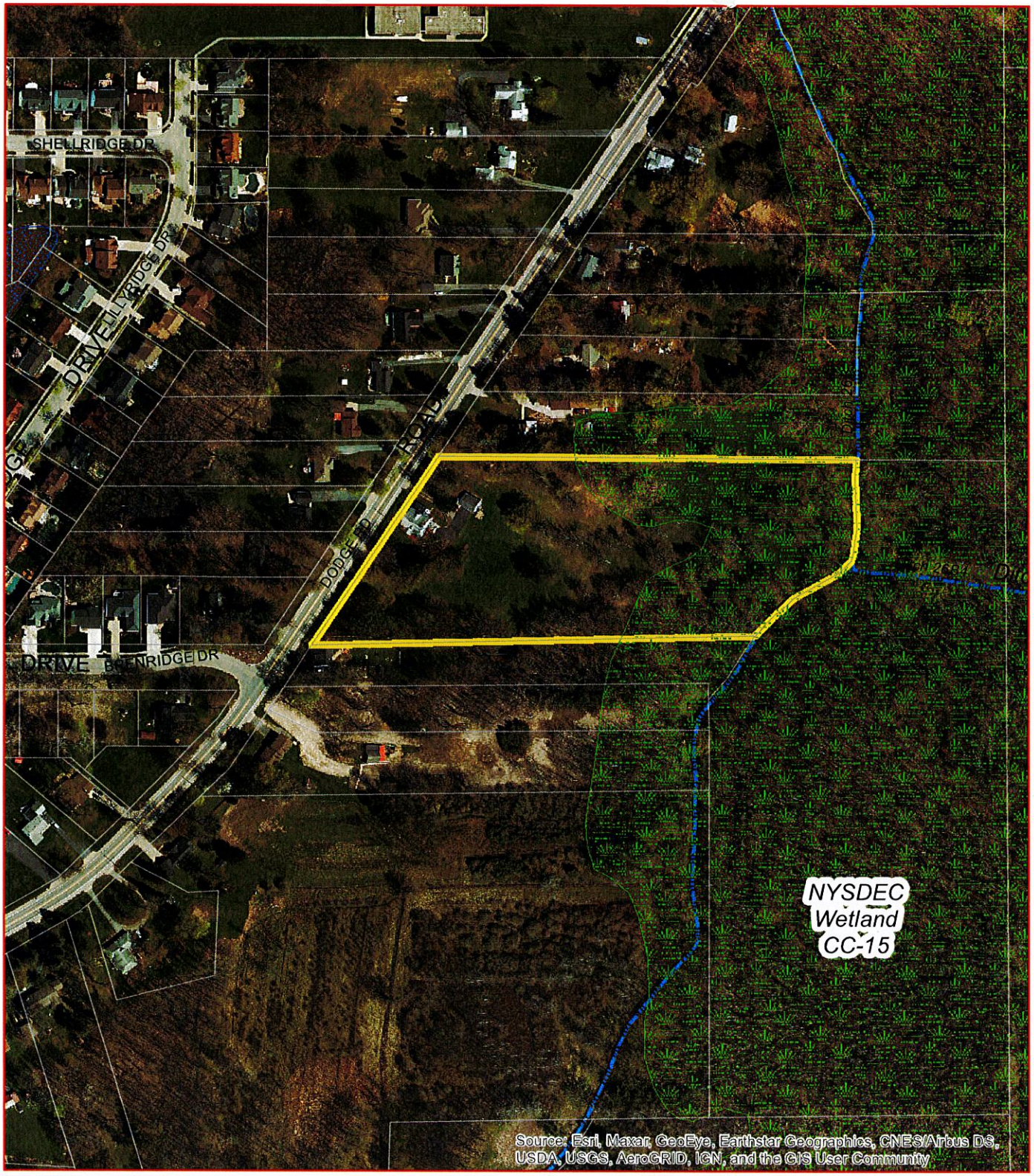
Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)



CONCEPT PLAN

Z-2020-15
1789 Dodge Road
Received: 8/23/21

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)



Z-2020-15

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

September 23, 2021

1789 Dodge Road

NYS DEC Regulated Wetland

N

Prepared by the Town of Amherst Planning Department

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

RECEIVED
SEP 24 2021
TOWN OF AMHERST
PLANNING DEPT.

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 23, 2021

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

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

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

Dear Mr. Marshall,

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

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

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

Sincerely,

David Hall
Planner

Enclosure

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

RECEIVED
SEP 24 2021
TOWN OF AMHERST
PLANNING DEPT.

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

February 18, 2021

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

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

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

Dear Ms. Rappoccio,

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

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

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

Sincerely,

David Hall
Planner

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

RECEIVED
SEP 24 2021
TOWN OF AMHERST
PLANNING DEPT.
DO NOT WRITE IN THIS SPACE

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

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

Case No.: ZR-21-9

Received: 8/19/202

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

Description of Proposed Action

1. Name of Municipality: Town of Amherst

2. Hearing Schedule: **Date** September 23, 2021 **Time** 6:30pm **Location** 5583 Main Street, Williamsv

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

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

☐ Site Plan ☐ Variance ☐ Special Use Permit ☐ Other

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

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

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

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

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

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

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

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

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 8/23/21**. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.**

1. ☐ **The proposed action is not subject to review under the law.**
2. ☒ **Form ZR-3, Comment on Proposed Action is attached hereto.**
3. ☐ **The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.**
4. ☐ **No recommendation; proposed action has been reviewed and determined to be of local concern**

By the Division of Planning: Dan M. Hall **Date:** 9/23/21

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Amherst

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

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel Ulatowski, AICP
Assistant Planning Director

September 15, 2021

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

SUBJECT:	Site Plan Review	**Z-2020-15**
	Proposed:	Proposed Subdivision
	Property located at:	**1789 Dodge Road**
	Plans received:	September 14, 2021
	Architect/Engineer:	Robert Walter; Carmina Wood Morris

Dear Mr. Rubino:

Please consider the following comments:

1) Confirm the existing large mature maple trees along the road frontage will be preserved. These tree are important to retaining the existing character along the road.
2) Please clearly mark the separation of open space area from the private lots during construction with fencing or other delineators and preserve the tree roots as per Zoning Ordinance 7-2-3 (B) (3).
3) At the proposed public road intersection with Dodge Road there could be potential sight distance issues. Recommend relocating dogwood, sumac and viburnum shrubs (*CS-6, CS-12, VT-3, RH-3*) towards the east of the site near Lots 8 & 9 to increase the vegetation buffer as per Zoning Ordinance 7-2-3 (A) (1) (d). If the applicant wants to enhance the entry into the neighborhood; herbaceous or perennials are recommended at no more than 2' mature height to adhere to the clear vision triangle as per Zoning Ordinance 2-5-1.
4) Recommend clearing the existing mature trees in lots #1-15 during the winter months. There are concerns regarding wildlife on this site. Please do not clear trees or shrubs during nesting season in the spring months. The applicant may have the option to apply for a tree removal permit pending the timing of the building permit process.
5) Recommend clearing species such as ash and poplar (*4" dbh or larger*) from the permanent open space area. These species may become an issue to the proposed residences.

This is a review only and does not constitute final approval of the Minor Site Plan. Final approval will be granted upon satisfying any outstanding review agency comments and issuance of approved Minor Site Plan drawings by this department.

Very truly yours,

Jeffrey Szatkowski
Landscape Architect

JS/ac
X:\Current_Planning\Files\Rezonings\2020\Z-2020-15_(1789_Dodge_Rd)_2020\Reviews\LA_Forestry_Review_09142021_JS.doc
cc: Christopher Wood, P.E., Carmina Wood Morris, DPC, 487 Main St., Suite 600, Buffalo, NY 14202
Robert C. Walter, 2765 Dodge Rd., E. Amherst, NY 14051
Scott A. Marshall, Principal Planner
Roberta Rappoccio, Associate Planner

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

WILLIAM E. GEARY, JR.
COMMISSIONER

DEPARTMENT OF PUBLIC WORKS
RATH BUILDING 14TH FLOOR

TELEPHONE:716.858.8300
FAX: 716.858.8228

September 14, 2021

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

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

Dear Ms. Rappoccio:

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

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

Permit Requirements

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

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

Please keep us informed as this project progresses.

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

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

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge 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

MEMORANDUM August 17, 2021

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent adempoulos@amherst.ny.us
Integrated Review Coordinator, ECDEP
NYSDEC
Williamsville Central School District

FROM: Scott Marshall, Principal Planner

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

AMENDED APPLIATION AND CONCEPT PLAN:
Received August 16, 2021

REVIEW:

Do you agree with all statements made? YES.

If you do not, briefly state why: _____

General comments relative to your agency interests: ALL PROPOSED OPEN SPACE SHOULD BE DEED RESTRICTED, PLEASE CONFIRM.

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)
TOTAL ACREAGE TO BE MAINTAINED BY THE PROPOSED HOME OWNER'S ASSOC.

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

Signature: DANIEL J. ULATOWSKI **Date:** 9/14/2021

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Amherst

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

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

September 13, 2021

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

SUBJECT:	Rezoning Application Review	**Z-2020-15**
	Proposed:	Amended Rezoning for 6.7± acres of land from SA to R-3
	Property located at:	**1789 Dodge Road**
	Application received:	August 16, 2021
	Representative:	Hopkins, Sorgi & McCarthy, PLLC

Dear Mr. Rubino,

Please consider the following comments:

1. Please 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.
2. The location of the proposed roadway may not comply with all requirements of §204-3-2 of Town Code, as the concept plan is limited in the information required by that section of Town Code and may specifically conflict with the alignment requirements of §204-3-2-4C. Dodge Road in the subject area is designated a collector roadway in the Amherst Bicentennial Comprehensive Plan.
3. Be advised that the Town of Amherst has proposed that Youngs Road be extended northerly from its current terminus at Casey Road to North French Road. One potential alignment will take this roadway along or near the eastern portion of the subject property.
4. Recommend retention of as many existing mature trees as possible.

Very truly yours,

for Daniel C. Howard, AICP
Planning Director

DH/SM/ac
X:\Current_Planning\Files\Rezonings\2020\Z-2020-15_(1789_Dodge_Rd)_2020\Z-2020-15_Zoning_Review_Letter_091321.doccc:
cc: Christopher Wood, P.E., Carmina Wood Morris, DPC, 487 Main St., Suite 600, Buffalo, NY 14202

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge 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

RECEIVED
SEP - 7 2021
TOWN OF AMHERST
PLANNING DEPT.

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

MEMORANDUM August 17, 2021

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent adempoulos@amherst.ny.us
Integrated Review Coordinator, ECDEP
NYSDEC
Williamsville Central School District

FROM: Scott Marshall, Principal Planner

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

AMENDED APPLIATION AND CONCEPT PLAN:
Received August 16, 2021

REVIEW:

Do you agree with all statements made? YES.

If you do not, briefly state why: _____

General comments relative to your agency interests: None @ This Time

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

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

Signature: C. Schregel **Date:** 9/7/21

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

RECEIVED
SEP - 2 2021
TOWN OF AMHERST
PLANNING DEPT.

September 2, 2021

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

Dear Ellen Kost:

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

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

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

Sincerely,

David S. Denk

David S Denk
Regional Permit Administrator

KPD:cmn

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

RECEIVED
JAN 22 2021
TOWN OF AMHERST
PLANNING DEPT

January 19, 2021

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

Dear Ms. Kost:

SEQR Lead Agency Designation
Rezone 6.7 Acres of Land
1789 Dodge Road
Village of Amherst, Erie County

In response to your January 7, 2021 letter regarding the above-noted, please be advised of the following:

1. This site is located in or adjacent to New York State regulated freshwater wetland CC-15 or its regulated 100-foot-wide adjacent area, and a Freshwater Wetlands Permit pursuant to Article 24 of the New York State Environmental Conservation Law will likely be required by this office.

2. A portion of the proposed project is located in or adjacent to 100-year floodplain, according to the Federal Emergency Management Agency's Map No. 36029C-0088H. The town should consider this issue before approving development at this site.

3. This proposed project is a Sanitary Sewer Extension or requires a sanitary sewer connection that is designed to convey 2,500 gallons/day or more of municipal sewage that is defined as a Sanitary Sewer Extension, and therefore requires sewer extension approval by the **Erie County Health Department, 503 Kensington Avenue, Buffalo, New York 14214, telephone: 716/961-6800.**

4. You should (have the project sponsor) contact the United States Department of the Army Corps of Engineers' Buffalo District Office (COE, 1776 Niagara Street, Buffalo, New York 14207, telephone: 716/879 4330) prior to making a Sewer Extension submission to determine if the project will involve federally regulated wetlands.

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Written verification of COE jurisdiction, acceptance of the project or a modified project must be obtained, since the scope and layout of the project may change significantly, due to federal requirements. Initiating early review with COE staff to determine an appropriate project should simplify issuance of any County approval and/or possible DEC Water Quality Certification that may be necessary.

5. Since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice Of Intent (NOI) and prior to commencement of the project. More information on General Permit GP 0 15-002, as well as the NOI form, is available on the Department's website at www.dec.ny.gov/chemical/43133.html.

   The Town of Amherst is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of a regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principle executive officer or ranking official from the MS4 community, or by a duly authorized representative of that person, and submitted, along with the NOI form, to the Department at NOTICE OF INTENT, NYSDEC, Bureau of Water Permits, 625 Broadway, Albany, New York 12233-3505, telephone: 518/402-8111 to receive Department approval before construction commences.

We concur that the Town of Amherst should act as SEQR Lead Agency, since the environmental impacts of the proposal are primarily of local significance.

If you have any questions, please feel free to contact me or Mr. Bruno DiBella of this office at 716/851-7165.

Sincerely,

David S. Denk

Digitally signed by David S. Denk
DN: cn=David S. Denk, o=NYS DEC, ou=Div. of Env. Permits, email=david.denk@dec.ny.gov, c=US
Date: 2021.01.19 17:27:56 -05'00'

David S. Denk
Regional Permit Administrator

BAD/slr

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge 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

MEMORANDUM August 17, 2021

RECEIVED
SEP 01 2021
TOWN OF AMHERST
PLANNING DEPT.

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent ademopoulos@amherst.ny.us
Integrated Review Coordinator, ECDEP
NYSDEC
Williamsville Central School District

FROM: Scott Marshall, Principal Planner

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

AMENDED APPLIATION AND CONCEPT PLAN:
Received August 16, 2021

REVIEW:

Do you agree with all statements made? YES.

If you do not, briefly state why: _____

General comments relative to your agency interests: NONE

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

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

Signature: _____ **Date:** 8/24/21

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge 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

RECEIVED
Williamsville Central School District
AUG 24 2021
Asst Superintendent for
Finance & Management Services

MEMORANDUM August 17, 2021

RECEIVED
AUG 30 2021
TOWN OF AMHERST
PLANNING DEPT.

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

FROM: Scott Marshall, Principal Planner

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

AMENDED APPLIATION AND CONCEPT PLAN:
Received August 16, 2021

REVIEW:

Do you agree with all statements made? No comment-

If you do not, briefly state why: _____

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

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

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

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

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Amherst

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

RECEIVED
AUG 19 2021
TOWN OF AMHERST
BUILDING DEPT

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Director

RECEIVE
AUG 27 2021
TOWN OF AMHERST
PLANNING DEPT.

MEMORANDUM August 17, 2021

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent ademopoulos@amherst.ny.us
Integrated Review Coordinator, ECDEP
NYSDEC
Williamsville Central School District

FROM: Scott Marshall, Principal Planner

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

AMENDED APPLIATION AND CONCEPT PLAN:
Received August 16, 2021

REVIEW:

Do you agree with all statements made? Yes.

If you do not, briefly state why: _____.

General comments relative to your agency interests: Floodplain on Property.

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

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

Signature: Doug Gesel **Date:** Aug 26, 2021

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge 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

RECEIVED
AUG 19 2021
TOWN ATTORNEY

MEMORANDUM

August 17, 2021

RECEIVED
AUG 23 2021
TOWN OF AMHERST
PLANNING DEPT.

FROM

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent adempoulos@amherst.ny.us
Integrated Review Coordinator, ECDEP
NYSDEC
Williamsville Central School District

TO:

FROM: Scott Marshall, Principal Planner

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

AMENDED APPLIATION AND CONCEPT PLAN:
Received August 16, 2021

REVIEW:

Do you agree with all statements made? yes.

If you do not, briefly state why: _____

General comments relative to your agency interests: None at this time.

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

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

Signature: Stan Sliwa **Date:** 8/23/21

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge 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

RECEIVED
AUG 19 2021
TOWN ATTORNEY

RECEIVE
AUG 19 2021
TOWN OF AMHERST
PLANNING DEPT.

MEMORANDUM August 17, 2021

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Stan Sliwa, Town Attorney (Local Law Only)
(ad) ✓ Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent ademopoulos@amherst.ny.us
Integrated Review Coordinator, ECDEP
NYSDEC
Williamsville Central School District

FROM: Scott Marshall, Principal Planner

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

AMENDED APPLIATION AND CONCEPT PLAN:
Received August 16, 2021

REVIEW:

Do you agree with all statements made? yes, agree with all statements made

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

General comments relative to your agency interests: N/A

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) N/A

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

Signature: _____ **Date:** 8/19/21

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Carrato, Amy

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

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

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

William G Pitz

This message was delivered by BlueFrog.com. To sign up for the best, secure and private email with a fun, easy to remember name, please visit http://www.bluefrog.com or call 1(866)BLUEFROG

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Carrato, Amy

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

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

I am attaching my blurb I read last night.

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

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

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

Thank you again.

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

9-23-2021

5|7

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

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

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

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

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

= 1.3 acres

15 4.7

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

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

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

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

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

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

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

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

our sanctuary

I implore you to vote down 1789. Thank you.

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Carrato, Amy

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

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Carrato, Amy

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

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from my iPad

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

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

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

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

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

Thank you.

Barbara Makuch

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Carrato, Amy

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

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

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

Thank you for your time and consideration.

Sent from the all new AOL app for iOS

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Carrato, Amy

From: Joanna Pitz <pitzjoanna@gmail.com>
Sent: Wednesday, September 22, 2021 10:40 PM
To: Carrato, Amy
Subject: 1789 Dodge Rd

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

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

Joanna Pitz

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Carrato, Amy

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

Importance: High

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

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

Mary Jane Sparks
janiesparks1990@gmail com

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Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

RECEIVED
SEP 22 2021
TOWN OF AMHERST
PLANNING DEPT.

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

Sept 19, 2021

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

Concern of 15 homes on 6.7 acres which will add approximately 130 cars to our current traffic.

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

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

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

Sincerely
Marlene Wagner

P.S. I did not receive the last two (2) letters from the Town of Amherst

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Carrato, Amy

From: Nick Rockwell <nrockwell.81@icloud.com>
Sent: Wednesday, September 22, 2021 8:48 AM
To: Carrato, Amy
Subject: Permit for M3 at 1789 Dodge Road

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Amherst Planning Board

I am writing to you in regards to the request to rezone 6.7 acres of land at 1789 Dodge Road from SA to M3. My wife, Lisa, and I live next to this property with our two children. Changes to this property will have a significant impact on our family's quality of life. We ask that you please consider our words before deciding on your vote at the upcoming Amherst Planning Meeting on September 23rd. It is our intent that the planning board joins us in opposing the rezoning to R-3 because it is inconsistent with the Dodge Road community. If the instead board approved, zoning that required 100 feet of frontage (R1, I think), any residences developed there would be able to remain consistent with the neighborhood we have grown to love.

We moved to the Dodge Road community 6 years ago from Buffalo. In Buffalo we enjoyed living in close proximity to many of our neighbors, though we grew to feel confined by the close proximity of so many neighbors. We started to dream of a day when we could purchase a home that would allow us the space to live our best lives with our neighbors at a comfortable distance. After years of hard work and frugal living we could afford the home we dreamed of, and we found it here in the Dodge Road Community in East Amherst.

Here we have enjoyed living the quiet suburban lifestyle that exists here. We have enjoyed interacting with our neighbors, who all live far enough from us that our lifestyle needn't impede on them and their lifestyle needn't impede on us. We have the space and privacy to create a garden that suits our tastes, and we don't have to worry about interfering with our neighbors' enjoyment of their lives as we enjoy our lives on our private property. And because our neighbors live on more than an acre of property their enjoyment of their best lives doesn't impact us. Buying a house in a suburban-agricultural zone was a major selling point for our home, which we have considered to be our forever home.

As our forever home we have invested significantly in our property, which would be a huge barrier to us being able to move another area that would allow us to regain our version of the American Dream. For us, the prospect of relocating would be devastating, and not only for financial reasons. Yes, we have invested a significant amount of money, but we have also poured our time, sweat and love into developing our property. We have planted trees, shrubs and perennial plants here, some of which were given to us as gifts. To us our garden isn't just decoration, it is our oasis.

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

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

Warm wishes,

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

Sent from my iPhone

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Carrato, Amy

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

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

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

Thank you for your time,

William G Pitz

This message was delivered by BlueFrog.com. To sign up for the best, secure and private email with a fun, easy to remember name, please visit http://www.bluefrog.com or call 1(866)BLUEFROG

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Carrato, Amy

From: Andrew Godell <drew539@gmail.com>
Sent: Monday, September 20, 2021 3:56 PM
To: Carrato, Amy
Subject: Planning Board Meeting 9/23 1789 Dodge Rd

CAUTION: This email origir ated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Planning Board

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

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

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Carrato, Amy

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

CAUTION: This email originated from outside of the organization.
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My name is Cheryl Anastasia and I live at 1860 Dodge Road.

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

I am attaching my notes read by Sandy Mack.

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

Thank you.

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

The following developments have been approved and are in progress:

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

PROPOSED:

1789 Dodge	(Joe Rubino rezone 6.7 acres)	17 homes

EXISTING:

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

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

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

This development will change our neighborhood forever.

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

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

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

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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

Respectfully submitted,

Cheryl Anastasia
1860 Dodge Road

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Carrato, Amy

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

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

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

Sent from my iPhone

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Town of Amherst, NY
Office of the Assessor
David C. Marrano SCA Assessor

5583 Main Street
Williamsville, New York 14221
Phone: (716) 631-7038
www.amherst.ny.us
dmarrano@amherst.ny.us

Memorandum

May 3, 2021

To: Francina Spoth, Town Clerk
Re: Petition – 1789 Dodge Road

The protest petition for 1789 Dodge Road has been signed by the required property owners of one of Zoning Ordinance section XXI, Article 2. The signature(s) satisfied test 2. The Super Majority calculations are based on three tests:

1. 20% or more of the owners signed a petition
2. **20% of the AREA surround said rezoning within 100 feet has signed a petition**
3. 20% of the AREA within 100 feet directly across the street from said rezoning has signed a petition

Therefore a super majority vote will be required to enact the change in zoning, as it relates to 1789 Dodge Road.

Should you have questions, please feel free to contact me.

Cheryl E. Walfrand
Senior Real Property Appraiser

cc: David C. Marrano
Assessor

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Cooper, Kathy

From: Cooper, Kathy
Sent: Thursday, April 29, 2021 6:35 PM
To: Marrano, David C.
Cc: Spoth, Francina; Kulpa, Brian J.; Berger, Jacqualine; Bucki, Debbie; Lavin, Shawn A.; Szukala, Michael; Sliwa, Stanley J.
Subject: Protest Petition 1789 Dodge Road
Attachments: note fom neighbors of protest pet-04292021180141.pdf; 1789 Dodge protest petition-04292021175126.pdf

Hi Dave,

Attached please find a protest petition for the rezoning of 1789 Dodge Road that was received in our office today.

Will you kindly check if the protest has been signed by the owners of 20% or more, either of the area of the land included in such proposed change or of the immediately adjacent extending 100 ft. therefrom, or that Directly opposite thereto, extending 100 ft. from the street frontage of such opposite land, as provided in Zoning Ordinance, section XXI, Article 2.

Thank you,

Kathy

Kathy Cooper
Deputy Town Clerk
Town of Amherst

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

We, the undersigned, oppose the rezoning of 1789 Dodge Road from agricultural SA to residential [redacted] with the purpose of developing a 17 lot single family home subdivision.

DATE	NAME	ADDRESS	SIGNATURE
2-27-21	SANDRA A. MACK	1790 Dodge Rd.	Sandra A. Mack
2-27-21	MERJA KENOLA	1800 DODGE RD	Merja Kenola
2-27-21	ANNALISA CAPACCIO	1810 Dodge Rd	
2-27-21	MARIAH MERCIER	1780 Dodge RD	
2-27-21	Keith Hewett	1740 Dodge Rd	
2-27-21	Raymon Owens	1732 Dodge Rd	
2-27-21	Deb Koenen	1716 Dodge Rd	Deb Koenen
2-27-21	H E Clark	1680 Dodge Rd	H.E Clark
2-27-21	Idalberto Gonzalez	1830 DODGE Rd.	
2-27-21	JAY Pearce	1880 Dodge Rd	
2-27-21	Bernice Pearce	1880 Dodge Rd.	Bernice Pearce
2-27	CHERYL ANASTASIA	1800 DODGE RD	
3/2	SUSAN D WRIGHT	1604 Dodge Rd	
3/6	TRACY THURSTON	1810 Dodge Rd	
3/6	DAOJUN WANG	1705 DODGE RD	
3/6	Bradley Anderson	1690 Dodge rd	
3-9	Marlene Wagner	1720 Dodge Rd	Marlene Wagner

Rec'd protest petition 4/29/21

APR 29 21 2:05 PM

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

We, the undersigned, oppose the rezoning of 1789 Dodge Road from agricultural SA to residential [redacted] with the purpose of developing a 17 lot single family home subdivision.

DATE	NAME	ADDRESS	SIGNATURE
3-3-21	William G Pitz	1815 Dodge Rd	William G Pitz
3-4-21	Ellie Ferrauia	1820 Dodge Rd	Ellie Ferrauia
3/5/21	Nicholas Rockwell	1765 Dodge rd	
3.5.21	Mark Raslawsky	1825 Dodge rd	
3/6/21	Marianne Grawel	1810 Dodge Rd	Marianne Grawel
3/6/21	Trina Schoehle	1845 Dodge Rd	Trina Schoehle
3/6/21	CJ Buscaglia	1875 Dodge Rd	CJ
3/6/21	Jennifer Char	1970 Dodge Rd	J. Char
3/6/21	Ray Kaiser	1940 Dodge Rd	R Kaiser
3/6/21	Adam Curcio	1745 Dodge Rd	Adam Curcio
3/6/21	Dennis Wrazen	1668 Dodge Rd.	D Wrazen
3/6/21	Jennifer Diodato	1675 Dodge Rd	J Diodato
3/6/21	Craig May	1685 Dodge	
3/6/21	Shauna Macy	1685 Dodge Rd	S macy
3-8-21	Amy LeRendu	1945 Dodge Rd	
3-13-21	David J Priebe	1835 Dodge Rd	David Priebe
3-13-21	Ken Mentz	1965 Dodge RD	Ken Mentz
3 13-21	Mary Jane Sparks	1990 Dodge Rd	Mary Jane Sparks

Attachment: Z-2020-15 TB letter 112221 (RES-2021-1031 : 1789 Dodge Road Rezoning)

November 13, 2021

Brian J. Kulpa, Supervisor
Town of Amherst Town Board
5583 Main Street
Williamsville, NY 14221

Re: Rezoning of Portion of 1789 Dodge Road from SA to R-3 [Z-2020-15]
Proposed Residential Subdivision
Applicant/Project Sponsor: Joe Rubino
File No. 10187.1

Dear Supervisor Kulpa and Councilmembers:

Attached as Exhibit "1" is a copy of the correspondence dated November 9th sent by Joe Rubino to property owner within 600 ft. of the property at 1789 Dodge Road for the purpose of inviting them to attend an informational meeting regarding the proposed residential subdivision to be held on Saturday, November 20th at noon on the 1st floor of the office building at 5500 Main Street, Williamsville, NY 14221.

The layout of the proposed fifteen (15) lot residential subdivision is depicted on the color Concept Plan prepared by Carmina Wood Morris DPC that was included with the invite letter sent to property owners on November 9th.

Based on input received during the review process, the Concept Plan depicting the layout for the proposed use of the property at 1789 Dodge Road as a residential subdivision has been modified on several occasions. The most recent modifications consisted of eliminating two residential lots along the Dodge Road frontage (reducing the number of lots from seventeen to fifteen) and adding Permanent Open Space along the Dodge Road frontage that will be planted with extensive landscaping based on a plan prepared by Robert Walter, a licensed landscape architect, and that will also include a wooden two-rail split rail fence.

The Permanent Open Space to be provided consists of a total of approximately 2.7 acres of the approximately 6.7 acres of property [approximately 40.2% of the Project Site] and will include the Dodge Road frontage, the rear 20 ft. of the proposed fifteen lots, as well as the rear portion of the property.

The Permanent Open Space will be permanently protected via the recording a Declaration of Restrictions at the Erie County Clerk's Office and healthy mature trees located with within the 20 ft. of Permanent Open Space to be located on the back portion of the residential lots will be preserved.

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

Attachment: Kulpa-Ltr-11-13-21 (RES-2021-1031 : 1789 Dodge Road Rezoning)

The following is a "draft" list of the proposed zoning conditions that will be presented to the Town Board for its consideration during the public hearing scheduled to be held on Monday, November 22nd at 7:00 p.m.

1. That the principal use of the project site shall be limited to detached single-family homes only.

2. That the maximum density of the residential subdivision shall be fifteen (15) homes.

3. That maximum allowable height of any home on the project site as measured from finished grade shall be thirty-five feet (35').

4. That any future development of homes, garages, sheds, patios, roadways, driveways and parking spaces in the 2.7 acres of Permanent Open Space is prohibited. The only proposed development of the portion of the Permanent Open Space is limited to required stormwater management system improvements and utility infrastructure.

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. That Conditions Number 1 to 5 shall be memorialized via the recording of a Declaration of Restrictions at the Erie County Clerk's Office. The content and form of the Declaration or Restrictions shall be reviewed and approved by the Town Attorney's Office and the Zoning Enforcement Officer prior to recording at the Erie County Clerk's Office.

Please feel free to contact me at 510-4338 or via e-mail at shopkins@hsmlegal.com with any questions regarding this letter or the enclosed documentation.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

Enc.
cc: Jacqualine Berger, Councilmember
Deborah Bruch Bucki RN PhD, Councilmember
Shawn Lavin, Councilmember
Michael Szukala, Councilmember
Francina J. Spoth, Town Clerk
Kathy Cooper, Deputy Town Clerk
Daniel C. Howard, AICP, Planning Director

Attachment: Kulpa-Ltr-11-13-21 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Scott A. Marshall, Principal Planner
Joe Rubino
Christopher Wood, P.E., Carmina Wood Morris DPC

Attachment: Kulpa-Ltr-11-13-21 (RES-2021-1031 : 1789 Dodge Road Rezoning)

Joe Rubino
5462 Sheridan Drive, Suite 2
Williamsville, NY 14221

November 9, 2021

Re: **Invitation Letter for Informational Meeting to be held on Saturday, November 20th at noon at 5500 Main Street, Williamsville, NY 14221 Request to Amend Zoning Classification of 1789 Dodge Road from SA to R-3 [Z-2020-15] – Town of Amherst**

Dear Property Owner:

I am sending this letter to the owners of properties located within 600 ft. of the property at 1789 Dodge Road to invite you to attend an informational meeting to be held on **Saturday, November 20th at noon on the 1st floor of the office building at 5500 Main Street, Williamsville, NY 14221.** During the informational meeting, we will be present the current project plans and will provide attendees with the opportunity to ask questions. Due to the ongoing Covid-19 pandemic, all attendees will be required to wear a mask during the informational meeting.

The Town Board will be holding a public hearing in connection with its review of the requested amendment of the zoning classification of 1789 Dodge Road from SA to R-3 during its meeting to be held on Monday, November 22nd at 7:00 p.m. The Town Board's policy with respect to the review of requests to amend the zoning classification of property is that a decision is not issued on the evening of the public hearing.

Based on input received during the review process, the Concept Plan depicting the layout for the proposed use of the property at 1789 Dodge Road as a residential subdivision has been modified on several occasions. A color copy of the most recently updated Concept Plan prepared by Carmina Wood Morris DPC date November 2021 is enclosed. The most recent modifications consisted of eliminating two residential lots along the Dodge Road frontage (reducing the number of lots from seventeen to fifteen) and adding Permanent Open Space along the Dodge Road frontage that will be planted with extensive landscaping based on a plan prepared by a licensed landscape architect and that will also include a wooden two-rail split rail fence.

The Permanent Open Space to be provided consists of a total of approximately 2.7 acres of the approximately 6.7 acres of property [approximately 40.2%] and will include the Dodge Road frontage, the rear 20 ft. of the proposed fifteen lots, as well as the rear portion of the property.

The Permanent Open Space will be permanently protected via the recording a Declaration of Restrictions at the Erie County Clerk's Office and healthy mature trees located with within the 20 ft. of Permanent Open Space to be located on the back portion of the residential lots will be preserved.

Attachment: Kulpa-Ltr-11-13-21 (RES-2021-1031 : 1789 Dodge Road Rezoning)

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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. That Conditions Number 1 to 5 shall be memorialized via the recording of a Declaration of Restrictions at the Erie County Clerk's Office. The content and form of the Declaration or Restrictions shall be reviewed and approved by the Town Attorney's Office and the Zoning Enforcement Officer prior to recording at the Erie County Clerk's Office.

If you are unable to attend the informational meeting to be held on Saturday, November 20th at noon or have questions regarding this letter or the proposed residential subdivision, please feel free to contact me at 983-1155 or via e-mail at josephrubino@howardhanna.com.

Thank for you for taking the time to review this letter.

Sincerely,

Joe Rubino

Enc. Reduced Size Color Copy of Concept Plan dated November 2021 [8.5" x 11"]

Attachment: Kulpa-Ltr-11-13-21 (RES-2021-1031 : 1789 Dodge Road Rezoning)



Recommended Plant List

SYMBOL		BOTANICAL NAME	COMMON NAME	SIZE	NOTES
SMALL/ORNAMENTAL TREES					
	AC	Amelanchier canadensis	Downy Serviceberry	8 ft. high min.	B&B; clump form, minimum 3 major stems
	CC	Cercis canadensis	Eastern Redbud	8 ft. high min.	B&B; clump form, minimum 3 major stems
EVERGREEN TREES					
	CF	Abies concolor	Concolor Fir	5' High Min.*	B&B; full to ground
SHRUBS					
	CA	Clethra alnifolia	Summersweet		
	CS	Cornus sericea 'Arctic Fire'	Arctic Fire Red Twig Dogwood	No. 3 Cont.	Minimum 24" high (space 4' on center)
	HV	Hamamelis virginiana	Common Witch Hazel	No. 5 Cont.	Minimum 24" high (space 6' on center)
	RH	Rhododendron x 'PJM'	PJM Rhododendron	No. 5 Cont.	Minimum 24" high (space 5' on center)
	RT	Rhus typhina 'Bailtiger'	Tiger Eyes Staghorn Sumac	No. 5 Cont.	Minimum 24" high (space 5' on center)
	VT	Viburnum tomentosum 'Mariesii'	Double file Viburnum	No. 5 Cont.	Minimum 24" high (space 5' on center)

* measured to bottom of leader

NOTE: All planting beds and trees shall receive a minimum 3-inch depth of dark shredded hardwood bark mulch

Existing Deciduous Shade Tree

Existing Evergreen Tree

Carmina Wood Morris DPC

SINGLE FAMILY SUBDIVISION

1789 Dodge Road | Amherst, NY

November 2021

RENDERED SITE PLAN

1



Document Set ID: 4145151 Version: 1 Version Date: 03/04/2021

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Councilmembers
Initiated by: **Jacqualine Berger**
Co-Sponsored by:

DOC ID: 25065 **RESOLUTION 2021-1032** **ADJOURNED**

Adoption of Local Law to Amend the Zoning Map (10060 & 10090 Transit Road & Z-2019-06)

BE IT RESOLVED, the attached is an amended Town Board letter regarding the request to rezone 29.21± acres of land from Suburban Agriculture District (SA) and Motor Service District (MS) to Center 2.5 District (CTR-2.5), Multifamily Residential District Five (MFR-5) and Residential District Three (R-3); property located at 10060 & 10090 Transit Road. Forbes Capretto Homes, Petitioner. (Z-2019-06); and

BE IT FURTHER RESOLVED, the letter be filed with the Amherst Town Clerk and added to the file regarding property located at 10060 & 10090 Transit Road.

11/22/2021
A motion to adjourn to the December 20th meeting was made by Deputy Supervisor Berger, seconded by Councilmember Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

None.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 12/20/2021 7:00 PM**
MOVER:	Jacqualine Berger, Deputy Supervisor	
SECONDER:	Shawn Lavin, Councilmember	
AYES:	Berger, Bucki, Lavin, Szukala	
ABSENT:	Kulpa	

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard, A
Planning Directo

Daniel J. Ulatowski, A
Assistant Planning Dir

AMENDED
Town Board Agenda of November 22, 2021

November 16, 2021

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

Subject: Request to rezone 29.21± acres of land from Suburban Agriculture District (SA) and Motor Service District (MS) to Center 2.5 District (CTR-2.5), Multifamily Residential District Five (MFR-5) and Residential District Three (R-3); property located at 10060 & 10090 Transit Road. Forbes Capretto Homes, Petitioner. (Z-2019-06).

Honorable Members:

The subject properties comprise a 29.21± acre irregularly shaped area located on the west side of Transit Road, 1,370± ft. north of Smith Road opposite Lapp Road in the Town of Clarence. The subject properties have 626.4± ft. of frontage on Transit Road, 384.37± frontage on Smith Road and 50± ft. of frontage at the southern terminus of Ruby Lane. The requested CTR-2.5 zoned area is 2.95 ± acres, the MFR-5 zoned area is 12.73 ± acres, and the R-3 zoned area is 13.57 ± acres.

The site is located at 10060 Transit Road; it is currently used for agricultural purposes with the southwest portion occupied by a successional wooded area. The site located at 10090 Transit Road is occupied by a 3 bedroom, 2,259 sq. ft. single-family residence, detached garage and small garage/storage building near Transit Road.

The parcel located at 10060 Transit Road is currently located in Erie County Agricultural District #17.

Town Ditch #26D1 "*Hickory Creek*" crosses through the center and along the west side of this property close to the Smith Road frontage. Town Ditch #26D1A which is an unnamed ditch from Clarence runs under Transit Road, enters the site in the southwest corner and intersects Town Ditch #26D1 in the western portion of the property.

Transit Road (Route 78) is a NYSDOT highway designated as a major arterial roadway; Smith Road is an Erie County highway designated as a collector roadway.

Attachment: Z-2019-06 amended TB letter packet 112221 (RES-2021-1032 : Adoption of Local Law to Amend the Zoning Map (10060 & 10090

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

Based upon the proposed concept plan the purpose of this request is to allow for the future development of four mixed-use buildings fronting on Transit Road which would include 23,400± sq. ft. of commercial space in the proposed CTR-2.5 zoning district; 28 single family lots and 7 townhouse buildings in the proposed MFR-5 zoning district; and 26 single family lots in the proposed R-3 zoning district area.

The subject properties were zoned Suburban Agriculture (SA) and Motor Service (MS) with adoption of the Town-wide zoning map and ordinance on January 19, 1976.

The Town Board on September 20, 2020 amended the Town of Amherst Bicentennial Comprehensive Plan to extend the commercial/mixed use designation from its terminus at the intersection of Smith and Transit Roads northerly to encompass the frontage of the subject parcels (BCPA-2019-01).

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

INTENT AND OBJECTIVES OF THE COMPREHENSIVE PLAN

The request is consistent with the Town of Amherst Bicentennial Comprehensive Plan's Conceptual Land Use Plan (Figure 6 and 6A) which projects single family residential development for the proposed subject R-3 zoned area and a portion of the proposed MFR-5 zoned area and mixed use development for the proposed CTR-2.5 zoned area.

INTENT AND OBJECTIVES OF THE ZONING ORDINANCE

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

CONSISTENCY/COMPATIBILITY WITH SURROUNDING DEVELOPMENT/ZONING

The subject property is surrounded by residential uses to the north, south and west that are zoned Suburban Agriculture District (SA) and Residential District Three (R-3). Since an extension of the mixed-use zoning would extend from the Swormville Center to the north along Transit Road, it is considered compatible with other similar uses along this corridor.

ADEQUATE SERVICES AND UTILITIES

The Town Engineer reports that sanitary sewer service is not available for the project site due to current capacity limitations in the Town's peanut line interceptor sewer. The Town anticipates that sanitary sewer capacity may be available in 2-3 years when a planned expansion project is completed by the Town. Required subdivision and site plan approval for the proposed development concept will will be subject to review and approval by the Town Engineer when sanitary sewer capacity is available. This is a Type I action, and an environmental assessment consistent with SEQR has been prepared and the Town has been established as the Lead Agency

Attachment: Z-2019-06 amended TB letter packet 112221 (RES-2021-1032 : Adoption of Local Law to Amend the Zoning Map (10060 & 10090

for the subject proposal. Pursuant to Local Law #3-82, as amended, the requirements of SEQR are complete and the rezoning action is not expected to have a significant adverse effect on the environment.

OTHER CONSIDERATIONS

To address issues and or concerns raised by the Erie County Department of Environment and Planning (ECDEP) and the New York State Department of Transportation (NYSDOT) as part of this rezoning request the following conditions could be incorporated into any approval of the rezoning action:

1. An agricultural data statement be provided with any application for development as required by Erie County Department of Environment and Planning (ECDEP).

2. That the subject area be removed from Agricultural District 17 – Amherst prior to submittal of any application for site development as required by ECDEP.

3. As required by New York State Department of Transportation (NYSDOT) a revised Traffic Impact Study (TIS) be provided with any application for development.

4. That the Petitioner address concerns of the New York State Department of Transportation (NYSDOT) during future development review.

RECOMMENDATION

The Planning Board recommends that your Honorable Body concur with their findings relative to SEQR and issue the attached Negative Declaration, and that the subject request be **approved** based on the attached resolution.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

DH/SM/ac
Att.
X:\Current_Planning\Files\Rezonings\2019\Z-2019-06_(10060_&_10090_Transit_Rd)_2019\Z-2019-06_Town_Bd_Letter_amended_112221.doc
cc: Stanley Sliwa, Town Attorney

Planning Board Approval June 24, 2021
Ayes 4; Noes 2 (Chmiel, Penberthy), Absent (Gelber)

Attachment: Z-2019-06 amended TB letter packet 112221 (RES-2021-1032 : Adoption of Local Law to Amend the Zoning Map (10060 & 10090

DRAFT RESOLUTION
November 22, 2021

Adoption of Local Law to Amend the Zoning Map
(10060 & 10090 Transit Road & Z-2019-06)

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

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of June 24, 2021 that the proposed Center 2.5 District (CTR-2.5), Multifamily Residential District Five (MFR-5) and Residential District Three (R-3) zoning at 10060 & 10090 Transit Road is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that to the extent the proposed zoning is not consistent with the adopted Comprehensive Plan, the plan is hereby amended to be consistent with the proposed zoning at this location, and be it further

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

1. An agricultural data statement be provided with any application for development as required by Erie County Department of Environment and Planning (ECDEP).

2. That the subject area be removed from Agricultural District 17 – Amherst prior to submittal of any application for site development as required by ECDEP.

3. As required by New York State Department of Transportation (NYSDOT) a revised Traffic Impact Study (TIS) be provided with any application for development.

4. That the Petitioner address concerns of the New York State Department of Transportation (NYSDOT) during future development review.

X:\Current_Planning\Files\Rezonings\2019\Z-2019-06_(10060_&_10090_Transit_Rd)_2019\Z-2019-06_Town_Bd_Letter_amended_112221.doc

Attachment: Z-2019-06 amended TB letter packet 112221 (RES-2021-1032 : Adoption of Local Law to Amend the Zoning Map (10060 & 10090

D R A F T

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency: Town of Amherst
Town Board

Project: Z-2019-06

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

Date:

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

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

Title of Action: Rezoning Request.

SEQR Status: Type I action.

Description of Action: Rezoning of 29.21± acres of land from Suburban Agriculture District (SA) and Motor Service District (MS) to 2.95± acres of Center 2.5 District (CTR-2.5), 12.73 ± acres of Multifamily Residential District Five (MFR-5) and 13.57 ± acres of Residential District Three (R-3) to allow for the future use and development of the site for, four mixed-use buildings fronting on Transit Road which would include 23,400± sq. ft. of commercial space in the proposed CTR-2.5 zoning district; 28 single family lots and 7 townhouse buildings in the proposed MFR-5 zoning district; and 26 single family lots in the proposed R-3 zoning district area.

Location: 10060 & 10090 Transit Road, Town of Amherst, Erie County, New York

Petitioner: Forbes Capretto Homes

Attachment: Z-2019-06 amended TB letter packet 112221 (RES-2021-1032 : Adoption of Local Law to Amend the Zoning Map (10060 & 10090

Reasons Supporting This Determination

Based on information submitted by the applicant, including a Full Environmental Assessment Form (EAF) - Part 1, a complete rezoning application, and concept plan, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that the proposed rezoning of 29.21± acres of land from Suburban Agriculture District (SA) and Motor Service District (MS) to 2.95± acres of Center 2.5 District (CTR-2.5), 12.73 ± acres of Multifamily Residential District Five (MFR-5) and 13.57 ± acres of Residential District Three (R-3) to allow for the future use and development of the site for, four mixed-use buildings fronting on Transit Road which would include 23,400± sq. ft. of commercial space in the proposed CTR-2.5 zoning district; 28 single family lots and 7 townhouse buildings in the proposed MFR-5 zoning district; and 26 single family lots in the proposed R-3 zoning district area 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; or a substantial increase in solid waste production. The Town Engineering Department on April 20, 2021 reviewed the application and EAF submitted on March 31, 2021 and a Stormwater Management System Summary Report received on March 9, 2021, and had no objection or comments. The potential for erosion, flooding, leaching and drainage problems will be further evaluated at subdivision /site plan review and approval, at which time the applicant will be required to provide further civil engineering design and a hydraulic anlaysis of Town ditch 26D1 for any potential upstream and downstream capacity concerns. Additionally, any proposed modification of the flood plain within the project site will require a flood plain development permit which will be evaluated for compliance with the Town's local law for flood plain management, consistent with the Federal Emergency Management Agency's (FEMA) requirements

2. The project may result in the removal or destruction of large quantities of vegetation or fauna. The 29.21 +/- acre site is comprised of forested areas, wetlands and meadow grasslands which are periodically harvested for hay crops; 27.21 acres of the site are proposed for disturbance. The preservation of significant wetlands, forested areas and existing riparian vegetation will be evaluated during subdivision/site plan review and approval. Significant adverse impacts to fish or wildlife species, habitats or other natural resources are not anticipated

3. The project is not expected to create any material conflict with the Town Comprehensive Plan. The project however, at this point in time cannot be adequately served with sanitary sewers due to capacity constraints in the Town's "peanut line interceptor sewer". The Town anticipates that within 2-3 years the peanut line interceptor sewer will be expanded to provide adequate capacity for this project, consistent with the goals established in 7.2B, 7-3 of Town's Comprehensive Plan for infrastructure. Any development plans and approvals for construction will not be approved by the Town of Amherst until adequate sanitary sewer service is available for the project.

Attachment: Z-2019-06 amended TB letter packet 112221 (RES-2021-1032 : Adoption of Local Law to Amend the Zoning Map (10060 & 10090

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

5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The subject request is for rezoning from SA and MS to CTR-2.5, MFR-5 and R-3. Neighboring uses are residential and commercial and zoned SA, R-3 and General Business District (GB); therefore, the project is consistent with surrounding land use.

6. The proposed rezoning to CTR-2.5, MFR-5 and R-3 for the proposed four mixed-use buildings which would include 23,400± sq. ft. of commercial space, 54 single family lots and 7 townhouse buildings will not cause a major change in the use of either the quantity or type of energy.

7. The rezoning to CTR-2.5, MFR-5 and R-3 for the proposed four mixed-use buildings fronting on Transit Road which would include 23,400± sq. ft. of commercial space, 54 single family lots and 7 townhouse buildings will not create any hazard to human health.

8. The rezoning to CTR-2.5, MFR-5 and R-3 may cause a substantial change in the use, or intensity of use, of land particularly agricultural, land which is being actively used. However, the proposed four mixed-use buildings which would include 23,400± sq. ft. of commercial space, 54 single family lots and 7 townhouse buildings will be consistent with the scale of surrounding land uses.

9. The rezoning to CTR-2.5, MFR-5 and R-3 for the proposed four mixed-use buildings which would include 23,400± sq. ft. of commercial space, 54 single family lots and 7 townhouse buildings will increase the number of people using the site over its previous level of use. A designated public resource in the form of a designated agricultural district is on the project site in accordance with NYS Agriculture and Markets Law, Article 25-AA, Sections 303 and 304. The subject site will continue to be in a designated agricultural district until April of 2023, at which time the land owners may petition Erie County for its removal. Current agricultural use of the site is limited to hay crops. Any plans for development of the site will not be approved by the Town of Amherst until such time that the site is removed from the agriculture protection district.

10. At their meeting of March 3, 2021 and subject review dated March 5, 2021 the Town Traffic/Safety Board reviewed the application and EAF and Traffic Impact Study received on February 10, 2021 and had no objection to and recommends that the internal street network be designed to calm and discourage cut-through traffic between Transit Road and Smith Road. The New York State Department of Transportation on May 24, 2019 commented that the proposed uses shown on the Concept Plan, with additional traffic generated by the proposed development may have a significant impact on traffic on the State Highway System, requiring a Traffic Impact Study to be prepared. Additionally, NYSDOT will allow only one curb cut/roadway to service this site along Transit Road

Attachment: Z-2019-06 amended TB letter packet 112221 (RES-2021-1032 : Adoption of Local Law to Amend the Zoning Map (10060 & 10090

and it should be located opposite Lapp Road. All indications are that through any mitigation required by the traffic study or implementation of NYSDOT requirements that significant negative traffic impacts are not expected to result from the proposed project. The subject project offers an opportunity to improve pedestrian/vehicular connectivity in the local road system, while discouraging cut through traffic by non-local users.

11. Coordinated reviews of the project have been undertaken by Town Departments including Building on May 18, 2021, Engineering on April 20, 2021, Traffic/Safety Board on May 12, 2021, Assessor on April 5, 2021, Fire Chiefs' Council on April 7-2021, and Right-of-Way Agent on April 2, 2021 along with outside agencies including Erie County Department of Environment & Planning on May 24, 2019, and New York State Department of Transportation on May 24, 2021. These reviews have not identified any significant environmental issues and indicate that the rezoning request will not have a significant damaging impact on the environment.

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

_____ _____
Signature & title of preparer date

_____ _____
Brian J. Kulpa, Supervisor date

BK/SM/ac

X:\Current_Planning\Files\Rezonings\2019\Z-2019-06_(10060_&_10090_Transit_Rd)_2019\Z-2019-06_Draft Neg Dec amended_112221.docx

cc: Amherst Town Clerk
Amherst Building Department
ECDEP
NYSDEC
NYSDOT
Forbes Capretto Homes, 470 Cayuga Rd., Cheektowaga, NY 14225
Jeffrey Palumbo, Esq, Barclay Damon, LLP, 9276 Main St., Ste. 3, Clarence, NY 14031

Attachment: Z-2019-06 amended TB letter packet 112221 (RES-2021-1032 : Adoption of Local Law to Amend the Zoning Map (10060 & 10090

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Councilmembers
Initiated by: **Michael Szukala**
Co-Sponsored by:

DOC ID: 25042 **RESOLUTION 2021-1033** **ADJOURNED**

Longmeadow Road – Establish Bike Lanes Between Allenhurst Road and Rosedale Blvd.

WHEREAS, Longmeadow Road is a Town roadway, classified as a Local Collector, and was recently repaved by Town Highway forces in 2021; and

WHEREAS, the Town received a request on August 11, 2021 to review vehicle speeds and street signage on Longmeadow Road since the repaving project; and

WHEREAS, the Town's Traffic Safety Board reviewed Longmeadow Road at its September 2021 meeting and found that Longmeadow Road is:

- striped with a double yellow centerline
- curbed at a 30+ feet width
- posted at 30 mph with an 85th percentile speed of 37-38 mph
- not commonly used for on-street parking and has a one-sided parking restriction
- used by bicyclists with a connection to the intercampus bike route on Rosedale Blvd; and

WHEREAS, studies have shown vehicular speeds can be calmed by narrowing driving lanes by striping 'edge of pavement' lines; and

WHEREAS, the wide width of Longmeadow Road allows for either parking lanes or the establishment of bicycle lanes; and

WHEREAS, a survey was sent to the property owners of Longmeadow Road between Niagara Falls Boulevard and Rosedale Boulevard to determine if there was support for on-street bicycle lanes; and

WHEREAS, 100% of responding residents of the survey were in favor of establishing bike lanes with the understanding that on-street parking would be prohibited; and

WHEREAS, the Amherst Traffic Safety Board is recommending that the Town establish bike lanes on Longmeadow Road between Allenhurst Road and Rosedale Boulevard with a connection to the intercampus bike route on Rosedale Boulevard.

NOW, THEREFORE, BE IT RESOLVED that Longmeadow Road be hereby designated as a roadway with 5'-wide on-street bike lanes on both sides between Allenhurst Road and Rosedale Boulevard with driving lanes narrowed to 9.5' wide; and

BE IT FURTHER RESOLVED that funding be identified to allow for the Town's Highway Department to install the appropriate striping and signage in 2022 when weather is suitable.

11/22/2021
Adjourned to December 20th meeting

FINANCIAL IMPACT:

$4000.00

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 12/20/2021 7:00 PM**
MOVER:	Jacqualine Berger, Deputy Supervisor	
SECONDER:	Shawn Lavin, Councilmember	
AYES:	Berger, Bucki, Lavin, Szukala	
ABSENT:	Kulpa	

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Councilmembers
Initiated by: **Michael Szukala**
Co-Sponsored by:

DOC ID: 25050 **RESOLUTION 2021-1034** **ADOPTED**

Set Public Hearing Date – Stop Sign Change at Cranburne Lane and Delamere Road

Please schedule a public hearing on December 20, 2021 to change the stop sign configuration at the intersection of Cranburne Lane and Delamere Road making it a single-stop intersection.

> "The T-intersection of Cranburne Lane and Delamere Road is hereby designated as a single-stop intersection with the stop sign installed at the southwest corner stopping Cranburne Lane traffic and the remaining stop signs on Delamere Road at Cranburne Lane removed."

11/22/2021
Consent

FINANCIAL IMPACT:

None.

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

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Attorney
Initiated by: **Stanley J. Sliwa**
Co-Sponsored by:

DOC ID: 25062 **RESOLUTION 2021-1035** **ADOPTED**

Request for Public Hearing - Amending Chapter 5, Design Advisory Board

AGENDA ITEM : NOVEMBER 22ND, 2021

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **November 17, 2021**

RE: **Request For Public Hearing**
A Local Law Amending Chapter 5 of the Code of the Town of Amherst - Establishment of Design Advisory Board

Kindly adopt a resolution to set a Public Hearing for December 20, 2021 at 7:00 p.m. to adopt the attached Local Law.

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.

SJS:nmb
Attachment
c: Kathy Cooper, Deputy Town Clerk (**Agenda Item : November 22, 2021**)

11/22/2021
Consent

FINANCIAL IMPACT:

None for the purposes of this resolution.

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

LOCAL LAW NO. _____-2021

TOWN OF AMHERST

COUNTY OF ERIE, STATE OF NEW YORK

A Local Law Amending Chapter 5 of the Code of the Town of Amherst, Design Advisory Board

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 5 of the Code of the Town of Amherst, Design Advisory Board."

Section 2. Purpose.

The purpose of this Local Law shall be to amend Chapter 5 of the Code of the Town of Amherst that established the Design Advisory Board by adding a requirement for submission of its annual report to the Town Board.

Section 3.

Chapter 5 of the Code of the Town of Amherst is hereby amended to add a new section, specifically VIII, as follows:

I. DESIGN ADVISORY BOARD

1. The members of the Design Advisory Board shall be appointed by the Town Board.
2. The Design Advisory Board shall consist of five (5) members who shall serve without compensation and as now constituted shall continue in office until the expiration of their present term. Thereafter, their successors shall be appointed for terms of five (5) years.
3. At least one member must be a Planning Board member who will also act as the Board Chair. At least one member of such Board shall be a professional architect licensed to practice in the State of New York.
4. All members of the Design Advisory Board shall be residents of the Town of Amherst and qualified by reason of training or experience in art, architecture, community planning, land development, real estate, or landscape architecture.

~~Strikethrough~~ = Deleted language; Underline = Added language

Attachment: ProposedLocalLaw (RES-2021-1035 : Request for Public Hearing - Amending Chapter 5, Design Advisory Board)

5. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board for the unexpired term. The Town Board shall have the power to remove any member of the Design Advisory Board for cause and after public hearing.
6. The Planning Director shall designate a member of the Planning Department staff to act as the Clerk to the Design Advisory Board.
7. The Planning Director shall designate a Planning Department staff person to act as liaison to the Design Advisory Board.
8. Membership on the Design Advisory Board is limited to two consecutive full terms.

II. POWERS AND DUTIES

Review Authority: The Design Advisory Board shall be responsible for reviewing and making recommendations to the Planning Board regarding the following:

- Major Site Plan Applications
- Minor site plan applications as referred by the Planning Director

III. MEETINGS/NOTICE

1. Meetings of the Design Advisory Board shall be held monthly, or at the call of the Chair.
2. All meetings of the Design Advisory Board shall be held at Town Offices and shall be open to the public
3. Notice of the meetings shall be posted on the Town website.
4. The Design Advisory Board shall keep minutes of its proceedings, and shall keep records of its findings and other official actions.
5. Three (3) members of the Design Advisory Board shall constitute a quorum for the transaction of business.
6. Member training(s) shall be held from time to time.

IV. REFERENCE TO GUIDELINES AND STANDARDS IN THE REVIEW

See Town of Amherst Design Guidelines –Mixed Use

V. ADMINISTRATION AND ENFORCEMENT

1. DESIGN ADVISORY BOARD APPLICATION PROCESS

A. **Pre-Application Conference**:
Before submitting an application for design review approval, **each petitioner shall schedule a pre-application conference with the Planning Department** to

~~Strikethrough~~ = Deleted language; Underline = Added language

Attachment: ProposedLocalLaw (RES-2021-1035 : Request for Public Hearing - Amending Chapter 5, Design Advisory Board)

discuss the procedures, standards and regulations for design review approval in **accordance with the standards and design guidelines of the Zoning Ordinance**.

B. **Application Requirements**. The following requirements shall apply to all applications for Design review.

1) **Who May Submit Applications**
Applications shall be accepted only from persons having the legal authority to submit such applications (owners or lessees of property, persons who have contracted to purchase property contingent upon their ability to acquire the necessary approval under the Zoning Ordinance, or persons with written authorization from the owner).

2) **Forms.**
Application forms shall be available from the Planning Department. The content of such application forms shall be determined by the Planning Director and may be amended from time to time.

3) **Acceptance of Applications for Review.**
An application will be accepted for review when it contains all information necessary to determine whether or not the design as proposed will comply with all the requirements of the standards and guidelines, as determined by the Planning Director.

4) **Meeting Notice**.
At least 5 days prior to the meeting date, the Town shall post notice, via the Town's website, of the meeting agenda. These notice provisions are non-jurisdictional. Failure to provide notice or failure of the notice to provide the information called for shall not affect the validity of any action taken by the Design Advisory Board, Planning Board and Town Board.

C. **Application Requirements.**
The following information shall be submitted as part of the formal application for Design Advisory Board review.

1. Application form with checklist, including all necessary documentation
2. Project description, including a narrative addressing the following factors:
   a. Potential effects on neighborhood character
   b. How the project shall enhance the public space

Aerial views; photographs

~~Strikethrough~~ = Deleted language; Underline = Added language

Attachment: ProposedLocalLaw (RES-2021-1035 : Request for Public Hearing - Amending Chapter 5, Design Advisory Board)

4. Site Plan
5. Elevations and cross sections
6. Renderings and floor plans
7. Manufacturer samples of exterior colors, materials, roofing, window and door design
8. Sign concepts and locations

D. Action by the Design Advisory Board

1. The Design Advisory Board shall review the petition and evaluate the application. The Design Advisory Board shall schedule a meeting and give notice via the Town's website.

2. Within 10 days following the close of the meeting, the Design Advisory Board shall furnish to the Planning Board and petitioner its findings that:
   a. The application is generally consistent with the design standards, guidelines and purpose of the Zoning Ordinance, and approval is recommended;
   b. The application is recommended for approval with modification(s); or,
   c. The application is inconsistent with the design standards, guidelines and purpose of the Zoning Ordinance and the Board recommends disapproval.

3. The Design Advisory Board may include in a favorable report a recommendation that conditions be included as a part of any resolution approving the application.

4. An unfavorable report shall state clearly the reasons therefore and, if appropriate, point out to the petitioner what changes might be necessary in order to receive a favorable report.

VI. NOTICE OF DECISION

1. The decision of the Design Advisory Board shall immediately be filed in the Building and Planning Departments and the Town Clerk's Office. All decisions shall be public record.

2. The Design Advisory Board shall recommend to approve, approve with modification(s) or disapprove an application to the Planning Board; provided that,

Attachment: ProposedLocalLaw (RES-2021-1035 : Request for Public Hearing - Amending Chapter 5, Design Advisory Board)

prior to disapproval, the applicant has been afforded an opportunity to confer upon suggestions for any change(s) to the proposed action.

3. Approval of any application hereunder shall be by a majority of the Design Advisory Board members.

VII. APPLICABILITY OF DESIGN REVIEW

Application of the standards is required for any development as follows:

1 All major site plan applications in the following Specific Zoning Districts: Traditional Infill 2.5 (TI-2.5); Traditional Infill 4 (TI-4); Center 2.5 (CTR-2.5); Center 5 (CTR-5); Center 8 (CTR-8); Deep Corridor 5 (DC-5) and Shallow Corridor 3 (SC-3) and any other minor site plans as determined by the Planning Director.

2. Minor changes as defined below are exempt from this Section:
   - Ordinary maintenance and repair, including in-kind replacement of windows and doors**;** and siding if less than 25% of the existing exterior surface. (Replacement of or use of materials with types allowed in the District is encouraged.)

3. The Planning Department may send referrals to the Design Review Board.

VIII. ANNUAL REPORTS

The Design Advisory Board shall prepare a report of its activities and progress for each year with the same to be submitted to the Town Board for its Annual Reorganization Meeting which is held at the first meeting in January each year.

Section 4. 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 Sections 130 and 133 of the Town Law and Chapter 28 of the Code of the Town of Amherst.

Francina J. Spoth, Town Clerk
Town of Amherst
County of Erie, New York

~~Strikethrough~~ = Deleted language; Underline = Added language

Attachment: ProposedLocalLaw (RES-2021-1035 : Request for Public Hearing - Amending Chapter 5, Design Advisory Board)

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Attorney
Initiated by: **Stanley J. Sliwa**
Co-Sponsored by:

DOC ID: 25033 **RESOLUTION 2021-1036** **ADOPTED**

Extension of Contract with Bond Counsel - Harris Beach PLLC (CRS #2968)

AGENDA ITEM : NOVEMBER 22ND, 2021

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **November 17, 2021**

RE: **Extension of Contract With Bond Counsel**
Harris Beach, PLLC (CRS #2968)

Kindly authorize the Supervisor to execute the attached contract extending the retention of Harris Beach PLLC as bond counsel for all Town bond financing matters effective January 1, 2022 through and including December 31, 2023 at the negotiated fee schedule set forth in its current contract with the Town for said services.

Thank you.

SJS:NMB:hs
Attachment
c: Kathy Cooper, Deputy Town Clerk
(*w/attachment,* **Agenda Item - November 22, 2021**)
Lynda Juul, Director of Finance (*w/attachment)*
Daryl C. Bramer, Comptroller (*w/attachment)*

11/22/2021
Consent

FINANCIAL IMPACT:

At the negotiated fee schedule set forth in Proposal to Provide Bond Counsel Services.

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

Attachment: Amherst 2020 Retainer Agreement Extension to December 2023 4827-7591-5262 v.1 (RES-2021-1036 : Extension of Contract with

THIS FIRST AMENDMENT, made this day of , 2021 by and between

THE TOWN OF AMHERST, a municipal corporation of the State of New York, having an office and place of business at Amherst Municipal Building, 5583 Main Street, Williamsville, New York 14221

(hereinafter referred to as the "Town",)

and

HARRIS BEACH, PLLC having an office and place of business at 726 Exchange Street, Suite 1000, Buffalo, New York 14210

(hereinafter referred to as the "Firm")

WHEREAS, on or about December 23, 2019, the Town, acting by and through Town Attorney, entered into an agreement (the "Agreement") with the Firm pursuant to which the Firm serves as bond counsel to the Town in connection with the Town's authorization and issuance of debt securities and provides related legal services to Town officials and staff; and

WHEREAS, the term of the Agreement was for a period of two (2) years, commencing on January 1, 2020 and continuing through December 31, 2021, with an option, at the Town's discretion, to extend the agreement for two additional two-year periods; and

WHEREAS, the Town would like to exercise its extension option for the period of January 1, 2022 through December 31, 2023.

NOW, THEREFORE, in consideration of the promises and covenants herein, the parties agree as follows:

1. The Agreement between the Town and the Firm is hereby extended for a period o two (2) year commencing on January 1, 2022 and continuing through December 31, 2023, utilizing the same pricing, terms and conditions.

2. Except as otherwise provided herein, all other terms and conditions of the Agreement shall remain in full force and effect.

3. This First Amendment shall not be enforceable until signed by all parties.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment.

HARRIS BEACH, PLLC

By:_____
Todd Miles, Esq.
Member

TOWN OF AMHERST

By:_____
Brian J. Kulpa, Town Supervisor

Attachment: Amherst 2020 Retainer Agreement Extension to December 2023 4827-7591-5262 v.1 (RES-2021-1036 : Extension of Contract with

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Attorney
Initiated by: **Stanley J. Sliwa**
Co-Sponsored by:

DOC ID: 25034 **RESOLUTION 2021-1037** **ADOPTED**

Penflex Service Award Fee Agreements (CRS #S 2990-2996)

AGENDA ITEM : NOVEMBER 22ND, 2021

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **November 12, 2021**

RE: **Service Award Program : Service Fee Agreements**

***Ellicott Creek Fire Protection District No. 9 (CRS #2990)**
***Getzville Fire Protection District No. 11 (CRS #2991)**
***Main Transit Fire Protection District No. 14 (CRS #2992)**
***North Amherst Fire Protection District No. 10 (CRS #2993)**
***North Bailey Fire Protection District No. 19 (CRS #2994)**
***East Amherst Fire Department (CRS #2995)**
***Swormville Fire Department (CRS #2996)**

Kindly adopt a resolution approving the attached Service Award Agreements with respect to each respective fire department/fire protection district and authorize the Supervisor to execute the Agreements.

Thank you for your consideration.

SJS:NMB:hs
Attachments
c: Kathy Cooper, Deputy Town Clerk
(w/attachments, **Agenda Item: November 22, 2021**)

11/22/2021
Consent

FINANCIAL IMPACT:

Ellicott Creek - F3009.4090 - $6,750.00

North Amherst - F3010.4090 - $5,450.00

Getzville - F3011.4090 - $7,350.00

Swormville - F3012.4090 - $5,850.00

E.Amherst - F3013.4090 - $5,750.00

Main-Transit - F3014.4090 - $7,150.00

North Bailey - F3018.4090 - $6,150.00

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

Penflex Actuarial Services, LLC.
11/1/2021-10/31/2022 Service Fee Agreement

TOWN OF AMHERST
ELLICOTT CREEK FIRE PROTECTION DISTRICT NO. 9
SERVICE AWARD PROGRAM

Standard Services Fee Schedule

Base Fee: $3,500, $0 change from 2020

Per-Participant Fee: $16, $0 change from 2020

Payment certification and trustee directive letters: $75 per letter, $0 change from 2020

Preparation of IRS forms 1099 and 1096, preparation of mailing to clients of IRS form 1096 transmittal package with instructions: $25 per each form (minimum charge $50 per client). This service is performed only if your investment provider does not provide it.

Total Estimated Standard and Distribution Services Fees: $5,900

Preparation of Financial Statement Disclosures

Disclosure Packages Provided For Program Year 2020:

NYS LOSAP Audit Package: No

GASB 73 Package: Yes

Auditing Firm: Drescher & Malecki, LLP
Contact Name: Luke Malecki
Email Address: lmalecki@dreschermalecki.com

Please Check 'Yes' Or 'No' For Program Year 2021:

Complete the NYS LOSAP Audit Package for a fee of $495: _____ Yes __X__ No
This is a $0 change from 2020. Please refer to the enclosed newsletter titled 'New York State Volunteer Firefighter LOSAP Audit Requirement' for more information

Complete the GASB 73 Package for a fee of $850: __X__ Yes _____ No
This is a $0 change from 2020. Please refer to the enclosed 'GASB 73 FAQs' for more information. For a sample GASB 73 package, please email: info@penflexinc.com.

PLEASE NOTE: If you are requesting any Disclosure Packages, please review and make any necessary changes to your auditor's information noted above.

All other services are optional and are billed only when requested. Please call for fee estimates and purchase order arrangements. Optional services include additional client meetings, drafting of special correspondence and documents, and performing actuarial cost estimate calculations.

To authorize Penflex Actuarial Services, LLC. to begin providing these services in accordance with this fee schedule, please have the Town Supervisor sign and return this Service Fee Agreement. Keep a copy for your records.

_____
Supervisor
Town of Amherst

Edward J. Holohan
Edward J. Holohan, ASA
President, Penflex Actuarial S

Attachment: SvcFeeAgree.EllCrk-11082021100221 (RES-2021-1037 : Penflex Service Award Fee Agreements (CRS #S 2990-2996))

Penflex Actuarial Services, LLC.
11/1/2021-10/31/2022 Service Fee Agreement

TOWN OF AMHERST
GETZVILLE FIRE PROTECTION DISTRICT NO. 11
SERVICE AWARD PROGRAM

Standard Services Fee Schedule

Base Fee: $3,500, $0 change from 2020

Per-Participant Fee: $16, $0 change from 2020

Payment certification and trustee directive letters: $75 per letter, $0 change from 2020

Preparation of IRS forms 1099 and 1096, preparation of mailing to clients of IRS form 1096 transmittal package with instructions: $25 per each form (minimum charge $50 per client). This service is performed only if your investment provider does not provide it.

Total Estimated Standard and Distribution Services Fees: $6,500

Preparation of Financial Statement Disclosures

Disclosure Packages Provided For Program Year 2020:

NYS LOSAP Audit Package: No

GASB 73 Package: Yes

Auditing Firm: Drescher & Malecki, LLP
Contact Name: Luke Malecki
Email Address: lmalecki@dreschermalecki.com

Please Check 'Yes' Or 'No' For Program Year 2021:

Complete the NYS LOSAP Audit Package for a fee of $495: _____ Yes X No
This is a $0 change from 2020. Please refer to the enclosed newsletter titled 'New York State Volunteer Firefighter LOSAP Audit Requirement' for more information

Complete the GASB 73 Package for a fee of $850: X Yes _____ No
This is a $0 change from 2020. Please refer to the enclosed 'GASB 73 FAQs' for more information. For a sample GASB 73 package, please email: info@penflexinc.com.

PLEASE NOTE: If you are requesting any Disclosure Packages, please review and make any necessary changes to your auditor's information noted above.

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To authorize Penflex Actuarial Services, LLC. to begin providing these services in accordance with this fee schedule, please have the Town Supervisor sign and return this Service Fee Agreement. Keep a copy for your records.

_____
Supervisor
Town of Amherst

Edward J. Holohan
Edward J. Holohan, ASA
President, Penflex Actuarial S

Attachment: SvcFeeAgree.Getzville-11082021100233 (RES-2021-1037 : Penflex Service Award Fee Agreements (CRS #S 2990-2996))

Penflex Actuarial Services, LLC.
11/1/2021-10/31/2022 Service Fee Agreement

TOWN OF AMHERST
MAIN TRANSIT FIRE PROTECTION DISTRICT NO. 14
SERVICE AWARD PROGRAM

Standard Services Fee Schedule

Base Fee: $3,500, $0 change from 2020

Per-Participant Fee: $16, $0 change from 2020

Payment certification and trustee directive letters: $75 per letter, $0 change from 2020

Preparation of IRS forms 1099 and 1096, preparation of mailing to clients of IRS form 1096 transmittal package with instructions: $25 per each form (minimum charge $50 per client). This service is performed only if your investment provider does not provide it.

Total Estimated Standard and Distribution Services Fees: $6,300

Preparation of Financial Statement Disclosures

Disclosure Packages Provided For Program Year 2020:

NYS LOSAP Audit Package: No

GASB 73 Package: Yes

Auditing Firm: Drescher & Malecki, LLP
Contact Name: Luke Malecki
Email Address: lmalecki@dreschermalecki.com

Please Check 'Yes' Or 'No' For Program Year 2021:

Complete the NYS LOSAP Audit Package for a fee of $495: _____ Yes __X__ No
This is a $0 change from 2020. Please refer to the enclosed newsletter titled 'New York State Volunteer Firefighter LOSAP Audit Requirement' for more information

Complete the GASB 73 Package for a fee of $850: __X__ Yes _____ No
This is a $0 change from 2020. Please refer to the enclosed 'GASB 73 FAQs' for more information. For a sample GASB 73 package, please email: info@penflexinc.com.

PLEASE NOTE: If you are requesting any Disclosure Packages, please review and make any necessary changes to your auditor's information noted above.

All other services are optional and are billed only when requested. Please call for fee estimates and purchase order arrangements. Optional services include additional client meetings, drafting of special correspondence and documents, and performing actuarial cost estimate calculations.

To authorize Penflex Actuarial Services, LLC. to begin providing these services in accordance with this fee schedule, please have the Town Supervisor sign and return this Service Fee Agreement. Keep a copy for your records.

_____
Supervisor
Town of Amherst

Edward J. Holohan
Edward J. Holohan, ASA
President, Penflex Actuarial S

Attachment: SvcFeeAgree.MainTransit-11082021100247 (RES-2021-1037 : Penflex Service Award Fee Agreements (CRS #S 2990-2996))

Penflex Actuarial Services, LLC.
11/1/2021-10/31/2022 Service Fee Agreement

TOWN OF AMHERST
NORTH AMHERST FIRE PROTECTION DISTRICT NO. 10
SERVICE AWARD PROGRAM

Standard Services Fee Schedule

Base Fee: $3,500, $0 change from 2020

Per-Participant Fee: $16, $0 change from 2020

Payment certification and trustee directive letters: $75 per letter, $0 change from 2020

Preparation of IRS forms 1099 and 1096, preparation of mailing to clients of IRS form 1096 transmittal package with instructions: $25 per each form (minimum charge $50 per client). This service is performed only if your investment provider does not provide it.

Total Estimated Standard and Distribution Services Fees: $4,600

Preparation of Financial Statement Disclosures

Disclosure Packages Provided For Program Year 2020:

NYS LOSAP Audit Package: No

GASB 73 Package: Yes

Auditing Firm: Drescher & Malecki, LLP
Contact Name: Luke Malecki
Email Address: lmalecki@dreschermalecki.com

Please Check 'Yes' Or 'No' For Program Year 2021:

Complete the NYS LOSAP Audit Package for a fee of $495: ____ Yes X No
This is a $0 change from 2020. Please refer to the enclosed newsletter titled 'New York State Volunteer Firefighter LOSAP Audit Requirement' for more information

Complete the GASB 73 Package for a fee of $850: X Yes ____ No
This is a $0 change from 2020. Please refer to the enclosed 'GASB 73 FAQs' for more information. For a sample GASB 73 package, please email: info@penflexinc.com.

PLEASE NOTE: If you are requesting any Disclosure Packages, please review and make any necessary changes to your auditor's information noted above.

All other services are optional and are billed only when requested. Please call for fee estimates and purchase order arrangements. Optional services include additional client meetings, drafting of special correspondence and documents, and performing actuarial cost estimate calculations.

To authorize Penflex Actuarial Services, LLC. to begin providing these services in accordance with this fee schedule, please have the Town Supervisor sign and return this Service Fee Agreement. Keep a copy for your records.

_____
Supervisor
Town of Amherst

Edward J. Holohan
Edward J. Holohan, ASA
President, Penflex Actuarial S

Attachment: SvcFeeAgree.NorthAm-11082021100304 (RES-2021-1037 : Penflex Service Award Fee Agreements (CRS #S 2990-2996))

Penflex Actuarial Services, LLC.
11/1/2021-10/31/2022 Service Fee Agreement

TOWN OF AMHERST
NORTH BAILEY FIRE PROTECTION DISTRICT NO. 18
SERVICE AWARD PROGRAM

Standard Services Fee Schedule

Base Fee: $3,500, $0 change from 2020

Per-Participant Fee: $16, $0 change from 2020

Payment certification and trustee directive letters: $75 per letter, $0 change from 2020

Preparation of IRS forms 1099 and 1096, preparation of mailing to clients of IRS form 1096 transmittal package with instructions: $25 per each form (minimum charge $50 per client). This service is performed only if your investment provider does not provide it.

Total Estimated Standard and Distribution Services Fees: $5,300

Preparation of Financial Statement Disclosures

Disclosure Packages Provided For Program Year 2020:

NYS LOSAP Audit Package: No

GASB 73 Package: Yes

Auditing Firm: Drescher & Malecki, LLP
Contact Name: Luke Malecki
Email Address: lmalecki@dreschermalecki.com

Please Check 'Yes' Or 'No' For Program Year 2021:

Complete the NYS LOSAP Audit Package for a fee of $495: _____ Yes __X__ No
This is a $0 change from 2020. Please refer to the enclosed newsletter titled 'New York State Volunteer Firefighter LOSAP Audit Requirement' for more information

Complete the GASB 73 Package for a fee of $850: __X__ Yes _____ No
This is a $0 change from 2020. Please refer to the enclosed 'GASB 73 FAQs' for more information. For a sample GASB 73 package, please email: info@penflexinc.com.

PLEASE NOTE: If you are requesting any Disclosure Packages, please review and make any necessary changes to your auditor's information noted above.

All other services are optional and are billed only when requested. Please call for fee estimates and purchase order arrangements. Optional services include additional client meetings, drafting of special correspondence and documents, and performing actuarial cost estimate calculations.

To authorize Penflex Actuarial Services, LLC. to begin providing these services in accordance with this fee schedule, please have the Town Supervisor sign and return this Service Fee Agreement. Keep a copy for your records.

_____
Supervisor
Town of Amherst

Edward J. Holohan
Edward J. Holohan, ASA
President, Penflex Actuarial S

Attachment: SvcFeeAgree.NorthBailey-11082021100315 (RES-2021-1037 : Penflex Service Award Fee Agreements (CRS #S 2990-2996))

Penflex Actuarial Services, LLC.
11/1/2021-10/31/2022 Service Fee Agreement

EAST AMHERST FIRE DEPARTMENT
SERVICE AWARD PROGRAM

Standard Services Fee Schedule

Base Fee: $3,500, $0 change from 2020

Per-Participant Fee: $16, $0 change from 2020

Payment certification and trustee directive letters: $75 per letter, $0 change from 2020

Preparation of IRS forms 1099 and 1096, preparation of mailing to clients of IRS form 1096 transmittal package with instructions: $25 per each form (minimum charge $50 per client). This service is performed only if your investment provider does not provide it.

Total Estimated Standard and Distribution Services Fees: $4,900

Preparation of Financial Statement Disclosures

Disclosure Packages Provided For Program Year 2020:

NYS LOSAP Audit Package: No

GASB 73 Package: Yes

Auditing Firm: Drescher & Malecki, LLP
Contact Name: Luke Malecki
Email Address: lmalecki@dreschermalecki.com

Please Check 'Yes' Or 'No' For Program Year 2021:

Complete the NYS LOSAP Audit Package for a fee of $495: _____ Yes __X__ No
This is a $0 change from 2020. Please refer to the enclosed newsletter titled 'New York State Volunteer Firefighter LOSAP Audit Requirement' for more information

Complete the GASB 73 Package for a fee of $850: __X__ Yes _____ No
This is a $0 change from 2020. Please refer to the enclosed 'GASB 73 FAQs' for more information. For a sample GASB 73 package, please email: info@penflexinc.com.

PLEASE NOTE: If you are requesting any Disclosure Packages, please review and make any necessary changes to your auditor's information noted above.

All other services are optional and are billed only when requested. Please call for fee estimates and purchase order arrangements. Optional services include additional client meetings, drafting of special correspondence and documents, and performing actuarial cost estimate calculations.

To authorize Penflex Actuarial Services, LLC. to begin providing these services in accordance with this fee schedule, please have the Town Supervisor sign and return this Service Fee Agreement. Keep a copy for your records.

_____
Supervisor
Town of Amherst

Edward J. Holohan
Edward J. Holohan, ASA
President, Penflex Actuarial Services, LLC.

Attachment: SvcFeeAgree.EastAmherst-11082021100337 (RES-2021-1037 : Penflex Service Award Fee Agreements (CRS #S 2990-2996))

Penflex Actuarial Services, LLC.
11/1/2021-10/31/2022 Service Fee Agreement

SWORMVILLE FIRE COMPANY, INC.
SERVICE AWARD PROGRAM

Standard Services Fee Schedule

Base Fee: $3,500, $0 change from 2020

Per-Participant Fee: $16, $0 change from 2020

Payment certification and trustee directive letters: $75 per letter, $0 change from 2020

Preparation of IRS forms 1099 and 1096, preparation of mailing to clients of IRS form 1096 transmittal package with instructions: $25 per each form (minimum charge $50 per client). This service is performed only if your investment provider does not provide it.

Total Estimated Standard and Distribution Services Fees: $5,000

Preparation of Financial Statement Disclosures

Disclosure Packages Provided For Program Year 2020:

NYS LOSAP Audit Package: No

GASB 73 Package: Yes

Auditing Firm: Drescher & Malecki, LLP
Contact Name: Luke Malecki
Email Address: lmalecki@dreschermalecki.com

Please Check 'Yes' Or 'No' For Program Year 2021:

Complete the NYS LOSAP Audit Package for a fee of $495: _____ Yes __X__ No
This is a $0 change from 2020. Please refer to the enclosed newsletter titled 'New York State Volunteer Firefighter LOSAP Audit Requirement' for more information

Complete the GASB 73 Package for a fee of $850: __X__ Yes _____ No
This is a $0 change from 2020. Please refer to the enclosed 'GASB 73 FAQs' for more information. For a sample GASB 73 package, please email: info@penflexinc.com.

PLEASE NOTE: If you are requesting any Disclosure Packages, please review and make any necessary changes to your auditor's information noted above.

All other services are optional and are billed only when requested. Please call for fee estimates and purchase order arrangements. Optional services include additional client meetings, drafting of special correspondence and documents, and performing actuarial cost estimate calculations.

To authorize Penflex Actuarial Services, LLC. to begin providing these services in accordance with this fee schedule, please have the Town Supervisor sign and return this Service Fee Agreement. Keep a copy for your records.

_____
Supervisor
Town of Amherst

Edward J. Holohan
Edward J. Holohan, ASA
President, Penflex Actuarial Services, LLC.

Attachment: SvcFeeAgree.Swormville-11082021100351 (RES-2021-1037 : Penflex Service Award Fee Agreements (CRS #S 2990-2996))

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Attorney
Initiated by: **Stanley J. Sliwa**
Co-Sponsored by:

DOC ID: 25035 **RESOLUTION 2021-1038** **ADOPTED**

Temporary Access Agreement - Left/Right, LLC (CRS #3022)

AGENDA ITEM : NOVEMBER 22ND, 2021

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **November 17, 2021**

RE: **Temporary Access Agreement - Left/Right, LLC (CRS #3022)**
Filming At Eco Park Playground

Kindly adopt a resolution authorizing the Supervisor to execute the attached Temporary Access Agreement with Left/Right, LLC for access to Eco Park Playground to conduct filming *nunc pro tunc* pending successful completion of the CRS.

Thank you.

SJS:nmb:hs
Attachment
c: Kathy Cooper, Deputy Town Clerk
(*w/attachment,* **Agenda Item - November 22, 2021**)

11/22/2021
Consent

FINANCIAL IMPACT:

None for the purposes of this resolution.

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

Attachment: ECOParkPlayground.TempAccess-11102021121828 (RES-2021-1038 : Temporary Access Agreement - Left/Right, LLC (CRS #3022))

TEMPORARY ACCESS AGREEMENT

This Temporary Access Agreement ("Agreement") is entered as of the _____ day of November, 2021 by and between LEFT/RIGHT, LLC, 39 W 19th Street, 9th Floor, New York, New York 10011 ("LR") and the Town of Amherst ("TOWN") with offices and principal place of business located at 5583 Main Street, Williamsville, New York 14221

1) To assist the LR with on location filming at ECO PARK PLAYGROUND, 318 Crosby Boulevard, Buffalo, New York 14226, bearing SBL #67.82-3-9.121 ("ECO PARK"), LR needs access to this site for purposes of conducting its filming.

2) The TOWN, for valuable consideration the sufficiency and receipt of which is hereby acknowledged, hereby grants LR, the right to enter upon the ECO PARK Property for purposes described.

3) LR assumes all risks of, and agrees to indemnify, protect and save harmless the Town and its successors and assigns from all loss, damage, or injury to persons (including, without limitation, personal injuries resulting in death) or property and from all claims, demands, suits, liabilities, obligations and expenses arising therefrom, including reasonable legal fees and expenses, caused by or in any way connected with the exercise of the rights granted hereunder, except to the extent the same shall arise out of the sole negligent or sole intentional acts or omissions of any employee, officer, agent, invitee or representatives of the TOWN. In the event that any judgment, lien or other encumbrance is placed upon or levied against the ECO PARK Property in any suit or other proceedings due to LR's activities, LR will immediately cause the same to be discharged by the posting of a bond or otherwise.

4) LR shall maintain at all times during the term of this Agreement Commercial General Liability insurance in the amount of $1,000,000 per occurrence for personal injury and advertising injury, $2,000,000 aggregate with the TOWN added as an additional insured on a primary and non-contributory basis to protect the TOWN from against any and all claims, demands and cause of actions, arising by reason of any work performed by LR and said work will not commence under this Agreement until an appropriate certificate of insurance has been provided to the TOWN.

5) LR will indemnify and hold the Town, its officers, agents, and employees, harmless from any and all liability, demands, claims, expenses (including legal fees and court costs), awards or judgments imposed upon the Town, its officers, agents, and/or employees, arising from the negligence, active or passive, of LR, its officers, agents, subcontractors, and/or employees in carrying out filming or other related activities on the ECO PARK Property.

6) No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any

Attachment: ECOParkPlayground.TempAccess-11102021121828 (RES-2021-1038 : Temporary Access Agreement - Left/Right, LLC (CRS #3022))

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 expressly include the same.

7) This Agreement shall be governed by, and interpreted according to the laws of the State of New York. Any and all legal action necessary to enforce the agreement will be held in Erie County, New York.

8) Each and every provision of law and clause required by law to be inserted in this contract 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 contract shall be physically amended forthwith and executed by the parties to make such insertion.

8.) The Town of Amherst Town will retroactively approve this Agreement via the adoption of Resolution during its meeting on November ~~8~~ 22nd SJS/NMB, 2021.

9) This Agreement shall be effective as of the date first set forth above and this Agreement shall terminate on November ~~8~~ 22nd SJS/NMB, 2021.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the date set forth above.

BRIAN J. KULPA, SUPERVISOR TOWN OF AMHERST	LEFT/RIGHT, LLC
By: _____	By: _____
Name: _____	Name: Ryoji Yamada
Title: _____	Title: EIC

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

Date (11/01/2021)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: **If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).**

PRODUCER	Contact Name:	James Pedrick	Jesse Brown
Aon/Albert G. Ruben Co. of NY, Inc. 171 Madison Avenue, Suite 401 New York, NY 10016	Phone:	212-337-4356	212-463-5587
	Insurer's Affording Coverage		NAIC #

INSURED	
Left/Right, LLC 39 West 19th Street Ninth Floor New York, NEW YORK 10011	INSURER A: Great Divide Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. LIMITS SHOWN ARE AS REQUESTED.

INS LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	**GENERAL LIABILITY**			CNA7503824	05/01/21	05/01/22	EACH OCCURRENCE	$1,000,000
	X COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	$1,000,000
	CLAIMS MADE X OCCUR	X					PERSONAL & ADV INJURY	$1,000,000
							GENERAL AGGREGATE	$2,000,000
							PRODUCTS – COMP/OP AGG	$1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PROJECT LOC						MEDICAL EXPENSE	Excluded
A	**AUTO LIABILITY**			CNA7503824	05/01/21	05/01/22	COMBINED SINGLE LIMIT (Ea accident)	$1,000,000
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS	X		*AUTO PHYSICAL DAMAGE DEDUCTIBLE: $2,500			BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
	X AUTO PHYS. DAM. **						AUTO PHYSICAL DAMAGE	$1,000,000
	X **Umbrella Liab** X OCCUR			CUA7503825	05/01/21	05/01/22	EACH OCCURRENCE	$5,000,000
A	**Excess Liab** CLAIMS-MADE						AGGREGATE	$5,000,000
	DEDUCTIBLE	X						$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE Y / N			NOT COVERED HEREUNDER			WC Statutory Limits / Other	
	OFFICER/MEMBER EXCLUDED? N/A **(Mandatory in NH)** If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. Each Accident	$
							E.L. Disease – EA Employee	$
							E.L. Disease – Policy Limit	$

A	WORLDWIDE PRODUCTION PACKAGE			CNA7503824	05/01/21	05/01/22	LIMIT	DEDUCTIBLE
	MISCELLANEOUS EQUIPMENT*						$3,000,000	$2,500
	PROPERTY OF OTHERS						$5,000,000	$2,500
	PROPS, SETS & WARDROBE						$3,000,000	$2,500

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Discovery Networks – Food Network - Chef Boot Camp S2

Certificate Holder is Additional Insured (by "Blanket" Endorsement) under General/Auto Liability but only with regard to claims arising from the negligence of Named Insured and as required by written contract. Certificate Holder is Loss Payee with regard to Production Package. All coverage is subject to terms and conditions of policies of insurance. This Certificate does not amend, extend or alter the coverage afforded by the policies above.

CERTIFICATE HOLDER	Cancellation
The Town of Amherst NY 5583 Main Street Williamsville, NY 14221	**SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.** **AUTHORIZED REPRESENTATIVE** **Aon/Albert G. Ruben Insurance Services, Inc.**

ACORD 25 (2016/03)

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Attachment: Town of Amherst COI (RES-2021-1038 : Temporary Access Agreement - Left/Right, LLC (CRS #3022))

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Attorney
Initiated by: **Stanley J. Sliwa**
Co-Sponsored by:

DOC ID: 25036 **RESOLUTION 2021-1039** **ADOPTED**

Conflict Waiver - Hodgson Russ, LLP (CRS #3023)

AGENDA ITEM : NOVEMBER 22ND, 2021

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **November 17, 2021**

RE: **Conflict Waiver - Hodgson Russ, LLP (CRS #3023)**
Their Client - Buffalo Niagara Heritage Village (BNHV)
Contract Negotiations With Town of Amherst

Kindly adopt a resolution authorizing the Supervisor to execute the attached letter relative to agreeing that there is no objection to Hodgson Russ, LLP's representation of the Buffalo Niagara Heritage Village (BNHV) in connection with its contract negotiations with the Town of Amherst pending successful completion of the Contract Routing System.

Thank you.

SJS:nmb:hs
Attachment
c: Kathy Cooper, Deputy Town Clerk
(*w/attachment,* **Agenda Item - November 22, 2021**)
Elizabeth A. Holden, Esq.
(*w/o attachment*, Via E-Mail - eholden@hodgsonruss.com)

11/22/2021
Consent

FINANCIAL IMPACT:

None for the purposes of this resolution.

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

Elizabeth A. Holden
Partner
Direct Dial: 716.848.1692
Direct Facsimile: 716.819.4727
eholden@hodgsonruss.com

November 1, 2021

Town of Amherst
5583 Main Street
Williamsville, New York 14221

Attention: Stanley Sliwa, Town Attorney

Dear Mr. Sliwa:

Re: Contract Negotiations with Buffalo Niagara Heritage Village

As you know, Buffalo Niagara Heritage Village has asked us to represent them in connection with the contract negotiations with the Town of Amherst (the "Town"). As you are aware, we have been representing the Town on other matters. Consequently, we are required to obtain the Town's consent in order to represent Buffalo Niagara Heritage Village in this matter.

Given the fact that the Town is being represented by separate counsel in connection with the contract negotiations, it is our understanding that the Town is willing to waive any conflict of interest that may arise as a result of our representation of Buffalo Niagara Heritage Village.

In order to confirm what we believe to be everybody's agreement that there is no objection to our representation of Buffalo Niagara Heritage Village in connection with the contract negotiations, please sign the enclosed copy of this letter and return it to me.

Thank you for your cooperation in this matter.

Very truly yours,

Elizabeth A. Holden

/dla
Enclosures

Attachment: Conflict waiver letter to Town of Amherst - Contract Negotiations with Buffalo Niagara Heritage Village (RES-2021-1039 : Conflict

Hodgson Russ LLP ATTORNEYS

Accepted and Agreed to this
_____ day of November, 2021.

TOWN OF AMHERST

By: _____
Name: _____
Title: _____

Attachment: Conflict waiver letter to Town of Amherst - Contract Negotiations with Buffalo Niagara Heritage Village (RES-2021-1039 : Conflict

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Attorney
Initiated by: **Stanley J. Sliwa**
Co-Sponsored by:

DOC ID: 25037 **RESOLUTION 2021-1040** **ADOPTED**

Subdivision Settlement Participation Form (J&J) (Exhibit "L") (CRS #3027)

AGENDA ITEM : NOVEMBER 22ND, 2021

TO: **Town Board**

FROM: **Jeffrey E. Marion, Esq., Consulting Opioid Counsel**
Stanley J. Sliwa, Esq., Town Attorney

DATE: **November 17, 2021**

RE: **Subdivision Settlement Participation Form (Exhibit "L")**
Effectuating Settlement With J&J (Johnson and Johnson)
(CRS #3027)

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

WHEREAS, there is pending the matter of Town of Amherst v. Purdue Pharma L.P., et al., under Index No. 803887/2018 in the Supreme Court in and for the County of Erie, regarding the opioid addiction crisis, in which the Town of Amherst is a named Plaintiff in the action (the "Action"); and

WHEREAS, the Action is against several Defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies; and

WHEREAS, the Action alleges several causes of action against Defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutical, Inc. ("J & J") based on claims that J & J contributed to the opioid epidemic by falsely promoting prescription opioids it manufactured and sold and by falsely promoting the increased use of opioids directly and generally through various "front groups" and failing to implement measures to prevent diversion of prescription opioids in connection with distribution of its products, all of which contributed to a public health crisis in the Town of Amherst; and

WHEREAS, it is in the best interest of the Town of Amherst to resolve this matter with respect to J & J without further litigation and enter into the proposed Agreement as it shall settle all allegations against J & J and avoid protracted litigation;

NOW, THEREFORE BE IT RESOLVED that the Town Board approves the Settlement Agreement and Release ("Agreement") attached hereto as Exhibit "L;"

BE IT FURTHER RESOLVED, that the Town Board authorize the Supervisor to execute the proposed Agreement attached hereto as Exhibit "L" after successful completion of the Contract Routing Process;

BE IT FURTHER RESOLVED that the Town Board further authorizes the Supervisor to execute such other documents as may be necessary and appropriate to effectuate the settlement with J&J pending successful completion of the Contract Routing Process.

JEM:SJS:NMB:hs
Attachment
c: Kathy Cooper, Deputy Town Clerk
(*w/attachment,* **Agenda Item - November 22, 2021**)

11/22/2021
Consent

FINANCIAL IMPACT:

Amount is TBD. Resolution authorizes Town to be a part of settlement.

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

Exhibit L

Subdivision Settlement Participation Form

Governmental Entity:	TOWN OF AMHERST, NEW YORK
Authorized Official:	BRIAN J. KULPA, SUPERVISOR
Address 1:	5583 MAIN STREET,
Address 2:	
City, State, Zip:	WILLIAMSVILLE, NY 14221
Phone:	716. 631. 7032
Email:	BKULPA@AMHERST.NY.US

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the New York Settlement Agreement dated [DATE] (the "Agreement"), and acting through the undersigned authorized official, hereby elects to participate in the Agreement, release all Released Claims against Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Agreement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Agreement and become a Participating Subdivision as provided therein.

2. The Governmental Entity shall, within 14 days of the Initial Participation Date and prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.

3. The Governmental Entity agrees to the terms of the Agreement pertaining to Subdivisions as defined therein.

4. By agreeing to the terms of the Agreement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.

5. The Governmental Entity agrees to use any monies it receives through the Agreement solely for the purposes provided therein.

6. The Governmental Entity submits to the jurisdiction of the court where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Agreement.

7. The Governmental Entity has the right to enforce the Agreement as provided therein.

8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Agreement, including but not limited to all provisions of Section X, and along with all departments, agencies, divisions, boards, commissions, districts,

Attachment: ExhibitL.OpioidSettlementBJK (RES-2021-1040 : Subdivision Settlement Participation Form (Exhibit "L") (CRS #3027))

instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Agreement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Agreement shall be a complete bar to any Released Claim.

9. In connection with the releases provided for in the Agreement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

> **General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Agreement.

10. Nothing herein is intended to modify in any way the terms of the Agreement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Agreement in any respect, the Agreement controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Attachment: ExhibitL.OpioidSettlementBJK (RES-2021-1040 : Subdivision Settlement Participation Form (Exhibit "L") (CRS #3027))

Signature: BJK

Name: Brian Kulps

Title: Town Supervison

Date: 11/12/21

Attachment: ExhibitL.OpioidSettlementBJK (RES-2021-1040 : Subdivision Settlement Participation Form (Exhibit "L") (CRS #3027))

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Attorney
Initiated by: **Stanley J. Sliwa**
Co-Sponsored by:

DOC ID: 25038 **RESOLUTION 2021-1041** **ADOPTED**

NY Subdivision Election and Release Form (Distributors) (CRS #3026)

AGENDA ITEM : NOVEMBER 22ND, 2021

TO: **Town Board**

FROM: **Jeffrey E. Marion, Esq., Consulting Opioid Counsel**
Stanley J. Sliwa, Esq., Town Attorney

DATE: **November 16, 2021**

RE: **NY Subdivision Election and Release Form (Exhibit "A")**
(CRS #3026)
Effectuating Settlement With Opioid Distributors

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

WHEREAS, there is pending the matter of Town of Amherst v. Purdue Pharma L.P., et al., under Index No. 803887/2018 in the Supreme Court in and for the County of Erie, regarding the opioid addiction crisis, in which the Town of Amherst is a named Plaintiff in the action (the "Action"); and

WHEREAS, the Action is against several Defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies; and

WHEREAS, the Action alleges several causes of action against Defendants McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Dmg Corporation, PSS World Medical, Inc., Kinray, LLC, Belko Drug Corporation, and American Medical Distributors, Inc. (the "Distributors") based on claims that the Distributors contributed to the opioid epidemic by failing to comply with their obligations under the Federal Controlled Substances Act and the New York Controlled Substances Act to implement adequate measures to prevent diversion of the prescription opioids they distributed to pharmacies and others, all of which contributed to a public health crisis in the Town of Amherst; and

WHEREAS, it is in the best interest of the Town of Amherst to resolve this matter with respect to the Distributors without further litigation and enter into the proposed Agreement as it shall settle all allegations against the Distributors and avoid protracted litigation;

NOW, THEREFORE BE IT RESOLVED that the Town Board approves the Settlement Agreement and Release ("Agreement") attached hereto as Exhibit "A;"

BE IT FURTHER RESOLVED, that the Town Board authorize the Supervisor to execute the proposed Agreement attached hereto as Exhibit "A" after successful completion of the Contract Routing Process;

BE IT FURTHER RESOLVED that the Town Board further authorizes the Supervisor to execute such other documents as may be necessary and appropriate to effectuate the settlement with the Distributors pending successful completion of the Contract Routing Process.

JEM:SJS:NMB:hs
Attachment
c: Kathy Cooper, Deputy Town Clerk
(*w/attachment,* **Agenda Item - November 22, 2021**)

11/22/2021
Consent

FINANCIAL IMPACT:

Amount is TBD. Resolution authorizes Town to be a part of settlement.

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

Exhibit A

Attachment: ExA.OpioidSettlementBJK-11152021092457 (RES-2021-1041 : NY Subdivision Election and Release Form (Distributors) (Exhibit

Attachment: ExA.OpioidSettlementBJK-11152021092457 (RES-2021-1041 : NY Subdivision Election and Release Form (Distributors) (Exhibit

NEW YORK SUBDIVISION ELECTION AND RELEASE FORM

This Election and Release Form for New York Participating Subdivisions resolves opioid-related Claims against Janssen under the terms and conditions set forth in the Janssen New York State-Wide Opioid Settlement Agreement between Janssen, the State of New York, and the Counties of Nassau and Suffolk (the "Agreement"), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision's power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss Janssen and all other Released Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Janssen or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss Janssen and all other Released Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Janssen or a Released Entity concurrently with the execution of this form. By executing this Election and Release Form, the Participating Subdivision submits to the

jurisdiction of the Court where the Consent Judgment is filed for purposes limited to that Court's role under the Agreement.

Dated: 11/12/21

[NY SUBDIVISION]

By: _____

[~~COUNSEL~~] SUPERVISOR, BRIAN J. KULPA
[FIRM] TOWN OF AMHERST
[ADDRESS] 5583 MAIN STREET, WILLIAMSVILLE, NY 14221
[TELEPHONE] 716 631 7032
[EMAIL ADDRESS] bkulpa@amherst.ny.us

Counsel for [~~NY SUBDIVISION~~]

SUPERVISOR, TOWN OF AMHERST, NEW YORK

Attachment: ExA.OpioidSettlementBJK-11152021092457 (RES-2021-1041 : NY Subdivision Election and Release Form (Distributors) (Exhibit

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Attorney
Initiated by: **Stanley J. Sliwa**
Co-Sponsored by:

DOC ID: 25039 **RESOLUTION 2021-1042** **ADOPTED**

New York Opioid Settlement Sharing Agreement (Exhibit "N") (CRS #3028)

AGENDA ITEM : NOVEMBER 22ND, 2021

TO: **Town Board**

FROM: **Jeffrey E. Marion, Esq., Consulting Opioid Counsel**
Stanley J. Sliwa, Esq., Town Attorney

DATE: **November 17, 2021**

RE: **New York Opioid Settlement Sharing Agreement (Exhibit "N")(CRS #3028)**

Kindly adopt a resolution authorizing the Supervisor to execute the attached agreement authorizing the Town of Amherst to be a part of the State of New York and New York Subdivisions opioid settlement pending successful completion of the Contract Routing System.

JEM:SJS:NMB:hs
Attachment
c: Kathy Cooper, Deputy Town Clerk
(*w/attachment,* **Agenda Item - November 22, 2021**)

11/22/2021
Consent

FINANCIAL IMPACT:

Amount is TBD. Resolution authorizes Town to be a part of settlement.

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

Attachment: ExN.OpioidSettlementBJK-11152021092542 (RES-2021-1042 : New York Opioid Settlement Sharing Agreement (Exhibit "N") (CRS

Exhibit N

New York Opioid Settlement Sharing Agreement

This Agreement sets forth the terms and conditions governing the sharing and allocation of funds between and among the State of New York and the New York Subdivisions (as defined below) received from Statewide Opioid Settlement Agreements (as defined below) with the Opioid Supply Chain Participants (as defined below).

Whereas, the people of the State of New York and its communities have been harmed by misfeasance, nonfeasance, and malfeasance committed by certain entities within the opioid supply chain; and

Whereas, the State of New York and certain New York Subdivisions are engaged in litigation seeking to hold Opioid Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance; and

Whereas, the State of New York and the New York Subdivisions share a common desire to abate and alleviate the impacts of the misfeasance, nonfeasance, and malfeasance of the Opioid Supply Chain Participants throughout the State of New York;

Now therefore, the State of New York and the New York Subdivisions enter into this Agreement relating to the allocation, distribution, and use of the proceeds of Settlements (as defined below).

I. DEFINITIONS

A. "Approved Uses" means any opioid or substance use disorder related projects or programs that fall within the list of uses in Schedule C.

B. "Lead State Agency" means the New York State Office of Addiction Services and Supports. As provided for in Section V, The Lead State Agency will coordinate with the New York Department of Health, the New York Office of Mental Health, and the New York Division of Housing and Community Renewal, as well as other agencies, to expend and oversee funds from the Opioid Settlement Fund.

C. The "Advisory Board" means the advisory board created and described by Section V under the Lead State Agency.

D. "Direct Share Subdivision" means every county of the State of New York other than the County of Nassau, the County of Suffolk, and the City of New York.

E. "New York Subdivisions" means each county, city, town, village or special district in New York.

F. "Opioid Settlement Funds" shall mean monetary amounts obtained through a Statewide Opioid Settlement Agreement as defined in this Agreement.

G. "Opioid Supply Chain Participant" shall mean any entity or person that engages in or has engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic, including their officers, directors, employees, or agents, acting in their capacity as such.

H. "Parties" means the State of New York and the New York Subdivisions who execute this agreement.

I. "Statewide Opioid Settlement Agreements" shall mean settlement agreements jointly entered into by the State of New York and New York Subdivisions with any Opioid Supply Chain Participant.

J. "Opioid Settlement Fund" means the fund created by Section IV, which will be used or distributed in accordance with Section IV and this Agreement.

II. GENERAL FINANCIAL AND STRUCTURE TERMS

A. **Scope of Agreement.** This Agreement applies to all Statewide Opioid Settlement Agreements entered into with an Opioid Supply Chain Participant on or after June 19, 2021.

B. **Allocation and Distribution of Funds for Restitution and Abatement**. Opioid Settlement Funds from each Settlement shall be allocated and distributed as follows:

1. **17.5%** to the State of New York, unless not in accordance with state law. The Office of the Attorney General shall have the discretion to allocate a portion of these funds to local governments not listed in the annexed allocation chart.

2. **16.39%** to the Lead State Agency to be placed in the Opioid Settlement Fund for Regional Spending on Approved Uses. In combination, the amount of Regional Spending of the Opioid Settlement Fund committed to cities other than New York City with a 2020 population of more than 90,000 shall not be less than 1.89% of the total Opioid Settlement Funds.

3. **20%** to the Lead State Agency to be placed in the Opioid Settlement Fund for Discretionary Spending on Approved Uses and for Administration of the Opioid Settlement Fund.

4. **5.4%** to the Direct Share Subdivisions as "Direct Unrestricted Funds."

5. **5.4%** to the Direct Share Subdivisions for spending on Approved Uses ("Direct Restricted Funds").

6. **6.68%** to the County of Nassau for spending on Approved Uses.

7. **8.63%** to the County of Suffolk for spending on Approved Uses.

8. **20%** to the City of New York for spending on Approved Uses.

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C. **Redistribution in Certain Situations**. In the event a New York Subdivision merges, dissolves, or ceases to exist, the allocation percentage for that New York Subdivision shall be redistributed equitably based on the composition of the successor New York Subdivision. If a New York Subdivision for any reason is excluded from a specific Settlement, including because it does not execute a release as required by Section III.A, the allocation percentage for that New York Subdivision pursuant to Sections II.B.4 and 5 shall be redistributed equitably among the participating New York Subdivisions.

D. **Direct Payment of Certain Funds**. All Opioid Settlement Funds allocated to the Direct Share Subdivisions, the Counties of Nassau and Suffolk, and the City of New York pursuant to Sections II.B.4, 5, 6, 7 and 8 shall be paid directly and as promptly as reasonably practicable by the Opioid Supply Change Participant or settlement fund administrator(s) to the Direct Share Subdivisions, the Counties of Nassau and Suffolk, and the City of New York.

E. **Attorneys' Fees and Expenses.** Unless state law or the applicable Statewide Opioid Settlement Agreement provides otherwise, Attorneys' fees and expenses will be determined and paid according to each Direct Share Subdivision's and New York Subdivision's contracts with its respective counsel. This does not prevent counsel for New York subdivisions to agree to recover solely from: (1) the common benefit and contingency fee funds if established pursuant to settlements with Opioid Supply Chain Participants; or (2) payment of attorneys' fees and costs directly from Opioid Supply Chain Participants.

III. THE DIRECT SHARE SUBDIVISION AND CITY OF NEW YORK FUNDS

A. **Distribution of the Direct Share Subdivision Funds.** The Direct Unrestricted Funds and the Direct Restricted Funds shall be paid to the Direct Share Subdivisions that execute a release for a given Statewide Opioid Settlement Agreement, pursuant to Section II.B.4 and 5, and will be fully distributed among them pursuant to the allocation set forth in Schedule A to this Agreement.

B. **Certification of Spending on Approved Uses.** Each year, the Direct Share Subdivisions, the City of New York and the Counties of Nassau and Suffolk shall certify to the Lead State Agency and the Advisory Board that all funds distributed to them pursuant to Sections II.B.5, 6, 7 and 8 of this Agreement, which were spent during the preceding year, were spent on projects and programs that constitute Approved Uses. These certifications shall be made by August 1 of each year following the year in which such funds were spent and shall be accompanied by a detailed accounting of the spending of such funds as well as analysis and evaluation of the projects and programs they have funded.

IV. THE OPIOID SETTLEMENT FUND

A. Establishment of the Opioid Settlement Fund.

1. Each year the Lead State Agency will allocate approximately **45**% of the Opioid Settlement Fund (16.39% of the total Opioid Settlement Funds) for Approved Uses in the various regions and large cities of New York State, except New York City and the Counties of Nassau and Suffolk, pursuant to a commitment to spend in each such region and each city other than

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New York City with a population of more than 90,000 the corresponding percentages shown in Schedule B. Of this amount, at least 1.89% of the total Opioid Settlement Funds received by New York shall be set aside for cities other than New York City with a population of more than 90,000. Each New York Subdivision other than New York City and the Counties of Nassau and Suffolk that has executed a release may apply for and receive funds from the Opioid Settlement Fund, provided however, that each such Subdivision shall, as a condition to the receipt of these funds, certify at the end of each fiscal year during which it receives such funds that all funds provided to it under this provision of the Agreement were spent on projects and programs that constitute Approved Uses and provided that it complies with the reporting requirements set forth in Section IV.E.

2. Each year the Lead State Agency will set aside approximately **55**% of the Opioid Settlement Fund (20% of the total Opioid Settlement Funds) for spending by the Lead State Agency to (a) fund State projects that constitute Approved Uses, and (b) carry out the duties of the Lead State Agency and Advisory Board under this Agreement, including oversight and administration of the Opioid Settlement Fund and the Advisory Board. No more than 5% of the total Opioid Settlement Fund may be used in any fiscal year for oversight and administrative costs of the Opioid Settlement Fund and the Advisory Board.

B. **Approved Uses.** The Approved Uses are set forth in Schedule C below. The Advisory Board may recommend to the Legislature adding or removing Approved Uses in response to changing substance use disorder needs in the state. The Advisory Board may not recommend that Approved Uses be removed from the list of Approved Uses without the vote of three-fourths of the present members of the Advisory Board.

C. **Oversight and Auditing.** The Lead State Agency will engage in oversight and audits of projects and programs funded through the Opioid Settlement Fund.

D. **New York Subdivision Reporting**. Each New York Subdivision that receives funds from the Opioid Settlement Fund under this Agreement will annually provide to the Lead State Agency and Advisory Board a detailed accounting of the spending of such funds as well as analysis and evaluation of the projects and programs it has funded. Such accounting shall be provided by August 1 of each year following the year in which such funds were spent. The Lead Agency may withhold future funds from any New York Subdivision that is delinquent in providing this reporting, until the required report is submitted.

E. **Lead Agency Reporting.** The Lead State Agency and other relevant government commissioners, in consultation with the Advisory Board, will annually provide the Governor, Speaker of the Assembly, the Temporary President of the Senate, and other legislative leaders as provided by law, a written report, which, among other things, provides a detailed accounting of the previous year's spending of all monies in the Opioid Settlement Fund, any spending by the Direct Share Subdivisions pursuant to Sections II.B.5, any spending by the Counties of Nassau

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or Suffolk pursuant to Section II.B.6 and 7, and any spending by New York City pursuant to Section II.B.8, as well as an analysis and evaluation of the projects and programs so funded. This report shall be provided on or before November 1 of each year, beginning one year after the initial deposit of monies in the Opioid Settlement Fund. At the same time, in consultation with the Advisory Board, the Lead State Agency will report annually the results of research funded by funds from this Agreement, the status of any outstanding audits, and the non-binding recommendations of the Advisory Board.

V. THE ROLE OF THE ADVISORY BOARD

A. **The Structure of the Advisory Board.** The Advisory Board will be established under the Lead Agency and comprised of 19 members, serving set terms. Each member of the Advisory Board will have one vote, with all actions being taken by an affirmative vote of the majority of present voting members, except where otherwise provided for in this Agreement or by law.

1. **Appointments to the Advisory Board**. The Advisory Board shall consist of 19 members, including the Commissioner of the Office of Addiction Services and Supports, the Commissioner of Mental Health, the Commissioner of Health (or their designees) serving as ex-officio non-voting members. The Governor, the Attorney General, the Speaker of the Assembly and the Temporary President of the Senate shall each appoint 2 voting members, and the Mayor of the City of New York shall appoint one voting member. The remaining 7 voting members shall be appointed from a list of persons provided by the New York State Association of Counties. These appointments will be made two each by the Temporary President of the Senate and the Speaker of the Assembly, and one each by the Minority Leader of the Senate, the Minority Leader of the Assembly and the Attorney General. Appointed members shall serve three-year terms and in the event of a vacancy, such vacancy shall be filled in the manner of the original appointment for the remainder of the term. The Advisory Board membership shall include persons, to the extent possible, who have expertise in public and behavioral health, substance use disorder treatment, harm reduction, criminal justice, or drug policy. Further, the Advisory Board shall include individuals with personal or professional experience with substance use and addiction issues and co-occurring mental illnesses as well as providing services to those that have been disproportionately impacted by the enforcement and criminalization of addiction.

2. **Meetings of the Advisory Board.** The Advisory Board shall hold at least quarterly public meetings, to be publicized and located in a manner reasonably designed to facilitate attendance by residents throughout the State. The Advisory Board shall function in a manner consistent with New York's meeting, open government or similar laws, and with the Americans with Disabilities Act.

3. **Consensus**. Members of the Advisory Board shall attempt to reach consensus with respect to recommendations and other actions to the extent possible. Consensus is defined in this process as a general agreement achieved by the members that reflects, from as many members as possible, their active support, support with reservations, or willingness to abide by the decision of the other members. Consensus does not require unanimity or other set threshold and may include objectors. In all events, however, actions of the Advisory Board shall be effective if supported by at least a majority of its voting members, except where otherwise provided for by this Agreement or by law.

4. **Payment and Ethics.** Members of the Advisory Board will receive no compensation but will be reimbursed for actual and necessary expenses incurred in the performance of their duties. The members of the Advisory Board shall not take any action to direct funding from the Opioid Abatement Fund to any entity in which they or their family members have any interest, direct or indirect, or receive any commission or profit whatsoever, direct or indirect.

B. **Responsibilities.** On or before November 1 of each year, beginning November 1, 2021, the Advisory Board shall issue a written report of recommendations regarding specific opioid abatement priorities and expenditures from the Opioid Settlement Fund for Approved Uses. This report shall be provided to the Governor, the Temporary President of the Senate, the Speaker of the Assembly, and other legislative leaders as provided by law. In carrying out its obligations to provide such recommendations, the Advisory Board may consider local, state and federal initiatives and activities that have been shown to be effective in preventing and treating substance use disorders as well as maintaining recovery and assisting with the collateral effects of substance use disorders for individuals and their families or support system. Such recommendations may be Statewide or specific to Regions and recommend Statewide or Regional funding with respect to specific programs or initiatives. Such recommendations shall also incorporate mechanisms for measurable outcomes for determining the effectiveness of funds expended for Approved Uses; and monitor the level of permitted administrative expenses in paragraph IV.A.2. The goal is for a process that produces recommendations that are recognized as being an efficient, evidence-based approach to abatement that addresses the State's greatest needs while also including programs reflecting particularized needs in local communities. It is anticipated that such a process will inform and assist the State in making decisions about spending from the Opioid Settlement Fund. To the extent the State chooses not to follow a recommendation of the Advisory Board's, it will make publicly available within 14 days after the decision is made a written explanation of the reasons for its decision, and allow 14 days for the Advisory Board to respond. The Advisory Board shall have additional advisory responsibilities, including reporting on projects and programs related to addressing the opioid epidemic, developing priorities, goals and recommendations for spending on such projects and programs, working with the Lead State Agency to develop measurable outcomes for such projects and programs, and making recommendations for policy changes.

C. **Staff and Administration.** The Lead State Agency and any other relevant agency will provide staff, resources and technical assistance to the Advisory Board.

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D. **Research.** The Advisory Board will recommend to the Lead State Agency research to fund and oversee related to addressing the opioid epidemic, including for outside grants.

VI. Recoveries Other Than Money

In the event that any part of a Settlement is received other than in money, the Parties will negotiate in good faith to agree upon a method of sharing such Settlement in a manner as consistent as practicable with the sharing of Opioid Settlement Funds under this Agreement. In the event that the Parties are unable to reach an agreement, then the method of sharing shall be determined by the Advisory Board, whose decision shall be final and binding on the Parties.

VII. Retention of Jurisdiction

The Supreme Court, County of Nassau, shall retain jurisdiction of the Parties for the purpose of this Agreement, including its interpretation and enforcement.

LETITIA JAMES
Attorney General of the State of New York

By: Jennifer Levy
Jennifer Levy, First Deputy Attorney General
Office of the New York State Attorney General
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Counsel for The People of the State of New York

Date: 7/20/21

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NAPOLI SHKOLNIK PLLC

Date: 7/20/21

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SIMMONS HANLY CONROY LLC

Date: 7/20/21

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Counsel for Plaintiff Suffolk County

ADDITIONAL SIGNATORIES:

Date: 11/12/21

SUPERVISOR, TOWN OF AMHERST
5583 MAIN STREET
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716.631.7032
bkulpa@amherst.ny.us

Counsel for _____

Date: _____

Counsel for _____

Date: _____

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Counsel for _____

Date: _____

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Date: _____

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Date: _____

Counsel for _____

Date: _____

Counsel for _____

Date: _____

Counsel for _____

Date: _____

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_____

Counsel for _____

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Schedule A

Allegany	0.492651319%
Cattaraugus	0.885804166%
Chautauqua	1.712744591%
Erie	13.981832649%
Niagara	3.416877066%
Western Region	**20.489909791%**
Genesee	0.710630089%
Livingston	0.678797077%
Monroe	9.384433024%
Ontario	1.309944722%
Orleans	0.412856571%
Seneca	0.386847050%
Wayne	0.994089249%
Wyoming	0.411657124%
Yates	0.247909288%
Finger Lakes Region	**14.537164194%**
Broome	2.790673871%
Chemung	1.231939720%
Chenango	0.516475286%
Delaware	0.549364256%
Schuyler	0.208248729%
Steuben	1.137138754%
Tioga	0.542347836%
Tompkins	1.177586745%
Southern Tier Region	**8.153775199%**
Cayuga	0.903523653%
Cortland	0.541036257%
Madison	0.810595101%
Onondaga	6.323758786%
Oswego	1.549495093%
Central NY Region	**10.128408890%**
Fulton	0.462070473%
Herkimer	0.658308079%
Montgomery	0.453395949%

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Oneida	2.826733181%
Otsego	0.670962131%
Schoharie	0.277769778%
Mohawk Valley Region	**5.349239592%**
Clinton	0.831513299%
Essex	0.367293246%
Franklin	0.457353060%
Hamilton	0.030269643%
Jefferson	1.273686826%
Lewis	0.251124198%
St. Lawrence	1.234262202%
North Country Region	**4.445502475%**
Albany	2.791375201%
Columbia	0.656790382%
Greene	0.793267678%
Rensselaer	1.270734936%
Saratoga	1.679317072%
Schenectady	1.217397796%
Warren	0.612162823%
Washington	0.479903545%
Capital Region	**9.500949434%**
Dutchess	4.381104459%
Orange	5.187725669%
Putnam	1.184886753%
Rockland	3.081816868%
Sullivan	1.888626559%
Ulster	2.462996041%
Westchester	9.207894077%
Mid-Hudson Region	**27.395050426%**

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Schedule B

Western Region	18.127131908%
Finger Lakes Region	12.860822502%
Southern Tier Region	7.213529004%
Central NY Region	8.960459360%
Mohawk Valley Region	4.732396222%
North Country Region	3.932872842%
Capital Region	8.405354899%
Mid-Hudson Region	24.236011664%
Albany	0.772105290%
Buffalo	3.867429560%
Rochester	2.595770859%
Syracuse	1.749176400%
Yonkers	2.546939490%

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Schedule C – Approved Uses

I. TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.

2. Support and reimburse services that include the full American Society of Addiction Medicine (ASAM) continuum of care for OUD and any co-occurring SUD/MH conditions, including but not limited to:

   a. Medication-Assisted Treatment (MAT);

   b. Abstinence-based treatment;

   c. Treatment, recovery, or other services provided by states, subdivisions, community health centers; non-for-profit providers; or for-profit providers;

   d. Treatment by providers that focus on OUD treatment as well as treatment by providers that offer OUD treatment along with treatment for other SUD/MH conditions; or

   e. Evidence-informed residential services programs, as noted below.

3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.

4. Improve oversight of Opioid Treatment Programs (OTPs) to assure evidence-based, evidence-informed or promising practices such as adequate methadone dosing and low threshold approaches to treatment.

5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.

6. Treatment of mental health trauma resulting from the traumatic experiences of the opioid user (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g.,

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surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.

7. Support detoxification (detox) and withdrawal management services for persons with OUD and any co-occurring SUD/MH conditions, including medical detox, referral to treatment, or connections to other services or supports.

8. Training for MAT for health care providers, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or undeserved areas.

9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.

10. Fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.

11. Scholarships and supports for certified addiction counselors and other mental and behavioral health providers involved in addressing OUD any co-occurring SUD/MH conditions, including but not limited to training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.

12. Scholarships for persons to become certified addiction counselors, licensed alcohol and drug counselors, licensed clinical social workers, and licensed mental health counselors practicing in the SUD field, and scholarships for certified addiction counselors, licensed alcohol and drug counselors, licensed clinical social workers, and licensed mental health counselors practicing in the SUD field for continuing education and licensing fees.

13. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD and provide technical assistance and professional support for clinicians who have obtained a DATA 2000 waiver.

14. Dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.

15. Development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

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Support people in treatment for and recovery from OUD and any co-occurring SUD/MH conditions through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Provide the full continuum of care of recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, residential treatment, medical detox services, peer support services and counseling, community navigators, case management, transportation, and connections to community-based services.

2. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.

3. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, or training for housing providers.

4. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.

5. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.

6. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.

7. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.

8. Identifying successful recovery programs such as physician, pilot, and college recovery programs, and providing support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.

9. Engaging non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to manage the opioid user in the family.

10. Training and development of procedures for government staff to appropriately interact and provide social and other services to current and recovering opioid users, including reducing stigma.

11. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.

12. Create or support culturally-appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.

13. Create and/or support recovery high schools.

C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED (CONNECTIONS TO CARE)

Provide connections to care for people who have – or at risk of developing – OUD and any cooccurring SUD/MH conditions through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.

2. Fund Screening, Brief Intervention and Referral to Treatment (SBIRT) programs to reduce the transition from use to disorders.

3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is most common.

4. Purchase automated versions of SBIRT and support ongoing costs of the technology.

5. Training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.

6. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into community treatment or recovery services through a bridge clinic or similar approach.

7. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.

8. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.

9. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery

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housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.

10. Provide funding for peer navigators, recovery coaches, care coordinators, or care managers that offer assistance to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced on opioid overdose.

11. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and supporting prevention, intervention, treatment, and recovery programs focused on young people.

12. Develop and support best practices on addressing OUD in the workplace.

13. Support assistance programs for health care providers with OUD.

14. Engage non-profits and faith community as a system to support outreach for treatment.

15. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

16. Create or support intake and call centers to facilitate education and access to treatment, prevention, and recovery services for persons with OUD and any co-occurring SUD/MH conditions.

17. Develop or support a National Treatment Availability Clearinghouse – a multistate/nationally accessible database whereby health care providers can list locations for currently available in-patient and out-patient OUD treatment services that are accessible on a real-time basis by persons who seek treatment.

D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved – or are at risk of becoming involved – in the criminal justice system through evidence-based, evidence-informed or promising programs or strategies that may include, but are not limited to, the following:

1. Support pre-arrest and pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:

   a. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (PAARI);

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b. Active outreach strategies such as the Drug Abuse Response Team (DART) model;

c. "Naloxone Plus" strategies, which work to ensure that individuals who have received Naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;

d. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (LEAD) model; or

e. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or

f. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise and to reduce perceived barriers associated with law enforcement 911 responses.

2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.

3. Support treatment and recovery courts for persons with OUD and any co-occurring SUD/MH conditions, but only if they provide referrals to evidence-informed treatment, including MAT.

4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.

5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison, who have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.

6. Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.

7. Provide training on best practices for addressing the needs of criminal-justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or

Attachment: ExN.OpioidSettlementBJK-11152021092542 (RES-2021-1042 : New York Opioid Settlement Sharing Agreement (Exhibit "N") (CRS

other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome, through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Support evidence-based, evidence-informed, or promising treatment, including MAT, recovery services and supports, and prevention services for pregnant women – or women who could become pregnant – who have OUD and any co-occurring SUD/MH conditions, and other measures educate and provide support to families affected by Neonatal Abstinence Syndrome.

2. Training for obstetricians and other healthcare personnel that work with pregnant women and their families regarding OUD treatment and any co-occurring SUD/MH conditions.

3. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.

4. Child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.

5. Enhanced family supports and child care services for parents with OUD and any cooccurring SUD/MH conditions.

6. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.

7. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including but not limited to parent skills training.

8. Support for Children's Services – Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

Attachment: ExN.OpioidSettlementBJK-11152021092542 (RES-2021-1042 : New York Opioid Settlement Sharing Agreement (Exhibit "N") (CRS

II. PREVENTION

A. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.

2. Academic counter-detailing to educate prescribers on appropriate opioids prescribing.

3. Continuing Medical Education (CME) on appropriate prescribing of opioids.

4. Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.

5. Support enhancements or improvements to Prescription Drug Monitoring Programs (PDMPs), including but not limited to improvements that:

    a. Increase the number of prescribers using PDMPs;

    b. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or

    c. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD.

6. Development and implementation of a national PDMP – Fund development of a multistate/national PDMP that permits information sharing while providing appropriate safeguards on sharing of private health information, including but not limited to:

    a. Integration of PDMP data with electronic health records, overdose episodes, and decision support tools for health care providers relating to OUD.

    b. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of

Attachment: ExN.OpioidSettlementBJK-11152021092542 (RES-2021-1042 : New York Opioid Settlement Sharing Agreement (Exhibit "N") (CRS

Transportation's Emergency Medical Technician overdose database.

7. Increase electronic prescribing to prevent diversion or forgery.

8. Educating Dispensers on appropriate opioid dispensing.

B. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Corrective advertising or affirmative public education campaigns based on evidence.

2. Public education relating to drug disposal.

3. Drug take-back disposal or destruction programs.

4. Fund community anti-drug coalitions that engage in drug prevention efforts.

5. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction – including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).

6. Engaging non-profits and faith community as a system to support prevention.

7. Support evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.

8. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.

9. Support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.

Attachment: ExN.OpioidSettlementBJK-11152021092542 (RES-2021-1042 : New York Opioid Settlement Sharing Agreement (Exhibit "N") (CRS

10. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.

11. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or other drug misuse.

C. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Increasing availability and distribution of naloxone and other drugs that treat overdoses to first responders, overdose patients, opioid users, families and friends of opioid users, schools, community navigators and outreach workers, drug offenders upon release from jail/prison, and other members of the general public.

2. Public health entities provide free naloxone to anyone in the community, including but not limited to provision of intra-nasal naloxone in settings where other options are not available or allowed.

3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, and other members of the general public.

4. Enable school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.

5. Expand, improve, or develop data tracking software and applications for overdoses/naloxone revivals.

6. Public education relating to emergency responses to overdoses.

7. Public education relating to immunity and Good Samaritan laws.

8. Educate first responders regarding the existence and operation of immunity and Good Samaritan laws.

9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.

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10. Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.

11. Support mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.

12. Provide training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.

13. Support screening for fentanyl in routine clinical toxicology testing.

III. OTHER STRATEGIES

A. FIRST RESPONDERS

In addition to items C8, D1 through D7, H1, H3, and H8, support the following:

1. Law enforcement expenditures related to the opioid epidemic

2. Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.

3. Provisions of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

B. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, and coordination to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Community regional planning to identify goals for reducing harms related to the opioid epidemic, to identify areas and populations with the greatest needs for treatment intervention services, or to support other strategies to abate the opioid epidemic described in this opioid abatement strategy list including, but not limited to costs associated with local opioid task forces, community buprenorphine waiver trainings, and coordination and operation of community-based treatment prevention programing.

2. A government dashboard to track key opioid-related indicators and supports as identified through collaborative community processes.

3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of

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preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

4. Provide resources to staff government oversight and management of opioid abatement programs.

C. TRAINING

In addition to the training referred to in items above A7, A8, A9, A12, A13, A14, A15, B7, B10, C3, C5, E2, E4, F1, F3, F8, G5, H3, H12, and I2, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Provide funding for staff training or network programs and services regarding the capability of government, community, and not-for-profit entities to abate the opioid crisis.

2. Support infrastructure and staffing for collaborative cross-systems coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

D. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, and evaluation of programs and strategies described in this opioid abatement strategy list.

2. Research non-opioid treatment of chronic pain.

3. Research improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.

4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.

5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.

6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g. Hawaii HOPE and Dakota 24/7).

Attachment: ExN.OpioidSettlementBJK-11152021092542 (RES-2021-1042 : New York Opioid Settlement Sharing Agreement (Exhibit "N") (CRS

7. Research on expanded modalities such as prescription methadone that can expand access to MAT.

8. Epidemiological surveillance of OUD-related behaviors in critical populations including individuals entering the criminal justice system, including but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (ADAM) system.

9. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.

10. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.

E. POST-MORTEM

1. Toxicology tests for the range of synthetic opioids presently seen in overdose deaths as well as newly evolving synthetic opioids infiltrating the drug supply.

2. Toxicology method development and method validation for the range of synthetic opioids observed now and in the future, including the cost of installation, maintenance, repairs and training of capital equipment.

3. Autopsies in cases of overdose deaths resulting from opioids and synthetic opioids.

4. Additional storage space/facilities for bodies directly related to opioid or synthetic opioid related deaths.

5. Comprehensive death investigations for individuals where a death is caused by or suspected to have been caused by an opioid or synthetic opioid overdose, whether intentional or accidental.

6. Indigent burial for unclaimed remains resulting from overdose deaths.

7. Navigation-to-care services for individuals with opioid use disorder who are encountered by the medical examiner's office as either family and/or social network members of decedents dying of opioid overdose.

8. Epidemiologic data management and reporting to public health and public safety stakeholders regarding opioid overdose fatalities.

Attachment: ExN.OpioidSettlementBJK-11152021092542 (RES-2021-1042 : New York Opioid Settlement Sharing Agreement (Exhibit "N") (CRS

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Attorney
Initiated by: **Stanley J. Sliwa**
Co-Sponsored by:

DOC ID: 25040 **RESOLUTION 2021-1043** **ADOPTED**

UBF Faculty-Student Housing Corporation (Amherst Development Corporation)

AGENDA ITEM : NOVEMBER 22nd, 2021

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **November 17, 2021**

RE: **UBF Faculty-Student Housing Corporation**
Town of Amherst Development Corporation

Kindly adopt a resolution adopting the issuance of tax exempt bonds by the Town of Amherst Development Corporation to finance the UBF Faculty-Student Housing Corporation as per the attached letter from bond counsel for the Town of Amherst Development Corporation and accompanying tax-exempt bond resolution.

This is not a debt of the Town nor will the Town have any other obligation on said bonds.

Authorization of this matter is pending final review by the Town Attorney's Office.

Thank you.

SJS:nmb
Attachments
c: Kathy Cooper, Deputy Town Clerk
(*w/attachments,* **Agenda Item : November 22, 2021**)
Terrence M. Gilbride, Esq. (*w/o attachments, via E-Mail)*

11/22/2021
Consent

FINANCIAL IMPACT:

None related to the Town of Amherst.

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

RECEIVED
NOV 01 2021
TOWN ATTORNEY

Terrence M. Gilbride
Partner
Direct Dial: 716.848.1236
Direct Facsimile: 716.819.4625
tgilbrid@hodgsonruss.com

Hodgson Russ ATTORNEYS

October 29, 2021

Via Federal Express

Stanley J. Sliwa, Esq.
Town of Amherst Attorney
5583 Main Street
Williamsville, New York 14221

Dear Mr Sliwa:

Re: Current UB Housing Projects being refinanced through the Town of Amherst Development Corporation

Our firm is Bond Counsel to the Town of Amherst Development Corporation ("ADC"), the local development corporation affiliated with the Town of Amherst Industrial Development Agency. In 2012, the ADC issued tax-exempt bonds in the amount of approximately $32,465,000, the proceeds of which were used (a) to refinance outstanding bonds issued in 2002 by the Town of Amherst Industrial Development Agency for the 116 unit Creekside Village apartment-style student housing project located on the campus of the University of Buffalo and (b) to refinance outstanding bonds issued in 2000 by the Town of Amherst Industrial Development Agency for the 236 unit Flint Village apartment-style student housing project located on the campus of the University at Buffalo. The owner of both projects, UBF Faculty-Student Housing Corp., a tax-exempt nonprofit corporation affiliated with the University at Buffalo Foundation, has applied to the ADC to refinance the 2012 bonds to take advantage of favorable interest rates.

This matter will be subject to a public hearing to be held by the ADC on November 5, 2021. On November 19, 2021, the Town of Amherst Development Corporation will consider resolutions approving the refinancing transaction. Under Section 147 of the Internal Revenue Code, because this will be a tax-exempt bond, the Town Board of the Town of Amherst must also approve the transaction. Toward this end, I am enclosing with this letter a draft resolution which we have prepared for this purpose.

I note that the Town Board has a meeting scheduled for November 22 at which, if at all possible, the Town of Amherst Development Corporation and the UBF Faculty-Student Housing Corp. would like these resolutions adopted.

Attachment: GilbrideLtr.ADCReso-11082021105223 (RES-2021-1043 : UBF Faculty-Student Housing Corporation (Amherst Development

Hodgson Russ ATTORNEYS

To the extent that you have any questions about the refinancing or these resolutions, please let me know. Thank you in advance for your cooperation.

Very truly yours,

Terrence M. Gilbride

TMG:jsp
Enclosure

cc: Mr. David Mingoia
Ms. Anastasia Knapper
Christopher C. Canada, Esq.

Attachment: GilbrideLtr.ADCReso-11082021105223 (RES-2021-1043 : UBF Faculty-Student Housing Corporation (Amherst Development

Board member _____ offered the following resolution, and moved its adoption:

RESOLUTION NO. _____

RESOLUTION APPROVING THE ISSUANCE OF CERTAIN OBLIGATIONS BY THE TOWN OF AMHERST DEVELOPMENT CORPORATION TO FINANCE A CERTAIN PROJECT FOR UBF FACULTY-STUDENT HOUSING CORP.

WHEREAS, the Town of Amherst Development Corporation (the "Issuer") is a New York not-for-profit corporation, created pursuant to Section 1411 of the Not-For-Profit Corporation Law of the State of New York, as amended (the "Enabling Act"). Pursuant to the provisions of the Enabling Act and Revenue Ruling 57-187 and Private Letter Ruling 200936012, the Town Board of the Town of Amherst, New York (the "Town") adopted a resolution on October 5, 2009 (the "Sponsor Resolution") (1) authorizing the reincorporation of the Issuer under the Enabling Act and (2) appointing the initial members of the board of directors of the Issuer; and

WHEREAS, on February 3, 2010, a certificate of reincorporation was filed with the New York Secretary of State's Office (the "Certificate of Reincorporation"); and

WHEREAS, the Issuer is authorized and empowered by the provisions of Section 1411 of the New York State Not-For-Profit Corporation Law (the "NFPCL" or "Act") to take steps to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities, instruct or train individuals to improve or develop their capabilities for such jobs, carry on scientific research for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area, lessening the burdens of government and acting in the public interest; and

WHEREAS, to accomplish its stated purposes, the Issuer is authorized and empowered under the NFPCL and its Certificate of Reincorporation to issue its revenue bonds to finance the cost of the acquisition, construction, reconstruction and installation of one or more "projects" (as described in the NFPCL and the Certificate of Reincorporation), to acquire, construct, reconstruct and install said projects or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, on October 4, 2021, UBF Faculty-Student Housing Corp. (the "Institution") submitted an application (the "Application") to the Issuer, a copy of which Application is on file at the office of the Issuer, which Application requested that the Issuer consider undertaking a project (the "Project") for the benefit of the Institution, said Project consisting of the following: (A) the refinancing, in whole or in part, of the Issuer's Tax-Exempt Multi-Mode Revenue Bonds (Flint Village/Creekside Village Project), Series 2012A issued on June 15, 2012 in the original aggregate principal amount of $32,465,000 (the "Prior Bonds"), which Prior Bonds financed the following project: (1) the refinancing and/or refunding of the Town of Amherst Industrial Development Agency Civic Facility Revenue Bonds (UBF Faculty-Student Housing Corp. – Creekside Village Project), Series 2002A issued on January 23, 2002 in the aggregate principal amount of $14,475,000 (the "Series 2002A Bonds"), which Series 2002A Bonds were issued to finance a project consisting of the following: (a) the acquisition by the Town of Amherst Industrial Development Agency (the "Prior Issuer") of a sub-leasehold interest in an approximately 12.3 acre parcel of land (the "Ground Lease Land") in the Town on the North Campus (the "Campus") of the State University of New York at Buffalo (the "University"), (b) the construction of an apartment-style student housing complex, containing approximately 116 apartments and a community

Attachment: ADCReso-11082021105236 (RES-2021-1043 : UBF Faculty-Student Housing Corporation (Amherst Development Corporation))

Attachment: ADCReso-11082021105236 (RES-2021-1043 : UBF Faculty-Student Housing Corporation (Amherst Development Corporation))

building, on the Ground Lease Land (collectively, the "Creekside Village Facility") and (c) the acquisition and installation therein and thereon of certain machinery and equipment (the "Creekside Village Equipment"), all of the foregoing to constitute an approximately 232 bedroom apartment-style student housing complex (the Ground Lease Land, the Creekside Village Facility and the Creekside Village Equipment being collectively referred to as the "Creekside Village Project Facility"); (2) the refinancing and/or refunding of the Prior Issuer's Civic Facility Revenue Bonds (UBF Faculty-Student Housing Corp. – Flint Village East Project), Series 2000A issued on December 22, 2000 in the aggregate principal amount of $14,570,000 (the "Series 2000A Bonds"), which Series 2000A Bonds were issued to finance a project consisting of the following: (a) the acquisition by the Prior Issuer of a sub-leasehold interest in an approximately 7 acre parcel of land on the Campus (the "Flint Village East Land"), (b) the construction of four (4) two and three story apartment-style dormitory buildings and one community building (the "Flint Village East Facility") and (c) the acquisition and installation therein and thereon of certain machinery and equipment (the "Flint Village East Equipment"), all of the foregoing to constitute an approximately 100 unit apartment-style dormitory (the Flint Village East Land, the Flint Village East Facility and the Flint Village East Equipment being collectively referred to as the "Flint Village East Project Facility"); (3) the refinancing and/or refunding of the Prior Issuer's Civic Facility Revenue Bonds (UBF Faculty-Student Housing Corp. – Flint Village West Project), Series 2000B issued on December 22, 2000 in the aggregate principal amount of $12,415,000 (the "Series 2000B Bonds"), which Series 2000B Bonds were issued to finance a project consisting of the following: (a) the acquisition by the Prior Issuer of a sub-leasehold interest in an approximately 12.3 acre parcel of land on the Campus (the "Flint Village West Land"), (b) the construction of five (5) two and three story apartment-style dormitory buildings (the "Flint Village West Facility") and (c) the acquisition and installation therein and thereon of certain machinery and equipment (the "Flint Village West Equipment"), all of the foregoing to constitute an approximately 136 unit apartment-style dormitory (the Flint Village West Land, the Flint Village West Facility and the Flint Village West Equipment being collectively referred to as the "Flint Village West Project Facility") (the Flint Village West Project Facility, the Flint Village East Project Facility and the Creekside Village Project Facility being collectively referred to hereinafter as the "Project Facility"); (B) the financing of all or a portion of the costs of the foregoing by the issuance of revenue bonds of the Issuer in one or more issues or series in an aggregate principal amount sufficient to pay the cost of undertaking the Project, together with necessary incidental costs in connection therewith, presently estimated to not exceed $30,000,000 (the "Obligations"); (C) paying a portion of the costs incidental to the issuance of the Obligations, including issuance costs of the Obligations and any reserve funds as may be necessary to secure the Obligations; and (D) the making of a loan (the "Loan") of the proceeds of the Obligations to the Institution or such other person as may be designated by the Institution and agreed upon by the Issuer; and

WHEREAS, the Institution has requested that interest on a portion of the Obligations be treated by the federal government as excludable from gross income for federal income tax purposes (hereinafter referred to as the "Tax Exempt Obligations") pursuant to Section 103 and Section 145(a) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Town Board of the Town of Amherst, New York (the "Town Board") has been advised by the Issuer that the Issuer proposes to issue, subsequent to the adoption of this resolution, the Tax-Exempt Obligations from time to time in a principal amount sufficient to fund all or a portion of the costs of the Project; and

WHEREAS, interest on the Tax-Exempt Obligations will not be excludable from gross income for federal income tax purposes unless, among other things, pursuant to Section 147(f) of the Code, the issuance of the Tax-Exempt Obligations is approved by the "applicable elected representative" of the

Town after the Issuer has held a public hearing (the "Public Hearing") on the nature and location of the Project Facility and the issuance of the Tax-Exempt Obligations; and

WHEREAS, the Chief Executive Officer of the Issuer (A) caused notice of the public hearing of the Issuer (the "Public Hearing") pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and, as provided in the Certificate of Reincorporation, pursuant to the applicable provisions of Section 859-a and Section 859-b of the General Municipal Law of the State of New York (the "GML"), to hear all persons interested in the Project and the financial assistance being contemplated by the Issuer with respect to the Project, to be published on October 20, 2021 in the Amherst Bee, a newspaper of general circulation available to the residents of the Town of Amherst, Erie County, New York, (B) caused notice of the Public Hearing to be posted on October 18, 2021 on a public bulletin board located at Town of Amherst Clerk's Office in the Town of Amherst, Erie County, New York and on the Issuer's website on October 20, 2021, (C) caused notice of the Public Hearing to be mailed on October 15, 2021 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is (or will be) located, (D) conducted the Public Hearing on November 5, 2021 at 8:30 o'clock a.m., local time via Zoom and (E) prepared a report of the Public Hearing (the "Public Hearing Report") which fairly summarized the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the board of directors of the Issuer and to the Town Board; and

WHEREAS, pursuant to Section 147(f) of the Code, the Town Board desires to allow the interest on the Tax-Exempt Obligations to be treated as excludable from gross income for federal income tax purposes; and

WHEREAS, pursuant to the Issuer's Certificate of Reincorporation, neither the Tax-Exempt Obligations nor any other obligation of the Issuer shall be a debt of the Town, nor shall the Town be liable thereon;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF AMHERST, NEW YORK AS FOLLOWS:

Section 1. For the sole purpose of qualifying the interest payable on the Tax-Exempt Obligations for exclusion from gross income for federal income tax purposes pursuant to the provisions of Section 103, 145(a) and 147(f) of the Code, the Town Board, as the elected legislative body of the Town, hereby approves the issuance by the Issuer of the Tax-Exempt Obligations, provided that the Tax-Exempt Obligations, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York, the Town or any political subdivision thereof (other than the Issuer), and neither the State of New York, the Town nor any political subdivision thereof (other than the Issuer) shall be liable thereon.

Section 2. This resolution shall take effect immediately.

The resolution was duly seconded by board member _____ and the resolution was duly adopted by a vote on roll call.

[Remainder of page left blank intentionally]

Attachment: ADCReso-11082021105236 (RES-2021-1043 : UBF Faculty-Student Housing Corporation (Amherst Development Corporation))

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

I, the undersigned (Deputy) Clerk of the Town Board of the Town of Amherst, New York (the "Town Board"), DO HEREBY CERTIFY that the preceding Resolution was duly adopted by the Town Board at a regular meeting of the Town Board duly called and held on November 22, 2021; that said Resolution was entered in the minutes of said meeting; and that I have compared the foregoing copy with the original thereof now on file in my office and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I FURTHER CERTIFY that (A) all members of the Town Board had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), except as modified by Chapter 417 of the Laws of 2021 as signed into law on September 2, 2021 (the "Chapter 417"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Town Board present, either in-person or by conference call or similar service in accordance with Chapter 417 throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of Town of Amherst, New York this ___ day of November, 2021.

_____
(Deputy) Clerk
Town Board of the
Town of Amherst, New York

(SEAL)

Attachment: ADCReso-11082021105236 (RES-2021-1043 : UBF Faculty-Student Housing Corporation (Amherst Development Corporation))

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A Alba**
Co-Sponsored by:

DOC ID: 25054 **RESOLUTION 2021-1044** **ADOPTED**

Settlement of Article 7 Matter - Public Storage (2750 Millersport Highway)

AGENDA ITEM : NOVEMBER 22nd, 2021

TO: **Town Board**

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

DATE: **November 16, 2021**

RE: **Settlement of Article 7 Matter**
Public Storage v. Town of Amherst, et al.
(2750 Millersport Highway)

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.

SJS:nmb
Attachment
c: Kathy Cooper, Deputy Town Clerk
(*w/attachment,* **Agenda Item : November 22nd, 2021**)
Emily Murphy, Town Assessor (*w/attachment)*

11/22/2021
Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County, held at 25 Delaware Avenue, in Buffalo, New York, on the _____ day of _____, 2021.

PRESENT: HON. EMILIO COLAIACOVO, J.S.C.
Presiding

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

PUBLIC STORAGE

Petitioner,

v.

CONSENT ORDER

TOWN OF AMHERST

Index No.: 807295/2020
809580/2021

Respondent,

and

WILLIAMSVILLE CENTRAL SCHOOL DISTRICT

Intervenor.

FOR REVIEW OF THE 2020-2021 & 2021-2022 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST, NEW YORK

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as 2750 Millersport Highway in Amherst, New York, S.B.L. #41.02-3-15.11 for the tax years 2020-2021 and 2021-2022 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 and the Attorney for Petitioner, and it further appearing that the assessment of premises in the

Attachment: public storage ScannedDocument (RES-2021-1044 : Settlement of Article 7 Matter - Pubic Storage (2750 Millersport Highway))

Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the County of Erie, the Town of Amherst and the Williamsville Central School District, it is hereby

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year and 2020-2021 for the premises at 2750 Millersport Highway 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 2021-2022, 2022-2023, 2023-2024 and 2024-2025 for the premises at 2750 Millersport Highway be set at $3,100,000 assessed value, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law shall apply to the aforementioned tax years, and it is further

ORDERED, STIPULATED, AND ADJUDGED that said Petitioner in any instrument or agreement transferring any part or all of the subject property or any interest therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and/or assigns that they shall be bound by the terms of this Consent Order and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms thereof, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event that the assessment is increased for any stated year at a level higher than provided herein when there has been no assessable addition or improvement to the property, Petitioner retains the right to reinstate and reinstitute its Article 7 proceedings herein settled with respect to that parcel only, and Respondents waive any objection based upon statute of limitations grounds, and it is further

Attachment: public storage ScannedDocument (RES-2021-1044 : Settlement of Article 7 Matter - Pubic Storage (2750 Millersport Highway))

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville Central School District, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund overpayment without statutory interest within 45 days by official check payable to the order of Wolfgang & Weinmann, as attorneys and agents for Petitioner, accompanied by a calculation sheet, such attorneys to hold the proceeds as trust funds for appropriate distribution, and are to remain subject to the further jurisdiction of this Court relative to their attorney's lien pursuant to Judiciary Law Section 475, or in the event that any such tax payment has not been paid, issue corrected tax bills which reflect the proper reduced assessment for the property, with a copy of corrected tax bills sent to the attorneys for Petitioner, said corrected tax bills to be paid without interest or penalty if paid within 45 days of receipt of said corrected bills, and it is further

ORDERED, STIPULATED, AND ADJUDGED that this Court shall retain jurisdiction over this proceeding pending the expiration of the periods herein recited, and that all applications to enforce any or all of the terms of this Consent Order shall be brought by motion before this Court, and it is further

ORDERED, STIPULATED, AND ADJUDGED that Petitioner shall have the right to seek specific enforcement of this Order, Stipulation and Judgment by all means provided by law, and it is further

ORDERED, STIPULATED, AND ADJUDGED that this Order, Stipulation and Judgment hereby constitutes and represents the entire understanding and agreement amongst the parties, and the full settlement of the tax certiorari herein; there are no costs or disbursements

Attachment: public storage ScannedDocument (RES-2021-1044 : Settlement of Article 7 Matter - Pubic Storage (2750 Millersport Highway))

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 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
PUBLIC STORAGE

By: _____
MARCUS R. CATLIN, ESQ.

Date: _____

FOR RESPONDENT
TOWN OF AMHERST

By: _____
SAMUEL A. ALBA, ESQ
Attorney for Respondent

Date: _____

FOR PETITIONER
PUBLIC STORAGE

By: _____
JAMES WEBER
As Agent

Date: _____

FOR INTERVENOR WILLIAMSVILLE
CENTRAL SCHOOL DISTRICT

By: _____
MICHAEL B. RISMAN, ESQ.
Intervenor

Date: 11/16/2022

Attachment: public storage ScannedDocument (RES-2021-1044 : Settlement of Article 7 Matter - Pubic Storage (2750 Millersport Highway))

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A Alba**
Co-Sponsored by:

DOC ID: 25055 **RESOLUTION 2021-1045** **ADOPTED**

Settlement of Article 7 - Public Storage Prop VI V. Town of Amherst, Et Al.

AGENDA ITEM : NOVEMBER 22nd, 2021

TO: **Town Board**

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

DATE: **November 17, 2021**

RE: **Settlement of Article 7 Matter**
Public Storage Prop VI v. Town of Amherst, et al.
(3671 Sheridan Drive)

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.

SJS:nmb
Attachment
c: Kathy Cooper, Deputy Town Clerk
(*w/attachment,* **Agenda Item : November 22nd, 2021**)
Emily Murphy, Town Assessor (*w/attachment)*

11/22/2021
Consent

FINANCIAL IMPACT:

Assessment

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

Attachment: AMH 20018 - Consent order - Amherst - Public Storage Prop VI (RES-2021-1045 : Settlement of Article 7 - Public Storage Prop VI V.

At a Special Term of the Supreme Court, Erie County, held at 25 Delaware Avenue, in Buffalo, New York, on the _____ day of _____, 2021.

PRESENT: HON. EMILIO COLAIACOVO, .J.S.C.
Presiding

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

PUBLIC STORAGE PROP VI

Petitioner,

v.

CONSENT ORDER

TOWN OF AMHERST

Index No.: 806971/2020
809579/2021

Respondent,

and

AMHERST CENTRAL SCHOOL DISTRICT

Intervenor.

FOR REVIEW OF THE 2020-2021 & 2021-2022 TAX ASSESSMENT OF CERTAIN REAL PROPERTY IN THE SAID TOWN OF AMHERST, NEW YORK

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the Town of Amherst, New York, known as 3671 Sheridan Drive in Amherst, New York, S.B.L. #67.12-4-12.11 for the tax years 2020-2021 and 2021-2022 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 and the Attorney for Petitioner, and it further appearing that the assessment of premises in the

Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the County of Erie, the Town of Amherst and the Amherst Central School District, it is hereby

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year and 2020-2021 for the premises at 3671 Sheridan Drive 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 2021-2022, 2022-2023, 2023-2024 and 2024-2025 for the premises at 3671 Sheridan Drive be set at $1,950,000 assessed value (AV prior to reduction is $2,010,000), and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law shall apply to the aforementioned tax years, 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

Attachment: AMH 20018 - Consent order - Amherst - Public Storage Prop VI (RES-2021-1045 : Settlement of Article 7 - Public Storage Prop VI V.

Respondents waive any objection based upon statute of limitations grounds, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Amherst Central School District, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Wolfgang & Weinmann, as attorneys and agents for Petitioner, accompanied by a calculation sheet, such attorneys to hold the proceeds as trust funds for appropriate distribution, and are to remain subject to the further jurisdiction of this Court relative to their attorney's lien pursuant to Judiciary Law Section 475, or in the event that any such tax payment has not been paid, issue corrected tax bills which reflect the proper reduced assessment for the property, with a copy of corrected tax bills sent to the attorneys for Petitioner, said corrected tax bills to be paid without interest or penalty if paid within 45 days of receipt of said corrected bills, with the exception that Petitioner waive any refund due from the Amherst Central School District, 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

Attachment: AMH 20018 - Consent order - Amherst - Public Storage Prop VI (RES-2021-1045 : Settlement of Article 7 - Public Storage Prop VI V.

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. EMILIO 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
PUBLIC STORAGE PROP VI

By: _____
MARCUS R. CATLIN, ESQ.

Date: _____

FOR RESPONDENT
TOWN OF AMHERST

By: _____
SAMUEL A. ALBA, ESQ
Attorney for Respondent

Date: _____

FOR PETITIONER
PUBLIC STORAGE PROP VI

By: _____
JAMES WEBER
As Agent

FOR INTERVENOR AMHERST
CENTRAL SCHOOL DISTRICT

By: _____
HENRY A. ZOMERFELD, ESQ.
Intervenor

Attachment: AMH 20018 - Consent order - Amherst - Public Storage Prop VI (RES-2021-1045 : Settlement of Article 7 - Public Storage Prop VI V.

Date: _____ Date: _____

Attachment: AMH 20018 - Consent order - Amherst - Public Storage Prop VI (RES-2021-1045 : Settlement of Article 7 - Public Storage Prop VI V.

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A Alba**
Co-Sponsored by:

DOC ID: 25064 **RESOLUTION 2021-1046** **ADOPTED**

Settlement of Article 7 Matter - Premier Place Improvements, LLC V. Town of Amherst, Et Al

AGENDA ITEM : NOVEMBER 22nd, 2021

TO: **Town Board**

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

DATE: **November 17, 2021**

RE: **Settlement of Article 7 Matter**
Premier Place Improvements, LLC v. Town of Amherst, et al.

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.

SJS:nmb
Attachment
c: Kathy Cooper, Deputy Town Clerk
(*w/attachment,* **Agenda Item : November 22nd, 2021**)
Emily Murphy, Town Assessor (*w/attachment)*

11/22/2021
Consent

FINANCIAL IMPACT:

Assessment

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

At a Motion Term of the Supreme Court held in and for the County of Erie, Buffalo, New York, on the ___ day of _____, 2021

PRESENT: HON. EMILIO COLAIACOVO, J.S.C.
Justice Presiding

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

PREMIER PLACE IMPROVEMENTS, LLC,

Petitioners,

vs.

ASSESSOR FOR THE TOWN OF AMHERST, NY, BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF AMHERST, NY and THE TOWN OF AMHERST, NY,

Respondents and the

WILLIAMSVILLE CENTRAL SCHOOL DISTRICT and COUNTY OF ERIE,

Intervenor-Respondents.

CONSENT ORDER

Index Nos.
809096/2021
807291/2020

The Petitioner above-named, having duly and timely commenced these proceedings under Article 7 of the Real Property Tax Law to review the assessed value of real property located at 7864-8020 Transit Road in the Town of Amherst, New York (SBL No. 70.05-1-3.1) for the taxable status dates for the assessment years 2020 and 2021, and the parties having proposed that the proceedings be settled upon the terms and conditions set forth herein; and now, upon the consent of the parties, it is hereby Stipulated, Agreed and:

ORDERED, that the assessed value of the subject property shall remain unchanged for the assessment year **2020**, and it is further

ORDERED, that the value of the subject property be reduced from $11,136,400 to **$7,250,000 in full value and a $6,380,000 assessed value** for the assessment year **2021**, and it is further

Attachment: premier order ScannedDocument (RES-2021-1046 : Settlement of Article 7 Matter - Premier Place Improvements, LLC V. Town of

ORDERED, that upon the granting of the Order herein, the Assessor for the Town of Amherst shall change the final 2021 assessment roll of the Town of Amherst to reflect the subject property's reduction in assessment So Ordered herein, and the tax rolls of each such jurisdiction must be corrected immediately and without further action of any party or their attorney, and it is further

ORDERED, that the Town of Amherst, Williamsville Central School District and the County of Erie (including but not limited to any and all special or other districts including fire, library, sewer, etc.), shall refund the overpayment of any 2021 cycle taxes without interest within thirty (30) days of demand for such refund made via mail upon the taxing entities by the attorneys for the Petitioner. Alternatively, the Town and County may correct the 2021-cycle (2022 fiscal year) Town and County tax bills for this property so that the amount paid on such bills reflects the stipulated and reduced assessment set forth above. If such 2021-cycle (2022 fiscal year) tax bills are reduced as set forth herein, the Town and County shall not pay any refunds. Any and all refunds shall be made payable to **"PREMIER PLACE IMPROVEMENTS, LLC"**, and mailed to Attorney for the Petitioner Rebecca Speno, Esq., at Speno Macleod, PLLC, PO Box 152, Baldwinsville, New York 13027 (service upon the County, Town and School shall be sufficient so secure any ad valorem special district tax refunds), and it is further

ORDERED, that the officer or officers having the custody of the assessment roll upon which the above-mentioned and taxes levied thereon are entered, should correct the said entries in conformity with this Order, and it is further

ORDERED, that § 727 of the Real Property Tax Law shall apply for the assessment years 2022, 2023 and 2024, and it is further

ORDERED, that this document shall not be construed as a waiver of Petitioner's right to raise any constitutional claims associated with this action or the parcel at issue, and it is further

ORDERED, that this shall be considered the Parties' entire understanding and agreement between and among them. There shall be no modification of this agreement except by a subsequent writing signed by the authorized representatives of the Parties herein, and "So Ordered" by the Court, and it is further

ORDERED, that the Parties authorize their attorneys to execute this document and to seek the Court's approval and entry of the same, and each signatory below affirms that they have the proper authority to so execute this agreement, and it is further

ORDERED, that if any provision of this document shall be determined to be invalid, illegal, null or void, or unenforceable to any extent, the reminder of this agreement shall remain in effect to the fullest extent of the law, and it is further

ORDERED, that this Court shall retain jurisdiction over this matter for the purposes of enforcing the terms of this agreement.

Attachment: premier order ScannedDocument (RES-2021-1046 : Settlement of Article 7 Matter - Premier Place Improvements, LLC V. Town of

ORDERED, that this action shall be discontinued without prejudice upon entry of this agreement. Petitioner shall have the right to seek specific enforcement of the terms of this agreement and to otherwise enforce it by whatever means provided by law, and it is further

ORDERED, that the Consent to this Order below may be signed in counterpart and by electronic or facsimile signature.

DATED: _____, 2021
Buffalo, New York

_____
HON. EMILIO COLAIACOVO, J.S.C. PRESIDING

THE PARTIES CONSENT TO THIS ORDER:

Dated: _____ 2021

SPENO MACLEOD, PLLC

By: _____
Rebecca Speno, Esq.

Attorneys for Petitioner
PO Box 152
Baldwinsville, New York 13027

Dated: _____ 2021

TOWN OF AMHERST

By: _____
Samuel Alba, Esq.

Senior Deputy Town Attorney
Town of Amherst - 5583 Main Street
Williamsville, New York 14221

Dated: _____ 2021

THE COUNTY OF ERIE

By: _____
Mary Smith, Esq.

Attorneys for the County
Erie County Dept. of Law
95 Franklin St. Room 1634
Buffalo, New York 14202

Dated: 11/17 2021

HODGSON RUSS, LLP

By: _____
Michael Risman, Esq.

Attorney for the School District
140 Pearl St, Suite 100
Buffalo, New York 14202

Attachment: premier order ScannedDocument (RES-2021-1046 : Settlement of Article 7 Matter - Premier Place Improvements, LLC V. Town of

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Clerk
Initiated by: **Francina J. Spoth**
Co-Sponsored by:

DOC ID: 25057 **RESOLUTION 2021-1047** **ADOPTED**

Authorization for Pre- Payment to DXO Communications of Buffalo, Inc.

We are requesting approval for and directive to the Comptroller for pre-payment to DXO Communications of Buffalo, Inc. for the mailing of the 2022 Town and County Tax Bills ($12,447.00) and for the 2022 Town and County Tax Receipts ($9,681.00).

11/22/2021
Consent

FINANCIAL IMPACT:

$12,447.00 Postage for the mailing of the 2022 Town and County Tax Bills from A 1410 4020.

$9,681.00 Posatage for the mailing of the 2022 Town and County Tax Receipts from A 1410 4020.

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

Invoice # B37337pstg

Invoice Date: 17-Nov-21

Customer: Town of Amherst
Town Clerks Office
5583 Main St
Amherst NY 14221

Postage

Quantity	Services	Rate Per Pc	Amount
27,000	**Postage Invoice** First-Class Postage for 2022 Town Tax Bills	$ 0.461	**$ 12,447.00**
	Checks made payable to: DXO Communications of Buffalo ***Send remittance to:*** DXO Communications of Buffalo 4444 Broadway Ste 2 Depew NY 14043		
		Balance Due	**$ 12,447.00**

Attachment: TC 2022 tax bill postage (RES-2021-1047 : Authorization for Pre-Payment to DXO Communications of Buffalo, Inc.)

Invoice # B37338pstg

Invoice Date: 17-Nov-21

Customer: Town of Amherst
Town Clerks Office
5583 Main St
Amherst NY 14221

Postage

Quantity	Services	Rate Per Pc	Amount
21,000	**Postage Invoice** First-Class Postage for 2022 Town Tax Receipts ***Checks made payable to:*** DXO Communications of Buffalo ***Send remittance to:*** DXO Communications of Buffalo 4444 Broadway Ste 2 Depew NY 14043	$ 0.461	**$ 9,681.00**
		Balance Due	**$ 9,681.00**

Attachment: TC 2022 tax receipt postage (RES-2021-1047 : Authorization for Pre-Payment to DXO Communications of Buffalo, Inc.)

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Clerk
Initiated by: **Joanne A. Schultz**
Co-Sponsored by:

DOC ID: 25051 **RESOLUTION 2021-1048** **ADOPTED**

Request for Public Hearing To Amend Local Law Chapter 166 Sec. 3 Snow Plow Permit Application Procedure; Fee

Kindly adopt a resolution to set a Public Hearing for December 20, 2021 at 7:00 p.m. to adopt the above-entitled Local Law. Attached please find a copy of such proposed Local Law for your reference.

11/22/2021
Consent

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

LOCAL LAW NO. _____-2021

TOWN OF AMHERST

COUNTY OF ERIE, STATE OF NEW YORK

A Local Law Amending Chapter 166 Section 3 (Application Procedure; fee) of the code of the Town of Amherst

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 166 of the Code of the Town of Amherst, specifically §166-3 (Application procedure; fee).

Section 2. Purpose

The purpose of this Local Law is to amend the application procedure and adjust the permit application fee.

Section 3.

Chapter 166 of the Code of the Town of Amherst, specifically §166-3, is revised as follows:

A. Application forms.

(1) Application for such permit shall be made to the Town Clerk by the owner of the vehicle, in writing, upon forms to be furnished by said Town Clerk. Such forms shall contain:

(a) The owner's name and address
(b) The vehicle identification number
(c) The New York State license number
(d) Such additional information as the Town Clerk shall require

(2) The Town Clerk may require such documents and information as may be reasonably necessary to verify the facts stated on such application.

Attachment: LL (RES-2021-1048 : Request for Public Hearing)

B. The applicant shall, at the time of the application, pay a non-refundable permit fee of $40 for each vehicle. This fee may be adjusted, from time to time by a Resolution of the Town Board to reflect increased processing costs and expenses.

C. Certificate of Insurance

(1) The applicant shall, when applying for such permit, provide a Certificate of Insurance Town Clerk showing evidence of liability insurance in such kinds and amounts as shall be, from time to time, determined by the Town Board.

(2) The Certificate of insurance shall also state that a notice of cancellation, nonrenewal or reduction of insurance shall be given to the Town of Amherst at least 30 days prior to such cancellation, nonrenewal or reduction.

D. Such permit shall commence on January 1 and expire on December 31 of the same year and shall be in such form as the Town Clerk shall prescribe.

E. Such permit shall not be transferable to another owner, and the permit fee shall not be prorated during the term of the permit.

F. The permit holder shall sign a permit application indicating that he agrees to hold the Town of Amherst, its agents, servants and employees harmless from any and all damages and/or causes of action which may arise out of their snowplowing operations within the town.

G. In the event that the Town Clerk refuses to issue a permit hereunder, the applicant shall have the right to appeal such refusal to the Town Board.

Section 4. 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 166-3 of the Town Law and Chapter 166 of the Code of the Town Amherst.

Attachment: LL (RES-2021-1048 : Request for Public Hearing)

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 25052 **RESOLUTION 2021-1049** **ADOPTED**

Snowplow Permits

Hassle Free Landscaping & Snowplowing — #0140
Joseph R Oishei, Jr.
P. O. Box 1283
Amherst, NY 14226

MAT Gen Enterprises, LLC — #0141-#0143
Benjamin Ziccivic
177 Tim Tam Terrace
West Seneca, NY 14224

Aarbor Service — #0144-#0145
Keith F Winters
35 Augusta Avenue
Amherst, NY 14226

John Argo — #0146
43 Dellwood Road
Amherst, NY 14226

Burghardt Landscaping Services — #0147-#0149
David J Burghardt
8694 Lapp Road
Clarence Center, NY 14032

Mark Halla — #0150
512 N. Ivyhurst Road
Amherst, NY 14226

Marinucci Landscaping — #0151-#0153
Rich Marinucci
83 Brooklane Drive
Williamsville, NY 14221

Reinhart Ent Landscaping & Lawn Care, LLC — #0154-#0155
Nicholas Reinhart
92 Chassin Avenue
Amherst, NY 14226

Armstrong Landscape & Snowplowing, Inc — #0156-#-0161
Matthew Armstrong

2368 Bedell Road
Grand Island, NY 14072

Enhance Handyman #0162
Robert A Krawczyk
37 Leroy Road
Cheektowaga, NY 14215

Professional Lawn Services #0163
David T Volo
280 Tremaine Avenue
Kenmore, NY 14217

Richard Cooper #0164
153 Margaret Road
Amherst, NY 14226

Xclusive Landcare #0165
Jason M Czajka
6 Sonsett Terrace
Tonawanda, NY 14150

Big Rock Construction & Snowplowing #0166
Barry Wyzykowski
32 Talewood Drive
Tonawanda, NY 14150

Jaxx Snowplowing #0167
Michael J Jackson
1970 Niagara Falls Blvd
Tonawanda, NY 14228

Siberian Plowing #0168-#0169
Jenna Wyzykowski
1340 Sherwood Avenue
N. Tonawanda, NY 14120

Peter Schmitt #0170
62 Thomas Jefferson
Amherst, NY14226

Maggio Landscaping, Inc #0171- #0174
Robert C Maggio, Jr.
46 Raintree Pkwy
Tonawanda, NY 14150

Anthony Landscaping & Snowplowing #0175-#0178
Anthony Caligiuri
9342 Lakeshore Road
Angola, NY 14006

Roger Mazikowski #0179
492 Homecrest Dr
Amherst, NY 14226

Landscape Escapes Inc. #0180-#0181
Scott Krantz
41 S. Huxley Drive
Cheektowaga, NY 14225

Bob's Bestway LLc #0182
Robert Parker
280 Two Mile Creek Road
Tonawanda, NY 14150

Tim Waterman #0183
P.O. Box 122
Getzville, NY 14068

11/22/2021
Consent

FINANCIAL IMPACT:

Income to the Town

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

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Comptroller
Initiated by: **Daryl Bramer**
Co-Sponsored by:

DOC ID: 25059 **RESOLUTION 2021-1050** **ADOPTED**

Budget Transfers and Amendments

For Nov 22, 2021 Town Board Agenda

To: Town Board
From: Office of Town Comptroller
Date: 11/17/2021
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 - 2021

FROM:	***TO:***
A6772.4100 Senior Center - Rentals $15,000	A6773.4000 Nutrition - Contractual $42,000
A6772.4090 Senior Center - Prof. Services $24,000	
A6772.4150 Senior Center - Special Celebrations $3,000	

To transfers savings due to COVID into Nutrition for increases in food costs and paper products.

BUDGET AMENDMENTS - 2021

INCREASE:	***INCREASE:***
G9916.02650 Plant 16 - Sales of Scrap $3,091.43	G9916.4810 Chemicals - De-watering $8,769.53
G9916.05001 Plant 16 - Refund of C/Y Exp. $6,776.58	G9916.4921 Repair Mechanical $1,098.48

To recognize revenue not budgeted and increase expenditures.

N2123.02785 CDBG & VG PI $648.80	N2123.4000 Admin $648.80
N2125.02785 CDBG & VG Admin $162.20	N2125.1000 Personal Services $150.67
	N2125.8030 FICA $11.53

To recognize Community Development program income from 6 Campus, Amherst.

N2123.02785 CDBG & VG PI $170.00	N2123.4000 Admin $170.00

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

N2123.02785 CDBG & VG PI $7,472.00	N2123.4000 Admin $7,472.00
N2125.02785 CDBG & VG Admin $1,868.00	N2125.1000 Personal Services $1,735.25
	N2125.8030 FICA $132.75

To recognize Community Development program income from 216 Coronation Drive, Amherst.

N2150.02785 Tonawanda HOME- PI $35,681.40	N2150.4000 Contractual $35,681.40
N2153.02785 Tonawanda Admin- PI $3,964.60	N2153.4003 Admin $3,964.60

To recognize Community Development program income from 114 Rockland, Tonawanda.

N2144.02785 Cheek HOME Rehab $10,730.70	N2144.4000 Contractual $10,730.70
N2149.02785 Cheek HOME Admin $1,192.30	N2149.4003 Admin $1,192.30

To recognize Community Development program income from 69 Peach Tree, Cheektowaga.

11/22/2021
Consent

FINANCIAL IMPACT:

See descriptions.

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

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Comptroller
Initiated by: **Daryl Bramer**
Co-Sponsored by:

DOC ID: 25061 **RESOLUTION 2021-1051** **ADOPTED**

Year End Budget Transfers

To facilitate the closing of the books for 2021, I am requesting approval from the Town Board to move budgeted funds from accounts within the same department with department head approval without coming back to the Town Board for approval.

Additionally, I am requesting to include accounts such as health insurance, utilities, etc. within the current operating budgets of the Town. This will allow us to prepare for the year-end audit.

This does not include budget transfers from contingency accounts or budget amendments.

11/22/2021
Consent

FINANCIAL IMPACT:

N/A

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

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 25053 **RESOLUTION 2021-1052** **ADOPTED**

Award RFP #202107 - Dental Coverage - CRS #3034

WHEREAS, the Contract Compliance and Administration Department received proposals on September 16, 2021 for RFP #202107 Dental Coverage; and

WHEREAS, the RFP process resulted in responses from five (5) vendors, with the recommendation by the review committee and the Town's employee benefit consultant to award a 3-year contract to the Town's current provider, Guardian Life Insurance Company of America under a self-insured scenario;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this RFP to Guardian Life Insurance Company of America; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with Guardian Life Insurance Company of America; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the contract routing system due to the need to have a contract in place as soon as possible for a contract start date of January 1, 2022.

11/22/2021
Consent

FINANCIAL IMPACT:

Town Wide; Various Accounts; ASO fee $4.55 PEPM

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

TOWN OF AMHERST
Department of Finance

5583 Main Street
Williamsville, New York 14221
Phone: (716) 631-7067
www.amherst.ny.us

Lynda L. Juul
Director of Finance
ljuul@amherst.ny.us

TOWN OF AMHERST AGREEMENT
DENTAL COVERAGE

Let this document stand as an agreement between Guardian and the Town of Amherst, for dental benefits and administration services, as outlined in the Guardian proposal dated November 9, 2021. This agreement covers the period January 1, 2022 through December 31, 2024, and may be extended for two (2) 3-year terms under the same terms and conditions as the original contract, upon written mutual agreement of the parties.

Agreed to and Accepted by:

The Guardian Life Insurance Company of America

By: Nancy Goodwin
Signature

Nancy Goodwin
Printed Name

Chief Underwriting Officer
Title

Date: 11/17/2021

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Attachment: Dental Contract 2022-2024 - Guardian Signed (RES-2021-1052 : Award RFP #202107 - Dental Coverage - CRS #3034)

Guardian®

PROPOSAL FOR

Town of Amherst

RATES SHOWN ARE VALID FROM:

January 1, 2022 - March 15, 2022

Sales Representative: Donald Burns
Telephone: (315) 445-3724

SIC Code: 9111 State & Zip: NY 14221
Created: November 9, 2021

PLAN DESIGN

We offer a comprehensive portfolio of employee benefit plans with many varied design options to meet the needs of employers and their employees. To help you evaluate the plans, we have provided detailed benefits summaries within this package.

RATES

Rates and premiums presented are based on the employee data submitted in your request for a proposal. Final rates and premiums are based on the plans selected and the information provided on the enrollment forms.

BROAD RANGE OF PRODUCTS

We offer a variety of flexible, cost-effective employee benefit plans that can help employers meet the needs of employees and their families, and manage costs at the same time. Our benefit plans include Dental, Disability, Life, Vision, Critical Illness, and many more.

WHY GUARDIAN?

- **Enrollment Support** – Dedicated professionals help ensure smooth plan implementation
- **Multi-Product Discounts** – Combine plans to meet customer needs and help save money
- **Convenient Access to Service** – One phone number and one secure website
- **Streamlined Billing** – All plans billed on one invoice
- **Experience & Knowledge** – Over 50 years group benefits experience with exemplary credit ratings

Any commercial insurance group policy underwritten and issued by The Guardian Life Insurance Company of Americ a New York Domiciled mutual company, is a participating policy. It is not expected, however, that a dividend will be p on any such group policies. All coverage will be provided as set forth in the policies.

Attachment: Dental Contract 2022-2024 - Guardian Signed (RES-2021-1052 : Award RFP #202107 - Dental Coverage - CRS #3034)

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2020 - 108716 (9/22)

PLAN FUNDING - ASO

Plan #1

	Per Employee	Full Family	Monthly Outlay	Annual Outlay
Census	819	0		
ASO Fees	$4.55	--	$3,726.45	$44,717.40
ASO Fee Guarantee	3 Years			

Proposal Assumptions:

- *Commission included in ASO Fee = $.90 PEPM*
- *Implants included at 50% Coinsurance - IN NETWORK ONLY*
- *COBRA Rates = $46.00 EE and $139.67 FF*

ADMINISTRATIVE SERVICES

Claims Funding	Direct Billing - Guardian pre-funds all claims and bills the planholder the following month. Our cash flow advantage provides this plan with up to a 55 day float on claim dollars. No need to set up a separate clain account.
Service Guarantees	Guardian is committed to providing our planholders with superior service. Service guarantees are availabl based on the size of the case and the needs of our dental planholders. Contact Sales Team for more information.
Enrollment Support	Enrollment support and marketing materials included. Contact Sales Team for more information.
Billing	Pricing assumes Guardian generated paper bill.
Claims Administration	Claims adjudication, pre-authorization, EOBs mailed to employee home address and a toll free customer service line.
PPO Network Access	National PPO Dental network owned and operated by The Guardian with more than 115,000 Dentists at ov 370,000 locations. Discounts average 34% off submitted charges.
ID Cards	Electronic ID Cards available
Summary Plan Description (SPD)	Guardian provides printed booklets
Administrative Forms	All the forms needed to administer the plan are included.
Actuarial/Underwriting Services	Claims analysis, benefit design recommendations, suggested funding and Cobra rates
Claims Reports	Detailed reporting included

BENEFITS

	All Eligible Employees	
	In-Network	**Out-of-Network**
Contribution/Participation	ASO	
Deductible	**$0**	**$50**
Period	Calendar Year	
Family Limit	2 per family	
Waived For	N/A	Preventive
Annual Maximum	**$1,500**	**$750**
Claim Payment Basis	Negotiated Fee Schedule	UCR 90th
Network	DentalGuard Preferred	
Coinsurance - Preventive	**100%**	**100%**
	◆ Oral Exams (once/6 mos.) ◆ Cleanings (once/6 mos.) ◆ X-Rays (Full-mouth series once/60 mos.) ◆ Fluori Treatment (to age 14, once/6 mos.) ◆ Sealants (to age 16, once/36 mos.) ◆ Space Maintainers/Harmful Ha Appliances	
Coinsurance - Basic	**100%**	**70%**
	◆ Fillings ◆ Perio Maintenance Procedure (once/6 mos.) ◆ Periodontal Services (eg Scaling and Root Planin Periodontal Surgery ◆ Simple Extractions ◆ Complex Extractions ◆ Endodontic Services (eg. Root Canal) Repair & Maintenance of Crowns, Bridges & Dentures	

(continued)

Attachment: Dental Contract 2022-2024 - Guardian Signed (RES-2021-1052 : Award RFP #202107 - Dental Coverage - CRS #3034)

BENEFITS (continued)

	All Eligible Employees	
	In-Network	**Out-of-Network**
Coinsurance - Major	**100%**	**50%**
	◆ Bridges & Dentures ◆ Single Crowns ◆ General Anesthesia ◆ Inlays, Onlays & Veneers	
Coinsurance - Orthodontia	**50% for children (Orthodontia in Progress - covered)**	**50% for children (Orthodontia in Progress - covered)**
Orthodontia Lifetime Maximum	$2,000	$2,000
Dependent Age Limits	23 (25 if a full-time student)	
Waiting Periods	None	
Plan Type & Code	PPO (ZZ)	

PLAN HIGHLIGHTS

- **Guardian's Financial Strength:** Guardian has a long history of earning exemplary ratings from independent rating services which provide essential measures of a company's value as well as common ground for valid comparison. For additional details, visit our web site: **http://www.guardianlife.com/AboutGuardian/FinancialHighlights/Ratings/index.htm**

Strong Network Coverage Nationwide - providing choice and savings

- Guardian has one of the nation's largest selection of network dentists and we're growing fast, with over 115,000 dentists at more than 370, locations.
- It's easy to find a network dentist at GuardianAnytime.com.

Dental PPO Plan

- Combine freedom of choice with the savings of managed care. Employees save money when they go in-network - treatment is reimbursed a higher coinsurance percentage - but they are still free to use out-of-network providers. In-network benefits are based on negotiated PPO schedule; out-of-network benefits are based on local UCR charges.

International Dental Travel Assistance

- While traveling internationally, Guardian members can get a referral to a local dentist for immediate dental care through the International Dental Travel Assistance Program. This service is available 24/7, in over 200 countries. Coverage will be considered under the out-of-netw benefits.
- International Dental Travel Assistance services are administered by AXA Assistance USA, Inc. AXA Assistance is not affiliated with (The) Guardian Life Insurance (Company of America) ("Guardian"), and the services they provide are separate and apart from the benefits provic by Guardian.

IMPORTANT NOTES

- For the first 12 months that a member is covered, a Dental Prosthesis will not be covered when replacing a tooth or teeth lost or extracted before being covered under this Plan unless they were extracted while covered by the Prior Plan.
- Cleanings and Perio Maintenance Procedures share the frequency. Limited to a total of one cleaning or one perio maintenance procedure any 6 consecutive month period.
- Orthodontia, when covered, is for dependent children who are less than age 19 when active appliance is first placed.

Please see the Summary of Plan Limitations and Exclusions that appears either on this page or the last page of this coverage.

SUMMARY OF PLAN LIMITATIONS AND EXCLUSIONS

- In order to be eligible for coverage: Employees must be legally working (a) in the United States or (b) outside the United States, for a US based employer, in a country or region approved by Guardian.
- Coverage is limited to charges that are necessary to prevent, diagnose or treat dental disease, defect or injury. Depending on plan type, deductibles, waiting periods, per service frequency limitations, and payment limits may apply.
- The list of dental services shown is not exhaustive.
- This coverage will not be effective until approved by a Guardian underwriter. Please refer to certificate of coverage for full plan description.

This plan does not pay for:

- Any restoration procedure, appliance or dental prosthesis used solely to: a) alter vertical dimension; b) restore or maintain occlusion, excep the extent that this plan covers orthodontic treatment; c) splint or stabilize teeth for periodontal reasons; or d) treat a condition caused by abrasion or attrition.
- Cosmetic or experimental treatments, unless specifically listed in the BENEFIT DETAIL section of this proposal as a covered cosmetic service.
- Replacing a lost, stolen or missing appliance or prosthetic device; or making a spare appliance or device.
- Treatment needed due to: a) an on-the-job or job-related injury; or b) a condition for which benefits are payable by Workers' Compensation similar laws.

(continued)

Attachment: Dental Contract 2022-2024 - Guardian Signed (RES-2021-1052 : Award RFP #202107 - Dental Coverage - CRS #3034)

SUMMARY OF PLAN LIMITATIONS AND EXCLUSIONS (continued)

- Replacing an appliance or prosthetic device with a like appliance or device, unless: a) it is damaged while in the covered person's mouth ir injury suffered while insured, and can't be fixed; or b) can't be made usable and meets the replacement age criteria selected by the employ
- Treatment for which no charge is made.
- The replacement of extracted or missing third molars/wisdom teeth.
- Treatment of congenital or developmental malformations, or the replacement of congenitally missing teeth.
- Evaluations and consultations for non-covered services; detailed and extensive oral evaluations.
- Any procedure performed in conjunction with, as part of, or related to a non-covered procedure.
- Any procedure not specifically listed as a covered benefit.
- GP-1-DG2000 et al.

Guardian Dental is underwritten by The Guardian Life Insurance Company of America, New York, NY. Products are not available in all states Policy limitations and exclusions apply. Optional riders and/or features may incur additional costs. Plan documents are the final arbiter of coverage.

Attachment: Dental Contract 2022-2024 - Guardian Signed (RES-2021-1052 : Award RFP #202107 - Dental Coverage - CRS #3034)

Producer Compensation Disclosure

As is common with Group insurance, your coverage(s) might involve one or more licensed producers who will receive compensation from Guardian for soliciting, negotiating, securing and/or administering the insurance coverage(s) you have purchased. Compensation to these producers may be paid in the form of base commissions, administrative service commissions and, in some instances, supplemental compensation (e.g., an annual performance bonus). For more detailed information regarding producer compensation relative to your Guardi coverage(s), please contact your local sales consultant or account manager.

Attachment: Dental Contract 2022-2024 - Guardian Signed (RES-2021-1052 : Award RFP #202107 - Dental Coverage - CRS #3034)

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 25058 **RESOLUTION 2021-1053** **ADOPTED**

Authorize Amended Lease of Golf Carts & Utility Car - Club Car - CRS #3036 & 3037

WHEREAS, an agreement to lease golf carts and a range car and utility car through Club Car was previously adopted by the Town Board on April 5, 2021 via resolution 2021-341 (original CRS/CMS #2538/2514 & #2541/2515); and

WHEREAS, the leases are being amended to include rain covers for the sixty (60) golf carts and to remove the range car from the lease, as a used range car was purchased by Indigo / Amherst Golf, LLC;

NOW, THEREFORE, BE IT RESOLVED, the attached proposal from Club Car is hereby approved for a term of 59 months, which will cover the 2022 thru 2026 golf seasons, including the period through the spring of 2027; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign said proposal; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the contract routing system, as approval of this agreement is time sensitive and receipt of the leased golf carts will allow Indigo / Amherst Golf, LLC to return the golf carts that are currently being rented.

11/22/2021
Consent

FINANCIAL IMPACT:

A7250-4110 - $38,980.98 annually 2022 thru 2026

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

PROPOSAL

Date: November 8, 2021
Quantity of Golf Cars: 60
Type of Golf Car: 2022 Tempo Gas

Description:

- 14 HP Kohler Command PRO EFI engine
- Premium tread 4-ply tires and Tempo wheel covers
- Domed number decals (both sides of car)
- Hinged fold down windshield
- Deluxe info holder
- Scuff guards, molded in
- Sweater basket
- Choice of standard body color
- Choice of canopy color
- Choice of seat color

Additional Accessories Added:

- Dual USB Port
- Magnetic Bag Cover - Black

Included at No Additional Cost:

- Freight and Prepping



Attachment: Club Car - Revised Proposal (RES-2021-1053 : Authorize Amended Lease of Golf Carts & Utility Car - Club Car - CRS #3036 &



Golf Car Lease Payment Option

Number of Cars	Type of Car	Lease Term	Payment Per Month	Total Monthly Payment	Purchas Price
60	2022 Tempo Gas	59 months	$103.83	$6,229.80	N/A

59 month lease option. Six payments per year, May – October. First payment on the new fleet will be due **(3** days after delivery and (60) 2022 Tempo Gas golf cars will approximately be delivered in November 2021. N applicable taxes are included.

Utility Car Lease Payment Option

Number of Cars	Type of Car	Lease Term	Payment Per Month	Total Monthly Payment	Purchas Price
1	2021 Carry All 300 Gas	59 months	$267.03	$267.03	N/A

59 month lease option. Six payments per year, May – October. First payment on the new fleet will be due **(3** days after delivery and (1) 2021 Carry All 300 Gas car will approximately be delivered in June 2021. No applicable taxes are included.

Attachment: Club Car - Revised Proposal (RES-2021-1053 : Authorize Amended Lease of Golf Carts & Utility Car - Club Car - CRS #3036 &



Summary and Acceptance of Proposal

Please initial preferences and return to your Territory Manager.

Payment Details

Lease Delivery Option:
Tempo Gas Model: 59 month lease, 6 payments per year of $103.83/month/car _____

A) Select Tempo Golf Car Color Options

- **Body Color** White___ Green ___ Platinum ___ Cashmere ___ Beige ___ Sapphire ___
- **Canopy Top Color** Beige___ White___ Black ___
- **Seat Color** Beige ___ White ___ Gray ___ Black ___
- **Club Protector Bag Cover (if applicable)** Beige___ Black___ Green ___

Lease Delivery Option:
Carry All 300 Gas Model: 59 month lease, 6 payments per year of $267.03/month/car _____

Customer:	_____	Club Car/Dealer:	_____
Signature:	_____	Signature:	_____
Title:	_____	Title:	_____
Date:	_____	Date:	_____

Attachment: Club Car - Revised Proposal (RES-2021-1053 : Authorize Amended Lease of Golf Carts & Utility Car - Club Car - CRS #3036 &

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 25060 **RESOLUTION 2021-1054** **ADOPTED**

Authorize Amended Golf Cart & Utility Car Lease Agreement with VGM Financial Services - CRS #3038

WHEREAS, the lease of golf carts, a range car and a utility car through Club Car was authorized on April 5, 2021 by Town Board resolution 2021-341 (original CRS/CMS #2538/2514 and #2541/2515); and

WHEREAS, an agreement with the leasing company, VGM Financial Services, was also required and was authorized on May 3, 2021 by Town Board resolution 2021-392 (original CRS/CMS #2583/2848); and

WHEREAS, an amendment to the Club Car proposal is on tonight's agenda for review and approval by the Town Board, which will require a corresponding amendment to the lease agreement with VGM Financial Services;

NOW, THEREFORE, BE IT RESOLVED, the amended lease agreement with VGM Financial Services is hereby approved, and the Supervisor is authorized to sign said agreement; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the contract routing system, as approval of this agreement is time sensitive and receipt of the leased golf carts will allow Indigo / Amherst Golf, LLC to return the golf carts that are currently being rented.

11/22/2021
Consent

FINANCIAL IMPACT:

A7250-4110 - $38,980.98 annually 2022 thru 2026

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

LEASE AGREEMENT
(EQUIPMENT RENTAL)

This "Lease": **Lease Agreement Number 004-0616897-100 Dated April 15, 2021**
"Lessee"
Town of Amherst, 5583 Main Street, Williamsville, NY 14221
Fax: E-mail:
"Lessor"
VGM Financial Services, a division of The Huntington National Bank as successor by merger to TCF National Bank, 1405 Xenium Lane North (PCC180), Plymouth, MN 55441
Fax:**319-833-4577** E-mail:**customerservice@financediv.com**

Number of Rental Payments	Rental Payments	Advances
58	A monthly payment of $6,496.83 (the "Standard Payment") is due beginning May 2022 and each May, June, July, August, September and October until a total of 30 Standard Payments have been made. A payment of $0.00 is due each November, December, January, February, March and April. The Total Number of Payments includes both the Standard Payment Months and the $0 Payment Months. The first due date for a "Standard Payment" will be determined by Lessor based on the date it pays the Equipment supplier.	First:$6,496.83 Last:$0.00 Total:$6,496.83

EQUIPMENT LOCATION & DESCRIPTION:	MAXIMUM HOURS:
475 Maple Road, Williamsville, NY 14221: (60) 2021 Club Car Tempo Gas Golf Cars & (1) 2021 Club Car Carryall 300 Gas Utility Vehicle together with any and all attachments and accessories included thereto	N/A

TERMS AND CONDITIONS --READ CAREFULLY BEFORE SIGNING

1. **RENTAL:** Lessor rents to Lessee and Lessee rents from Lessor the equipment, furniture, fixtures, machinery, inventory, goods and software, as such terms are defined under the Uniform Commercial Code ("UCC"), described above and in any schedule made a part hereof, together with all replacements, replacement parts, repairs, returns, substitutions, additions, accessories, and accessions incorporated therein or attached thereto (collectively, "Equipment"), upon the terms and conditions set forth herein. The parties intend this Lease to be governed by Article 2A of the UCC. Pursuant to Article 2A, Lessee is entitled to the promises and warranties, including those of any third party, provided to Lessor by the Equipment supplier. Lessee may contact the Equipment supplier and receive an accurate and complete statement of the promises and warranties, including any disclaimers and limitations of them or of remedies.
2. **PAYMENTS:** Other than as set forth in a rider hereto, rental payments are due monthly, beginning the date designated by Lessor and continuing on the same day of each month thereafter for the number of payments shown above. Lessor may change the payment by not more than 10% in the event of price changes, changed order, etc. Security deposit is refundable upon expiration of this Lease provided all terms and conditions of this Lease have been fulfilled. Security deposit and payments may be commingled and do not earn interest.
3. **EQUIPMENT ACCEPTANCE:** Lessee shall have accepted the Equipment for purposes of this Lease upon, at Lessor's option, either: (a) Lessee's verbal verification to Lessor that the Equipment has been delivered and is acceptable; or (b) Lessee's delivery of a signed delivery and acceptance certificate to Lessor. Lessee represents that any agent of Lessee who verifies delivery and acceptance of the Equipment, either verbally or in writing, has actual authority to do so. Upon Lessor's acceptance of this Lease, THIS LEASE SHALL BE NON-CANCELABLE, and Lessee's obligations hereunder shall not abate for any reason.
4. **DISCLAIMER OF WARRANTIES:** THE EQUIPMENT IS BEING RENTED IN "AS IS" CONDITION. LESSEE AGREES THAT LESSOR IS NOT THE MANUFACTURER OR SUPPLIER OF THE EQUIPMENT. LESSEE HAS SELECTED THE EQUIPMENT BASED UPON ITS OWN JUDGMENT AND ACKNOWLEDGES THAT **LESSOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATION OR WARRANTY OF ANY KIND, DIRECT OR INDIRECT, EXPRESS OR IMPLIED, AS TO THE SUITABILITY, DURABILITY, DESIGN, OPERATION OR CONDITION OF THE EQUIPMENT, ITS MERCHANTABILITY, FITNESS FOR USE FOR ANY PARTICULAR PURPOSE, OR OTHERWISE.** No broker, equipment supplier, or other person (other than an employee of Lessor) is an agent of Lessor.
5. **GOVERNING LAW; VENUE OF LITIGATION: THIS LEASE, AND ALL MATTERS ARISING FROM THIS LEASE, INCLUDING ALL INTEREST AND FINANCE CHARGES HEREUNDER, SHALL IN ALL RESPECTS BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH FEDERAL LAW AND, TO THE EXTENT NOT PREEMPTED BY FEDERAL LAW, BUT THE LAWS OF THE STATE OF LESSEE'S ORGANIZATION (EXCLUDING CONFLICTS LAWS). TO THE EXENT PERMITTED BY LAW, LESSEE HEREBY WAIVES ITS RIGHT TO A JURY TRIAL. LESSOR OR ITS ASSIGNEE AT ITS SOLE DISCRETION MAY ENFORCE THIS LEASE IN ANY STATE OR FEDERAL COURT HAVING LAWFUL JURISDICTION THEREOF.**
6. **SECURITY AGREEMENT:** In the event this Lease is determined to be governed by Article 9 of the UCC, Lessee hereby grants Lessor a security interest in all Equipment financed by or rented from Lessor, of any kind or nature whatsoever, wherever located, whether now owned or hereafter acquired, and all returns, repossessions, substitutions, replacement parts, accessories, and accessions thereto and thereof, and all proceeds thereof, to secure all present and future obligations of Lessee to Lessor, of every type and description and howsoever evidenced. This Lease shall be construed so that interest, the applicable interest rate and other charges shall not exceed that allowed by applicable law, and any payment that otherwise would be deemed unlawful will be applied first to prepay principal and then refunded to Lessee.
7. **APPOINTMENT OF ATTORNEY IN FACT:** Lessee authorizes Lessor, its successors and assigns to cause this Lease, or any other document(s) showing the interest of Lessor, including but not limited to UCC financing statements, to be authenticated and filed or recorded. In

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addition, Lessee appoints Lessor, its successors and assigns, as Lessee's attorney-in-fact (1) to arrange for property damage coverage under a policy of insurance and to transmit Lessee's premium payments to the insurer on behalf of Lessee, (2) to deal with and to direct any insurer as to any matter concerning the claim for, disposition of, and/or application of proceeds from any policy of insurance, and (3) to receive payments and execute and endorse all documents, checks, drafts, or other instruments necessary or advisable to secure payments due under any policy of insurance. Lessee authorizes Lessor to make non-substantive changes hereto, including but not limited to Lessee's legal name. These appointments and authorizations shall be continuous. Nothing in this paragraph shall relieve Lessee of its duty to procure required insurance, to make timely insurance claims, and to otherwise cooperate with insurance carriers and Lessor in seeking insurance coverage and recoveries.

8. **UNCONDITIONAL OBLIGATION:** Lessee agrees to be unconditionally obligated to pay all payments and other amounts due hereunder no matter what happens, even if the Equipment is damaged or destroyed, if it is defective, if Lessee no longer can use it, or if the manufacturer or supplier ceases doing business or cannot service and/or support the Equipment, and irrespective of any set-off, counterclaim, defense, or other right which Lessee may have against Lessor or any other person.
9. **USE:** Lessee agrees that the Equipment will be used for business purposes only and such use shall be in compliance with all applicable laws. Lessee shall maintain the Equipment in good repair and working order at Lessee's sole expense.
10. **TAXES:** Lessee agrees to pay all taxes, fees, and governmental charges related to this Lease, which during the term of this Lease or at any time thereafter may be imposed. If Lessor pays any of the above for Lessee, Lessee agrees to reimburse Lessor on demand, plus interest. Lessor shall not be obligated to contest any valuation of or tax imposed on the Equipment or this Lease.
11. **INDEMNITY:** To the extent permitted by law, Lessor is not responsible for any losses or injuries caused by the Equipment, and Lessee agrees to indemnify Lessor with respect to all claims for losses imposed on, incurred by, or asserted against Lessor, including attorneys' fees and expenses plus interest, where such claims in any way relate to the Equipment, whether or not caused in whole or in part by the negligence of Lessee. Further, Lessee shall, if requested by Lessor, defend Lessor against any claims for losses or injuries caused by the Equipment, including but not limited to any claim arising out of strict liability in tort. This provision shall survive the cancellation, termination or expiration of this Lease.
12. **INSURANCE:** Lessee shall keep the Equipment insured against loss for not less than its replacement cost or such greater amount as may be prescribed by any applicable state law specifying minimum insurance requirements, and shall carry public liability insurance, both personal injury and property damage. Lessee shall name Lessor as an additional insured and as loss payee. If Lessee fails to procure insurance, Lessor may obtain same and pay the amount due thereon. Lessee shall reimburse Lessor upon demand and, if required by Lessor, shall pay interest on such sums due and owing at a rate of up to 18% per annum, but in no event more than the maximum rate permitted by law. With respect to any policy obtained by Lessor, Lessor may charge a monthly administrative fee. Any insurance proceeds received with respect to the Equipment will be applied, at the option of Lessor, to repair, restore, or replace the Equipment, or to pay Lessor the remaining balance and any other amounts payable hereunder.
13. **LATE CHARGES:** If Lessee is delinquent in paying any sum due, Lessee shall pay a charge to offset collection expenses on such delinquent payment of $25.00 or an amount of up to ten percent (10%) of the payment amount that is past due, whichever is greater, but in no event more than allowed by applicable law. In addition, Lessor will impose a surcharge of up to $30 or the maximum allowed under applicable law for any dishonored payment.
14. **DEFAULT:** Any of the following constitute default: (1) Lessee fails to pay any sum due Lessor; (2) Lessee fails to observe or perform any other term of this Lease; (3) Lessee encumbers or disposes of the Equipment without Lessor's written consent; (4) The filing by or against Lessee or any guarantor of Lessee's obligations to Lessor ("Guarantor") of a petition under the Bankruptcy Code or any other insolvency law; (5) The voluntary or involuntary commencement of any formal or informal proceeding for dissolution, liquidation, settlement of claims against or winding up of Lessee's or a Guarantor's affairs, or Lessee or a Guarantor, if applicable, ceases doing business of going concern; (6) Any representation or warranty made by Lessee or a Guarantor in connection herewith proves to have been materially misleading; (7) Lessee is in default under any other contract or agreement with Lessor; (8) any Guarantor repudiates or attempts to revoke any guaranty of Lessee's obligations to Lessor related to this Lease.
15. **REMEDIES:** Upon an occurrence of default, Lessor may exercise one or more of the following remedies: (1) Declare due, sue for, and receive from Lessee the sum of all payments and other amounts then due and owing in the current fiscal year under this Lease or any schedule hereto, (2) Require Lessee to return the Equipment at its own expense to any reasonable location Lessor designates; (3) Cancel or terminate this Lease or any other agreement between Lessee and Lessor; (4) Charge Lessee interest on all monies due hereunder from and after the date of default at the rate of 18% per annum, compounded monthly until paid in full, but in no event more than the maximum rate permitted by law; (5) Charge Lessee for any other amounts provided for in this Lease. In addition, Lessor may use any other remedies available to it under applicable law. These remedies will be applied, to the extent allowed by law, cumulatively. No delay in exercising any right or remedy shall operate as a waiver of any right or remedy or modify the terms of this Lease. A waiver of default shall not be construed as a waiver of any other or subsequent default. In addition to all of Lessor's other rights and remedies, Lessee agrees to pay Lessor all costs and expenses, including attorneys' fees, incurred by Lessor in exercising or attempting to exercise any of its rights or remedies. If appropriate in the circumstances, remedies will include those available under Article 9 of the UCC.
16. **ASSIGNMENT:** Lessee may not sublet, lend, assign, or pledge this Lease, the Equipment, or any interest in either, or permit any lien or security interest thereon. Any and all of Lessor's interest and rights in the Equipment and under this Lease may be assigned, pledged, or otherwise disposed of, without notice to Lessee. Each assignee shall be entitled to exercise all rights and remedies of Lessor with respect to any and all obligations assigned to such assignee, and all references herein to "Lessor" shall include Lessor's assignee, except that said assignee shall not be chargeable with any obligations or liabilities of Lessor hereunder. Lessee will not assert against Lessor's assignee any defense, counterclaim or setoff on account of breach of warranty or otherwise in any action for payment or for possession brought by Lessor's assignee. Any assignment of this Lease by Lessee, whether or not permitted by Lessor, shall not release Lessee from its obligations hereunder.
17. **RETURN OF EQUIPMENT:** At the end of the original term of this Lease, or if this Lease is terminated under Section 19, Lessee must return the Equipment at its own expense, to Lessor or to a third-party designated by Lessor, and as applicable, the following must be true: All safety equipment must be in place and meet applicable federal, state and other governmental standards; All covers and guards must be in place with no sheet metal, plastic or cowling damage; All parts, pieces, components and optional equipment must be present, installed and operational; All accessories shall be returned in proper order; All motors shall operate smoothly without overheating and shall have good bearings and bushings; All electronic controls shall operate per manufacturers' specifications; Controls which bypass normal operations shall be repaired at Lessee's expense; All electrical systems shall be able to provide electrical output as specified by the manufacturer; All batteries shall be in good, safe

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operating condition with no dead cells or cracked cases; Batteries shall hold a charge and provide adequate power to operate the Equipment; All Equipment shall have serviceable tires, with 50% remaining tread, retaining proper air pressure, and without repair patches; All oil and grease seals must contain lubrication in the manufacturer's designed reservoir; All Equipment must have a relatively clean appearance; All Equipment must be free from excessive wear necessitating major component repair or replacement caused by lack of recommended maintenance detailed in Equipment operation/maintenance manuals; All Equipment shall be free from structural damage or bent frames; Any usage or metering devices must not have been altered in any way; All Equipment attachments, if any, must be in good operating condition; All hydraulic cylinders must not be bent, nicked, gouged or leaking. If the Equipment is an electric golf car, then in addition to the above return provisions: (i) the golf car must be able to transport two (2) people and their golf clubs; (ii) all batteries and battery terminals must be clean, free of corrosion and have proper battery water levels; and (iii) each golf car must include operable battery chargers. Additionally, all Equipment must be able to complete the following tests: operate normally in forward and reverse directions through all its speed ranges or gears, steer normally right and left in both forward and reverse, have all functions and controls work in a normal manner, be able to stop with its service brakes in a safe distance in both forward and reverse, operate without leaking any fluids, perform its designed functions in a satisfactory manner, and all cutting units (if applicable) must be able to lower, turn on, run, raise and shut off as they are designed to do. If any Equipment is damaged or does not meet the standards set forth above for the return condition of such Equipment or if Lessee fails to discharge Lessee's obligations set forth under this Lease with regard to any Equipment, Lessee shall remit to Lessor, immediately upon demand, the Stipulated Loss Value of such Equipment. The "Stipulated Loss Value" for a particular piece of Equipment shall be an amount equal to: (i) the total of all monthly payments and other amounts, if any, due under the Lease with respect to such Equipment as of the date of payment of the Stipulated Loss Value, plus (ii) all rent not yet due for the Equipment for the remaining term of this Lease, discounted from their respective due dates at the rate of 3% per annum, plus (iii) the Equipment's "Anticipated Residual Value" as determined by Lessor's books as of the date of this Lease. Return Condition Standards applicable when the Equipment is Golf Cars. The Return Condition Standards for golf cars are as follows: (a) Equipment must start, stop, and turn properly; (b) Mechanically, all Equipment must be in operable condition upon return and capable of being driven onto a transporter; (c) Cosmetically, all Equipment and component parts are to be returned operable and complete according to the original state, reasonable wear and tear expected; (d) All equipment shall have serviceable tires, with 50% remaining tread, retaining proper air pressure, and without repair patches; (e) All gauges will be operative and all fluid levels to manufacturer's specifications; and, (f) if the Equipment is an electric golf car, then in addition to the other Return Condition Standards: (i) the golf car must be able to transport two (2) people and their golf clubs; (ii) all batteries and battery terminals must be clean, free of corrosion and have proper battery water levels; and, (iii) each golf car must include operable battery chargers. Any missing Equipment and parts or damage to the Equipment will result in a separate billing at replacement cost or fair market value. Failure to do so, and at Lessor's sole discretion, is a default under this Lease, and in all cases will result in automatic conversion of this Lease to a month-to-month rental agreement on the same terms. Conversion to a month-to-month rental agreement shall not operate to waive any of Lessor's rights herein.

18. **REPRESENTATIONS AND WARRANTIES:** Lessee represents and warrants to Lessor that as of the date hereof, and throughout the term of the Lease: (a) Lessee is a political subdivision of the state or commonwealth in which it is located and is organized and existing under the constitution and laws of such state or commonwealth; (b) Lessee has complied, and will comply, fully with all applicable laws, rules, ordinances, and regulations governing open meetings, public bidding and appropriations required in connection with the Lease, the performance of its obligations under the Lease and the acquisition and use of the Equipment; (c) the person(s) signing the Lease and any other documents required to be delivered in connection with the Lease (collectively, the "Documents") have the authority to do so, are acting with the full authorization of Lessee's governing body, and hold the offices indicated below their signatures, each of which are genuine; (d) the Documents are and will remain valid, legal and binding Leases, and are and will remain enforceable against Lessee in accordance with their terms; and (e) the Equipment is essential to the immediate performance of a governmental or proprietary function by Lessee within the scope of its authority and will be used during the term of the Lease only by Lessee and only to perform such function. Lessee further represents and warrants to Lessor that, as of the date each item of Equipment becomes subject to the Lease and any applicable schedule, it has funds available to pay all Lease payments payable thereunder until the end of Lessee's then current fiscal year, and, in this regard and upon Lessor's request, Lessee shall deliver in a form acceptable to Lessor a resolution enacted by Lessee's governing body, authorizing the appropriation of funds for the payment of Lessee's obligations under the Lease during Lessee's then current fiscal year.
19. **TERMINATION FOR GOVERNMENTAL NON-APPROPRIATIONS:** To the extent permitted by applicable law, Lessee agrees to take all necessary and timely action during the Lease term to obtain and maintain funds appropriations sufficient to satisfy its payment obligations under the Lease (the "Obligations"), including, without limitation, providing for the Obligations in each budget submitted to obtain applicable appropriations, causing approval of such budget, and exhausting all available reviews and appeals if an appropriation sufficient to satisfy the Obligations is not made. Notwithstanding anything to the contrary provided in the Lease, if Lessee does not appropriate funds sufficient to make all payments due during any fiscal year under the Lease and Lessee does not otherwise have funds available to lawfully pay the Lease payments (a "Non-Appropriation Event"), and provided Lessee is not in default of any of Lessee's obligations under this Lease as of the effective date of such termination, Lessee may terminate this Lease effective as of the end of Lessee's last funded fiscal year ("Termination Date") without liability for future payments or the early termination charge under this Lease, if any, by giving at least 60 days' prior written notice of termination ("Termination Notice") to Lessor. If Lessee terminates the Lease prior to the expiration of the end of the original term of this Lease as permitted under the terms of this Lease or as set forth herein or in any schedule, Lessee shall (i) on or before the Termination Date, return the Equipment subject to the terminated Lease in accordance with the return requirements set forth in this Lease, (ii) provide in the Termination Notice a certification of a responsible official that a Non-Appropriation Event has occurred, (iii) deliver to Lessor, upon request by Lessor, an opinion of Lessee's counsel (addressed to Lessor) verifying that the Non-Appropriation Event as set forth in the Termination Notice has occurred, and (iv) pay Lessor all sums payable to Lessor under this Lease up to and including the Termination Date. Lessee acknowledges and agrees that, in the event of the termination of this Lease and the return of the Equipment as provided for herein, Lessee shall have no interest whatsoever in the Equipment or proceeds thereof and Lessor shall be entitled to retain for its own account the proceeds resulting from any disposition or re-leasing of the Equipment along with any advance rentals, security deposits or other sums previously paid by Lessee pursuant to the terms of the Lease.
20. **DELIVERY OF CERTAIN DOCUMENTS AND RELATED REQUIREMENTS:** Lessee will execute or provide, as requested by Lessor, annual budget and financial information and such other documents and information, including an opinion of Lessee's counsel as to the validity and enforceability of this Lease, as are reasonably necessary with respect to the transaction contemplated by this Lease. If Lessee is a "Registered Organization" (as such term is defined in the UCC), then Lessee will: (i) upon request of Lessor, provide copies of its applicable

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registered organization documents; and (ii) not change its legal name or its chief executive office or state of organization, without, in each case, giving Lessor at least 30 days' prior written notice of any such event.

21. **EXCESS USAGE AND SUPPLEMENTAL RENTALS (APPLICABLE TO TURF CARE AND MAINTENANCE EQUIPMENT ONLY):** At the end of the original term of the Lease, Lessee shall remit to Lessor $5.00 per hour on each piece of Equipment that has hourly use in excess of the maximum hours as indicated above. Lessee shall remit such amounts within ten (10) days of Lessor's written demand. The hours of use of a particular item of Equipment shall be determined by the hour meter attached to said Equipment, provided that such meter remains operable and accurate. If any such hour meter becomes inoperable or inaccurate, Lessee shall immediately repair or replace same, and shall immediately notify Lessor in writing of such event and of the correct hours of usage of such Equipment during the period of time the hour meter was inoperable or inaccurate. Lessee shall promptly furnish Lessor such information as Lessor may reasonably request from time to time in order to document the hours of usage of the Equipment. If this Lease terminates or is cancelled prior to the end of the original term of the Lease, then the Maximum Hours specified above shall be reduced pro rata based on the number of months remaining in the current year or original term of the Lease, as applicable.
22. **LESSEE WAIVERS:** To the extent permitted by law, Lessee waives all rights and remedies against Lessor provided by Article 2A or Article 9 of the UCC or other applicable law, including but not limited to any right which requires Lessor to sell, lease, or otherwise use any Equipment to reduce Lessor's damages or which may otherwise limit or modify any of Lessor's rights or remedies. Any action against Lessor for any default, including breach of warranty or indemnity, must be started within one (1) year after the event which caused it. Lessor will not be liable for specific performance of this Lease or for any losses, damages, delay, or failure to deliver the Equipment.
23. **GENERAL**: This Lease may, in Lessor's sole discretion, be delivered and/or reproduced by facsimile, optical scanning or other electronic means ("e-copy") and such e-copy or a printed version thereof shall be enforceable as an original and admissible as such in any court or other proceeding, provided that there shall be only one original of this Lease and it shall bear the original ink or electronic signature of Lessor and be marked "Original." Each party's electronic signature on this Lease shall be unconditionally valid and legally enforceable, and each party agrees not to contest the validity or enforceability of any electronic signature (or the authority of the electronic signer to sign). To the extent that this Lease constitutes chattel paper (as that term is defined by the Uniform Commercial Code), a security or ownership interest intended to be created through the transfer and possession of this Lease can be done only by the transfer of the "Original" bearing the original ink or electronic signature of Lessor; provided that, if the "Paper Out" process shall have occurred, or if there shall simultaneously exist both the "Paper Out" printed version and an electronic version of this Lease, then the "Paper Out" printed version of such document bearing the legend "Original" applied by Lessor shall constitute the sole chattel paper original and authoritative version. If Lessor permit Lessee to deliver this Lease or any related document to Lessor via facsimile or other electronic means, Lessee shall deliver to Lessor, promptly on request, such document bearing Lessee's electronic or "wet ink" signature; provided that neither delivery nor failure to deliver the document bearing Lessee's electronic or "wet ink" signature shall limit or modify the representations and agreements set forth above. This Lease shall inure to the benefit of and is binding upon the parties and their heirs, personal representatives, successors, and assigns. This Lease represents the entire agreement between the parties, superseding all prior or contemporaneous negotiations, discussions, understandings, or agreements pertaining to the subject matter hereof. This Lease shall not be modified without Lessor's written consent. If any provision of this Lease is deemed unenforceable, then such provision shall be deemed deleted and all other provisions of this Lease shall remain in full force and effect. Any written notice hereunder shall be deemed given when delivered personally, deposited with a nationally recognized overnight courier (with all fees pre-paid), delivered via facsimile or e-mail (with confirmation of transmission), or deposited in the United States mails, certified or registered mail, addressed to recipient at its address set forth above or such other address as may be substituted therefor by notice given pursuant to the terms hereof. Leseee hereby agrees that Lessor, including its vendors, service providers, partners, affiliates successors and assigns, may contact Lessee at any telephone number provided to Lessor, by placing voice telephone calls (including use of automatic telephone dialing systems or prerecorded voice messaging) or, in the case of wireless telephones or other wireless devices, by sending e-mail or automated (SMS) text messages. Lessee authorizes, and represents that all Lessee's principals have authorized, Lessor to obtain such credit bureau reports and make such other credit inquiries with respect to Lessee and such principals as Lessor deems appropriate throughout the term of this Lease. On written request, Lessor will identify any reporting agency used for such a report. Lessee agrees that Lessor may receive from and disclose to other persons, including credit reporting agencies and respective equipment vendors and suppliers, information about Lessee's accounts and credit experience. Lessee hereby authorizes any person to release to Lessor credit experience and account information relating to Lessee. Lessee shall execute and deliver to Lessor such other documents and provide such information, including information identifying the owners of Lessee and its affiliates and their respective ownership interests, as Lessor may reasonably deem necessary to comply with laws or regulations applicable to Lessor or Lessee, including laws and regulations requiring Lessor to obtain Lessee's certification of its beneficial owner(s) prior to making payment(s) to Lessee during or after the term of this Lease. Under federal law, Lessor must obtain, verify and record identifying information for each person opening an account. Lessor will ask for Lessee's name, address, date of birth and other identifying information. Lessor may also ask for Lessee's driver's license or other identifying documents. This Lease shall not be deemed terminated until Lessee has fulfilled all obligations herein. Time is of the essence for all purposes of this Lease. Wherever the name VGM Financial Services is used in the Agreement or any document relating to this Agreement, said name refers to VGM Financial Services, a division of The Huntington National Bank.

ADDITIONAL TERMS AND CONDITIONS

Lessee acknowledges having read the terms and conditions printed above, and unconditionally agrees to same. Lessee requests that Lessor countersign this Lease and requests and hereby authorizes Lessor to pay the Equipment vendor/manufacturer.

Lessor:	VGM Financial Services, a division of The Huntington National Bank as successor by merger to TCF National Bank	By: _____	Title: _____
Lessee:	Town of Amherst	By: _____	Brian J. Kulpa, Supervisor

THIS LEASE IS NOT BINDING UNTIL ACCEPTED BY LESSOR

Attachment: VGM Financial Services - Revised Lease Agreement (RES-2021-1054 : Authorize Amended Golf Cart & Utility Car Lease Agreement

Financial SERVICES

Invoice

Date of Invoice: 11/08/2021
Application Number: 443672
Contract Number: 004-0616897-100

To: Town of Amherst
5583 Main Street
Williamsville, NY 14221

Advance Payments/Security Deposit

Description	Contract Payment	Sales/Use Tax	Other	Amount
First Payment in Advance	$0.00	$0.00		$0.00
Last Payment in Advance	$0.00	$0.00		$0.00
			$0.00	$0.00
			Sub Total	**$0.00**

Other Fees/Charges

Fee Description	Amount
Documentation Fee	$250.00
Other Fees/Charges Sub Total	**$250.00**

Invoice Total Due

Invoice Total Due	**$250.00**

Remit Payment with Completed Documents to:

866-465-3149
OR
VGM Financial Services, a division of The Huntington National Bank
1405 Xenium Lane North (PCC180)
Plymouth, MN 55441

Attachment: VGM Financial Services - Revised Lease Agreement (RES-2021-1054 : Authorize Amended Golf Cart & Utility Car Lease Agreement

Delivery and Acceptance

"Lessee"
Town of Amherst, 5583 Main Street, Williamsville, NY 14221
"Lessor"
VGM Financial Services, a division of The Huntington National Bank as successor by merger to TCF National Bank, 1405 Xenium Lane North (PCC180), Plymouth, MN 55441

Delivery and Acceptance agreement attached to and made a part of Lease **004-0616897-100** dated **April 15, 2021** (the "Lease")**.**

This Certificate relates to the Equipment (the "Equipment") that is described in the Lease.

Pursuant to the Lease, Lessee acknowledges that Lessor has acquired the Equipment in connection with the Lease and Lessee has either received a copy of the purchase agreement with the vendor of the Equipment on or before signing the Lease or has approved such purchase. Lessee hereby represents, warrants and certifies that (i) all of the Equipment has been delivered to Lessee at the Equipment Location set forth in the Lease and has been installed, tested and inspected by Lessee or duly authorized representatives of Lessee, (ii) the Equipment Description set forth in the Lease is complete and correct, (iii) the Equipment, together with any supporting documentation, is exactly what Lessee ordered, is in good working order, is satisfactory in all respects and has been accepted by Lessee under the Lease as of the Acceptance Date set forth below, and (iv) there has been no adverse change in the business or financial condition of Lessee or any guarantor of the Lease since the day the most recent financial statement of Lessee or any guarantor was submitted to Lessor. If Lessee has made a deposit to the Equipment vendor(s), by signing this Certificate, Lessee hereby transfers all of Lessee's right, title and interest in and to the Equipment to Lessor, except to the extent set forth in the Lease, whether or not Lessee has been reimbursed for the deposit(s).

IMPORTANT: LESSEE SHOULD SIGN THIS CERTIFICATE ONLY AFTER LESSEE HAS RECEIVED AND IS COMPLETELY SATISFIED WITH THE EQUIPMENT. BY SIGNING THIS CERTIFICATE, LESSEE (1) IS IRREVOCABLY ACCEPTING THE EQUIPMENT, (2) BECOMES ABSOLUTELY AND IRREVOCABLY OBLIGATED TO LESSOR UNDER THE LEASE, AND (3) MAY NOT THEREAFTER REJECT THE EQUIPMENT, CANCEL OR TERMINATE THE LEASE OR DENY ANY STATEMENT MADE IN THIS CERTIFICATE, FOR ANY REASON WHATSOEVER

Acceptance Date: _____

Lessee: Town of Amherst By: _____ Title:_____

Printed Name: _____

Please Complete and return this document by Fax to 800-741-8079 upon delivery and acceptance of the financed Equipment.

Attachment: VGM Financial Services - Revised Lease Agreement (RES-2021-1054 : Authorize Amended Golf Cart & Utility Car Lease Agreement

Financial SERVICES

NEW YORK ADDENDUM
004-0616897-100 DATED AS OF April 15, 2021

LESSOR: **VGM Financial Services, a division of TCF National Bank**

LESSEE: **Town of Amherst**

This Addendum is hereby incorporated in and is hereby made a part of the above-referenced Lease Agreement (Equipment Rental) No. 004-0616897-100 (together with all Exhibits and Attachments and this Addendum, the "Lease"). Lessor and Lessee hereby agree that capitalized terms used herein and not otherwise defined herein shall have the terms assigned to such terms in the Lease and that the following changes and additions shall be made to the Lease:

1. **Section 2** of the Lease is hereby amended by adding the following sentence:

   "The total of all periodic Rental Payments that include both principal and interest components made by Lessee during each year throughout the term of the Lease shall be substantially level or falling."

2. **Section 5** of the Lease is hereby amended by amending and restating such section in its entirety to read as follows:

   "5. **GOVERNING LAW; VENUE OF LITIGATION. THIS LEASE, AND ALL MATTERS ARISING FROM THIS LEASE, INCLUDING ALL INTEREST AND FINANCE CHARGES HEREUNDER, SHALL IN ALL RESPECTS BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF NEW YORK (EXCLUDING CONFLICTS LAWS). TO THE EXTENT PERMITTED BY LAW, LESSEE HEREBY WAIVES ITS RIGHT TO A JURY TRIAL. THE PARTIES HEREBY CONSENT TO THE JURISDICTION AND VENUE OF STATE AND FEDERAL COURTS LOCATED IN ERIE COUNTY, NEW YORK.**"

3. **Section 16** of the Lease is hereby deleted and the following **Section 16** is hereby inserted in lieu thereof:

   "16. **ASSIGNMENT**. LESSEE AGREES NOT TO TRANSFER, SELL, SUBLEASE, ASSIGN, PLEDGE OR ENCUMBER EITHER THE EQUIPMENT OR ANY RIGHTS UNDER THIS LEASE WITHOUT LESSOR'S PRIOR WRITTEN CONSENT. Lessor, with Lessee's prior written consent, which will not be unreasonably withheld, may sell, assign or transfer this Lease and, if Lessor does, the new owner will have the same rights and benefits, but not the obligations, that Lessor will now have. The rights of the new owner will not be subjected to any claims, counterclaims, defenses or set-offs that Lessee may have against Lessor. No assignment will be effective until Lessee has received written notice from the assignor of the name and address of the assignee. Lessee or Lessee's agent will maintain a written record of each assignment in form necessary to comply with Section 149(a) of the Internal Revenue Code of 1986, as amended."

4. **Section 18** of the Lease is hereby deleted and the following **Section 18** is hereby inserted in lieu thereof:

   "**18. REPRESENTATIONS AND WARRANTIES.** Lessee warrants and represents as follows: (a) Lessee is a public body corporate and politic duly organized and existing under the constitution and laws of Lessee's State with full power and authority to enter into this Lease and the transactions contemplated hereby and to perform all of Lessee's obligations hereunder; (b) Lessee has duly authorized the execution and delivery of this Lease by proper action by Lessee's governing body at a meeting duly called, regularly convened and attended throughout by the requisite majority of the members thereof or by other appropriate official approval, and all requirements have been met and procedures have occurred in order to ensure the validity and enforceability of this Lease; (c) Lessee has complied with such public bidding requirements as are applicable to this Lease and the acquisition by Lessee of the Equipment; (d) all authorizations, consents and approvals of governmental bodies or agencies required in connection with the execution and delivery by Lessee of this Lease or in connection with the carrying out of Lessee's obligations hereunder have been obtained; (e) this Lease constitutes the legal, valid and binding obligation of Lessee enforceable in accordance with its terms, except to the extent limited by applicable bankruptcy, insolvency, reorganization or other laws affecting creditors' rights generally; (f) Lessee has, in accordance with the requirements of law, fully budgeted and appropriated sufficient funds for the current budget year to make the Rental Payments scheduled to come due during the current budget year and to meet Lessee's other obligations under this Lease during the current budget year, and those funds have not been expended for other purposes; (g) there is no proceeding pending or threatened in any court or before any governmental authority or arbitration board or tribunal that, if adversely determined, would adversely affect the transactions contemplated by this Lease or Lessor's interest in the Equipment; (h) the Equipment is new and is essential to Lessee's functions or to the services Lessee provides to Lessee's citizens, Lessee has an immediate need for the Equipment and expect to make immediate use of the Equipment, Lessee's need for the Equipment is not temporary and Lessee does not expect the need for any item of the Equipment to diminish in the foreseeable future, and

Attachment: VGM Financial Services Lease Agreement - Ny Rider Amherst Final (RES-2021-1054 : Authorize Amended Golf Cart & Utility Car

the Equipment will be used by Lessee only for the purpose of performing one or more of Lessee's governmental or proprietary functions consistent with the permissible scope of Lessee's authority and will not be used in the trade or business of any other entity or person; (i) Lessee has never failed to appropriate or otherwise make available funds sufficient to pay rental or other payments coming due under any lease purchase, installment sale or other similar agreement; (j) the execution and delivery of this Lease by Lessee will not cause Lessee to exceed the indebtedness limitations set forth in N.Y. Gen. Mun. Law § 109-b.6(c); and (k) *If Lessee is a City, County or School District,* the authorization for this Lease to finance the Equipment to be leased, acquired and financed under this Lease is not required by law to be subject to (1) a permissive or mandatory referendum, (2) a supermajority vote of Lessee's governing body or (3) if this Lease has a maturity not less than a specified minimum period, a referendum. *If Lessee is a Fire District,* the authorization for this Lease to finance the Equipment to be leased, acquired and financed under this Lease is required by law to be subject to a mandatory referendum. The necessary referendum has been approved by the voters of Town of Amherst in accordance with New York law.

5. **Section 19** of the Lease is hereby deleted and the following **Section 19** is hereby inserted in lieu thereof:

"19. **NONAPPROPRIATION.** This Lease shall be deemed executory only to the extent of monies appropriated and available for the purpose of this Lease, and no liability on account thereof shall be incurred by Lessee beyond the amount of such monies. This Lease is not Lessee's general obligation. Neither Lessee's full faith and credit nor Lessee's taxing power are pledged to the payment of any amount due or to become due under this Lease. It is understood that neither this Lease nor any representation of any public employee or officer creates any legal or moral obligation to appropriate or make monies available for the purpose this Lease.

Should Lessee fail to appropriate monies to pay Rental Payments under this Lease following the then current initial term or any renewal term, this Lease will be deemed terminated at the end of the then current initial term or renewal term, as applicable. Lessee agrees to deliver notice to Lessor of such termination at least 90 days prior to the end of the then current term, but failure to give such notice will not extend the term beyond such term. If this Lease is terminated in accordance with this Section, Lessee agrees, at Lessee's cost and expense, to peaceably deliver the Equipment to Lessor at the location or locations to be specified by Lessor."

Except as specifically set forth in this Addendum, all terms and conditions contained in the Lease will remain in full force and effect and are hereby ratified and confirmed.

Lessor:	VGM Financial Services, a division of TCF National Bank	By: _____	Title: _____
Lessee:	Town of Amherst	By: _____	Print Name: _____ Title: _____

Attachment: VGM Financial Services Lease Agreement - Ny Rider Amherst Final (RES-2021-1054 : Authorize Amended Golf Cart & Utility Car

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Court
Initiated by: **Kim Kern**
Co-Sponsored by: **Councilmember Shawn Lavin**

DOC ID: 25018 **RESOLUTION 2021-1055** **ADOPTED**

Martha Emiliani - Court Reporting Services Contract - CRS ID# 2973

Martha Emiliani - Court Reporting Services - CRS ID# 2973. Please authorize the Supervisor to sign this contract between Martha Emiliani and Amherst Town Court for Court Reporting Services. This contract CRS ID# 2973 has successfully been routed through the Contracting Routing System.

11/22/2021
Consent

FINANCIAL IMPACT:

There is sufficient money in the Court's Budget to cover the contract.

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

MARTHA A. EMILIANI

COURT REPORTING SERVICE AGREEMENT

SERVICE AGREEMENT

-BETWEEN-

THE SERVICE PROVIDER

Martha A. Emiliani – Court Reporter
597 Ainsworth Parkway
Angola, New York 14006
PHONE: (716) 400-2048

-AND-

THE CUSTOMER

Amherst Town Court
400 John James Audubon Pkwy.
Amherst, New York 14228
PHONE: (716) 689-4200
FAX: (716) 689-4284

START DATE - 11/21/21
END DATE - 11/21/22

BACKGROUND

Amherst Town Court is of the opinion that Martha A. Emiliani has the necessary qualifications, experience and abilities to provide the Court Reporting Services that are needed at Amherst Town Court.
Martha A. Emiliani, Court Reporter, is agreeable to providing such services for Amherst Town Court, on the terms and conditions set forth in this Agreement.

IN CONSIDERATION OF the matters described above and of the mutual benefits and obligations set forth in the Agreement, the receipt and sufficiency of which consideration is hereby acknowledged, the parties to the Agreement agree as follows:

Attachment: DOC102921 (RES-2021-1055 : Court Reporting Services Contract - CRS ID#2973)

SERVICES

Amherst Town Court hereby agrees to engage the services of Martha A. Emiliani to provide services consisting of Court Reporting Services.

PERFORMANCE

Martha A. Emiliani agrees to provide Court Reporting Services at Amherst Town Court when needed.

COMPENSATION

For the court reporting services provided by Martha A. Emiliani, Amherst Town Court agrees to pay $40.00 per hour (minimum 3 hours ($120.00) per working day). In addition, Amherst Town Court must provide a seven day notice to cancel scheduled court reporting services. In the event of an unexpected court cancellation, where at least a seven day notice is not given, Amherst Town Court agrees to pay the minimum of three hours which equals $120.00.

Transcripts - $3.75 per page

EQUIPMENT

Martha A. Emiliani, Court Reporter, agrees to provide all necessary court reporting equipment that will be used to perform the agreed upon duties i.e. Court Reporting Services.

TERM OF AGREEMENT

The term of Agreement will begin on the date of this Agreement and will continue for one year. This contract can be cancelled with a 14 day written notice by the Court Reporter.

ASSIGNMENT

This Agreement is being entered into in reliance and upon the consideration of the skill and qualifications of Martha A. Emiliani. In her absence she agrees to find a court reporter who is qualified to provide Court Reporting Services for Amherst Town Court. In the event that a replacement is necessary the replacement will receive the agreed upon compensation as written above.

Martha A Emiliani 9/29/2021

MARTHA A. EMILIANI — DATE
COURT REPORTER

BRIAN KULPA — DATE
AMHERST SUPERVISOR

Attachment: DOC102921 (RES-2021-1055 : Court Reporting Services Contract - CRS ID#2973)

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/D 08/16/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATIONIS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME:	
USI INSURANCE SERVICES LLC/PHS 01215796 The Hartford Business Service Center 3600 Wiseman Blvd San Antonio, TX 78251	PHONE (A/C, No, Ext): (866) 467-8730	FAX (A/C, No): (888) 443-6112
	E-MAIL ADDRESS:	

INSURED	INSURER(S) AFFORDING COVERAGE	NAIC#
MARTHA EMILIANI 597 AINSWORTH PKWY ANGOLA NY 14006-9767	INSURER A : Twin City Fire Insurance Company	29459
	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED.NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/Y YYY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY CLAIMS-MADE [X] OCCUR [X] General Liability GEN'L AGGREGATE LIMIT APPLIES PER: POLICY [ ] PRO-JECT [X] LOC OTHER:			01 SBM BE0559	09/14/2021	09/14/2022	EACH OCCURRENCE	$2,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$1,000,000
							MED EXP (Any one person)	$10,000
							PERSONAL & ADV INJURY	$2,000,000
							GENERAL AGGREGATE	$4,000,000
							PRODUCTS - COMP/OP AGG	$4,000,000
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	
							BODILY INJURY (Per person)	
							BODILY INJURY (Per accident)	
							PROPERTY DAMAGE (Per accident)	
	UMBRELLA LIAB EXCESS LIAB OCCUR CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE	
							AGGREGATE	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/ A					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)

Those usual to the Insured's Operations.

CERTIFICATE HOLDER

Town of Amherst
5583 MAIN ST
Williamsville NY 14221-5488

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

Susan L. Castaneda

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Attachment: DOC102921 (RES-2021-1055 : Court Reporting Services Contract - CRS ID#2973)

000138 2/2

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Court
Initiated by: **Kim Kern**
Co-Sponsored by: **Councilmember Shawn Lavin**

DOC ID: 25019 **RESOLUTION 2021-1056** **ADOPTED**

Brenda Walck - Court Reporting Services - CRS ID# 2974

Brenda Walck - Court Reporting Services - CRS ID# 2974. Please authorize the Supervisor to sign this contract between Brenda Walck and Amherst Town Court for Court Reporting Services. This contract CRS ID# 2974 has successfully been routed through the Contract Routing System.

11/22/2021
Consent

FINANCIAL IMPACT:

There is sufficient money in the Court's Budget to cover the contract.

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

BRENDA K. WALCK

COURT REPORTING SERVICE AGREEMENT

SERVICE AGREEMENT

-BETWEEN-

THE SERVICE PROVIDER

Brenda K. Walck– Court Reporter
6291 Milleville Circle
Sanborn, New York 14132
PHONE: (716) 695-4374

-AND-

THE CUSTOMER

Amherst Town Court
400 John James Audubon Pkwy.
Amherst, New York 14228
PHONE: (716) 689-4200
FAX: (716) 689-4284

START DATE - 11/21/21
END DATE - 11/21/22

BACKGROUND

Amherst Town Court is of the opinion that Brenda K. Walck has the necessary qualifications, experience and abilities to provide the Court Reporting Services that are needed at Amherst Town Court.
Brenda K. Walck, Court Reporter, is agreeable to providing such services for Amherst Town Court, on the terms and conditions set forth in this Agreement.

IN CONSIDERATION OF the matters described above and of the mutual benefits and obligations set forth in the Agreement, the receipt and sufficiency of which consideration is hereby acknowledged, the parties to the Agreement agree as follows:

Attachment: DOC102921-001 (RES-2021-1056 : Court Reporting Services CRS ID# 2974)

SERVICES

Amherst Town Court hereby agrees to engage the services of Brenda K. Walck to provide services consisting of Court Reporting Services.

PERFORMANCE

Brenda K. Walck agrees to provide Court Reporting Services at Amherst Town Court when needed.

COMPENSATION

For the court reporting services provided by Brenda K. Walck, Amherst Town Court agrees to pay $40.00 per hour (minimum 3 hours ($120.00) per working day). In addition, Amherst Town Court must provide a seven day notice to cancel scheduled court reporting services. In the event of an unexpected court cancellation, where at least a seven day notice is not given, Amherst Town Court agrees to pay the minimum of three hours which equals $120.00.

Transcripts - $3.75 per page

EQUIPMENT

Brenda K. Walck, Court Reporter, agrees to provide all necessary court reporting equipment that will be used to perform the agreed upon duties i.e. Court Reporting Services.

TERM OF AGREEMENT

The term of Agreement will begin on the date of this Agreement and will continue for one year. This contract can be cancelled with a 14 day written notice by the Court Reporter.

ASSIGNMENT

This Agreement is being entered into in reliance and upon the consideration of the skill and qualifications of Brenda K. Walck. In her absence she agrees to find a court reporter who is qualified to provide Court Reporting Services for Amherst Town Court. In the event that a replacement is necessary the replacement will receive the agreed upon compensation as written above.

Brenda K. Walck — 9/2/2021

BRENDA K. WALCK
COURT REPORTER

DATE

BRIAN KULPA
AMHERST SUPERVISOR

DATE

Attachment: DOC102921-001 (RES-2021-1056 : Court Reporting Services CRS ID# 2974)

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 08/16

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATIONIS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME:	
USI INSURANCE SERVICES LLC/PHS 01215796 The Hartford Business Service Center 3600 Wiseman Blvd San Antonio, TX 78251	PHONE (A/C, No, Ext): (866) 467-8730	FAX (A/C, No): (888) 443-6112
	E-MAIL ADDRESS:	

INSURED	INSURER(S) AFFORDING COVERAGE	NAIC#
BRENDA WALCK 6291 MILLEVILLE CIR SANBORN NY 14132-9239	INSURER A : Twin City Fire Insurance Company	29459
	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED.NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/Y YY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR [X] General Liability GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [ ] PRO-JECT [X] LOC [ ] OTHER:			01 SBM BE0665	09/14/2021	09/14/2022	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$2,000,000 $1,000,000 $10,000 $2,000,000 $4,000,000 $4,000,000
	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS [ ] HIRED AUTOS [ ] NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	
	[ ] UMBRELLA LIAB [ ] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $						EACH OCCURRENCE AGGREGATE	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N [ ] N/A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						[ ] 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)

Those usual to the Insured's Operations.

CERTIFICATE HOLDER

THE TOWN OF AMHERST
400 JOHN JAMES AUDUBON PKWY
AMHERST NY 14228-1142

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

Susan L. Castaneda

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Attachment: DOC102921-001 (RES-2021-1056 : Court Reporting Services CRS ID# 2974)

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Finance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 25048 **RESOLUTION 2021-1057** **ROLL CALL VOTE (ADOPTED)**

Authorize Holiday Market at Buffalo Niagara Heritage Village - CRS #2999-3021, 3024-3025, 3030-3032

WHEREAS, the Town has organized several parks programming events over the course of several months in 2021; and

WHEREAS, one such event is the Holiday Market at Buffalo Niagara Heritage Village, to be held on December 4, 2021 from 10am-2pm; and

WHEREAS, vendors are not being paid to participate, nor are they required to submit a fee to participate, and no monies have been exchanged between the vendors and the Town, or preferences given; and

WHEREAS, the attached contract documents have been reviewed and approved by the Town Attorney for form and content;

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby approves the attached contract documents for form and content; and

BE IT FURTHER RESOLVED, the Town Board hereby approves contracts with the following vendors, subject to successful completion of the Contract Routing System:

CRS #2999	Black Barn Bakery
CRS #3000	KBS Spices and Buffalo Artisan Food Traders
CRS #3001	Cosimano E. Ferrari, LLC
CRS #3002	Donna Brands, E. Harlock, d/b/a Donna's Pepper Jams and Jellies
CRS #3003	Effervescence
CRS #3004	Equitable Financial Life Insurance - Jordan Buell, Equitable Advisors
CRS #3005	Healy Enterprises Inc. - Fibrenew
CRS #3006	Fransylvania Produce
CRS #3007	Steven and Julie Rockcastle - Green Heron Growers
CRS #3008	Fudds House of Munch
CRS #3009	JM West Designs
CRS #3010	Yan88 Inc., d/b/a Kcafe
CRS #3011	Keith Wing, Author
CRS #3012	Barbara Andrews, d/b/a Kester Farms
CRS #3013	Kim's Kicking Nails
CRS #3014	Lewiston Jellies, LLC
CRS #3015	Mack's
CRS #3016	North Ridge Distillery, LLC
CRS #3017	Dakshin Canteen, LLC, d/b/a Smita's Cookery
CRS #3018	Stockman's Tavern
CRS #3019	Sugarcane WNY

CRS #3020 Weber's Landscaping Inc., d/b/a Weber's Maple
CRS #3021 Independent Business Owners, d/b/a Wellness Genie
CRS #3024 Mini Italias Bistro and Sweets
CRS #3025 My Buffalo Candle Co.
CRS #3030 M&M Pickles Inc.
CRS #3031 CBD Med Center
CRS #3032 Simone Fancher-Rowan, The Cheesy Chick LLC, Buffalo's Gotta Eat

11/22/2021
A motion to approve was made by Deputy Supervisor Berger, seconded by Councilmember Lavin and approved 3-1 via Roll Call Vote (nay, Bucki).

FINANCIAL IMPACT:

N/A

RESULT:	**ROLL CALL VOTE (ADOPTED) [3 TO 1]**
MOVER:	Jacqualine Berger, Deputy Supervisor
SECONDER:	Shawn Lavin, Councilmember
AYES:	Berger, Lavin, Szukala
NAYS:	Bucki
ABSENT:	Kulpa



BUFFALO NIAGARA
HERITAGE VILLAGE



Town of Amherst Holiday Market 2021
RETAIL VENDOR REGISTRATION APPLICATION

The Town of Amherst's Winter Holiday Market will be held December 4, 2021 from 10am-2pm on the grounds of the Buffalo Niagara Heritage Village. Please complete this registration form and submit to the Town of Amherst, Resource Coordinator (edagostino@amherst.ny.us), by October 29th, 2021.

Set Up Times, Requirements, and Expectations of Applicants:

- Event will be held on December 4, 2020 from 10am-2pm.
- All vendors are expected to be open for the duration of the event.
- **Set-up times: Setup begins at 7:30am** and spaces for vendors are available on a first come, first serve basis. Spaces will not be assigned. Vendors may pull into the vendor loop, filing in from the front to back, to unload their items, but must pull out of the loop after unloading is complete. **VENDORS MUST ARRIVE *NO LATER THAN 9:00AM* FOR SETUP AND MUST BE OFF THE MAIN PATH BY 9:30AM. PLEASE PLAN ACCORDINGLY.**
- Complete this registration application, and return it to the Resource Coordinator via email by October 29, 2021. No spaces are guaranteed until signed contract and COI have been approved via Town Board Resolution.
  Please provide a valid COI listing **both** the Town of Amherst and Buffalo Niagara Heritage Village as additional insured. Please see sample COI provided.

Town of Amherst - Holiday Market Registration Form
Attn: Elizabeth Dagostino, Resource Coordinator
edagostino@amherst.ny.us

Company Name: _____

Contact: _____

Address: _____

Email Address: _____ Phone: _____

Please give a Description of Services and/or Items to be sold:

_____

_____

Attachment: WinterMarketVendorContractv2 (RES-2021-1057 : Authorize Holiday Market at Buffalo Niagara Heritage Village - CRS #2999-3021,



BUFFALO NIAGARA
HERITAGE VILLAGE



Town of Amherst Holiday Market 2021
RETAIL VENDOR REGISTRATION APPLICATION

Vendors will be placed on a first come first serve basis or as best fits as determined by the Town of Amherst. **Registration applications must be properly completed and insurance certificate filed prior to the event.** Vendors will be assigned space along the paved road and may set up on the green space between the main building and looping around the pavilion (interior loop – please review map provided to vendors for reference). All booths will have a 12 foot perimeter in accordance with Fire Safety Code.

General Release and Acceptance Agreement: This Applicant has read the rules of the event and agrees to abide by them. The Applicant releases Buffalo Niagara Heritage Village and its agents, the Town of Amherst, and their employees from any and all liability for any injury, loss, theft, damages, expenses, causes to action, lawsuits and other claims arising from injury to persons or property. **All vendors are required to file a $1,000,000 Certificate of Liability Insurance listing the Town of Amherst and Buffalo Niagara Heritage Village as additional insured on file with the Town of Amherst prior to the event.** Please submit this documentation, together with this registration form, no later than October 29, 2021.

By signing and submitting this registration, I acknowledge that I have read and agree to follow the Town of Amherst's and Buffalo Niagara Heritage Village's General Vendor Rules and Regulations. It is imperative that each vendor read and understand the event rules and regulations outlined therein.

Signature of Applicant _____ Date _____

Attachment: WinterMarketVendorContractv2 (RES-2021-1057 : Authorize Holiday Market at Buffalo Niagara Heritage Village - CRS #2999-3021,







Town of Amherst Winter Holiday Market 2021
GENERAL VENDOR RULES AND REGULATIONS

Applies to ALL participants

1. **Appearance and presentation** of the booth is critical to the overall feeling of the event and to your retail success. The Town of Amherst and BNHV want to ensure that everyone has the best possible experience. The **EVENT STAFF** determines booth placement.
2. Event is held **rain or shine.** Please dress and prepare accordingly, with respect to the season and potential weather.
3. **Vendor registration application is due no later than October 29, 2021.**
4. The Town of Amherst and Buffalo Niagara Heritage Village reserves the right to decline registration to vendors for any reason including, but not limited to, incompatibility with our mission, all available spaces have been filled, etc.
    a. Those vendors/exhibitors who do not comply with the Rules and Regulations may be denied participation in future years.
5. The "standard" **VENDOR BOOTH** consists of a 10x10 space, no tent larger than 12x12 per vendor will be permitted.
    a. All vendor activities must be confined to allotted booth space area, including giveaways, petitions, surveys, music, etc.
6. **TENTS are required for each VENDOR BOOTH**.
    a. It is the responsibility of the vendor to provide their own tent for the event.
    b. All tents must be secured.
        i. **STAKING** is allowed but must be confined to your booth space i.e. all stakes must lie within your 10x10 space.
        ii. Other acceptable options: sandbags or cinder blocks – all attached to tent structure.
    c. Tents are not allowed on the walkways.
7. **VENDORS** are expected to conduct themselves in a professional manner and keep the following in mind:
    a. Each vendor is responsible for his/her booth and all items in it.
    b. Booths must be ready to open by 9:45AM and remain open until 2:00PM. **You may not vacate early**.
    c. Vendors are responsible for the set-up, maintenance and removal of his/her own booth, merchandise and trash. The booth must be removed and the area cleaned up 3:00PM on Saturday, December 4, 2021.
    d. Food items/beverages CANNOT be sold or given away for on-site consumption unless all necessary local, state and Erie County Health Department permits are secured. It is the responsibility of the vendor to find and secure all necessary permits for his/her booth.
    e. All samples must comply with any applicable state, county, and municipal rules and laws.

Attachment: WinterMarketVendorContractv2 (RES-2021-1057 : Authorize Holiday Market at Buffalo Niagara Heritage Village - CRS #2999-3021,

NO SMOKING anywhere throughout the event grounds.

8. **Sales tax** for items sold at event must be paid by vendors in compliance with local and state tax law.
9. **Vendor set-up begins at 7:30am on Saturday, December 4, 2021.**
    a. Set-up hours are **7:30AM-9:30AM.**
    b. **All vehicles unloading set-up materials must be off BNHV vendor loop area by 9:45AM.** Please keep vehicles on the paved path/road at all times during set-up.
10. **Parking** within the event grounds is prohibited. Vendors are asked to park their vehicles on the West Side of the building for the duration of the event. Please refer to the map provided.
11. **ELECTRICITY, heat, and the use of gas or propane generators on the grounds of BNHV is prohibited.**

Attachment: WinterMarketVendorContractv2 (RES-2021-1057 : Authorize Holiday Market at Buffalo Niagara Heritage Village - CRS #2999-3021,







Town of Amherst Winter Holiday Market 2021

FOOD TRUCK REGISTRATION:

The Town of Amherst's Winter Holiday Market will be held December 4, 2021 from 10am-2pm on the grounds of the Buffalo Niagara Heritage Village. Please complete this registration form and submit to the Town of Amherst, Resource Coordinator (edagostino@amherst.ny.us), no later than October 29, 2021.

Set Up Times and Requirements:

- The event will be held on December 4, 2021 from 10am-2pm.
- All vendors are expected to be open for the duration of the event.
- **Set-up times:** Setup begins at 9:00AM for food trucks. Parking spaces in the main lot will be sectioned off. Food trucks must remain in place for the duration of the event – 10am – 2pm.
- Please fill out the application, and return it to the Resource Coordinator via email by October 29, 2021.
- Please provide a valid COI listing **both** the Town of Amherst and Buffalo Niagara Heritage Village as additional insured. *Please see sample COI.*

Town of Amherst - Winter Market Registration Form
Attn: Elizabeth Dagostino, Resource Coordinator
edagostino@amherst.ny.us

Company Name: _____

Contact: _____

Address: _____

Email Address: _____ Phone: _____

Please give a Description of Services and/or Items to be sold:

_____

_____

_____

_____

Attachment: FoodTruckContract.docx (RES-2021-1057 : Authorize Holiday Market at Buffalo Niagara Heritage Village - CRS #2999-3021, 3024-

*Food trucks will be placed on a first come, first serve basis or as best fits as determined by the Town of Amherst. **Applications must be properly completed and insurance certificate filed prior to the event.** Vendors will be assigned space along the paved road and may set up on the green space between the main building and looping around the pavilion (interior loop – please review map provided to vendors for reference). All booths will have a 5 foot perimeter, and maintain 20 feet from the paved path, in accordance with Fire Code.

General Release and Acceptance Agreement: This Applicant has read the rules of the event and agrees to abide by them. The Applicant releases Buffalo Niagara Heritage Village and its agents, the Town of Amherst, and their employees from any and all liability for any injury, loss, theft, damages, expenses, causes to action, lawsuits and other claims arising from injury to persons or property. **All Food Trucks/Operators are required to file a $1,000,000 Certificate of Liability Insurance listing the Town of Amherst and Buffalo Niagara Heritage Village as additional insured on file with the Town of Amherst prior to the event.** Please submit this documentation, together with this registration form, no later than October 29th, 2021.

By signing and submitting this registration, I acknowledge that I have read and agree to follow the Town of Amherst's and Buffalo Niagara Heritage Village's General Food Truck Rules and Regulations. It is imperative that each participant read and understand the event rules and regulations outlined therein.

Signature of Applicant _____ Date _____

Attachment: FoodTruckContract.docx (RES-2021-1057 : Authorize Holiday Market at Buffalo Niagara Heritage Village - CRS #2999-3021, 3024-







Town of Amherst Winter Holiday Market 2021
GENERAL FOOD TRUCK RULES AND REGULATIONS

Applies to ALL participants.

1. **Appearance and presentation** of the vendor/food truck space is critical to the overall feeling of the event and to your success. The Town of Amherst and BNHV want to ensure that everyone has the best possible experience. The **EVENT STAFF** determines booth placement.
2. Event is held **rain or shine.** Please dress and prepare accordingly, with respect to the season and potential weather.
3. **Food Truck registration is due no later than October 29th, 2021.**
4. The Town of Amherst and Buffalo Niagara Heritage Village reserves the right to decline registration to food truck operators and participants for any reason including, but not limited to, incompatibility with our mission, all available spaces have been filled, etc.
    a. Those vendors/exhibitors who do not comply with the Rules and Regulations may be denied participation in future years.
5. The "standard" **Food Truck space will be determined by the TOA and assigned prior to opening of the market**:
    a. All participant activities must be confined to allotted/assigned space area, including giveaways, petitions, surveys, music, etc.
    b. No seating areas, either temporary or use of permanent, on-site seating will be allowed.
6. **Food Trucks, Operators, and Participants** are expected to conduct themselves in a professional manner and keep the following in mind:
    a. Each food truck is responsible for his/her truck and all items in it.
    b. Trucks must be ready to open by 10:00AM and remain open until 2:00PM, unless otherwise previously arranged. **You may not vacate early**.
    c. Food Trucks and Operators are responsible for the set-up, maintenance and removal of his/her own truck, merchandise and trash. The truck must be removed and the area cleaned up 3:00PM on Saturday, December 4, 2021. **At no time are trucks permitted to park or otherwise drive on to grassed areas or other areas not designated or assigned. Trucks may depart the parking lot when 75% of the lot has been vacated by guests.**

Attachment: FoodTruckContract.docx (RES-2021-1057 : Authorize Holiday Market at Buffalo Niagara Heritage Village - CRS #2999-3021, 3024-

BUFFALO NIAGARA HERITAGE VILLAGE

d. Food items/beverages CANNOT be sold or given away for on-site consumption unless all necessary local, state and Erie County Health Department permits are secured. It is the responsibility of the vendor to find and secure all necessary permits for his/her truck.
e. All samples must comply with Food Vendor Rules, listed in the Food Vendor section below.
f. NO SMOKING anywhere throughout the event grounds.

7. **Sales tax** for items sold at event must be paid by vendors in compliance with local and state tax law.
8. **Food Truck set-up begins at 9:00AM on Saturday, December 4, 2021.**
    a. Set-up hours are **9:00AM – 10:00AM**
9. **Assigned parking spaces will be provided prior to the event.**
10. **ELECTRICITY, heat, and the use of gas or propane generators on the grounds of BNHV is prohibited. Food Trucks will remain in the parking lot and outside the main event grounds at all times.**

Attachment: FoodTruckContract.docx (RES-2021-1057 : Authorize Holiday Market at Buffalo Niagara Heritage Village - CRS #2999-3021, 3024-

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Highway
Initiated by: **Stephen Bryan**
Co-Sponsored by:

DOC ID: 25028 A **RESOLUTION 2021-1058** **ADOPTED**

Authorize the Purchase of Two (2) Ventrac MS720 SD Mowers CRS #2982

NOW THEREFORE BE IT RESOLVED, the Town Board authorizes the purchase of two (2) VENTRAC MS720 SD MOWERS.

The purchase is from BISON TURF EQUIPMENT INC, 2800 Kenmore Avenue, Tonawanda, NY 14150 for $6,304.80 times 2 units equals $12,609.60 under SOURCEWELL Contract #031121 - TTC - 2 with maturity date of 04/ 30/2025.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign this purchase. This purchase is subject to the Contract Routing System (CRS#2982) and the approval of the Town Attorney.

11/22/2021
Consent

FINANCIAL IMPACT:

KP2117-2600

$12,609.60

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

BISON TURF EQUIPMENT, INC.
2800 Kenmore Avenue
Tonawanda, NY 14150
(716) 876-2000
www.bisonturf.com

Invoice Estimate 45618

Thank you for your business! We hope to see you back soon. Items must be returned in the original package within 7 days. Receipt required for full credit. No returns on special order parts or electric parts. Wholegoods or serialized new or used are non returnable. Any deposit are non refundable. All used equipment is sold as-is with no warranties.

Bill To	Ship To
TOWN OF AMHERST 1042 NORTH FOREST BUFFALO, NY 14221	

Customer	Contact	Customer Tax Number	Phone	Cell Phone	Transaction	PO Number
13573	DOMINIC CREAMER		(716) 208-6286		Estimate	

Counter Person	Sales Person	Date Printed	Reference	Email Address	Department
Ed Bachman	Ed Bachman	11/02/21	45618		Counter Sales

Part Number	Line	Description	Ordered	B/O'd	Shipped	List	Net Each	Amount
70.8214	VEN	KIT, HYDRAULIC FLIP U	2		2	$561.00	$510.00	$1,020.00
70.4067	VEN	KIT, DUALS FIELD TRAX	2		2	$1,475.00	$1,475.00	$2,950.00
Model	**Line**	**Description**	**Ordered**	**B/O'd**	**Shipped**	**List**	**Net**	**Amount**
39.55111	VENW	MS720 MowerSD	2		2		$4,850.00	$9,700.00

Description	Line	Reference	Quantity	Net Each	Amount
Set up and Prep		ASSEMBLE ITEMS	1	$180.00	$180.00
Discount		SOURCEWELL MUNI DISCOUNT 12%	-1	$1,640.40	($1,640.40)
Freight		FACTORY FREIGHT	1	$400.00	$400.00

Invoice Total	$12,609.60
Sales Tax	$0.00
Grand Total	$12,609.60

Agreed to and Accepted by:

BISON TURF EQUIPMENT, INC.

By: _____
Signature

EDWARD Bachman
Print Name

Sales
Title

Date: 11/5/21

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
BRIAN KULPA
Supervisor

Date: _____

Thank you for your business! We hope to see you back soon. Items must be returned in the original package within 7 days. Receipt required for full credit. No returns on special order parts or electric parts. Wholegoods or serialized new or used or non returnable. Any deposit are non refundable. All used equipment is sold as-is with no warranties.

Notes:

Customer acknowledges receipt thereof:

Attachment: BISON TURF VENTRAC (RES-2021-1058 : Authorize the Purchase of Two (2) Ventrac Ms720 Sd Mowers Crs#2982)

Addendum to Contract VENDOR NOT ON SITE

1. Notwithstanding any other provision in this Agreement, the following clauses shall be controlling. Should any other provision of the Agreement conflict with the clauses in this Addendum then the provisions of this Addendum are to be enforceable and any conflicting provision shall be considered null and void.

2. No rules, requirements or customs of any society or association of professional Vendors or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.

3. To the fullest extent permitted by law, Vendor shall indemnify and hold the Town, its officers, agents, and employees, harmless from any and all liability, demands, claims, or expenses, awards or judgments imposed upon the Town, its officers, agents, and/or employees, arising out of the work of the Vendor its officers, agents, sub-Vendors, and/or employees as well as the negligence, active or passive, of the Vendor, its officers, agents, sub-Vendors, and/or employees.

4. No Assignment: In accordance with the provisions of Section 109 of the General Municipal Law, the Vendor is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of its right, title or interest in this agreement, or its power to execute this Agreement, to any other person or corporation without the previous consent in writing of the Town.

5. Required Provisions of Law: Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon the application of either party this Agreement shall be physically amended forthwith to make such insertion. In particular, the Vendor shall, among other things, fully comply with:

(a) Article 8 of the NYS Labor Law for public work contracts and Article 9 of the Labor Law regarding prevailing wage for Building Service employees.
(b) Labor Law Section 220-e and Executive Law Sections 291-299 and the Civil Rights Law relating to prohibition against discrimination and equal opportunity.
(c) Affirmative action as required by the Labor Law.
(d) Prevention of dust hazard required by Labor Law Section 222-a.
(e) Preference in employment of persons required by Labor Law Section 222.
(f) Eight-hour workday as required by Labor Law Section 220(2).
(g) Chapter 32 of the Town of Amherst: Minority Women and Business Utilization Commitment.
(h) Chapter 163 of the Town of Amherst: Registration of Sex Offenders.

Attachment: BISON TURF VENTRAC (RES-2021-1058 : Authorize the Purchase of Two (2) Ventrac Ms720 Sd Mowers Crs#2982)

6. The Vendor, in accordance with its status as an independent Vendor, covenants and agrees that it will conduct itself consistent with such status. It will neither hold itself out as nor claim to be, an officer or employee of the Town by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the Town, including, but not limited to: workers' compensation coverage, unemployment insurance benefits, Social Security coverage, or retirement membership or credit.

Waiver: No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

7. This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If the contract between the parties refers to the laws, statutes, rules, regulations or ordinances for any state other than New York State, to the laws, statutes, rules, regulations or ordinances for any county other than Erie County, New York or to the laws, statutes, rules, regulations or ordinances for any municipality other than the Town of Amherst, then the laws, statutes, rules, regulations or ordinances for New York State, Erie county and/or the Town of Amherst shall apply as applicable. Any and all legal action necessary to enforce the Agreement will be venued in Supreme Court, Erie County, New York or in the United States District Court for the Western District of New York, Buffalo Division.

8. 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.

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:

Bison Turf Equipment
Print Name of Company

By: Edward P Rocanan
Signature

Edward Rocanan
Printed name

Date: 10/5/21

Agreed to and Accepted by:

Town of Amherst

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Revised 12.30.19 SJS

Attachment: BISON TURF VENTRAC (RES-2021-1058 : Authorize the Purchase of Two (2) Ventrac Ms720 Sd Mowers Crs#2982)

IRAN DIVESTMENT ACT CERTIFICATION

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a provision was added to the State Finance Law (SFL), Section 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will develop a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). This list is posted on the OGS website.

By submitting a response to this solicitation, or by assuming the responsibility under a Contract/Lease awarded hereunder, Bidder/Contractor/Vendor (or any assignee) certifies that it will not utilize on such Contract/Lease any subcontractor that is identified on the prohibited entities list.

Additionally, Bidder/Contractor/Vendor is advised that any Bidder/ Contractor/Vendor seeking to renew or extend a Contract/Lease (or assume responsibility of a Contract/Lease awarded must certify at the time the Contract/Lease is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract/Lease, should the Town of Amherst (Town) receive information that a person is in violation of the above-referenced certification, the Town will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the Town shall take such action as appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the Bidder/Contractor/Vendor in default.

The Town reserves the right to reject any Contract/Lease or request for assignment for an entity that appears on the prohibited entities list prior to the award of a Contract/Lease, and to pursue a responsibility review with respect to any entity that is awarded a Contract/Lease and appears on the prohibited entities list after Contract/Lease award.

Company Name: Bison Turf Equipment

Signature: Edward P Bachman

Print Name: Edward Bachman

Title: Sales

Date: 11/5/21

JEREMY JULYAN
Notary Public - State of New York
NO. 01JU6387009
Qualified in Erie County
My Commission Expires Feb 4, 2023

Sworn To Before Me This
5th Day of November, 2021

Notary Public

Attachment: BISON TURF VENTRAC (RES-2021-1058 : Authorize the Purchase of Two (2) Ventrac Ms720 Sd Mowers Crs#2982)

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 11/02/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
KATHLEEN MCCOLLUM INSURANCE AGENCY INC.
8865 SHERIDAN DRIVE
CLARENCE, NY 14031

CONTACT NAME:
PHONE (A/C, No, Ext): 716-204-9093 **FAX (A/C, No):** 716-204-9705
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : FARM FAMILY CASUALTY INS. CO.	13803
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
BISON TURF EQUIPMENT / SOWNY, INC
451 MEYER ROAD
AMHERST, NY 14226

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY 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	X	X	3115X0281	10/03/2021	10/03/2022	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE [X] OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						MED EXP (Any one person)	$ 5,000
	X POLICY [ ] PRO-JECT [ ] LOC						PERSONAL & ADV INJURY	$ 1,000,000
	OTHER:						GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ 2,000,000
								$
A	AUTOMOBILE LIABILITY			3115C1638	02/14/2021	02/14/2022	COMBINED SINGLE LIMIT (Ea accident)	$ 500,000
	ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS [X] SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS [ ] NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB [ ] OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB [ ] CLAIMS-MADE						AGGREGATE	$
	DED [ ] RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						PER STATUTE [ ] OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ] N/A						E.L. EACH ACCIDENT	$
	(Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						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)
CERTIFICATE HOLDER IS LISTED AS ADDITIONAL INSURED ON A PRIMARY AND NON-CONTRIBUTORY BASIS.

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

© 1988-2014 ACORD CORPORATION. All rights reserved.

Attachment: BISON TURF VENTRAC (RES-2021-1058 : Authorize the Purchase of Two (2) Ventrac Ms720 Sd Mowers Crs#2982)

NYSIF
New York State Insurance Fund

199 CHURCH STREET, NEW YORK, N.Y. 10007-1100
| nysif.com

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

^ ^ ^ ^ 161134708

THE FLANDERS GROUP
300 LINDEN OAKS
SUITE 210 - 1ST FLOOR
ROCHESTER NY 14625

SCAN TO VALIDATE
AND SUBSCRIBE

POLICYHOLDER	CERTIFICATE HOLDER
HAUSRATHS LANDSCAPE MAINTENANCE INC 451 MEYER ROAD AMHERST NY 14226	TOWN OF AMHERST 5583 MAIN ST WILLIAMSVILLE NY 14221

POLICY NUMBER	CERTIFICATE NUMBER	POLICY PERIOD	DATE
Z 2027 954-3	185017	04/01/2021 TO 04/01/2022	03/05/2021

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 2027 954-3, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW.

IF YOU WISH TO RECEIVE NOTIFICATIONS REGARDING SAID POLICY, INCLUDING ANY NOTIFICATION OF CANCELLATIONS, OR TO VALIDATE THIS CERTIFICATE, VISIT OUR WEBSITE AT HTTPS://WWW.NYSIF.COM/CERT/CERTVAL.ASP. THE NEW YORK STATE INSURANCE FUND IS NOT LIABLE IN THE EVENT OF FAILURE TO GIVE SUCH NOTIFICATIONS.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS NOR INSURANCE COVERAGE UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY.

NEW YORK STATE INSURANCE FUND

DIRECTOR, INSURANCE FUND UNDERWRITING

VALIDATION NUMBER: 184664722

0000000000091183891

Attachment: BISON TURF VENTRAC (RES-2021-1058 : Authorize the Purchase of Two (2) Ventrac Ms720 Sd Mowers Crs#2982)

Sourcewell

Sourcewell Awarded Contract

Ventrac Products - Toro

Landscape & Grounds Maintenance Equipment

#031121-TTC-2

Maturity Date: 04/30/2025

Pricing

Pricing

Information in this file is subject to change

Contract 031121-TTC-2 - Price information

Become a Member

Simply complete the online application or contact the Client Development team at service@sourcewell-mn.gov or 877-585-9706.

Search Vendors & Contracts

General Contracts

ezIQC Contracts

Attachment: BISON TURF VENTRAC (RES-2021-1058 : Authorize the Purchase of Two (2) Ventrac Ms720 Sd Mowers Crs#2982)

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Attachment: BISON TURF VENTRAC (RES-2021-1058 : Authorize the Purchase of Two (2) Ventrac Ms720 Sd Mowers Crs#2982)

Sourcewell

Toro #031121-TTC

Pricing for contract #031121-TTC offers Sourcewell participating agencies the following discounts:

- Toro Commercial Equipment: 22% off US MSRP
- Toro Landscape Contractor Equipment (LCE): 27% off US MSRP
- Toro Landscape Contractor SNOW Equipment (LCE SNOW): 20% off US MSRP
- Toro Siteworks System (SWS) Equipment: 17% off US MSRP
- BOSS Snow Removal Equipment: 25% off US MSRP
- Toro Bullseye Equipment: 5% off US MSRP
- Toro Golf Irrigation: 40% off US MSRP
- Toro Residential Commercial Equipment (RES COM): 40% off US MSRP
- Irritrol Irrigation Products: 0% - 40% off US MSRP
- Rain Master Irrigation Products: 0% - 40% off US MSRP
- Sentinel Irrigation Products: 35% off US MSRP
- Large Rotors: 15% off US MSRP
- Ventrac 4500 Series Products: 12% off US MSRP
- Ventrac SSV Products: 5% off US MSRP

- Third party attachments: distributors/dealers will set the price but will not exceed list price and may include setup and freight charges.

Attachment: BISON TURF VENTRAC (RES-2021-1058 : Authorize the Purchase of Two (2) Ventrac Ms720 Sd Mowers Crs#2982)

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Highway
Initiated by: **Stephen Bryan**
Co-Sponsored by:

DOC ID: 25031 **RESOLUTION 2021-1059** **ADOPTED**

Authorize Supervisor to Sign Contract to Piggyback - Northern Supply Company CRS #2989

NOW THEREFORE BE IT RESOLVED, that the Town of Amherst is approved to piggyback on the County of Erie - Plow Parts and Winter Highway Materials contract with Northern Supply Company, Inc. for plow replacement parts.

The Erie County and Northern Supply Company is bid Reference #221200-004, for plow replacement parts. Contract term is 09/01/2021 through 08/31/2022.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign this contract. This contract is subject to the Contract Routing System (CRS #2989) and the approval of the Town Attorney.

11/22/2021
Consent

FINANCIAL IMPACT:

TOWN WIDE

VARIOUS

TBD

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

AGREEMENT

Let this document stand as an Agreement between NORTHERN SUPPLY COMPANY, INC., 2959 ASHMAN ROAD, BLOOMFIELD 14469 and the Town of Amherst permitting the Town of Amherst to participate in the purchase of :

COUNTY OF ERIE-PLOW PARTS AND WINTER HIGHWAY MATERIALS
BID REFERENCE # 221200-004
9/1/2021 through 8/31/2022
PLOW REPLACEMENT PARTS.

from Northern Supply Company, Inc. under Erie County Winter Highway Materials Specifications of BID REFERENCE #221200-004 for the period from 9/1/2021 TO 8/31/2022.

Agreed to and Accepted by:

NORTHERN SUPPLY COMPANY, INC.

By: _____
Signature

ROBERT CONPELLO
Print Name

VP
Title

Date: 10-29-21

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
Brian Kulpa
Supervisor

Date: _____

Attachment: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)

Addendum to Contract VENDOR ON SITE Major

1. Notwithstanding any other provision in this Agreement, the following clauses shal be controlling. Should any other provision of the Agreement conflict with the clauses in this Addendum then the provisions of this Addendum are to be enforceable and any conflicting provision shall be considered null and void.

2. No rules, requirements or customs of any society or association of professional Vendors or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.

3. To the fullest extent permitted by law, Vendor shall indemnify and hold the Town, its officers, agents, and employees, harmless from any and all liability, demands, claims, or expenses, awards or judgments imposed upon the Town, its officers, agents, and/or employees, arising out of the work of the Vendor its officers, agents, sub-Vendors, and/or employees as well as the negligence, active or passive, of the Vendor, its officers, agents, sub-Vendors, and/or employees.

4. Vendor shall not commence work under this Agreement until it has obtained all insurance specified below, produced satisfactory proof of the same and such insurance has been approved by the Town.

(a) Workers' Compensation Insurance: Vendor shall take out and maintain during the life of this Agreement, Workers' Compensation Insurance (both Part A and Part B) for its employees to be assigned to the work hereto under.

(b) General Liability, Professional (if applicable) Liability and Property Damage Insurance: Vendor shall take out and maintain during the life of this Agreement, such general liability and property damage insurance as shall protect it and the Town of Amherst from claims for damages for personal injury, including accidental death, as well as from claims for property damage, which may arise from operations under this Agreement. The amounts of such insurance shall be as follows in an amount not less than $1,000,000.00 per occurrence for bodily injury and property damage including wrongful death, and $2,000,000.00 aggregate. Umbrella coverage shall be in an amount of at least $5,000,000.00.

(c) Vendor shall furnish the above insurances, including sub-Vendors' insurances, to the Town and shall also assure that any policy procured by it shall name the Town as an additional insured on a primary and non-contributory basis.

(d) Vendor shall ensure all its sub-Vendors, if any, have obtained all the above insurances and shall also assure that any policy procured by any sub-Vendor or sub-sub-Vendor shall name the Town as an additional insured on a primary and non-contributory basis.

Attachment: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)

5. Any accident shall be reported to the Office of the Town Attorney as soon as possible and not later than twenty-four (24) hours from the time of such accident. A detailed written report must be submitted to the Town of Amherst as soon thereafter as possible as and no later than three (3) days after the date of such accident.

6. No Assignment: In accordance with the provisions of Section 109 of the General Municipal Law, the Vendor is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of its right, title or interest in this agreement, or its power to execute this Agreement, to any other person or corporation without the previous consent in writing of the Town.

7. Required Provisions of Law: Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon the application of either party this Agreement shall be physically amended forthwith to make such insertion. In particular, the Vendor shall, among other things, fully comply with:

(a) Article 8 of the NYS Labor Law for public work contracts and Article 9 of the Labor Law regarding prevailing wage for Building Service employees.
(b) Labor Law Section 220-e and Executive Law Sections 291-299 and the Civil Rights Law relating to prohibition against discrimination and equal opportunity.
(c) Affirmative action as required by the Labor Law.
(d) Prevention of dust hazard required by Labor Law Section 222-a.
(e) Preference in employment of persons required by Labor Law Section 222.
(f) Eight-hour workday as required by Labor Law Section 220(2).
(g) Chapter 32 of the Town of Amherst: Minority Women and Business Utilization Commitment.
(h) Chapter 163 of the Town of Amherst: Registration of Sex Offenders.

8. The Vendor, in accordance with its status as an independent Vendor, covenants and agrees that it will conduct itself consistent with such status. It will neither hold itself out as nor claim to be, an officer or employee of the Town by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the Town, including, but not limited to: workers' compensation coverage, unemployment insurance benefits, Social Security coverage, or retirement membership or credit.

Waiver: No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

9. This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If the contract between the parties refers to the laws, statutes, rules,

Attachment: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)

regulations or ordinances for any state other than New York State, to the laws, statutes, rules, regulations or ordinances for any county other than Erie County, New York or to the laws, statutes, rules, regulations or ordinances for any municipality other than the Town of Amherst, then the laws, statutes, rules, regulations or ordinances for New York State, Erie county and/or the Town of Amherst shall apply as applicable. Any and all legal action necessary to enforce the Agreement will be venued in Supreme Court, Erie County, New York or in the United States District Court for the Western District of New York, Buffalo Division.

10. It is hereby acknowledged that performance of this Contract will be undertaken in accordance with the specifications and pricing on which the bid was submitted.

Authority for execution on behalf of Town: The Supervisor has executed this Agreement pursuant to a Resolution adopted by the Town Board of the Town, at a meeting thereof held on _____. Brian J. Kulpa, the Supervisor whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an Agreement on behalf of the Town as a result of that Resolution. This instrument shall be executed in triplicate. At least one (1) copy shall be permanently filed, after execution thereof, in the office of the Town Clerk of Town.

Agreed to and Accepted by:

NORTHERN SUPPLY INC
Print Name of Company

By: _____
Signature

ROBERT CONDELLO
Printed name

Date: 10-29-21

Agreed to and Accepted by:

Town of Amherst

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Attachment: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)

IRAN DIVESTMENT ACT CERTIFICATION

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New Yorl provision was added to the State Finance Law (SFL), Section 165-a, effective April 12, 2012. Under Act, the Commissioner of the Office of General Services (OGS) will develop a list (prohibited entities li of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). T list is posted on the OGS website.

By submitting a response to this solicitation, or by assuming the responsibility under Contract/Lease awarded hereunder, Bidder/Contractor/Vendor (or any assignee) certifies that it will r utilize on such Contract/Lease any subcontractor that is identified on the prohibited entities list.

Additionally, Bidder/Contractor/Vendor is advised that any Bidder/ Contractor/Vendor seeki to renew or extend a Contract/Lease (or assume responsibility of a Contract/Lease awarded must cert at the time the Contract/Lease is renewed, extended or assigned that it is not included on the prohibit entities list.

During the term of the Contract/Lease, should the Town of Amherst (Town) receive informatic that a person is in violation of the above-referenced certification, the Town will offer the person a opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in tl investment which is in violation of the Act within 90 days after the determination of such violation, the the Town shall take such action as appropriate including, but not limited to, imposing sanctions, seekir compliance, recovering damages or declaring the Bidder/Contractor/Vendor in default.

The Town reserves the right to reject any Contract/Lease or request for assignment for an entit that appears on the prohibited entities list prior to the award of a Contract/Lease, and to pursue responsibility review with respect to any entity that is awarded a Contract/Lease and appears on th prohibited entities list after Contract/Lease award.

Company Name: NORTHERN SUPPLY INC

Signature:

Print Name: ROBERT CONSELLO

Title: VP

Date: 10-29-21

Sworn To Before Me This

21st Day of November, 2021

Notary Public

EDWARD PERANIC
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PE6302885
Qualified in Nassau County
My Commission Expires 6/20/2022

Revised 4.2017

Attachment: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Northern Supply Company Crs #2989)

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/03/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. TH CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIE BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZE REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorse If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement c this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Aimee Nuara
Quinton Insurance 2700 Elmwood Ave Rochester NY 14618	PHONE (A/C, No, Ext): (800) 454-1970 FAX (A/C, No): (585) 388-9531 E-MAIL ADDRESS: service@quintoninsurance.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : ERIE INSURANCE CO	26263
INSURER B : ERIE INS CO OF NY	16233
INSURER C : SHELTER POINT	81434
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Northern Supply Inc & Northern Supply Properties
P.O. BOX 69
BLOOMFIELD NY 14469-0069

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIO INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THI CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR [X] Primary & Non-Contributory [ ] GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [X] PRO-JECT [ ] LOC [ ] OTHER:	Y		Q97-1737815	01/01/2021	01/01/2022	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 $ 5,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $
A	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] OWNED AUTOS ONLY [X] SCHEDULED AUTOS [X] HIRED AUTOS ONLY [X] NON-OWNED AUTOS ONLY			Q01-5230062	01/02/2021	01/02/2022	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			Q25-5270003	01/02/2021	01/02/2022	EACH OCCURRENCE AGGREGATE [ ]	$ 5,000,000 $ 5,000,000 $
B	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		Q85-5200076	01/02/2021	01/02/2022	[X] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 100,000 $ 100,000 $ 500,000
C	Group Short Term Disability & Paid Family Leave			D422076	12/30/2020	12/30/2021	Statutory Limtis	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Town of Amherst is included as Additional Insured with respects to the General Liability

Workers Compensation includes owners

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
Gordon Quinton AS AGENT FOR I.C.O.P. INC.

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Attachment: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name & Address of Insured (use street address only) Northern Supply Inc & Northern Supply Properties P.O. BOX 69 BLOOMFIELD NY 14469-0069 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 (585) 657-6700 1c. NYS Unemployment Insurance Employer Registration Number of Insured 1d. Federal Employer Identification Number of Insured or Social Security Number 16-1202117
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst 5583 Main Street Williamsville NY 14221	3a. Name of Insurance Carrier ERIE INSURANCE CO 3b. Policy Number of Entity Listed in Box "1a" Q85-5200076 3c. Policy effective period 01/02/2021 to 01/02/2022 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 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: D. Gordon Quinton
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by: [signature] as agent for I.G.O.R. Inc. 11/03/2021
(Signature) (Date)

Title: President

Telephone Number of authorized representative or licensed agent of insurance carrier: 585-244-9004

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: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF INSURANCE COVERAGE
DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by Disability and Paid Family Leave Benefits Carrier or Licensed Insurance Agent of that Carrier

1a. Legal Name & Address of Insured (use street address only)
NORTHERN SUPPLY, INC.
ATTN: LISA AQUINO
P.O. BOX 69
BLOOMFIELD, NY 14469

Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)*

1b. Business Telephone Number of Insured
585-657-6700

1c. Federal Employer Identification Number of Insured or Social Security Number
161202117

2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)
TOWN OF AMHERST
5583 MAIN STREET
WILLIAMSVILLE, NY 14221

3a. Name of Insurance Carrier
ShelterPoint Life Insurance Company

3b. Policy Number of Entity Listed in Box "1a"
DBL422076

3c. Policy effective period
01/01/2021 to 12/31/2022

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 11/3/2021 By _____
(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number 516-829-8100 Name and Title Richard White, Chief Executive Officer

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4C or 5B of Part 1 has been checked)

State of New York
Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law with respect to all of his/her employees.

Date Signed _____ By _____
(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number _____ Name and Title _____

Please Note: *Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1.* ***Insurance brokers are NOT authorized to issue this form.***

DB-120.1 (10-17)

DB-120.1 (10-17)

Attachment: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)

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: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)

COUNTY OF ERIE

DIVISION OF PURCHASE
95 FRANKLIN STREET
BUFFALO, NY 14202

Bid for Plow Parts and Winter Highway Materials
for use by Erie County Department of Public Works
Division of Highways

Submitted in accordance with New York State Specifications
For the period September 1, 2021– August 31, 2022

BID #221200-004

Attachment: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)

COMPANY	PHONE
Countyline Stone PO Box 150 Akron, NY 14001	(716) 542-5435
D&W Diesel 3788 Broadway Buffalo, NY 14227	(716) 681-7860
Northern Supply Po Box 69 Bloomfield, NY 14469	(585) 315-1556
Russert Equipment Po Box 1131 Orchard Park, NY 14127	(585) 584-3425
Valley Fab & Equipment 9776 Trevett Rd. Boston, NY 14025	(716) 941-6644
Winter Equipment 1900 Joseph Lloyd Pkwy Willoughby, OH 44094	(800) 294-6837

Attachment: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)

Erie County Winter Maintenance Bid Results Sheet 2021-2022

Item Description	Pay Unit	Bid Price	D&W	Winter	Northern	Rusert	V. Fab	Cnty line
Snow Drift Control Plastic Fencing Type 1								
	Price for 50 foot Roll	$	nb	nb	nb	$48.00	nb	nb
	Price for 100 foot roll	$	nb	nb	nb	$96.00	nb	nb
Snow Fence Posts (Fiberglass)								
	Price for each 6 foot long section	$	nb	nb	nb	nb	nb	nb
	Price for each 8 foot long section	$	nb	nb	nb	nb	nb	nb
Sand / Snow Drift Control – all Plastic Fencing Type II								
	Price for 50 foot Roll	$	nb	nb	nb	$99.00	nb	nb
	Price for 100 foot roll	$	nb	nb	nb	$198.00	nb	nb
Picket Snow Fence								
	Price for 4' high - 50 foot rolls	$	nb	nb	nb	$81.60	nb	nb
	Price for 4' high - 100 foot rolls	$	nb	nb	nb	nb	nb	nb
	Price for 6' high - 50 foot rolls	$	nb	nb	nb	nb	nb	nb
Snow Fence Posts								
	Price for 6' long, each	$	nb	nb	nb	$16.00	nb	nb
	Price for 8' long, each	$	nb	nb	nb	$21.00	nb	nb
Carbide Insert Blade System Razor Product or Equal								
	Price per 10'	$	nb	$1,213.91	nb	nb	nb	nb
	Price per 11'	$	nb	$1,238.00	nb	nb	nb	nb
	Price per 12'	$	nb	$1,319.00	nb	nb	nb	nb
Carbide Insert Blade System Razor XL Product or Equal								
	Price per 10'	$	nb	$1,740.56	nb	nb	nb	nb
	Price per 11'	$	nb	$1,863.40	nb	nb	nb	nb
	Price per 12'	$	nb	$1,986.24	nb	nb	nb	nb
Carbide Insert Blade System Block Buster or Equal								
	Price per 10'	$	nb	$2,231.76	nb	nb	nb	nb
	Price per 11'	$	nb	$2,454.95	nb	nb	nb	nb
	Price per 12'	$	nb	$2,678.14	nb	nb	nb	nb
Plow Guard Curb Cast or Equal								
Fit a 6" top punch blade	price each	$	nb	$155.85	$160.00	$102.66	nb	nb
Fit a 8" top punch blade	price each	$	nb	$188.85	nb	nb	nb	nb
Plow Guard Jr. or Equal								
Fit a 6" top punch blade	price each	$	nb	$78.36	$95.00	$84.00	nb	nb
Fit a 8" top punch blade	price each	$	nb	$90.00	nb	nb	nb	nb

Erie County Winter Maintenance Bid Results Sheet 2021-2022

Item Description	Pay Unit	Bid Price	D&W	Winter	Northern	Rusert	V. Fab	Cnty line
Plow Guard Straight or Equal								
Fit a 6" top punch blade	price each	$	nb	$127.95	$110.00	$127.65	nb	nb
Fit a 8" top punch blade	price each	$	nb	$133.08	nb	nb	nb	nb
Attach catalog with pricing list for additional items								
Carbide Matrix Weld Moldboard Shoe	price each	$	nb	$120.15	nb	nb	nb	nb
Carbide Matrix Weld Frame Shoe	price each	$	nb	$131.37	nb	nb	nb	nb
Carbide Matrix Weld Mushroom Shoe	price each	$	nb	$117.26	nb	nb	nb	nb
Carbide Combination Blade								
Kuper TUCA SX Wave or equal	Price per linear inch	$	nb	nb	18.35/in	nb	nb	nb
N301-38K, Moldboard Shoe to fit Kuper TUCA SX Wave	price each	$	nb	nb	$120.00	nb	nb	nb
Kuper Accessory Products								
(Center) (#KUP8Z8000008)	price each	$	nb	nb	$235.00	nb	nb	nb
(Left) (#KUP8Z8000010)	price each	$	nb	nb	$245.00	nb	nb	nb
(Right) (#KUP8Z8000011)	price each	$	nb	nb	$245.00	nb	nb	nb

Erie County Winter Maintenance Bid Results Sheet 2021-2022

Item Description	Pay Unit	Bid Price	D&W	Winter	Northern	Rusert	V. Fab	Cnty line
Carbon Steel Cutting Edge For Plow – Wing – Grader								
Plow & Wing Flat Blade								
1/2" x 6"	Price per linear inch	$	nb	nb	nb	1.70/in	nb	nb
5/8" x 6"	Price per linear inch	$	nb	nb	nb	1.82/in	nb	nb
1/2" x 8"	Price per linear inch	$	nb	nb	nb	1.95/in	nb	nb
5/8" x 8"	Price per linear inch	$	nb	nb	nb	2.23/in	nb	nb
3/4" x 8"	Price per linear inch	$	nb	nb	nb	2.38/in	nb	nb
Grader Double Bevel								
1/2" x 6"	Price per linear inch	$	nb	nb	nb	2.00/in	nb	nb
5/8" x 6"	Price per linear inch	$	nb	nb	nb	2.50/in	nb	nb
1/2" x 8"	Price per linear inch	$	nb	nb	nb	nb	nb	nb
5/8" x 8"	Price per linear inch	$	nb	nb	nb	2.39/in	nb	nb
3/4" x 8"	Price per linear inch	$	nb	nb	nb	2.51/in	nb	nb
Hardened Cutting Edges Snow Plow Blades								
1" x 8"	Price per linear inch	$	nb	nb	nb	nb	nb	nb
SAE Grade 8 Bolts & Nuts	Price for Bolt & Nut	$	nb	nb	nb	$2.85	nb	nb
Hardened Cutting Edges For Grader Blades								
5/8" to 7/8" x 8" double bevel curved SAE 1074 steel	Price per linear inch	$	nb	nb	nb	2.68/in	nb	nb
SAE Grade 8 Bolts & Nuts	Price for Bolt & Nut	$	nb	nb	nb	2.85/in	nb	nb
Hardened Cutting Edges For Serrated Grader Blades								
3/4" x 8" heat treated thru hardened steel	Price per linear inch	$	nb	nb	nb	nb	nb	nb
SAE Grade 8 Bolts & Nuts	Price for Bolt & Nut	$	nb	nb	nb	$2.85	nb	nb
Heat Treated Flat Single Bevel Loader Edges								
Carbon Steel Blade								
1/2" x 6"	Price per linear inch	$	nb	nb	nb	$2.98	nb	nb
3/4" x 6"	Price per linear inch	$	nb	nb	nb	$3.72	nb	nb
3/4" x 8"	Price per linear inch	$	nb	nb	nb	$4.72	nb	nb
1" x 8"	Price per linear inch	$	nb	nb	nb	$5.70	nb	nb
1" x 9"	Price per linear inch	$	nb	nb	nb	nb	nb	nb
1 3/8" x 10"	Price per linear inch	$	nb	nb	nb	nb	nb	nb
1 1/2" x 12"	Price per linear inch	$	nb	nb	nb	nb	nb	nb
Heat Treated								
1/2" x 6"	Price per linear inch	$	nb	nb	nb	nb	nb	nb
3/4" x 6"	Price per linear inch	$	nb	nb	nb	$4.00	nb	nb

Erie County Winter Maintenance Bid Results Sheet 2021-2022

Item Description	Pay Unit	Bid Price	D&W	Winter	Northern	Rusert	V. Fab	Cnty line
3/4" x 8"	Price per linear inch	$	nb	nb	nb	$5.24	nb	nb
1" x 8"	Price per linear inch	$	nb	nb	nb	$6.28	nb	nb
1" x 9"	Price per linear inch	$	nb	nb	nb	nb	nb	nb
1 3/8" x 10"	Price per linear inch	$	nb	nb	nb	nb	nb	nb
1 1/2" x 12"	Price per linear inch	$	nb	nb	nb	$12.54	nb	nb
Rubber Snow Plow Blade								
50ft. rolls unpunched	Price per foot	$	nb	nb	$28.00	nb	nb	nb
50ft. rolls punched and fabricated	Price per foot	$	nb	nb	$30.00	nb	nb	nb
Each blade punched and fabricated	Price per foot	$	nb	nb	$30.00	$43.85	nb	nb
Flexible Plow Blade								
	Price per 10'	$	nb	nb	nb	$2,331.00	nb	nb
	Price per 11'	$	nb	nb	nb	$2,565.00	nb	nb
	Price per 12'	$	nb	nb	nb	$2,798.00	nb	nb
xnp-110/115 nose piece		$	nb	nb	nb	$340.00	nb	nb
xws-12fm-f 12" segment			nb	nb	nb	$140.00	nb	nb

Erie County Winter Maintenance Bid Results Sheet 2021-2022

Item Description	Pay Unit	Bid Price	D&W	Winter	Northern	Rusert	V. Fab	Cnty line
Evolution Edges – VST (Vibration Suppression Technology) Blade or Equal								
	Price per foot	$	nb	nb	nb	nb	nb	nb
Single Edge Carbide Blade								
	Price per linear inch	$	nb	nb	nb	$5.85	nb	nb
Single Edge Carbide Blade **Kennametal Only**								
	Price per linear inch	$	nb	nb	5.66/in	nb	nb	nb
Kennametal XT Blade								
	Price per linear inch	$	nb	nb	8.75/in	nb	nb	nb
Kennametal XT Blade for Fisher & Western Straight Plows & V-Plows								
	Price per linear inch (Straight Plow)	$	nb	nb	10/in	nb	nb	nb
	Price per linear inch (V-Plows, welded nose pieces included)	$	nb	nb	11/in	nb	nb	nb
Kennametal Accessory Products								
KCWB-0307A	Price each	$	nb	nb	$165.00	nb	nb	nb
KCWB-0574	Price each	$	nb	nb	$210.00	nb	nb	nb
KCWB-0519	Price each	$	nb	nb	$350.00	nb	nb	nb
Plow & Wing replacement parts								
Cast Nihard Moldboard Shoes								
N301-34A, 65 Degree Cast Nihard, 6" top punch, 12" spacing	Price each	$	nb	nb	$65.00	$102.00	nb	nb
N301-29A, 55 Degree Cast Nihard, 6" top punch, 12" spacing	Price each	$	nb	nb	$62.00	$102.00	nb	nb
Cast Steel Moldboard Shoes								
12" Spacing, 6" top punch,	Price each	$	nb	nb	nb	$68.00	nb	nb
Fabricated Steel Moldboard Shoe								
# OST-610 or equal	Price each	$	nb	nb	$80.00	$72.00	nb	nb
# OST-610-60 or equal	Price each	$	nb	nb	$80.00	$72.00	nb	nb
Cast Steel Wing Shoe								
12" Spacing, 6" top punch,	Price each	$	nb	nb	nb	$68.00	nb	nb
Fabricated Steel Wing Shoe								
# OST-400 or equal	Price each	$	nb	nb	$55.00	$72.00	nb	nb
Cast Nihard Wing Shoes								
N301-39, 85 Degree Cast Nihard, 6" top punch, 12" spacing	Price each	$	nb	nb	$75.00	$102.00	nb	nb
N301-33, 75 Degree Cast Nihard, 6" top punch, 12" spacing	Price each	$	nb	nb	$65.00	$102.00	nb	nb

Attachment: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)

Erie County Winter Maintenance Bid Results Sheet 2021-2022

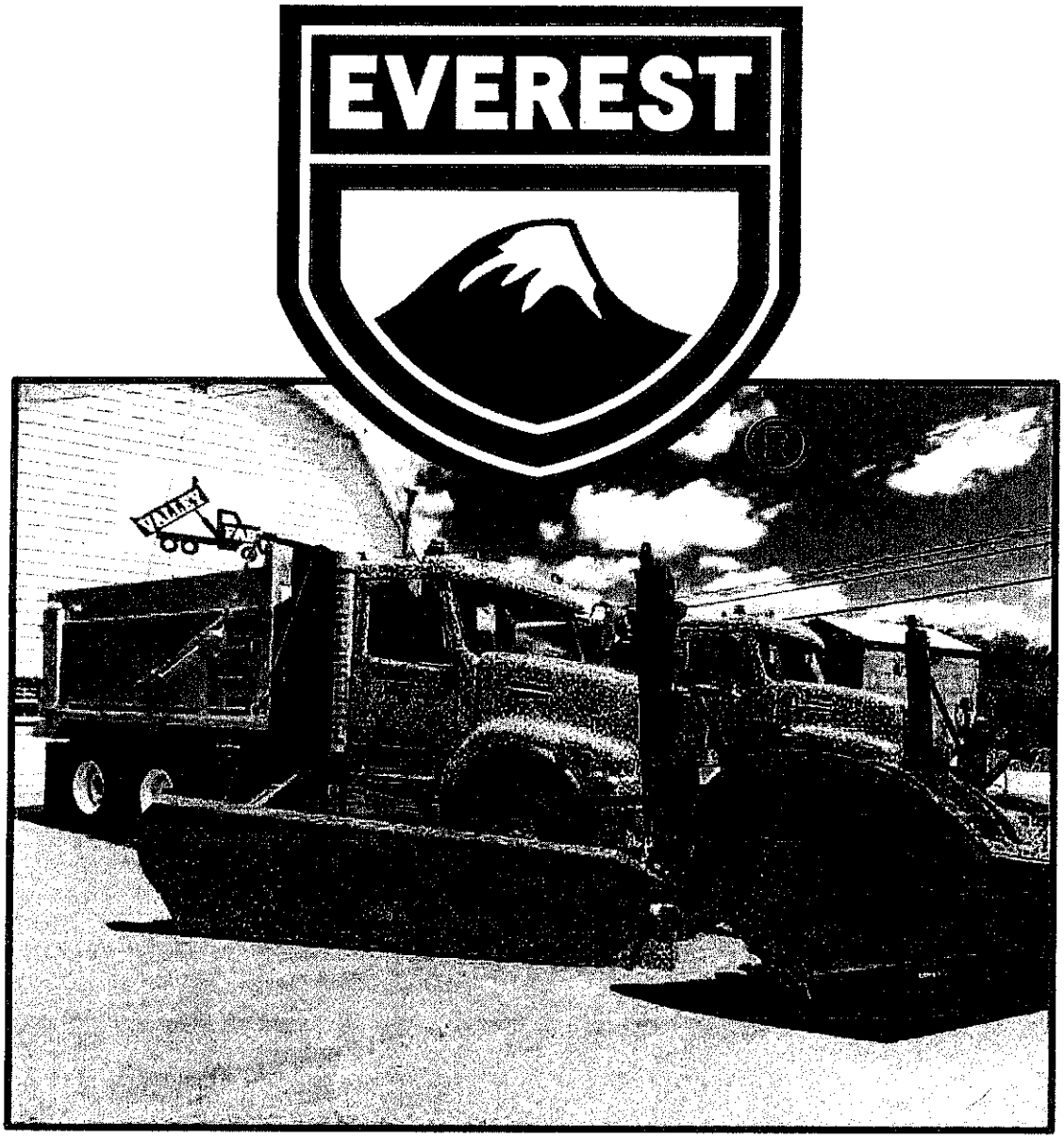
Item Description	Pay Unit	Bid Price	D&W	Winter	Northern	Rusert	V. Fab	Cnty line
Nose Shoes								
Steel nose shoe to fit 6" top punch blade	Price each	$	nb	nb	nb	$79.54	nb	nb
Steel nose shoe to fit 8" top punch blade	Price each	$	nb	nb	nb	nb	nb	nb
Plow Frame Shoes								
Cast flat frame shoe 6" on center @ 30 lbs	Price each	$	nb	nb	nb	nb	nb	nb
Cast flat frame shoe 6" on center @ 30 lbs w/ Carbide	Price each	$	nb	nb	$185.00	$190.00	nb	nb
Cast flat frame shoe 6" on center @ 40 lbs	Price each	$	nb	nb	nb	nb	nb	nb
Cast flat frame shoe 6" on center @ 40 lbs w/ Carbide	Price each	$	nb	nb	$195.00	nb	nb	nb
Cast boat shoe 16 ½" on center @ 68 lbs	Price each	$	nb	nb	nb	$268.40	nb	nb
Cast boat shoe 16 ½" on center @ 68 lbs w/ Carbide	Price each	$	nb	nb	$200.00	nb	nb	nb
Cast mushroom shoe 6" on center @ 49 lbs	Price each	$	nb	nb	nb	$268.40	nb	nb
Cast mushroom shoe 6" on center @ 49 lbs w/ Carbide	Price each	$	nb	nb	nb	nb	nb	nb
Steel flat frame shoe 6" on center @ 50 lbs.	Price each	$	nb	nb	nb	$268.40	nb	nb
Steel flat frame shoe 6" on center @ 50 lbs. w/ Carbide	Price each	$	nb	nb	nb	nb	nb	nb
Steel boat frame shoe 1" x 7" x 22"; 16 ½" on center @ 46 lbs.	Price each	$	nb	nb	nb	$222.00	nb	nb
Steel boat frame shoe 1" x 7" x 22"; 16 ½" on center @ 46 lbs. w/ Carbide	Price each	$	nb	nb	$220.00	$76.00	nb	nb
Shoe Adapter Bracket	Price each	$	nb	nb	nb	$58.00	nb	nb
Kennametal Kencast Frame Shoe, KCWB-0167	Price each	$	nb	nb	$235.00	nb	nb	nb
Cast Nihard Frame Shoe #N301-11-3	Price each	$	nb	nb	$65.00	$98.00	nb	nb
Cast Nihard Mushroom Shoe #N301-105-3	Price each	$	nb	nb	$78.00	$138.00	nb	nb

Erie County Winter Maintenance Bid Results Sheet 2021-2022

Item Description	Pay Unit	Bid Price	D&W	Winter	Northern	Rusert	V. Fab	Cnty line
Cast Nihard Boat Shoe #N301-3-2	Price each	$	nb	nb	$95.00	$138.00	nb	nb
Manufacturers Plow Parts List *Price list must be included*								
Everest	% discount off List Price	%	nb	nb	nb	nb	$0.05	nb
Frink	% discount off List Price	%	nb	nb	nb	nb	$0.05	nb
Tenco	% discount off List Price	%	nb	nb	nb	nb	nb	nb
Viking	% discount off List Price	%	nb	nb	nb	nb	nb	nb
Fisher	% discount off List Price	%	nb	nb	nb	nb	nb	nb
Western	% discount off List Price	%	nb	nb	nb	nb	nb	nb
Viking	% discount off List Price	%	nb	nb	nb	nb	nb	nb
Sander Parts								
Sander Chain	Price per foot	$	nb	nb	nb	#########	nb	nb
Hydraulic motor to drive apron chain	Price each	$	$200.72	nb	nb		nb	nb
Hydraulic motor to drive spinner	Price each	$	$174.89	nb	nb	$212.50	nb	nb
Spinner with hub - Poly 18"	Price each	$	nb	nb	nb	$150.00	nb	nb
Spinner with hub - Poly 20"	Price each	$	nb	nb	nb	########	nb	nb
Spinner with hub - Steel 18"	Price each	$	nb	nb	nb	nb	nb	nb
Spinner with hub - Steel 20"	Price each	$	nb	nb	nb		nb	nb
Stainless Steel 18"	Price each	$	nb	nb	nb	nb	nb	nb
Stainless Steel 20"	Price each	$	nb	nb	nb		nb	nb
Miscellaneous Sander Parts								
Manufacturer	% discount off List Price	$	nb	nb	nb		nb	nb
SaltDogg Sanders	% discount off List Price	$	nb		nb	nb		nb
Spreader Controls								
Comp-U-Spread	% discount off List Price	$	nb		nb	nb		
Dickey John	% discount off List Price	$	nb	nb	nb	nb	nb	nb
Hot Mix Asphalt Pavement Additives								
Fiber Additive for Hot Mix Asphalt	Price per pound	$	nb	nb	nb	nb	nb	nb
Cold Patch Mix Asphalt Pavements Additives								
Fiber Additive for Hot Mix Asphalt	Price per pound	$	nb	nb	nb	nb	nb	nb
Hot Mix for Winter Use	Price per ton	$	nb	nb	nb	nb	nb	nb
High Intensity Prismatic Reflective Sheeting, Rolls	Price per Square Foot	$	nb	nb	nb	nb	nb	nb
Viking Snow Plow	Lump Sum Price	$	nb	nb	nb	nb	nb	nb
Viking Wing with Brace Arms	Lump Sum Price	$	nb	nb	nb	nb	nb	nb

Erie County Winter Maintenance Bid Results Sheet 2021-2022

Item Description	Pay Unit	Bid Price	D&W	Winter	Northern	Rusert	V. Fab	Cnty line
Everest One Way Plow	Lump Sum Price	$	nb	nb	nb	nb	$9,961.00	nb
Everest Wing	Lump Sum Price	$	nb	nb	nb	nb	$3,977.00	nb
Cold Mix Bituminous Pavement (Open Graded)								
E 15402.2031 Modified Mix - QPR	Price per ton	$	nb	nb	nb	nb	nb	$101.50
E 15402.2032 Modified Mix - UPM	Price per ton	$	nb	nb	nb	nb	nb	$118.00



EVEREST 2021 PARTS PRICE LIST

VALLEY FAB & EQUIPMENT, INC.
9776 Trevett Road PO Box 380
Boston, New York 14025
Tel # (716) 941-6644 Fax # (716) 941-5066

VALLEY FAB
BOSTON, N.Y.

Attachment: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)

EVEREST®

A STRONG & RELIABLE PARTNER

PART NO.	DESCRIPTION	2021 USD MSRP
0A1590	SAFETY TRIP RUBBER SPRING RH	$2,770.74
0A1590W	ST RUBBER SPRING RH 10° WING	$3,149.01
0BO005	NYLON NUT 1-8 UNC GR8 PL	$3.40
0BO006	NYLON NUT 1/2-13UNC GR8 PL	$0.90
0BO129	TENSION SPRING .177 X 11/2 X 7	$70.84
0BO136	CLEVIS YOKE 3/4-16 UNF ZINC PL	$50.62
0BO721	NUT 5/8-11 UNC GR8 PL	$0.95
0BO910	NYLON NUT 5/8-11 UNC GR8 PL	$1.12
0P0219	SAFETY TRIP THREADED ROD	$47.81
0P1785	GEAR REDUCER SHAFT MUS	$114.39
0P1786	CONVEYOR DRIVE SHAFT MUS	$171.53
0P1787	SHAFT COUPLER MUS BODY	$152.09
0S0233	SAFETY TRIP CONNECT LINK RH	$111.41
0S1548	TOWER FRONT PIVOT STD	$118.46
0S1577	SAFETY TRIP PIVOT CAM (SHORT)	$205.77
0S1578	SAFETY TRIP PIVOT CAM (LONG)	$254.84
0S2102	TENSIONER CYL GREASE TYPE CHAIN	$232.23
0S2279	CONVEYOR AXLE FOR X-CONYEYOR	$221.95
0S2352	X-CONVEYOR CHAIN 667X	$578.56
0S2415	SHORT PIVOT PIN THREADED	$63.86
0S2416	LONG PIVOT PIN THREADED	$72.48
1S0121	STD LATCH ADJUST BOLT	$18.13
1S2922	TAILGATE LATCH ASSEMBLY	$107.73
2A0507	REAR HINGE KIT (STD)	$675.27
2S1360	PIVOT PIN GREASABLE	$181.44
301634	KNUCKLE ACP ARM DUCTILE	$78.59
3A0360	WING ARM ACC / ACX UPPER STD	$875.80
3A0613	WING ARM ACC / ACX LOWER STD	$919.79
3A1765	SAFETY TRIP 1 IN WIRE STD	$1,265.51
3A1785	WING ARM LIFT CYL D/A ACP	$1,399.11
3A1789	WING ARM ACP MAINE UPPER	$1,332.58
3A1792	WING ARM ACP MAINE LOWER	$862.25
3A1860	WING ARM ACC / ACX UPPER TRIP	$1,161.30
3A2032	HITCH QUICK ATTACH KIT (DROP PIN)	$905.95
3A2577	WING ARM UPPER ACPF UT	$1,160.32
3A2578	WING ARM LOWER ACPF UT	$807.74
3A2579	WING ARM LIFT CYLINDER ACPFUT	$1,497.51
3A5048	RECEIVER ASSEMBLY QC (1 SET) (FOR PT & VAOT HITCH)	$537.25
3A5297	RTE/RHS QC PIN TYPE WITH EARS	$1,459.77
3A6696	RTE/RHS QC PIN TYPE NO EARS	$1,284.97
3P0941	CHAIN HOOK 3 POINT 1/2	$32.37
3P1525	LOCKING PIN LOWER SECTION	$58.01

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EVEREST®

A STRONG & RELIABLE PARTNER

PART NO.	DESCRIPTION	2021 USD MSRP
3P1607	PIVOT PIN SAFETY TRIP	$67.94
3P2167	ACP FRONT TOWER SLIDER	$353.11

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EVEREST®

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PART NO.	DESCRIPTION	2021 USD MSRP
3P2752	ACP 36 TOWER SLIDER FRONT	$401.44
3P5305	PIVOT PIN	$38.87
3P5307	LOCK PIN	$48.05
3S0130	AXLE SINGLE PULLEY ACC TOWERS	$120.63
3S0350	WING ATTACH SWIVEL NO TRIP	$289.01
3S0361	UNIVERSAL JOINT ACC WING ARM	$56.06
3S0362	PIN WING BRACE	$27.98
3S0368	WING ARM INNER ACC UPPER	$390.16
3S0383	SHEAVE 6" (INCLUDES 3P0989)	$133.67
3S0664	HITCH HANDLE PIN 11/4 X 9 (ZINC)	$44.62
3S0942	TRIPLE CHAIN HOOK HITCH 1/2 PL	$116.57
3S1727	AXLE SINGLE PULLEY HCC TOWER	$76.30
3S1791	ACP UPPER ARM INNER SHORT RH	$329.15
3S1906	SLIDE HCC TOWER 72 OR 36	$203.61
3S2559	CYLINDER HCC 36 FRONT TOWER	$980.99
3S3321	PT HITCH BASE BRACKET	$966.99
3S3809	INNER ROD BASE END OTTAWA	$1,226.73
3S3811	INNER ARM EXTENDING END	$989.47
3S4776P	OSCILLATOR YOKE STYLE VAOT QC	$137.55
3S5338	TRAVEL POSITIONER SLIDER ACC HYDRAULIC	$462.20
3S5550P	PT HITCH QC PLOW ADAPTOR	$3,137.69
3S5989	PT QC HITCH RUBBER SPRING KIT	$622.60
3S6073	PT HITCH QC UPPER PIVOT 2012	$1,791.65
3S6221	LOCK EAR ASSY	$107.36
4A1075	LIFT ROLLER ASSEMBLY	$296.53
4A1680	CASTER W/ MUSHROOM SHOE	$957.91
4A2700	CABLE & DRUM PLOW LIFT KIT	$420.07
4A4391	STRUT ADJUSTABLE OWSK STD	$427.69
4A5738	CABLE & DRUM KIT BOLT ON	$605.94
4P0016	PIVOT PIN CAP REV P/F	$14.52
4P0018	WORM GEAR RACK STD REV P/F	$473.23
4P0242	TRIP EDGE PIVOT TUBE R132 TE	$212.19
4P0283	SHOE CAST IRON CURB	$54.63
4P0369	PUSHFRAME SHOE LEG OWSK	$91.79
4P0634	PIVOT PLATE	$28.48
4P1566	MAIN PIVOT PIN REV P/F	$126.86
4P1801	PIVOT TUBE RTE 132 HD	$540.88
4P3840	PLOW PIN EAR	$35.64
4P4292	RUBBER STOP BLOCK 2 X 3.63 X 6	$114.92
4P4382	PIVOT PIN CAP REV P/F 4A1885	$54.24
4P4609	BANANA SHOE ADD ON LEG	$111.70
4P5294	TIMBREN SPRING STOP	$270.83
4S0012	TRIP EDGE PIPE CAP RTE	$55.23
4S0283	CURB SHOE KIT WITH BOLTS	$75.06
4S0358	SLIDER OWSK CT TRIP SPRING	$190.97
4S0361	TENSION SPRING ASSY (SHORT)	$195.21
4S0376	STRUT PIN OWSK	$33.84
4S0388	SPRING RETAINER WASHER	$47.71

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EVEREST®

A STRONG & RELIABLE PARTNER

PART NO.	DESCRIPTION	2021 USD MSRP
4S0552	BANANA TYPE SHOE FOOT ASSY	$333.51
4S0628	OSCILLATOR BAR STD OWSK	$483.99
4S1105	TRIP EDGE R 132 TE	$1,274.10
4S1117	TRIP EDGE 120 REPLACEMENT	$1,246.81
4S1322	NUT HOLDER OWSK PUSHFRAME LEG	$30.84
4S1356	MAIN PIVOT PIN 2" RM	$124.78
4S1543	OSCILLATOR BAR RHS/RTE (STD)	$437.11
4S1643	MOLDBOARD SHOE RL RM STEEL	$91.85
4S1650	CURB SHOE STEEL ROD BLADE TYPE	$111.36
4S1746	M B ATTACH PIN OWSK / CYL PIN	$64.09
4S1886	PUSHBAR & SECTOR FOR 4A1885	$2,962.12
4S1887	PUSHFRAME A-FRAME STD	$2,140.70
4S2700	SHEAVE FOR 4A2700 LIFT KIT	$115.61
4S3165	SHOE CARBIDE 30 DEG DP M/B	$557.95
4S3394	END CAP RTE W/DEH PIVOT TUBE	$110.11
4S3687	P/F ROLLER WHEELOWSK W/PIN	$128.93
4S3934	PUSHFRAME SHOE OWRL	$99.81
4S3991	PUSHFRAME SHOE LEG OWRL	$242.21
4S4028	PUSHFRAME SHOE FOOT OWSK MTO	$106.12
4S4201	NOSE SHOE & BOLT KIT OWSK STD	$143.97
4S4252	OSCILLATOR BAR QC TACH OWSK	$798.12
4S4387	SPRING RESTRAINT ASSEMBLY OWSK	$151.54
4S4400	OWSK CT SLIDE EAR & ROD	$198.36
4S4441	PUSHFRAME OWSK SHOE LEG	$152.79
4S4527	ATTACK ANGLE ADJUSTER RHS 60 DEG.	$203.70
4S4551	TRIP STOP ROD (4S4540)	$154.55
4S4702	OSCILLATOR BAR OWSK QC VT 2006	$887.46
4S4927	ATTACK ANGLE ADJUSTER RHS 80 DEG.	$975.57
4S5169	OSCILLATOR BAR RTE (3A5297 QC)	$682.60
4S5312	TRIP EDGE R120TE3654S VORTEX	$1,261.72
501552	SPINNER POLY HUB DUCTILE	$70.84
5A1325	SPINNER DRIVE BEARING (5A1570)	$179.52
5A1570	SPINNER DRIVE ASSEMBLY	$906.13
5A2225	SPINNER DRIVE SEALED	$1,369.01
5P0134	KEY 1/4 X 1/4 X 2.18	$5.48
5P0138	IDLER SHAFT	$28.99
5P1298	SPINNER SHAFT FOR 5A1570	$40.78
5P1324	SPINNER SHAFT COLLAR (5A1570)	$30.21
5P2221	SPINNER SHAFT FOR 5A2225	$74.97
5S1997	CHAIN ASSY DBS 10 & 10.5	$1,037.28
6A0080	OIL TANK ACP 35 GAL SIDE MOUNT	$888.36

Attachment: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)

EVEREST®

A STRONG & RELIABLE PARTNER

PART NO.	DESCRIPTION	2021 USD MSRP
6A0323	OIL TANK ACP 35 GAL SADDLE	$1,441.96
6A1342	OIL TANK 30 GAL HPF SIDE MOUNT	$1,061.53
6BO103	TAKE-UP BEARING 1 IN	$77.37
6BO164	MOTOR 10.3 CU 2 BOLT H CHARLYNN	$716.03
6BO318	RELIEF VALVE ACP ARMLIFT	$480.61
6BO477	CAST MUSHROOM SHOE	$131.37
6BO486	1/2 FLOW DIVIDER BRAND	$359.44
6BO857	FILLER BREATHER CAP	$54.20
6B2114	MOTOR 9.74 CU IN 4 BOLT	$692.93
7A6425	SEALED SPINNER DRIVE LONG 2012	$828.13
7A6436	SEALED SPINNER DRIVE SHORT 2012	$750.94
7P0754	SDS STD WIPER UNIVERSAL	$280.69
7P0848	KEY 5/15 X 5/16 X 2.50	$9.67
7P1288	KEY 3/8 X 3/8 X 2.50	$4.11
7P3273	SDS ROD END LIFT ROLLER	$68.41
7P3277	SDS ROD END LIFT ROLLER AXLE	$115.29
7P3292	TORQUE BASE PIN	$82.65
7P3564	POLY WIPER LIL SDS	$140.92
7P4610	ROD END LIFT ROLLER AXLE	$105.94
7P4986	SDS CONVEYOR DRIVE SHAFT MAIN	$138.06
7P4987	SDS CONVEYOR DRIVE SHAFT STUB	$73.10
7P4988	SDS CONVEYOR DRIVE SHAFT COUPLER	$106.51
7P5059	SDS 12-15 TILT H/B POLY WIPER	$205.30
7P6129	SDS 9-11 TILT H/B POLY WIPER	$115.18
7P6904	SDS CONVEYOR DRIVE STUB SHAFT CANIMEX	$60.44
7P6905	KEY 3/8 X 3/8 X 4.63	$4.55
7S3355	REAR IDLER ROLLER SDS	$905.47
7S3439	CONVEYOR CHAIN TAKE-UP NEW SDS	$1,631.77
7S3524	CHUTE SDS CONVEYOR SUMMER	$799.32
7S3820	SDS TILT FLOOR HINGE FRONT / MID	$563.23
7S3885	IDLER ROLLER SDS	$696.59
7S4160	SDS VT IDLER TAKE UP UNIT	$1,239.88
7S4400	SDS CONVEYOR TRAY EXTENSION	$177.93
7S4527	TILT FLOOR HINGE SDS SS	$372.45
7S4623	IDLER COVER SUPPORT PLATE ASSY	$109.50
7S4774	REPLACEMENT ROLLER FOR 7S4160	$172.07
7S4980	SDS CONVEYOR IDLER TAKEUP 2007	$1,037.11
7S5874	POLY CHUTE BODY MOUNT SDS 2012	$388.21
7S6486	SDS CONVEYOR IDLER TAKE-UP ASSY	$182.94
9B1024	TENSION SPRING 1/4 X 1.8 X 15	$76.26
9B1058	METERING DOOR JACK 15" NO FOOT	$125.09
9B1095	NOSE SHOE STD DUCTILE	$137.35
9B1108	SHACKLE 5/8 ANCHOR CP TYPE SC	$38.90
9B1111	WOODRUFF KEY 1/4 X 1 #808	$1.85
9B1124	3/8 - 16 UNC BY 5 HHCS GR5 PL	$1.02
9B1139	COMPRESSION SPRING 5/8 X 23/4 X 4 X 8	$108.66

Attachment: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)

EVEREST®

A STRONG & RELIABLE PARTNER

PART NO.	DESCRIPTION	2021 USD MSRP
9B1142	GEAR REDUCER COUPLING	$88.99
9B1163	GEAR REDUCER PLUG VENT	$19.27
9B1205	GEARBOX SHAFT 25:1 (9B1042)	$158.68
9B1279	TENSION SPRING 1/8 X 1 OD X 8.50	$30.82
9B1333	PLOW GUIDE MARKER 30" (1 EACH)	$104.30
9B1362	CARRIAGE BOLT 7/16-14 UNC X 11/2 GR5 PL	$1.09
9B1372-33	O-RING 177.47 X 2.62	$9.09
9B1437	GEAR REDUCER 25:1 RH	$1,272.39
9B1529	SPROCKET 8 TOOTH 13/4B D88K	$119.71
9B1664	13/8-6 UNC X 4 GR8 HHCS	$45.54
9B1668	PUSH FRAME SHOE FOOT OWSK	$80.38
9BO060	3/4-10 UNC X 2 HHCS GR5 PL	$1.94
9BO065	SPRING PIN 3/8 X 21/4 PL	$1.74
9BO066	3/8-16 UNC X 11/4 HHCS GR5 PL	$0.28
9BO074	NUT 1/2-13 UNC HEX GR5 PL	$0.20
9BO076	CLEVIS YOKE 1/2-NF W/PIN	$13.07
9BO083	FLAT WASHER 3/4 (13/16-2) PL	$0.43
9BO084	FLAT WASHER 3/8 (7/16 ID-1 OD) PL	$0.12
9BO088	LOCK WASHER 1/2 HELICAL SPRING	$0.35
9BO093	NUT 5/8 - 11 UNC PL GR5	$0.43
9BO102	NYLON NUT 3/8 - 16 UNC GR8 PL	$0.35
9BO127	FLANGE BEARING 1 IN 4 BOLT	$28.17
9BO138	U-BOLT 1/2 - 2 BY 4.25	$7.36
9BO145	TORSION SPRING .78 X 3.75 X 13	$140.17
9BO157	HIGHLANDER PIN 1 X 41/4 W/CLIP	$24.48
9BO163	LOCK WASHER 5/8 PL	$0.35
9BO182	FLAT WASHER 5/8 (11/16-13/4) PL	$0.38
9BO188	COTTER PIN 3/16 X 11/2	$0.50
9BO195	NYLON NUT 1 1/4 UNC GR8 PL	$19.95
9BO196	NYLON NUT 1 1/2-6 UNC GR8 PL	$34.41
9BO201	11/4-7 UNC 5 6 HHCS GR5 PL	$20.83
9BO351	NUT 11/4-UNC SLOTTED HEAVY HEX PL	$12.55
9BO362	COTTER PIN 1/4 X 21/2 PL	$0.67
9BO365	TENSION SPRING 3/8 X 3 X 18	$112.42
9BO387	COMPRESSION SPRING 21/32 X 5 X 14.25	$141.12
9BO388	TENSION SPRING 5/8 X 3.5 X 22.5 BLACK	$164.12
9BO389	3/4 X 6 ROD END GR8	$31.11
9BO405	SHOE CAST IRON BANANA PAINTED	$131.97
9BO406	CONNECTING BALL LARGE 23/4 ROUND	$34.43
9BO436	NOSE SHOE RH DUCTILE CAST	$128.51
9BO447	CLEVIS DOUBLE LINK 7/16 S247	$90.51
9BO450	GREASE FITTING 1/4 28	$0.92
9BO462	TORSION SPRING 3/4 X 33/4 X 3 BLACK	$114.78
9BO481	CARRIAGE BOLT 5/8 UNC X 41/2 GR5 PL	$3.71
9BO504	NUT 11/2-6 UNC SLOTTED HEX PL GR5	$35.68
9BO505	5/8-UNC X 2 GR8 HEX SOCKET CAPSCREW PL	$3.71
9BO518	TORSION SPRING 1/2 X 2 5/8 4 BLACK	$49.88
9BO522	CONNECTING BALL SML 11/2 ROUND	$7.36
9BO529	COUPLING L095 FOR 1" SHAFT (FOR 9BO530)	$31.17
9BO530	COUPLING INSERT PAD (FOR 9BO529)	$12.64

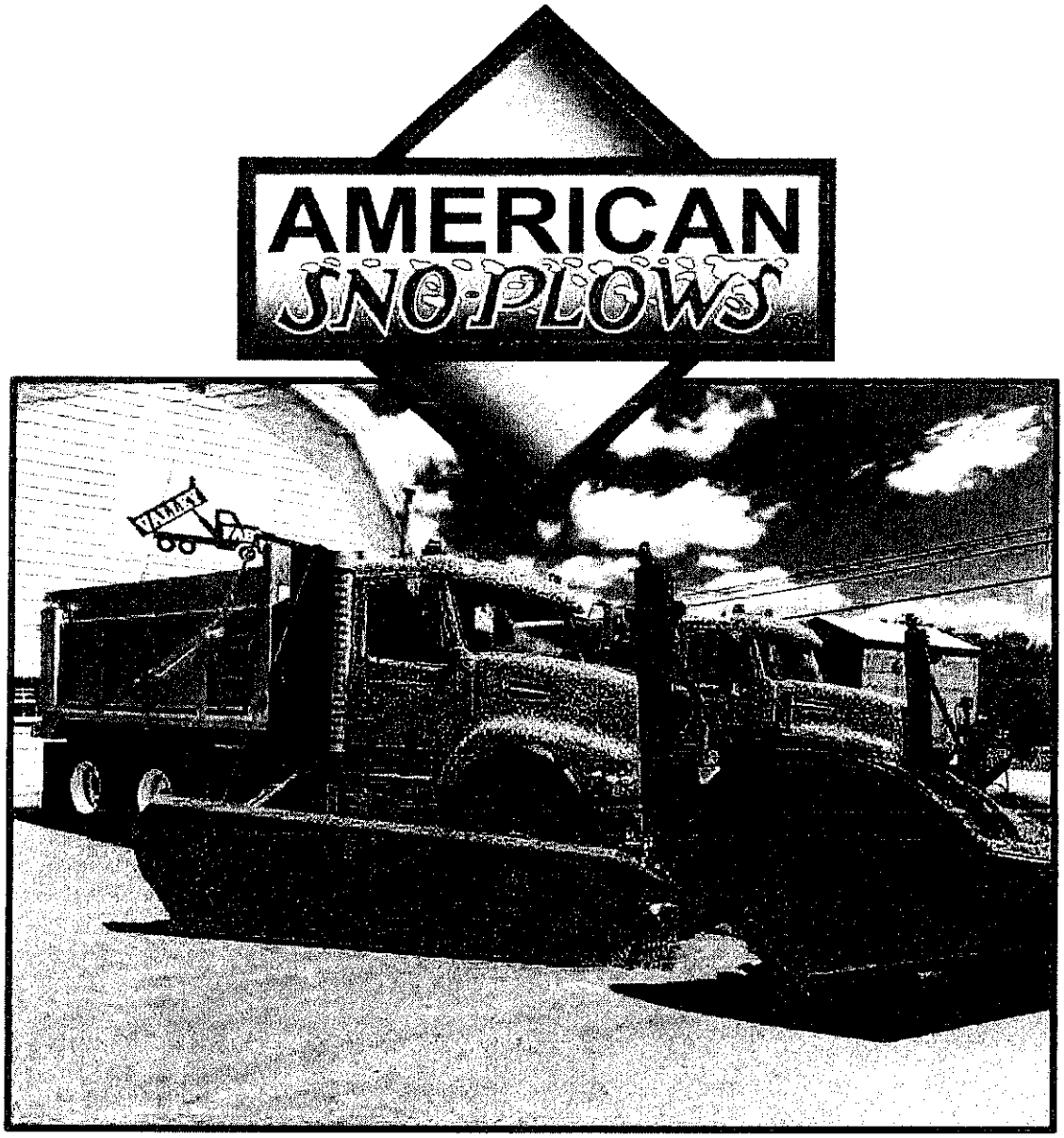
Attachment: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)

EVEREST

A STRONG & RELIABLE PARTNER

PART NO.	DESCRIPTION	2021 USD MSRP
9BO543	HIGHLANDER PIN 11/4 X 7 1/4 W/CLIP	$42.10
9BO549	CLEVIS PIN 3/4 X 1-29/32	$8.84
9BO560	JACK SCREW 10" W/CRANK NO FOOT	$111.21
9BO564	11/2-6 UNC X 4 HHCS GR8 PL	$33.89
9BO566	HIGHLANDER PIN 11/4 X 2.81 USEABLE	$30.64
9BO567	SPROCKET 6 TOOTH 11/4	$103.13
9BO570	FLANGE BEARING 1-1/4" 4-BOLT	$61.20
9BO589	HIGHLANDER PIN 11/4 X 4 1/4 W/CLIP	$33.97
9BO618	SPROCKET 8 TOOTH 13/4B 5/16K	$77.46
9BO620	3/4-10 UNC X 6 HHCS GR5 PL	$4.20
9BO627	SHOE CAST IRON FRAME	$104.54
9BO630	TORSION SPRING 1 X 5 X 41/2	$80.77
9BO635	COMPRESSION SPRING 5/8 X 2.44 X 7 1/2 BLACK	$76.00
9BO636	SPROCKET 6 TOOTH 667X 1B 1/4K	$80.91
9BO637	HIGHLANDER PIN 1 X 91/2 W/CLIP	$33.30
9BO648	JACK SCREW 10" W/FOOT 2" PIPE	$113.79
9BO693	SHOE GREY IRON MB SHOE 12" C	$99.74
9BO694	CARRIAGE BOLT 5/8 UNC X 4 GR5 PL	$2.99
9BO730	HIGHLANDER PIN 11/4X10 W/CLIP	$46.29
9BO754	FLANGE BEARING 13/4 IN 4 BOLT	$65.65
9BO767	SNAP RING RETAINING EXTERNAL 11/2	$2.42
9BO782	GEARBOX 25:1 OUTPUT SHAFT 13/4	$194.01
9BO809	SHOE CAST IRON MB 60 DEG	$105.82
9BO816	PLOW MARKER FLEXIBLE 36" (1EA)	$42.29
9BO822	NYLON NUT 3/4 - 10 UNC GR8 PL	$2.19
9BO836	TENSION SPRING 5/8 X 3.5 X 27.5 BLACK	$223.70
9BO854	HINGE PIN 1 1/4 X 7.00	$41.60
9BO879	GEAR REDUCER COUPLER 11/4 KEY	$107.22
9BO901	BALL BEARING W/LOCK SCREWS 11/4 KEY	$32.72
9BO902	SNAP RING INTERNAL 2.44 ID X 2.7 OD X 0.78	$10.30
9BO919	HITCH PIN CLIP 1/4 X 5	$3.10
9BO927	SET SCREW 5/16-24 UNF X 11/4 SS	$1.14
9BO945	SNAP RING INTERNAL 11/4" SS	$17.25
9BO975	SNAP RING INTERNAL 13/4	$31.47
9P0944	ROD END 3/8 - 16 UNC SS X 6	$18.62
9S0480	8" CAST IRON WHEEL 1.25" W/BEARING	$345.04
9S0579	POLY SPINNER 18" W/ HUB CW	$385.44
9S0841	10IN CAST IRON WHEEL W/BEARING	$365.67
9S0894	POLY SPINNER 18" W/ HUB CCW	$385.44
EV5A1490	TAKE-UP FRAME NO BEARING	$320.33
EV6B1499	CROSS OVER RELIEF VALVE	$207.22

Attachment: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)



Frink 2021 PARTS PRICE LIST

VALLEY FAB & EQUIPMENT, INC.
9776 Trevett Road PO Box 380
Boston, New York 14025
Tel # (716) 941-6644 Fax # (716) 941-5066

VALLEY FAB
BOSTON, N.Y.

Attachment: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)

AMERICAN

A STRONG & RELIABLE PARTNER

PART NO.	DESCRIPTION	2021 USD MSRP
0002-1-37	KING BOLT ASSEMBLY	$94.14
0002-1-41	SHEAVE 5" DIA X 7/8" AXLE 805	$191.34
0002-1-59	NO TRIP DEE FOR 11/4 BOLT	$267.17
0002-1-9	SHEAVE 5 IN WIRE ROPE 5/8 AXLE	$127.96
0002-5-165	TORSION SPRING 37/8 OD 7/8 DIA	$127.07
0002-5-227	11/4 X 5 DEE BOLT DRILLED	$125.90
0002-5-255	KING PIN 11/4 x 141/2	$91.65
0002-6-7	TORSION SPRING 7/8 DIA X 4 BLACK	$135.02
0004-1-14	STEEL MOLDBOARD SHOE	$143.52
0004-5-81	CURB SHOE WRAP AROUND 5/8 PL	$120.20
0004-7-6	CAST MOLDBOARD SHOE NI-HARD	$225.73
0005-1-379	DRIVE PIN ASSEMBLY W/MACHINED PIN	$62.24
0005-5-54B	PIN DRIVE MACHINED	$47.06
0030-1-1	1 WAY TRIP LINK ASSY	$157.01
0030-1-8	SPRING YOKE	$175.55
0030-5-59	CENTER ROLLER ONE-WAY ASP PLOW	$41.18
0040-1-18	RAM & PINION PIN	$67.72
0040-1-2	PINION GEAR ASSY	$170.42
0050-5-153	WORM GEAR AXLE DRIVE BUSHING 13/4 X 21/4 X 1	$107.01
0050-5-60	WORM GEAR DRUM AXLE	$124.87
0051-1-167	RR 85A REMOVABLE PIVOT PIN	$147.38
0051-1-2	PIVOT PIPE END CAP / SHOE	$94.60
0051-1-24	CYLNDER ANCHOR PIN	$58.83
0051-1-31	LEVELING ARM ASSY 3/4 PL	$191.34
0051-3-23	TRIP EDGE 11' REV	$2,329.68
0051-3-29	TRIP EDGE 10 FT REV	$2,329.68
0051-3-30	TRIP EDGE 12 FT REV	$2,351.60
0051-3-52	OSCILLATOR BAR RR85 EXTENDED EARS	$786.25
0051-4-372	RR85 PIN REINFORCE KIT	$191.34
0051-5-212	5/8-11 UNC X 5 ALL THREAD GR5 PL	$9.13
0051-5-32	TRIP TUBE 11 FT REV	$215.25
0051-5-525	TORSION SPRING RETAINER	$22.60
0051-5-67	TRIP TUBE 12' REV	$263.09
0051-6-106	TORSION SPRING 3/4 SQ 13.5"	$204.72
0051-6-110	SPRING FTP PLOW	$83.36
0070-1-10	UNIVERSAL JOINT CAST DUCTILE	$51.88
0070-2-119	SHEAVE 6 IN P85 11/4 BOR	$164.04
0070-2-22	SHEAVE 6 IN FOR 1 IN DIA PIN	$138.57
0070-3-12	TENSION SPRING 1/2 X 25/8 X 38	$194.61
0070-3-15	SHEAVE 7 1/4 WIRE 13/8 AXLE	$178.35
0070-3-16	SHEAVE 8.625 DIA 1 3/8 AXLE	$193.80

Attachment: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)

AMERICAN

A STRONG & RELIABLE PARTNER

PART NO.	DESCRIPTION	2021 USD MSRP
0110-1-60	CONVEYOR CHAIN GI85 / GI90	$1,102.10
0110-5-37	TAKE UP SHAFT 1 X 17.25	$51.41
0110-6-123	DRIVE SHAFT	$112.29
1002-2358	TIMBREN SPRING 540/75	$323.84
117-20-00	LOCK WASHER 11/4 HELICAL SPRING PL	$1.22
127-22-02	NYLON NUT 1 3/8-6 UNC GR8 PL	$23.59
183-20-24	11/4-7 UNC X 3 HHCS GR8 BLACK	$20.43
205-00-21	UNIVERSAL JOINT SPEE BALL 7466	$15.47
205-00-35	BUSHING VOGELSANG 1 X 1.25 X 1.5	$21.65
251-16-02	FLANGE BEARING 1" 2-BOLT	$34.09
404-00-22	SPRING PIN 1/2 X 4 PL	$3.78
555-508-1-1	COMPRESSION SPRING 15/32 X 2-15/32 X 13	$152.35
555-572-1-1	COMPRESSION SPRING 5/8 X 31/2 X 8	$114.40

Attachment: NORTHERN (RES-2021-1059 : Authorize Supervisor to Sign Contract to Piggyback - Norhtern Supply Company Crs #2989)

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Highway
Initiated by: **Stephen Bryan**
Co-Sponsored by:

DOC ID: 25041 **RESOLUTION 2021-1060** **ADOPTED**

Authorize the Purchase of Three (3) FELLING Heavy Equipment Trailers, Model FT3-T-1 CRS# 3029

NOW THEREFORE BE IT RESOLVED, the Town Board authorizes the purchase of three (3) FELLING HEAVY EQUIPMENT TRAILERS, FT3-T-!.

The purchase is from Baschmann Services, Inc., 1101 Maple Road, Elma, NY 14059 for three (3) units times $5001.04 each equals $15,003.12 total under SOURCEWELL Contract #121918-FTS with maturity date of 02/11/2023.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign this purchase. This purchase is subject to the Contract Routing System (CRS#3029) and the approval of the Town Attorney.

11/22/2021
Consent

FINANCIAL IMPACT:

KP 2117 - 2600

$15,003.12

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

FELLING®
ISO 9001 Certified Quality Management System • WBENC-Certified WBE | THE TRAILER EXPERTS - SINCE 1974

BASCHMANN SERVICES, INC.
1101 Maple Rd, Elma, NY 14059
Phone: 888-655-1101 – www.baschmann.com

certified WBENC WOMEN'S BUSINESS ENTERPRISE

1700-G

ATTENTION: Bob Tracy

Sourcewell Quote Valid for 7 Days

Reference No: 224966JDM

Ship To:
Sourcewell - Contract #121918-FTS
Baschmann SVC Inc.
1101 Maple Rd
Elma, New York 14059
,

Phone:
FAX:

Bill to: Town of Amherst
Sourcewell - Contract #121918-FTS
Baschmann SVC Inc.
1101 Maple Rd
Elma, New York 14059
,

Customer Unit/Stock:
Phone:
FAX:

PO#		**Sales Person**	Bob Tracy	**Appx Completion**	**61 (weeks)**
Quote Date	09/21/2021	**Sourcewell Discount**	12%	**Other Charge**	
Order Date				**Product ID**	FT-3 T-1 Drop Deck - Tilt
Order Status	Quote			**Serial No**	

Shipping Notes:

Drawing No:

OVL Length: 15

Notes: Sourcewell contract 121918-FTS Town of Amherst NY Sourcewell Contract cost of dealer quote # 224964JDM

Copy No:
Part No:
MRP No:
Smart No: 4.51015

Appx Wgt +/-:
1,100 lbs

Item Type	Options	Description	Add Qty	Unit	Total Qty	Total Amt
Base Trailer		FT-3 T-1		Each	0	$4,883.00
Deck Length		Add Tilt Deck Length		Feet	10	$0.00
Frame Type		Pan Style with 8" Sides		Std	1	$0.00
Deck Type		Pressure Treated Wood		Std	1	$0.00
Appx Deck Height		14" Loaded, 16" Unloaded		Inches	1	$0.00
Width		97" OD, 74" ID		Std	1	$0.00
Tie Downs		D-Rings, 5/8" Straight		Each	4	$0.00
Tie Downs		Corner Ties		Std	2	$0.00
Brakes		No Brakes		Std	1	$0.00
Axles		3.5K, Drop		Std	1	$0.00
Suspension		Spring		Std	1	$0.00
Tires & Wheels		ST205/75R 15 C, 5 Bolt [15 x 6] Mod		Std	2	$0.00
Hitch Length		Center of Coupler to Headboard, Appx		Feet	4.5	$0.00
Hitch Type		2" Ball, [B] Adjustable, 10,000 lb Channel Mount		Std	1	$0.00
Jack		7K Drop Leg ** Top Wind **		Std	1	$0.00
Plug		4 Flat		Std	1	$0.00
Lights		LED,4 tail light system, Sealed Wiring Harness		Std	1	$0.00
Trailer Color		Felling Black # CCA945378 (White Felling Decal)		Std	1	$0.00
Stripe Color		White		Std	1	$0.00
Standard		18" Approach Plate		Std	1	$0.00
Standard		3/8" Safety Chains, Grade 70		Std	1	$0.00
GVWR		2,900 lbs		Std	1	$0.00

Attachment: BASCHMANN (RES-2021-1060 : Authorize the Purchase of Three (3) FELLING Heavy Equipment Trailers, Model FT3-T-1 CRS#

BASCHMANN SERVICES, INC.
1101 Maple Rd, Elma, NY 14059
Phone: 888-655-1101 –

3 YEAR PAINT WARRANTY

MSO's are not released until Payment Received

FOB IF NO FREIGHT charged

LIMITED LIFETIME WARRANTY

Standard List Price:	$4,883.00
Sourcewell Discount:	$585.96
Sub Total:	$4,297.04
Net Cost:	$4,297.04

** FET Tax may apply on 26,000 lb GVWR and above **

State and Local taxes may not be reflected in quoted price

Please sign and date your acceptance of this quote:

Sourcewell Freight:	$704.00
Material Surcharge:	$0.00
Other Charge (see above):	$0.00
Sales Tax:	$0.00
License Fees:	$0.00
FET TAX:	$0.00
TOTAL U.S.D.	$5,001.04

Agreed to and Accepted by:

BASCHMANN SERVICES INC.

By: _____
Signature

Robert Tracy
Print Name

Sales Manager
Title

Date: 11-10-21

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
Brian J Kulpa
Supervisor

Date: _____

Attachment: BASCHMANN (RES-2021-1060 : Authorize the Purchase of Three (3) FELLING Heavy Equipment Trailers, Model FT3-T-1 CRS#

Attachment: BASCHMANN (RES-2021-1060 : Authorize the Purchase of Three (3) FELLING Heavy Equipment Trailers, Model FT3-T-1 CRS#

Addendum to Contract VENDOR NOT ON SITE

1. Notwithstanding any other provision in this Agreement, the following clauses shall be controlling. Should any other provision of the Agreement conflict with the clauses in this Addendum then the provisions of this Addendum are to be enforceable and any conflicting provision shall be considered null and void.

2. No rules, requirements or customs of any society or association of professional Vendors or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.

3. To the fullest extent permitted by law, Vendor shall indemnify and hold the Town, its officers, agents, and employees, harmless from any and all liability, demands, claims, or expenses, awards or judgments imposed upon the Town, its officers, agents, and/or employees, arising out of the work of the Vendor its officers, agents, sub-Vendors, and/or employees as well as the negligence, active or passive, of the Vendor, its officers, agents, sub-Vendors, and/or employees.

4. No Assignment: In accordance with the provisions of Section 109 of the General Municipal Law, the Vendor is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of its right, title or interest in this agreement, or its power to execute this Agreement, to any other person or corporation without the previous consent in writing of the Town.

5. Required Provisions of Law: Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon the application of either party this Agreement shall be physically amended forthwith to make such insertion. In particular, the Vendor shall, among other things, fully comply with:

(a) Article 8 of the NYS Labor Law for public work contracts and Article 9 of the Labor Law regarding prevailing wage for Building Service employees.
(b) Labor Law Section 220-e and Executive Law Sections 291-299 and the Civil Rights Law relating to prohibition against discrimination and equal opportunity.
(c) Affirmative action as required by the Labor Law.
(d) Prevention of dust hazard required by Labor Law Section 222-a.
(e) Preference in employment of persons required by Labor Law Section 222.
(f) Eight-hour workday as required by Labor Law Section 220(2).
(g) Chapter 32 of the Town of Amherst: Minority Women and Business Utilization Commitment.
(h) Chapter 163 of the Town of Amherst: Registration of Sex Offenders.

6. The Vendor, in accordance with its status as an independent Vendor, covenants and agrees that it will conduct itself consistent with such status. It will neither hold itself out as nor claim to be, an officer or employee of the Town by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the Town, including, but not limited to: workers' compensation coverage, unemployment insurance benefits, Social Security coverage, or retirement membership or credit.

Waiver: No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

7. This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If the contract between the parties refers to the laws, statutes, rules, regulations or ordinances for any state other than New York State, to the laws, statutes, rules, regulations or ordinances for any county other than Erie County, New York or to the laws, statutes, rules, regulations or ordinances for any municipality other than the Town of Amherst, then the laws, statutes, rules, regulations or ordinances for New York State, Erie county and/or the Town of Amherst shall apply as applicable. Any and all legal action necessary to enforce the Agreement will be venued in Supreme Court, Erie County, New York or in the United States District Court for the Western District of New York, Buffalo Division.

8. 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.

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:

Baschmann Services Inc
Print Name of Company

By: _____
Signature

Robert Tracy
Printed name

Date: 11-10-21

Agreed to and Accepted by:

Town of Amherst

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Revised 12.30.19 SJS

Attachment: BASCHMANN (RES-2021-1060 : Authorize the Purchase of Three (3) FELLING Heavy Equipment Trailers, Model FT3-T-1 CRS#

IRAN DIVESTMENT ACT CERTIFICATION

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York provision was added to the State Finance Law (SFL), Section 165-a, effective April 12, 2012. Under t Act, the Commissioner of the Office of General Services (OGS) will develop a list (prohibited entities li of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). Th list is posted on the OGS website.

By submitting a response to this solicitation, or by assuming the responsibility under Contract/Lease awarded hereunder, Bidder/Contractor/Vendor (or any assignee) certifies that it will n utilize on such Contract/Lease any subcontractor that is identified on the prohibited entities list.

Additionally, Bidder/Contractor/Vendor is advised that any Bidder/ Contractor/Vendor seeki to renew or extend a Contract/Lease (or assume responsibility of a Contract/Lease awarded must certi at the time the Contract/Lease is renewed, extended or assigned that it is not included on the prohibit entities list.

During the term of the Contract/Lease, should the Town of Amherst (Town) receive informatic that a person is in violation of the above-referenced certification, the Town will offer the person a opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in th investment which is in violation of the Act within 90 days after the determination of such violation, the the Town shall take such action as appropriate including, but not limited to, imposing sanctions, seekir compliance, recovering damages or declaring the Bidder/Contractor/Vendor in default.

The Town reserves the right to reject any Contract/Lease or request for assignment for an enti that appears on the prohibited entities list prior to the award of a Contract/Lease, and to pursue responsibility review with respect to any entity that is awarded a Contract/Lease and appears on th prohibited entities list after Contract/Lease award.

Company Name: Baschmann Services Inc

Signature: [signature]

Print Name: Robert Tracy

Title: Sales Manager

Date: 11-10-21

Sworn To Before Me This

10th Day of November 20 21

Christina M. Beck

Notary Public

Christina M Beck
Notary Public - State of New York
No. 01BE6119600
Qualified in Erie County
My Commission Expires 12/06/2024

Revised 4.2017

Attachment: BASCHMANN (RES-2021-1060 : Authorize the Purchase of Three (3) FELLING Heavy Equipment Trailers, Model FT3-T-1 CRS#

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Highway
Initiated by: **Stephen Bryan**
Co-Sponsored by:

DOC ID: 25049 **RESOLUTION 2021-1061** **ADOPTED**

Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS# 3033

NOW THEREFORE BE IT RESOLVED, the Town Board authorizes the purchase of one (1) TOWMASTER HEAVY EQUIPMENT TRAILER, MODEL T-16DT.

The purchase is from George & Swede Sales & Service Inc., 7155 Big Tree Road, Pavilion, NY 14525 for $13,657.60 under SOURCEWELL CONTRACT #121918-MNR with maturity date of 02/11/2023.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign this purchase. This purchase is subject to the Contract Routing System (CRS# 3033) and the approval of the Town Attorney.

11/22/2021
Consent

FINANCIAL IMPACT:

KP2118 - 2600

$13,657.60

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

George and Swede Sales & Service
7155 Big Tree Road
Pavilion, New York 14525
Phone 585-584-3425
800-724-8722
Fax 585-584-8853
Web www.georgeandswede.com
Zach Shadbolt Sal
Cell 716-474-0208
Email zachs@georgeandswede.com

Date 11/4/2021

To:	Town of Amherst - Eric Blocher		
Address:	1042 N Forest Rd		
	Williamsville, NY		
Cell	716-208-6288		

Towmaster T-16DT		$	13,895.00
24" Diamond Plate Approach	12K Drop Leg Jack		
Side Lip Down	LED Lights		
2" Nominal Oak	7 Pole RV Style Plug		
102" OD, 82" ID	3" Pintle Ring Hitch		
8k EZ Lube Torsion Axles	Color: Black		
Electric Brakes	(10) Tie Down Rings		
(4) 215/75Rx17.5 (H)			
Steel Wheels			
Options:			
4' Stationary Wood Deck		$	995.00
Tool Box Lid		$	125.00
	Subtotal		15,015
	Less 19% Discount		
	Subtotal w/ Discou		
			12,410
Additional:			
Freight		$	
PDI and Inspection		$	500.00

Attachment: TOWMASTER (RES-2021-1061 : Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS #

$13,657.60

Owner/Principle _____

Date _____ Title _____

Thank You Zach Shadbolt (716) 474-0208

Interest Rates effective only till end of month-rates can potentially change each month.

New and used equipment-Sales-Rentals-Service and Parts FOB Pavilion, NY

HYUNDAI LINK BELT YANMAR ROLLERS INTERSTATE TR

All equip subject to availability Quote effective 30 days

Agreed to and Accepted by:

GEORGE & SWEDE SALES & SERVICE INC.

By: _____
Signature

Zachary R Shadbolt
Print Name

Salesman
Title

Date: 11/10/2021

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
Brian J Kulpa
Supervisor

Date: _____

Attachment: TOWMASTER (RES-2021-1061 : Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS #

Sourcewell

Sourcewell
Awarded Contract

Towmaster Trailers

Flatbed Heavy Equipment & Lowboy Trailers

#121918-MNR

Maturity Date: 02/11/2023

Contact Information

Contact Information

Vendor Contact Information

To purchase off this contract or for questions regarding products and pricing, please contact:

Anna Johnson
Phone: 320-593-4546
Email: anna@towmaster.com

Sourcewell Contact Information

For questions regarding contract documentation or the solicitation process, please contact:

Chuck Dick, Supplier Development Administrator
Phone: 218-895-4188
Email: chuck.dick@sourcewell-mn.gov

Kim Wudinich, Supplier Development Specialist

Attachment: TOWMASTER (RES-2021-1061 : Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS #

Phone: 218-894-5485
Email: kim.wudinich@sourcewell-mn.gov

Become a Member

Simply complete the online application or contact the Client Development team at service@sourcewell-mn.gov or 877-585-9706.

Search Vendors & Contracts

General Contracts

ezIQC Contracts

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Attachment: TOWMASTER (RES-2021-1061 : Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS #

Attachment: TOWMASTER (RES-2021-1061 : Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS #

Addendum to Contract VENDOR NOT ON SITE

1. Notwithstanding any other provision in this Agreement, the following clauses shall be controlling. Should any other provision of the Agreement conflict with the clauses in this Addendum then the provisions of this Addendum are to be enforceable and any conflicting provision shall be considered null and void.

2. No rules, requirements or customs of any society or association of professional Vendors or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.

3. To the fullest extent permitted by law, Vendor shall indemnify and hold the Town, its officers, agents, and employees, harmless from any and all liability, demands, claims, or expenses, awards or judgments imposed upon the Town, its officers, agents, and/or employees, arising out of the work of the Vendor its officers, agents, sub-Vendors, and/or employees as well as the negligence, active or passive, of the Vendor, its officers, agents, sub-Vendors, and/or employees.

4. No Assignment: In accordance with the provisions of Section 109 of the General Municipal Law, the Vendor is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of its right, title or interest in this agreement, or its power to execute this Agreement, to any other person or corporation without the previous consent in writing of the Town.

5. Required Provisions of Law: Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon the application of either party this Agreement shall be physically amended forthwith to make such insertion. In particular, the Vendor shall, among other things, fully comply with:

(a) Article 8 of the NYS Labor Law for public work contracts and Article 9 of the Labor Law regarding prevailing wage for Building Service employees.
(b) Labor Law Section 220-e and Executive Law Sections 291-299 and the Civil Rights Law relating to prohibition against discrimination and equal opportunity.
(c) Affirmative action as required by the Labor Law.
(d) Prevention of dust hazard required by Labor Law Section 222-a.
(e) Preference in employment of persons required by Labor Law Section 222.
(f) Eight-hour workday as required by Labor Law Section 220(2).
(g) Chapter 32 of the Town of Amherst: Minority Women and Business Utilization Commitment.
(h) Chapter 163 of the Town of Amherst: Registration of Sex Offenders.

6. The Vendor, in accordance with its status as an independent Vendor, covenants and agrees that it will conduct itself consistent with such status. It will neither hold itself out as nor claim to be, an officer or employee of the Town by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the Town, including, but not limited to: workers' compensation coverage, unemployment insurance benefits, Social Security coverage, or retirement membership or credit.

Waiver: No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

7. This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If the contract between the parties refers to the laws, statutes, rules, regulations or ordinances for any state other than New York State, to the laws, statutes, rules, regulations or ordinances for any county other than Erie County, New York or to the laws, statutes, rules, regulations or ordinances for any municipality other than the Town of Amherst, then the laws, statutes, rules, regulations or ordinances for New York State, Erie county and/or the Town of Amherst shall apply as applicable. Any and all legal action necessary to enforce the Agreement will be venued in Supreme Court, Erie County, New York or in the United States District Court for the Western District of New York, Buffalo Division.

8. 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.

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:

George and Swede Sales and Service

Print Name of Company

By: _____

Signature

Zachary R Shadbolt

Printed name

Date: 11/10/2021

Agreed to and Accepted by:

Town of Amherst

By: _____

Brian J. Kulpa, Supervisor

Date: _____

Revised 12.30.19 SJS

Attachment: TOWMASTER (RES-2021-1061 : Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS #

IRAN DIVESTMENT ACT CERTIFICATION

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New Yor provision was added to the State Finance Law (SFL), Section 165-a, effective April 12, 2012. Under Act, the Commissioner of the Office of General Services (OGS) will develop a list (prohibited entities l of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). T list is posted on the OGS website.

By submitting a response to this solicitation, or by assuming the responsibility unde Contract/Lease awarded hereunder, Bidder/Contractor/Vendor (or any assignee) certifies that it will utilize on such Contract/Lease any subcontractor that is identified on the prohibited entities list.

Additionally, Bidder/Contractor/Vendor is advised that any Bidder/ Contractor/Vendor seek to renew or extend a Contract/Lease (or assume responsibility of a Contract/Lease awarded must cer at the time the Contract/Lease is renewed, extended or assigned that it is not included on the prohibi entities list.

During the term of the Contract/Lease, should the Town of Amherst (Town) receive informat that a person is in violation of the above-referenced certification, the Town will offer the person opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in t investment which is in violation of the Act within 90 days after the determination of such violation, th the Town shall take such action as appropriate including, but not limited to, imposing sanctions, seeki compliance, recovering damages or declaring the Bidder/Contractor/Vendor in default.

The Town reserves the right to reject any Contract/Lease or request for assignment for an ent that appears on the prohibited entities list prior to the award of a Contract/Lease, and to pursue responsibility review with respect to any entity that is awarded a Contract/Lease and appears on t prohibited entities list after Contract/Lease award.

Company Name: George and Sales and Service

Signature: [signature]

Print Name: Zachary R Shadbolt

Title: Salesman

Date: 11/10/2021

Sworn To Before Me This

10th Day of November 20 21

[signature]

Notary Public

Christina M Beck
Notary Public - State of New York
No. 01BE6119600
Qualified in Erie County
My Commission Expires 12/06/24

Attachment: TOWMASTER (RES-2021-1061 : Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS #

TOWMASTER TRAILERS

Reference No.
QT 68969

QUOTATION

Ship To:	Cust: 11	Phone:	Bill To:	Phone:
TOWN OF AMHERST			MONROE TOWMASTER (SOURCEWELL)	
1042 NORTH FOREST ROAD			CONTRACT# 121918-MNR	
5583 MAIN STREET			61381 US HWY 12	
WILLIAMSVILLE	NY 14221	USA	LITCHFIELD	MN 55355 USA

ATTN: Zach Shadbolt

PO#	Salesman	Terms	Created	Last Revised	Appx Comp
	JESSICA NELSON	CASH IN ADVANCE	10/13/21	10/13/21	0/00/00
Serial No.		Discounts: 16.00%	.00%	.00%	

Build Instructions Town of Amherst
1042 N Forest Rd
5583 Main Street
Williamsville, NY 14221-4499
ID# 77341

Qty	Feature	Description	List
1	Base Model - T-16DT		$13,895.00
1	Std Features - 24" Diamond Plate Approach		
1	Std Features - Side Lip Down		
16	Decking Type - 2'' Nominal Oak		
1	Width - 102" OD, 82" ID		
1	Stationary Deck - 4' stationary deck wood		$995.00
2	Axles - 8k EZ Lube Torsion		
2	Brakes - Electric		
4	Tires - 215/75Rx17.5(H)		
4	Wheels - Steel Wheels		
1	Jack - 12K Drop Leg		
1	Lights - L.E.D.		
1	Plug - 7 Pole Rv		
1	Hitch/Neck - 3'' Pintle Ring		

--- Continued ---

NOTE: If changes are made to an order after a P.O. has been issued, a fee may be assessed and a revised or new P.O. MUST BE submitted to reflect changes.

FET required on all trailers with a GVWR OF 26,000 lbs or more.

Price:

Total Discounts:

Net Cost:

Freight

Material Surcharge:

Total Due:

Accepted by _____ Date _____

TRLQF00

Attachment: TOWMASTER (RES-2021-1061 : Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS #

TOWMASTER TRAILERS

Reference No.
QT 68969

QUOTATION

Ship To:	Cust:	11	Phone:	Bill To:	Phone:
TOWN OF AMHERST				MONROE TOWMASTER (SOURCEWELL)	
1042 NORTH FOREST ROAD				CONTRACT# 121918-MNR	
5583 MAIN STREET				61381 US HWY 12	
WILLIAMSVILLE	NY 14221	USA		LITCHFIELD	MN 55355 USA

ATTN: Zach Shadbolt

PO#	Salesman	Terms	Created	Last Revised	Appx Comp
	JESSICA NELSON	CASH IN ADVANCE	10/13/21	10/13/21	0/00/00

Serial No.

Discounts: 16.00% .00% .00%

Qty	Feature	Description	List
1	Trailer Color - Equipment Black		
10	Tie Downs - D-Rings		
1	Option - Tool Box Lid		$125.00
	Freight		$545.00

NOTE: If changes are made to an order after a P.O. has been issued, a fee may be assessed and a revised or new P.O. MUST BE submitted to reflect changes.

FET required on all trailers with a GVWR OF 26,000 lbs or more.

Price:	$15,015.00
Total Discounts:	$2,402.40
Net Cost:	$12,612.60
Freight	$545.00
Material Surcharge:	
Total Due:	**$13,157.60**

Accepted by Date

PDI and Inspection $13,657.00

TRLQF00

Attachment: TOWMASTER (RES-2021-1061 : Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS #

Form G
TRAILERS WITH RELATED EQUIPMENT, ACCESSORIES, AND SERVICES

	Possible Points	Certified Stainless Services, Inc., dba West-Mark	Felling Trailers	General Engines Co., dba Eager Beaver Trailers	Globe Trailer Manufacturing, Inc.	Hayworth Equipment Sales Inc.	Interstate Trailers, Inc.	LDJ Manufacturing, Inc dba Thunder Creek Equipment	MAC Trailer Manufacturing, Inc.
Conformance to Terms/ Conditions to Include Documentation	50	44	38	43	46	34	39	45	36
Pricing	400	306	326	316	345	205	315	316	263
Financial, Industry and Marketplace Successes	75	60	65	60	66	59	58	59	51
Bidder's Ability to Sell/ Service Contract Nationally	100	79	86	84	87	55	81	78	77
Bidder's Marketing Plan	50	42	41	37	43	38	36	46	30
Value Added Attributes	75	59	68	53	62	56	51	57	55
Warranty Coverages and Information	50	41	47	30	45	33	35	42	39
Selection and Variety of Products and Services Offered	200	146	180	141	163	146	149	129	133
Total Points	1,000	777	851	764	857	626	764	772	684
Rank Order		5	3.5	7.5	2	14	7.5	6	12

	Possible Points	Midwest Trailer Manufacturing LLC	Monroe Towmaster, LLC.	Talbert Manufacturing, Inc	The Advance Metalworking Co., Inc.	TPD Trailers Inc.	Trail King Industries	Trout River Industries
Conformance to Terms/ Conditions to Include Documentation	50	37	44	35	36	29	43	36
Pricing	400	290	343	306	296	188	346	307
Financial, Industry and Marketplace Successes	75	45	64	60	55	46	64	63
Bidder's Ability to Sell/ Service Contract Nationally	100	54	90	78	57	56	84	71
Bidder's Marketing Plan	50	34	39	37	32	31	43	37
Value Added Attributes	75	47	59	57	52	52	68	55
Warranty Coverages and Information	50	39	44	40	41	30	41	40
Selection and Variety of Products and Services Offered	200	128	168	143	130	100	173	139
Total Points	1,000	674	851	756	699	532	862	748
Rank Order		13	3.5	9	11	15	1	10

DocuSigned by: James Voelker — James Voelker, CPCM, CFCM, Sourcewell

DocuSigned by: Greg Grunig — Greg Grunig, Sourcewell

DocuSigned by: Carol Jackson — Carol Jackson, Sourcewell

DocuSigned by: Brandon Town — Brandon Town, CPSM, Sourcewell

Sourcewell
Formerly NJPA

COMMENT AND REVIEW
to the
REQUEST FOR PROPOSAL (RFP) #121918
Entitled
TRAILERS WITH RELATED EQUIPMENT, ACCESSORIES, AND SERVICES

The following advertisement was placed in the print and online version of Oregon's *Daily Journal of Commerce* on November 2, 2018, in the print and online version of *USA Today*, in the print and online version of *The Salt Lake Tribune*, in the print and online version of South Carolina's *The State* on November 1, 2018 and the *Sourcewell* website www.sourcewell-mn.gov, *Biddingo*, *MERX*, *The New York State Contract Reporter* website www.nyscr.ny.gov, *Onvia* www.onvia.com, and *PublicPurchase.com*.

> *Sourcewell, formerly the National Joint Powers Alliance® (NJPA), on behalf of Sourcewell and its current and potential member agencies, which includes all governmental, higher education, K-12 education, not-for-profit, tribal government, and all other public agencies located in all fifty states, Canada, and internationally, issues this Request For Proposal (RFP) to result in a national contract solution for the procurement of #121918 TRAILERS WITH RELATED EQUIPMENT, ACCESSORIES, AND SERVICES. Details of this RFP are available beginning November 1, 2018. Details may be obtained by letter of request to James Voelker, Sourcewell, 202 12th Street Northeast, P.O. Box 219, Staples, MN 56479, or by e-mail at RFP@sourcewell-mn.gov. Proposals will be received until December 19, 2018 at 4:30 p.m. Central Time at the above address and opened December 20, 2018 at 8:30 a.m. Central Time.*

RFPs were requested by and distributed to:

Able Equipment Rental	Lone Star Mower
Advance Metalworking Co., Inc.	Mac Trailer Manufacturing Inc
Advantage GSA Consulting LLC	Matheny Motors Truck Company
Airgas LLC	MGS Inc
Aluma	Midwest Trailer Manufacturing
American Cargo Group	Monroe Towmaster
American Carrier Equipment Trailer Sales, LLC	Pequea Machine Corp
AMM Enterprises Inc.	Pioneer Truckweld
Bay State Truck & Trailer, Inc.	Pitts Enterprises, Inc.
Becker Custom Trailers	Prime Vendor Inc.
Bid Ocean, Inc.	Quality Vans
Bonnell Industries	Rolling Star Manufacturing
Border Equipment	Royal Truck & Equipment
Brooks Brothers Trailers	Sightline, Inc
BWS Manufacturing	SmartProcure
Campbell's Equipment Company	Spector Manufacturing Inc.
Dell Rapids Custom Trailers, Inc.	Stalker Radar
Dragon Products/Ranco	State of Maine
Eager Beaver Trailers	State of Virginia

Attachment: TOWMASTER (RES-2021-1061 : Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS #

Sourcewell
Formerly NJPA

East Manufacturing Corp.	Stephan L. Green Trailers
Eddie's Truck Center	Sustainable Modular Management, Inc
Embankscape Equipment LLC	Talbert Manufacturing, Inc.
Express Custom Manufacturing	Thunder Creek Equipment
Felling Trailers	Titan Tool
FL Research Inc.	TPD Trailers Inc.
Fontaine Trailer Company	Trail King
FST Canada Inc. o/a Joe Johnson Equipment	Tri Tank Corp
Gerling and Associates, Inc.	Trius Inc
Globe Trailers	Trout River Industries
Holden Industries, Inc.	Vallee Inc.
Impel Transport	Valor Holdings LLC
Intercontinental Truck Body Ltd.	Verde Inc.
Interstate Trailers, Inc.	Vermeer High Plains
J & J Trailers Manufacturers and Sales Inc.	Via Trailers
J&J Truck Bodies & Trailers	Voyager Industries
KM International Inc.	Walker Mowers
Langefels Equipment Co. LLC	West Mark, Inc.
LGS Pace, LLC	

Proposals were opened on December 20, 2018, at Sourcewell, formerly the National Joint Powers Alliance (NJPA) offices located at 202 12th Street Northeast in Staples, Minnesota 56479, from the following:

Certified Stainless Services, Inc., dba West-Mark
Felling Trailers
General Engines Co., dba Eager Beaver Trailers
Globe Trailer Manufacturing, Inc.
Hayworth Equipment Sales Inc.
Interstate Trailers, Inc.
LDJ Manufacturing, Inc dba Thunder Creek Equipment
LGS Industries
MAC Trailer Manufacturing, Inc.
Midwest Trailer Manufacturing LLC
Monroe Towmaster, LLC.
Talbert Manufacturing, Inc
The Advance Metalworking Co., Inc.
TPD Trailers Inc.
Trail King Industries
Trout River Industries

Sealed packages were also received from American Cargo Group, J&J Truck Bodies & Trailers, Look Trailers, and a second package from Trail King Industries, after the deadline for delivery of proposals. The untimely packages

Attachment: TOWMASTER (RES-2021-1061 : Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS #

Sourcewell
Formerly NJPA

were returned, unopened, to American Cargo Group, J&J Truck Bodies & Trailers, Look Trailers and Trail King Industries in accordance with the RFP terms.

Proposals were reviewed by the Proposal Evaluation Committee:

James Voelker, CPCM, CFCM Sourcewell Procurement Lead Analyst
Greg Grunig, Sourcewell Procurement Lead Analyst
Brandon Town, CPSM, Sourcewell Procurement Analyst III
Carol Jackson, Sourcewell Procurement Analyst III

The findings of the Proposal Evaluation Committee are summarized as follows:

The Proposal Evaluation Committee used the Sourcewell RFP evaluation criteria and determined that all timely proposal responses met Level-One and Level-Two Responsiveness and were evaluated, except for the proposal submitted by LGS Industries. The proposal of LGS Industries was determined to be Level-One Non-Responsive because all required forms were missing the signature of an Authorized Representative.

Felling Trailers manufactures over 240 models of trailers in their standard product line that include semi, utility, dump, lowboy, hydraulic lift, flatbed, deck-over, drop-deck and tilt varieties. Felling's dealer network totals more than 400 locations to provide sales and service to Sourcewell Members throughout North America. Their trailers include features such as Air Ramps, Air Tilt and EZ Tilt solutions to make loading equipment simpler and safer. Felling Trailers offers Sourcewell Members a solid discount from their MSRP pricing.

Globe Trailer Manufacturing offers a broad selection of trailers including tag-along, lowboy, demolition dump, narrow fixed-neck, hydraulic tail, flatbed, drop-deck, sliding axle, folding neck, goose neck, enclosed and military-style models. Globe Trailer's dealer sales and service network covers all 50 states, US Territories and Canada along with over 350 locations additionally included in their service network. Globe Trailers backs up their products with structural warranties up to 10 years depending on the model of trailer purchased. Globe Trailers provides Sourcewell Members a competitive discount from their standard price list.

Monroe Towmaster provides a wide variety of trailers which include utility, drop-deck, drop-deck tilt, deck-over, rigid gooseneck, hydraulic tail, hydraulic detachable gooseneck, hydraulic dump, cable reel, tank and generator trailers. Their dealer network is comprised of over 1,300 locations across the United States and Canada. Monroe Towmaster utilizes Finite Element Analysis in the design and engineering of their trailers to develop a 2 to 1 margin safety factor. They are offering Sourcewell Members a considerable discount list price.

Trail King Industries manufactures an extensive selection of trailers including semi, utility, dump, lowboys, tags, flatbeds, deck-overs, drop-deck tilt, rollbacks, slide axle, tanker, gooseneck and live bottom trailers. In addition, they can offer custom and hybrid versions of their trailers. Trail King's dealer network includes over 400 locations spread across the United States, Canada and international markets. Trail King's pricing proposal provides Sourcewell Members a significant discount from MSRP.

For these reasons, the Sourcewell, formerly NJPA, Proposal Evaluation Committee recommends award of Sourcewell Contract #121918 to:

Attachment: TOWMASTER (RES-2021-1061 : Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS #

Sourcewell
Formerly NJPA

Felling Trailers, Inc	#121918-FTS
Globe Trailer Manufacturing, Inc	#121918-GLB
Monroe Towmaster, LLC	#121918-MNR
Trail King Industries	#121918-TKI

The preceding recommendations were approved on February 7, 2019:

DocuSigned by:
James Voelker
15F6CCFFA61E4A0...

James Voelker, CPCM, CFCM, Procurement Lead Analyst

DocuSigned by:
Greg Grunig
9721336968BD402...

Greg Grunig, Sourcewell Procurement Lead Analyst

DocuSigned by:
Brandon Town
7BCA93CD6377421...

Brandon Town, CPSM, Sourcewell Procurement Analyst III

DocuSigned by:
Carol Jackson
6EE63AEDED5F46E...

Carol Jackson, Sourcewell Procurement Analyst III

Attachment: TOWMASTER (RES-2021-1061 : Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS #

REGULAR MEETING MINUTES OF THE SOURCEWELL BOARD OF DIRECTORS

Tuesday, February 19, 2019
Conference Room 3 & 4
202 12th St. NE, Staples, MN 56479

Chair Wilson called the Regular Board meeting to order at 5:56p.m. with the following members present: Greg Zylka, Barb Neprud, Mark Gerbi, Scott Veronen, Ryan Thomas, Sharon Thiel, Sara Nagel, and Mike Wilson. Also present were Chris Lindholm, Pequot Lakes Schools Ex-Officios, Chad Coauette, Susan Nanik, Marcus Miller, Jamie Loken, Paul Drange, Mike Carlson, Jeremy Schwartz, Chris Klein, Mitchell McCallson, Machel Marshall and Danielle Wadsworth, Sourcewell staff.

Ms. Nagel moved, seconded by Mr. Gerbi to accept the agenda as presented. Motion carried.

Mr. Zylka moved, seconded by Ms. Neprud to accept the minutes of the Regular Board Meeting held on January 15, 2019. Motion carried.

Mr. Carlson presented the monthly Financial Reports.

Mr. Zylka moved, seconded by Ms. Thiel to approve the Resolution of Signed Authority. Motion carried.

Ms. Neprud moved, seconded by Mr. Thomas to approve the check register and Treasurer's Report of Cash, Revenues, and Expenditures and to pay all vendor disbursements #98793 to #99151. Motion carried.

Ms. Neprud moved, seconded by Mr. Zylka to approve all Wire Transfers #136 to #154. Motion carried.

Ms. Neprud moved, seconded by Mr. Veronen to approve all Wire Transfers-Employee Expense reimbursements #687 to #820. Motion carried.

Ms. Thiel moved, seconded by Mr. Gerbi to accept the Consent Agenda as follows:

- Updated Membership Agreements Members added January 1-31, 2019
- Permission to re-solicit the following categories:
    - Technology Solutions with Related Equipment and Accessories

Motion carried.

Mr. McCallson gave a day in the life of a Sourcewell employee presentation on his role as a Marketing Multimedia Production Coordinator.

Mr. Drange gave an update on Regional Programs.

Ms. Nanik gave an update on the Facilities and Human Resource Departments.

Mr. Carlson gave an update on the Finance and Risk Management Departments.

Mr. Loken gave an update on the Information Communication Technology Department.

Mr. Miller gave an update on the Government Relations/General Counsel Departments.

Mr. Schwartz gave an update on the Operations and Procurement Departments and the contracts awarded in January as noted in Appendix A.

Mr. Bautz gave an update on the Marketing and Membership Departments.

Ms. Thiel moved, seconded by Mr. Gerbi to approve the Resolution to Adopt and Approve Sourcewell 403b Plan. Motion carried.

Attachment: TOWMASTER (RES-2021-1061 : Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS #

Mr. Zylka moved, seconded by Ms. Nagel to approve the Executive Director/CEO Contract 2019-2022. Motion carried.

Mr. Carlson introduced the Budget Amendment-Indirect Cost Allocation.

Mr. Veronen moved, seconded by Ms. Thiel to approve the Interlocal Cooperative Agreement Licensing Specialist Services-Family Day Care (Region 5). Motion carried.

Mr. Gerbi moved, seconded by Ms. Neprud to approve the Sourcewell Employee Handbook. Motion carried.

Mr. Zylka moved, seconded by Ms. Nagel to approve hiring the following:

a. Michael Munoz, Procurement Analyst III, effective February 11, 2019
b. Brandon Town, Procurement Analyst III, effective February 11, 2019
c. Stephanie Haataja, Procurement Analyst II, effective February 25, 2019
d. Nicolas Scholer, Procurement Analyst II, effective April 8, 2019

Motion carried.

Mr. Zylka moved, seconded by Ms. Thiel to approve opening the following positions:

a. Education Consultant (x2)
b. Procurement Analyst (x2)
c. ECSE Professional Development Facilitator
d. Senior Education Consultant

Motion carried.

Ms. Neprud moved, seconded by Ms. Nagel to approve Seniority/Anniversary List. Motion carried.

Mr. Thomas moved, seconded by Mr. Zylka to accept the retirement of Sara Hight, ECSE Professional Development Facilitator, effective February 13, 2019. Motion carried.

Dr. Coauette gave an update on State/National Associations and Partnerships and Sourcewell Technology.

Mr. Zylka moved, seconded by Mr. Gerbi to adjourn the meeting at 7:45 p.m. Motion carried.

Attachment: TOWMASTER (RES-2021-1061 : Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS #

APPENDIX A

SOURCEWELL PROCUREMENT DEPARTMENT
BOARD ITEMS - FEBRUARY 2019

CONSENT AGENDA ITEMS

Requesting Board permission to Solicit the following categories:

Requesting Board permission to Re-Solicit the following categories:

Technology Solutions with Related Equipment and Accessories

NEW CONTRACTS

Fastenal Company	121218-FAS	*"Facility MRO, Industrial & Building Supplies with Related Equipment, Accessories, Supplies & Services"*
NAPA Integrated Business Solutions	121218-GPC	*"Facility MRO, Industrial & Building Supplies with Related Equipment, Accessories, Supplies & Services"*
HD Supply Construction Supply	121218-HDS	*"Facility MRO, Industrial & Building Supplies with Related Equipment, Accessories, Supplies & Services"*
Motion Industries, Inc.	121218-MII	*"Facility MRO, Industrial & Building Supplies with Related Equipment, Accessories, Supplies & Services"*
WESCO Distribution	121218-WES	*"Facility MRO, Industrial & Building Supplies with Related Equipment, Accessories, Supplies & Services"*
W.W. Grainger, Inc.	121218-WWG	*"Facility MRO, Industrial & Building Supplies with Related Equipment, Accessories, Supplies & Services"*
Felling Trailers, Inc.	121918-FTS	*"Trailers with Related Equipment, Accessories and Services"*
Globe Trailer manufacturing, Inc.	121918-GLB	*"Trailers with Related Equipment, Accessories and Services"*
Monroe Towmaster, LLC	121918-MNR	*"Trailers with Related Equipment, Accessories and Services"*
Trail King Industries	121918-TKI	*"Trailers with Related Equipment, Accessories and Services"*

NEW ezIQC CONTRACTS

Contractor Name	**Contract Number**	**Trade**

5th YEAR RENEWALS (CONTRACT EXTENSIONS)

PureGreen Services, LLC	040215-PGE	*"Storage Products or Systems with Related Accessories"*
PPG Architectural Finishes, Inc.	020515-PPG	*"Paint and Wall Coverings with Related Supplies, Equipment and Services"*
John Deere Construction Retail Sales	032515-JDC	*"Heavy Construction Equipment with Related Accessories, Attachments and Supplies"*
DeBourgh Manufacturing Company	040215-DBM	*"Storage Products or Systems with Related Accessories"*

ezIQC ANNUAL RENEWALS

The Lusk Group	OHGCDAGCOMA-013018-LUS	
F.H. Paschen, S.N. Nielsen & Associates, LLC	OHGCDAGCOMB-013018-FHP	
The Lusk Group	OHGCDAEOMA-013018-LUS	
The Lusk Group	OHGCDAHVOMA-013018-LUS	
The Lusk Group	OHGCDAROMA-013018-LUS	
The Lusk Group	OHGCDACOMA-013018-LUS	
Perkins / Carmack Construction, LLC	OHGCDAGCOMC-013018-PCC	
Perkins / Carmack Construction, LLC	OHGCDACOMB-013018-PCC	
Custom Controls Group	OHGCDAGCOMD-013018-CCG	
Custom Controls Group	OHGCDAROMB-013018-CCG	
Custom Controls Group	OHGCDAHVOMB-013018-CCG	
Westside Paving & Excavating Inc.	OHGCDAAPOMA-013018-WPE	
Westside Paving & Excavating Inc.	OHGCDAWUIOMA-013018-	
Universal Contracting Corporation	OHGCDAGCOME-013018-UCC	
Whalen Electric LLC	OHGCDAEOMB-013018-WHE	

Attachment: TOWMASTER (RES-2021-1061 : Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS #

Sourcewell

Monroe Towmaster # 121918-MNR

Pricing for contract # 121918-MNR is provided at 16% off MSRP to Sourcewell participating agencies.

Attachment: TOWMASTER (RES-2021-1061 : Authorize the Purchase of One (1) TOWMASTER Heavy Equipment Trailer, Model T-16DT CRS #

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 25032 **RESOLUTION 2021-1062** **ADOPTED**

School Crossing Guard - PT/Police

School Crossing Guard-PT/Police, Effective November 23, 2021, Temporary, $12.50 ph, Step 1 for Linda Decker.

Contingent upon completing all pre-employment requirements.

Replacing an employee who resigned.

11/22/2021
Consent

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

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 25043 **RESOLUTION 2021-1063** **ADOPTED**

Cleaner-PT/Building Maintenance

Cleaner-PT/Building Maintenance, Effective November 23,2021, Temporary, $12.50 ph, Step 1 for Kyle Rea.

Contingent upon completing all pre-employment requirements.

Replacing an employee who left the position.

11/22/2021
Consent

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

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 25056 **RESOLUTION 2021-1064** **ADOPTED**

Travel Request - Mobile Device Examiner Training Course

TO: **Town Board**

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

RE: **Travel Request**
Mobile Device Examiner Training Course

Kindly adopt a resolution authorizing One (1) Police Officer to attend a Mobile Device Examiner Training Course in Hoover, Alabama. This course is being held from January 3, 2022 to January 28, 2022. The cost for travel associated with this course is $369.40.

Thank you.

SPC:msl
Attachment
C: Kathy Cooper, Deputy Town Clerk **(Agenda Item: November 22, 2021)**

11/22/2021
Consent

FINANCIAL IMPACT:

A 3121 .4050: $369.40

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

TRAVEL EXPENSE APPROVAL/REIMBURSEMENT FORM

☐ $250 or LESS and under 75 miles Department Head Approval ONLY Required *REVISED 02/21/2021*

☑ $250 + or greater than 75 miles Department Head AND Town Board Approval Required

NAME	Employee #	Department	Phone Number
		Police	716-689-1311

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
1/3/22	1/28/22	Hoover, AL	A member of the APD's Technical Services Assistant Support Unit will be attending a Mobile Device Examiner training program in order to learn effective methods and techniques involving digital evidence of mobile devices.

Expenses	Estimated	Budget A/C #	Actual
Transportation:			
Mileage @ $0.56			
Tolls			
Parking			
Local Transportation (bus/taxi)			
Plane/Rail/Bus	$369.40	A3121.4050	
Lodging:			
# nights @ $			
Meals:			
IRS Per Diem Per Day: $			
1st & Last Day of Travel @ 75%			
# Breakfasts @ $			
# Lunches @ $			
# Dinners @ $			
# Incidentals @ $			
Registration/Conference Fee			
Other			
Subtotal	$369.40		N/A
Contingency - 10% of subtotal or $200	$36.94		N/A
TOTAL	$406.34		

Request Approved By:

Department Head Signature

11/19/2021

Date

Town Board :

Town Board Resolution & Date

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

Employee Signature Date

Print Employee Name

Reimbursement Approved By:

Department Head Signature Date

Complete Shaded Area
For Expense Reimbursement

X:\Forms\Travel Expense Reimbursement Form 4.7.17

Attachment: TravelRequest11.22mtg (RES-2021-1064 : Travel Request - Mobile Device Examiner Training Course)

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Senior Services
Initiated by: **Brian Bray**
Co-Sponsored by:

DOC ID: 25024 **RESOLUTION 2021-1065** **ADOPTED**

To Authorize the Supervisor to Submit an Application to USDA for SNAP Payment for Meal Service

RESOLVED, that the Amherst Town Board hereby authorizes the Supervisor to submit an application to the United States Department of Agriculture to allow the Department of Senior Services to accept Supplemental Nutrition Assistance Program payment for meals served as part of the Center's congregate dining program.

11/22/2021
Consent

FINANCIAL IMPACT:

n/a

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



United States Department of Agriculture

Food and Nutrition Service

Supplemental Nutrition Assistance Program

Dear Meal Service Applicant:

In response to your recent request, enclosed is the SNAP application for Meal Services.

Depending on your meal service type, you will be required to submit documentation and complete items on the application that apply to your meal service. Carefully review the enclosed material to ensure that you respond correctly. If you are applying as a nonprofit organization, a sponsor official or a facility director must sign the application. If your organization is applying as a for-profit meal service, the application must be signed by the owner or corporate official with authority to contract for the firm.

When you have completed the application, send it back to the address shown below. By Federal regulation, our office is required to make a decision on your application within 45 days of the date on which we receive a properly completed application and all requested documents. The filing of any application containing false or misleading information may result in the denial of your application for SNAP participation. Application processing may be delayed if any information or requested documents are missing or if an appropriate official does not sign the application.

Please return the application and all requested documents to the following office:

USDA-Food and Nutrition Service
PO BOX 7228
Falls Church, VA 22040

We look forward to working with you in the future. If you have any questions, please contact us at (312) 353-6609.

Sincerely,

USDA Food and Nutrition Service
Supplemental Nutrition Assistance Program

Enclosure: Form FNS-252-2 Application for Meal Services

USDA is an Equal Opportunity Provider, Employer and Lender

Attachment: SNAP Application for Meal Service (RES-2021-1065 : To Authorize the Supervisor to Submit an Application to USDA for SNAP

OMB APPROVED NO. 0584-0008
Expiration Date: 01/31/2024

USDA Supplemental Nutrition Assistance Program
Application for Meal Services

FOR USDA USE ONLY
FNS Number:
Date Authorized:
Authorization Initials:
Sponsor Type:
County Code:

Part 1 - Meal Service Types
Directions: Review the descriptions below and check the meal service type that describes the meal service. You may only check one box (one meal service type) per application.

Private For-Profit Restaurant means private for-profit establishments that contract with an appropriate state or local agency to offer meals at concessional prices to homeless, disabled, and/or elderly persons and their spouses or supplemental security income (SSI) recipients and their spouses.	Private For-Profit Restaurant ☐ Franchise Yes ☐ No ☐
Drug and/or Alcohol Treatment Program means any drug addiction or alcoholic treatment and rehabilitation program conducted by a private nonprofit organization or institution, or a publicly operated community mental health center, that is operating under part B of Title XIX of the Public Health Service Act (42 U.S.C. 300x et. seq.).	Private Nonprofit Organization/Institution ☐ Publicly Operated Organization/Institution ☐
Meal Delivery Service or Private For-Profit Meal Delivery Service means a public or a private organization that prepares and delivers meals to elderly persons and their spouses and/or to the physically or mentally handicapped and persons otherwise disabled, and their spouses if they are unable to adequately prepare all of their meals.	Public Meal Delivery ☐ Private For-Profit Meal Delivery ☐ Private Nonprofit Meal Delivery ☐
Communal Dining Facility means a public or private nonprofit establishment that prepares and serves meals for elderly persons and their spouses or for SSI recipients and their spouses.	Public Communal Facility ☒ Private Nonprofit Communal Facility ☐
Homeless Meal Provider means a public or private nonprofit establishment (e.g., soup kitchen, temporary shelter), approved by an appropriate state or local agency, that feeds homeless persons. If the site receives donated food items from USDA, the site must also purchase and serve other food.	Public Establishment ☐ Private Nonprofit Establishment ☐
Shelter for Battered Women and Children means a public or private nonprofit residential facility that serves meals or provides food to battered women and children. If such a facility serves other individuals, part of the facility must be set aside on a long-term basis to serve battered women and children.	Public Facility ☐ Private Nonprofit Facility ☐
Group Living Arrangement means a public or private nonprofit residential setting that serves no more than 16 residents and that is certified by the appropriate state agency or agencies in accordance with 1616(e) of the Social Security Act or meets comparable standards as determined by USDA.	Public Facility ☐ Private Nonprofit Facility ☐
Private For-Profit Senior Citizens Center or Residential Building means a facility that prepares and serves meals to elderly, disabled, or SSI recipients. Participating residential buildings must be occupied primarily by elderly or SSI recipients and serves meals to such persons, and does not provide a majority of the residents' meals (over 50 percent of three meals daily) as part of the institution's normal services.	Senior Citizens Center ☐ Residential Building ☐

You need to complete a separate FNS-252-2 application for each type of meal service you operate.

Initials: RSC

Attachment: SNAP Application for Meal Service (RES-2021-1065 : To Authorize the Supervisor to Submit an Application to USDA for SNAP

Part 2 - Sponsoring Organization or Business
Directions: All applicants must complete this section.

Name: Town of Amherst	Legal Business Name (if different from Sponsoring Organization or Business Name):
Mailing Address: 5583 Main Street	
City: Williamsville	State: NY Zip Code: 14221
Location Address: 370 John James Audubon Pkwy.	
City: Buffalo	State: NY Zip Code: 14228
Federal Employer Identification Number (FEIN), if applicable:	Name of Person Responsible for Operation of Meal Service: Donna Muck
Title: Kitchen Manager	Telephone: (716) 636-3050 Fax (optional): ( ) -
E-mail (required): dmuck@amherst.ny.us	

Part 3 - Site Specific Information - Site Where Meals Are Served
Directions: All applicants must complete this section. You must provide information on all meal sites under the meal service's sponsorship, including all locations from which deliveries originate or sites where benefits are accepted.

Number of sites to accept Supplemental Nutrition Assistance Program benefits: 1

Site Name #1: Amherst Center for Senior Services

Enter Site Location address if it is different from the Location Address entered above in Part 2.	Location Address:
City:	State: Zip Code:
Check days of operation: M ☒ T ☒ W ☒ TH ☒ F ☒ SA ☐ SU ☐	Meals served: Breakfast ☐ Lunch ☒ Dinner ☒
Person Responsible for On-Site Operation, if different from Part 2:	Title:
Telephone: ( ) -	If a Group Living Arrangement, number of residents served:

Site Name #2:

Location Address:	
City:	State: Zip Code:
Check days of operation: M ☐ T ☐ W ☐ TH ☐ F ☐ SA ☐ SU ☐	Meals served: Breakfast ☐ Lunch ☐ Dinner ☐
Person Responsible for On-Site Operation, if different from Part 2:	Title:
Telephone: ( ) -	If a Group Living Arrangement, number of residents served:

Site Name #3:

Location Address:	
City:	State: Zip Code:
Check days of operation: M ☐ T ☐ W ☐ TH ☐ F ☐ SA ☐ SU ☐	Meals served: Breakfast ☐ Lunch ☐ Dinner ☐
Person Responsible for On-Site Operation, if different from Part 2:	Title:
Telephone: ( ) -	If a Group Living Arrangement, number of residents served:

List additional sites on a separate sheet of paper and attach, using the same format above.

Attachment: SNAP Application for Meal Service (RES-2021-1065 : To Authorize the Supervisor to Submit an Application to USDA for SNAP

Part 4 - Ownership Information
Directions: Complete this section only if you are a private for-profit restaurant, private for-profit meal delivery service, or private for-profit senior citizens center or residential building. Applicants with 501(c)(3) non-profit tax-exempt status skip to Part 5.

Form of Ownership:
☐ Sole Proprietorship ☐ Partnership ☐ Privately-held corporation ☐ Limited Liability Company
☐ Publicly-owned Corporation (if you check this, skip to Part 6)

Enter primary owner(s) or corporate officer(s) if one or if more people or a private for-profit corporation owns the meal service. Print names as they appear on the social security card.

Name (First, Middle, Last):	Title:	
Date of Birth:	Social Security Number:	E-mail (optional):
Home Address:		
City:	State:	Zip Code:

Name (First, Middle, Last):	Title:	
Date of Birth:	Social Security Number:	E-mail (optional):
Home Address:		
City:	State:	Zip Code:

Name (First, Middle, Last):	Title:	
Date of Birth:	Social Security Number:	E-mail (optional):
Home Address:		
City:	State:	Zip Code:

Part 5 - Business Information. Must be completed by all applicants.

Has any officer, owner, partner, member and/or manager currently or ever been suspended or debarred from conducting business with or participating in any program administered by the federal government? ☐ Yes ☒ No
If Yes, please explain:

Is any officer, owner, partner, and/or member currently receiving assistance through the Supplemental Nutrition Assistance Program (SNAP)? ☐ Yes ☒ No

If Yes, has the officer, owner, partner, and/or member reported this meal service ownership to their SNAP caseworker? ☐ Yes ☒ No

If No, please explain below:

Has any officer, owner, partner and/or member ever been disqualified from receiving assistance through the Supplemental Nutrition Assistance Program for an intentional program violation (IPV) or fraud? ☐ Yes ☒ No
If Yes, please explain:

Does any officer, owner, partner, or member currently own any other SNAP authorized stores or meal services? ☐ Yes ☒ No
If Yes, how many currently authorized stores or meal services do you own?

Has any officer, owner, partner, member and/or manager ever been denied, withdrawn, disqualified, suspended, or been fined for Supplemental Nutrition Assistance Program (SNAP), WIC, business, alcohol, tobacco, lottery, and/or health violations? If yes, provide an explanation on a separate sheet of paper. ☐ Yes ☒ No

Attachment: SNAP Application for Meal Service (RES-2021-1065 : To Authorize the Supervisor to Submit an Application to USDA for SNAP

Was any individual involved in the ownership or management of the meal service convicted of any crime after June 1, 1999? If yes, provide an explanation on a separate sheet of paper.			☐ Yes ☒ No
Provide the name and address of the financial institution (bank) that you will be using for SNAP payment deposits.			
Financial Institution Name: M&T Bank			
Financial Institution Mailing Address: 740 Maple Rd			Additional Address (Bldg #, Unit #, Stall #, etc.):
City: Williamsville	State: NY	Zip Code: 14221	If foreign address, add Country:
If you have additional information or comments you would like to provide to FNS (such as a contact person to discuss the application), please provide the information here.			

Part 6 - Agreement and Signature Block

I understand and agree:

- I have the authority to contract for the meal service.
- I have provided truthful and complete information on this form.
- I hereby agree to release to the United States Department of Agriculture (USDA), by my signature below my tax records and also to allow USDA to verify the accuracy of information submitted with this application.
- Any information I have provided or will provide may be verified and shared by the USDA as described in attachment B. If I provide false information, my application may be denied or withdrawn.
- I accept responsibility to report changes in the meal service's ownership, address, type of business, and operation to FNS.
- I will follow, and ensure representatives will follow, the Supplemental Nutrition Assistance Program regulations.
- I am aware that violations of program rules can result in fines, legal sanctions, withdrawal, or disqualification from the Supplemental Nutrition Assistance Program.
- I accept responsibility on behalf of the meal service for violations of the Supplemental Nutrition Assistance Program regulations, including those committed by any of the meal service's representatives, both paid or unpaid, new, full-time, or part-time. These include violations, such as but not limited to:
  - Trading cash for Supplemental Nutrition Assistance Program benefits;
  - Knowingly accepting Supplemental Nutrition Assistance Program benefits from people not authorized to use them;
  - Accepting Supplemental Nutrition Assistance Program benefits as payments on credit accounts or loans;
  - Using Supplemental Nutrition Assistance Program benefits to cover the cost of room and board or treating Supplemental Nutrition Assistance Program customers differently from other customers;
  - Accepting Supplemental Nutrition Assistance Program benefits as payments for ineligible items.

- Participation can be denied or withdrawn if the meal service violates any laws or regulations issued by federal, state or local agencies, including civil rights laws and their implementing regulations.
- Participation in the Supplemental Nutrition Assistance Program requires that I will not discriminate against any customer on the grounds of race, color, national origin, age, sex, handicap (disability), political belief or religion; and that I will immediately take any measures necessary to make sure that my customers are not discriminated against.
- Any individual or meal service accepting or redeeming Supplemental Nutrition Assistance Program benefits, if not authorized to do so, is subject to substantial fines and administrative sanctions.
- Approval to participate will be automatically withdrawn and the meal service will no longer be able to accept Supplemental Nutrition Assistance Program benefits upon loss of federal tax-exempt status, cancellation or expiration of its contract with the state or local agency, or loss of its state certification, if required as a condition of eligibility.
- If your store is disqualified or fined for violating Program rules, FNS may publicly disclose your store's name and address, owners' names, and the penalty.

PENALTY WARNING STATEMENT - The Food and Nutrition Service can deny or withdraw your approval to accept Supplemental Nutrition Assistance Program benefits if you provide false information or fail to disclose required/requested information. In addition, if false information is provided or information is hidden from the Food and Nutrition Service, the owners of the firm may be liable for a $10,000 fine or imprisoned for as long as five years, or both (7 U.S.C. 2024(f) and 18 U.S.C. 1001).

I have read, understand, and agree with the conditions of participation outlined in the Privacy Act, Use and Disclosure, Penalty Warning and Certification Statements, and agree to comply with all statutory and regulatory requirements associated with participation in the Supplemental Nutrition Assistance Program.

X _____ Signature

X _____ Print Name

_____ Date Signed

_____ Print Title

Submit the supporting documentation as requested in Attachment A.

Attachment: SNAP Application for Meal Service (RES-2021-1065 : To Authorize the Supervisor to Submit an Application to USDA for SNAP

ATTACHMENT A - MEAL SERVICE APPLICATION REQUIRED DOCUMENTATION LIST

Directions: Provide all of the required documentation for the meal service type for which you are applying, along with the completed application form. Please keep attachments A and B for your records.

SECTION A: Private For-Profit Restaurant or For-Profit Meal Delivery Service

Required Documentation: (Provide all of the following)

- Copy of a government issued photo identification card and a copy of a Social Security card, or other verification of Social Security Number (SSN), (e.g., individual tax identification number (ITIN)):
  - i. All owners/partners
  - ii. All officer(s) of private corporations
  - iii. NOTE: Above documentation is not required for publicly-owned corporations
- Copy of the contract with the state agency
- Copy of a valid business license
- Signed certification and signature statement (page 4 of the application) for each owner, partner, and corporate officer

SECTION B: Alcohol and/or Drug Treatment Program

Required Documentation:

- Proof of 501(c)(3) non-profit tax-exempt status as recognized by the Internal Revenue Service
- Certified by the State agency responsible for the rehabilitation of drug addicts or alcoholics (the State Title XIX agency) as:
  - i. Receiving part B Title XIX funding; or
  - ii. Operating under part B Title XIX even if no funds are being received; or
  - iii. Operating to further the purposes of part B of Title XIX, to provide treatment and rehabilitation of drug addicts and/or alcoholics
- Signed certification and signature statement (page 4 of the application) for each principal administrator, executive director, and responsible official

SECTION C: Public or Private Non-Profit Meal Delivery Service; Public or Private Non-Profit Communal Dining Facility; Public or Private Non-Profit Homeless Meal Provider; Shelter for Battered Women and Children

Required Documentation: For the four meal service types listed above, provide proof of the meal service's 501(c)(3) non-profit tax-exempt status as recognized by the Internal Revenue Service and a signed certification and signature statement (page 4 of the application) for each principal administrator, executive director, and responsible official.

SECTION D: Group Living Arrangement

Required Documentation:

- Proof of 501(c)(3) non-profit tax-exempt status as recognized by the Internal Revenue Service
- Certification by the appropriate state agency in accordance with regulations issued under 1616(e) of the Social Security Act or under comparable standards, as determined by the USDA
- Signed certification and signature statement (page 4 of the application) for each principal administrator, executive director, and responsible official

SECTION E: Private For-Profit Senior Citizens Center or Residential Building

Required Documentation:

- If applying as a Residential Building, a signed statement from the owner(s) certifying: (1) that the building is occupied primarily by elderly persons (60 years of age or older) and SSI recipients and that it prepares and serves meals to such persons, and (2) that it does not provide a majority of the residents' meals (over 50 percent of three meals daily) as part of the institution's normal services
- Signed certification and signature statement (page 4 of the application) for each owner

Attachment: SNAP Application for Meal Service (RES-2021-1065 : To Authorize the Supervisor to Submit an Application to USDA for SNAP

ATTACHMENT B

PRIVACY ACT STATEMENT - Authority: Section 9 of the Food and Nutrition Act of 2008, as amended, (7 U.S.C. 2018); section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)); and section 6109(f) of the Internal Revenue Code of 1986 (26 U.S.C. 6109(f)), authorize collection of the information on this applicationual agreements with us for designing, developing, and operating our systems, and for verification and computer matching purposes:

- Information is collected primarily for use by FNS in the administration of SNAP;
- Additional disclosure of this information may be made to other FNS programs and to other federal, state, or local agencies and investigative authorities when SNAP becomes aware of a violation or possible violation of the Food and Nutrition Act of 2008, as explained in the next section called "Use and Disclosure";
- Section 278.1(b) of the SNAP regulations provides for the collection of each owner's Social Security Number (SSN), Employee Identification Number (EIN) and tax information;
- The use and disclosure of SSNs and EINs obtained by applicants is covered in the Social Security Act and the Internal Revenue Code. In accordance with the Social Security Act and Internal Review Code, applicant social security numbers and employer identification numbers may be disclosed only to other federal agencies authorized to have access to social security numbers and employer identification numbers and maintain these numbers in their files, and only when the Secretary of Agriculture determines that disclosure would assist in verifying and matching such information against information maintained by such other agency [42 U.S.C. 405 (c)(2)(C)(iii); 26 U.S.C. 6109 (f)];
- Furnishing the information on this form, including your SSN, ITIN, and EIN, is voluntary but failure to do so will result in denial of this application;
- The Food and Nutrition Service may provide you with an additional statement reflecting any additional uses of the information furnished on this form.

USE AND DISCLOSURE - Routine Uses: We may use the information you give us in the following ways:

- We may disclose information to the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when the USDA is involved in a lawsuit or has an interest in litigation and it has been determined that the use of such information is relevant and necessary and the disclosure is compatible with the purpose for which the information was collected;
- In the event that the information in our system indicates a violation of the Food and Nutrition Act or any other federal or state law whether civil, criminal, or regulatory in nature, and whether arising by general statute, or by regulation, rule, or order issued pursuant thereto, we may disclose the information you give us to the appropriate agency, whether federal or state, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto;
- We may use your information, including SSNs, ITINS, and EINs, to collect and report on delinquent debt and may disclose the information to other federal and state agencies, as well as private collection agencies, for purposes of claims collection actions including, but not limited to, the Treasury Department for administrative or tax offset and referral to the Department of Justice for litigation. (**Note**: SSNs, ITINs, and EINs will only be disclosed to federal agencies authorized to possess such information);
- We may disclose information to other federal and state agencies to verify the information reported by applicants and participating firms/meal service providers, and to assist in the administration and enforcement of the Food and Nutrition Act, as well as other federal and state laws. (**Note**: SSNs, ITINs, and EINs will only be disclosed to federal agencies authorized to possess such information);
- We may disclose information to other federal and state agencies to respond to specific requests from such federal and state agencies for the purpose of administering the Food and Nutrition Act as well as other federal and state laws;
- We may disclose information to other federal and state agencies for the purpose of conducting computer matching programs;
- We may disclose information (excluding EINs, ITINs, and SSNs) to private entities having contractual agreements with us for designing, developing, and operating our systems, and for verification and computer matching purposes;
- We may disclose information to the Internal Revenue Service for the purpose of reporting delinquent retailer and wholesaler monetary penalties of $600 or more for violations committed under the SNAP. We will report each delinquent debt to the Internal Revenue Service on Form 1099-C (Cancellation of Debt). We will report these debts to the Internal Revenue Service under the authority of the Income Tax Regulations (26 CFR Parts 1 and 602) under section 6050P of the Internal Revenue Code (26 U.S.C. 6050P);
- We may disclose information to state agencies that administer the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), authorized under Section 17 of the Child Nutrition Act of 1966 (CNA) (42 U.S.C. 1786), for purposes of administering that Act and the regulations issued under that Act;
- Disclosures pursuant to 5 U.S.C. 55 2a(b)(12). We may disclose information to “consumer reporting agencies” as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Debt Collection Act of 1982 (31 U.S.C. 3711(d)(4));
- We may disclose information to the public when a retailer/meal service provider has been disqualified or otherwise sanctioned for violations of the Program after the time for administrative and judicial appeals has expired. This information is limited to the name and address of the store/meal service, the owner(s) name(s) and information about the sanction itself. The purpose of such disclosure is to assist in the administration and enforcement of the Food and Nutrition Act and Supplemental Nutrition Assistance Program regulations.

Attachment: SNAP Application for Meal Service (RES-2021-1065 : To Authorize the Supervisor to Submit an Application to USDA for SNAP

ATTACHMENT B - continued

Certification and Signature - By signing your name on this application, you are telling us that: (1) you are the meal service principal administrator, executive director, owner or that the meal service owner(s) have asked you to apply for them; (2) the information you and/or the owner(s) provided us on this form, or papers we asked for, is true, (3) you have read and understand all the information on this sheet; (4) you understand that you and the person(s) for whom you are applying are responsible for stopping workers, paid or unpaid, from breaking Supplemental Nutrition Assistance Program rules such as, but not limited to: (a) trading cash for Supplemental Nutrition Assistance Program benefits; (b) taking Supplemental Nutrition Assistance Program benefits from people not allowed to use them; (c) taking Supplemental Nutrition Assistance Program benefits to pay on a credit account or loan; (d) taking Supplemental Nutrition Assistance Program benefits to pay for items not allowed to be paid for with Supplemental Nutrition Assistance Program benefits; (e) treating Supplemental Nutrition Assistance Program customers differently from other customers. We can take away a meal service's right to take Supplemental Nutrition Assistance Program benefits as payment of food provided at your meal service facility if any owner(s), manager(s) or anyone working in the meal service violates any of the Supplemental Nutrition Assistance Program law or rules.

Privacy Act and Paperwork Reduction Notice - Public reporting burden for this collection of information is estimated to vary from 1 to 90 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. **An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.** Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Department of Agriculture, Food and Nutrition Service, Office of Policy Support, 1320 Braddock Place, 5th floor, Alexandria, VA 22314, ATTN: PRA. Do not return the completed application form to this address.

To file a complaint of Discrimination, write to the USDA, Director, Office of Adjudication, 1400 Independence Ave, SW, Washington, DC 20250-9410. Do not send the completed application form to this address.

Attachment: SNAP Application for Meal Service (RES-2021-1065 : To Authorize the Supervisor to Submit an Application to USDA for SNAP

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Clerk
Initiated by: **Kathleen Cooper**
Co-Sponsored by:

DOC ID: 22672 **RESOLUTION 2021-78** **TABLED (NO VOTE)**

Local Law Amending Chapter 19, Ethics

A public hearing for "A Local Law Amending Chapter 19 of The Code Of The Town of Amherst With Respect To The Code of Ethics".

The purpose of this Local Law shall be to amend various section of Chapter 19 of the Code of the Town of Amherst with respect to the list of officials, notice and verification of filing.

1/19/2021
A motion to adjourn to April 19th was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 5-0.

4/19/2021
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was opened at 7:08 PM.

There were no speakers from the public. Supervisor Kulpa moved to Table the public hearing, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was Tabled at 7:09 PM.

FINANCIAL IMPACT:

None for the purposes of this resolution.

RESULT:	**TABLED (NO VOTE)**	**Next: 12/20/2021 7:00 PM**

LOCAL LAW NO.___ -2021

TOWN OF AMHERST

COUNTY OF ERIE, STATE OF NEW YORK

A Local Law Amending Chapter 19 of the Code of the Town of Amherst With Respect to the Code of Ethics

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 19 of The Code of The Town of Amherst With Respect To The Code of Ethics."

Section 2. Purpose

The purpose of this Local Law shall be to amend various sections of Chapter 19 of the Code of the Town of Amherst with respect to the list of officials, notice and verification of filing.

Section 3.

Chapter 19 of the Code of the Town of Amherst is amended as follows:

§ 19-1. Title.
This chapter may be cited as the "The Code of Ethics."

§ 19-2. Statutory authority; ~~intent.~~
The Code of Ethics is enacted pursuant to Article 18 of the General Municipal Law and in recognition of the policy of the State of New York and the Town of Amherst to maintain the highest standards of integrity in public service.

§ 19-3. Intent.
A. The Code of Ethics is intended to afford Town officers and employees guidance in conforming to ethical standards; to promote public confidence in the integrity of Town government; to require public disclosure of financial interests that may influence, or be perceived as influencing, actions of Town officers and employees; to minimize unwarranted suspicion; and, to provide for fair and effective administration of this Code. This Code of Ethics shall be in addition to all of the restrictions, standards and provisions pertaining to the conduct of Town officers and employees.

~~Strikethrough~~ = Deleted language; Underline = Added language

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

B. This Code of Ethics is further enacted to:

1. Establish high standards of ethical conduct for Town officers and employees.

2. Afford Town officers and employees clear guidance in conforming to such standards.

3. Promote public confidence in the integrity of Town government.

4. Require public disclosure of financial interests that may influence, or be perceived as influencing, actions of Town officers and employees.

5. Facilitate consideration of potential ethical problems before they arise.

6. Minimize unwarranted suspicion.

7. Enhance accountability of government to the people it serves.

8. Provide for fair and effective administration of this Code.

§ 19-~~3~~4. Definitions.
As used in the Code of Ethics, the following terms shall have the meanings indicated:

AGENCY
Any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau or committee of the Town of Amherst; and shall include but not be limited to the Town Board, ~~Zoning Board of Appeals, Planning Board, Traffic Safety Board, Recreation Commission, Library Board of Trustees, Board of Ethics, Government Study Committee, Youth Board, Board of Assessment Review, Senior Citizens Advisory Board, Amherst Industrial Development Agency, 9/11 Commemoration Commission, Amherst Committee on Disabilities, Amherst Community Diversity Council, Amherst Veterans Committee, Arts and Culture in Public Places Board, Board of Electrician Examiners, Board of Plumbing and Drainage Examiners, Citizens' Financial Advisory Committee, Employee Suggestion Review Committee, Energy Conservation Committee, FOIL Board, Glen Park Joint Board, Historic Preservation Commission, Information Technology Advisory Committee, Minority/Woman Owned Business in Amherst, Open Government Advisory Board, Recycling and Waste Committee~~ Amherst Committee on Disabilities, Amherst Community Diversity Council, Amherst Industrial Development Agency, Amherst Veterans Committee, Arts and Culture in Public Places Board, Board of Assessment Review, Board of Electrician Examiners, Board of Ethics, Board of Plumbing and Drainage Examiners, Citizens' Financial Advisor Committee, Design Advisory Board, Employee Suggestion Review Committee, Energy Conservation Committee, FOIL Board, Glen Park Joint Board,

~~Strikethrough~~ = Deleted language; Underline = Added language

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

Government Study Committee, Historic Preservation Commission, Information Technology Advisory Committee, Library Board of Trustees, Minority/Woman Owned Business, 911 Commemoration Commission, Open Government Advisory Board, Planning Board, Recreation Commission, Recycling and Waste Committee, Senior Citizens Advisory Board, Traffic Safety Board, Youth Board and Zoning Board of Appeals in Amherst, or an improvement district as provided by Article 12 of the Town Law.

APPEAR and APPEAR BEFORE
Communicating in whatever form, whether personally or through another person.

BUSINESS DEALING
Having or providing any contract, service or work with a municipality; buying, selling, renting, leasing or otherwise acquiring from or dispensing to a municipality any goods, services or property; or applying for, petitioning, requesting or obtaining any approval, grant, loan, license, permit or other privilege from the municipality.

CONFLICT OF INTEREST
A situation in which a person has a duty to more than one person or entity but could not do justice in the actual performance adverse to the interest of both parties. This also includes the situation in which the concerns or aims of two different parties or organizations are incompatible or a situation in which a person is in a position to derive personal benefits from actions or decisions made in their official capacity.

DISCRETIONARY ACT
Any action involving the exercise of judgment or discretion by a municipal officer or employee, either individually or as a member of any agency, and includes but is not limited to negotiation, approval, advice, recommendation, authorization or audit.

FAMILY MEMBER
A spouse, child, stepchild, brother, sister, parent, half-child, brother/sister-in-law, parent-in-law or dependent of a municipal officer or employee.

GIFT OR FINANCIAL BENEFIT
Money, service, loan, travel, entertainment, hospitality or any financial transaction on terms not available to the general public but shall not include normal hospitality or promotional materials if such hospitality or materials do not exceed One Hundred Dollars ($100.00) in value and are not received in circumstances in which it might reasonably be inferred that they were given with intention to influence or reward them in relation to the performance of their duties.

~~Strikethrough~~ = Deleted language; Underline = Added language

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

GOVERNING BODY
The Town Board of the Town of Amherst.

MINISTERIAL ACT
An action performed in a prescribed manner without the exercise of judgment or discretion as to the propriety of the act.

PAID TOWN OFFICER, EMPLOYEE OR OFFICIAL
Any Town officer, employee or official who receives a salary from the Town or who is compensated by the Town on a per-diem or hourly basis, but does not include a Town officer, employee or official who is solely reimbursed by the Town for expenses incurred in the course of his or her duties.

PARTICULAR MATTER
Any business dealing with the Town or any application therefor or any case, proceeding, determination, investigation, charge, accusation or arrest or any other matter involving a discretionary act of a Town officer or employee, but does not include the proposal, consideration or enactment of local laws, ordinances or regulations of general application.

PERSON
An individual, corporation, partnership, unincorporated association, LLC, LLP and all other legal entities.

POLITICAL PARTY
Any political party which appears on the ballot in the last biennial Town election.

RELATED PARTY
A spouse, child, parent, brother or sister of the Town officer or employee and a party with whom the Town officer or employee or his/her spouse, child, parent, brother or sister has or intends to enter into an employment, professional, business or financial relationship.

SPOUSE
A husband or wife from whom the Town officer or employee is not legally separated.

TOWN
The Town of Amherst, and includes all agencies thereof and officers, employees and officials thereof.

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

TOWN CLERK
The Clerk of the Town of Amherst.

TOWN OFFICER OR EMPLOYEE
Any officer, ~~or~~ employee, or intern of the Town of Amherst, whether paid or unpaid, including public officials and all other members of any agency in the Town of Amherst, but does not include the Town Justices, officers or employees of the Unified Court System. Volunteer firemen and civil defense volunteers shall not be deemed to be Town officers or employees.

TOWN OFFICIAL
Any Town officer, employee who has the authority, either alone or as a member of an agency/committee/board to perform discretionary acts on behalf of the Town with respect to any business dealing. "Town official" shall not include Town Justice and any Town officer or employee who performs only ministerial acts and duties.

§ 19-5. Applicability.

The requirements of this Code shall not replace but shall be in addition to all other legal requirements pertaining to the conduct of Town officers and employees. Every provision of this Code, except as expressly limited herein, shall apply to every officer and employee of the Town, whether paid or unpaid. It shall also apply to members, directors, officers and employees of any not-for-profit corporation if a majority of such corporation's members or directors serve by reason of their Town positions or if a majority of such corporation's officers or directors are appointed by one or more Town officers or bodies, such as the Amherst Industrial Development Agency. Any such not-for-profit corporation shall be deemed to be a Town agency for the purpose of this Code. The members, directors, officers and employees of any such corporation shall be deemed to be Town officers or employees for the purposes of this Code. It shall also apply to any person who is a member of a Town board, agency, commission, council or body, whether paid or unpaid, as well as to personal service/consultant contractors of Town Development Agencies defined above. This Code shall not apply to officers or employees of the Town Court of the Town of Amherst, unless adopted by their respective governing bodies. The Board of Ethics shall have discretion to grant a temporary exception to the provisions of this Chapter for any officer, employee, person, board, commission or agency to which this Chapter applies.

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

§ 19-46. General regulations.

A. No Town official or employee shall:

(1) Act as attorney, agent, broker, employee, consultant or representative for any person in connection with any business dealing that person has with the Town.

(2) Directly or indirectly, solicit any gift, or accept or receive any gift or series of gifts, having an annual aggregate value of One Hundred Dollars ($100.00) or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his or her part. The foregoing limitation shall not apply to campaign contributions not otherwise prohibited by law.

(3) Take or refrain from taking any action or agree to take or refrain from taking any action or induce or attempt to induce any other Town officer or employee to take or refrain from taking any action on any matter before the Town in order to obtain a pecuniary or material benefit for:

(a) Himself or herself;

(b) A family member;

(c) Any partnership, LLP or unincorporated association of which the Town officer or employee or family member, is a member or employee or in which he or she has a proprietary interest;

(d) Any corporation, LLC of which the Town officer or employee, or family member is an officer or director or of which he or she legally or beneficially owns or controls more than five percent (5%) of the outstanding stock;

(e) Any person with whom the Town official, or his or her family member, has an employment, professional, business or financial relationship; or

(f) Any person from whom the Town officer or employee or his or her spouse has received within any twelve-month period during the previous twenty-four (24) months a pecuniary or material benefit having an aggregate value greater than One Thousand Dollars and Zero

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

Cents ($1,000.00), unless said individuals make up less than five percent (5%) of a class of individuals benefitted.

(4) Appear before the agency/committee/board served by or which employs such Town officer or employee except on behalf of the Town or on his or her own behalf.

(5) Appear before the Town except on behalf of the Town or on his or her own behalf. This subsection shall only apply to officers and employees who are elected or who are paid by the Town.

(6) Appear as attorney or counsel against the interests of the Town in any matter in which the Town is a party or a complainant.

(7) Solicit any nonelected officer or employee of the Town to participate in an election campaign. This subsection shall not prohibit an elected officer from soliciting such participation from officers and employees who are appointed by and directly subordinate to such elected officer and who serve in positions which are in the exempt classification or the unclassified service under the Civil Service Law.

(8) Directly or through a person, campaign committee or other organization authorized to act on his or her behalf solicit any nonelected officer or employee of the Town to pay or promise to pay any assessment, subscription or contribution to a political party, political party organization or election campaign. This subsection shall not prohibit a general solicitation of a class of persons.

(9) Directly or through a person or campaign committee or other organization authorized to act on his or her behalf, solicit participation in an election campaign or payment or promise of payment of any assessment, subscription or contribution to a political party, political party organization or election campaign from any person who, to the knowledge of the municipal officer or employee, has or, within the previous twelve (12) months, has had any business dealing with the municipality. This subsection shall not prohibit a general solicitation of a class of persons.

(10) Directly or through a person or campaign committee or other organization authorized to act on his or her behalf, utilize Town property, the Town Seal, the Town Logo or stationery where the header or footer states the person's employment as a Town of Amherst employee, to solicit participation in an election campaign or payment or promise of payment of any assessment, subscription or contribution to a political party, political party organization or election campaign.

~~Strikethrough~~ = Deleted language; Underline = Added language

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

(11) Except where such disclosure is authorized by law, disclose any confidential information acquired in the course of his or her official duties or use any such information to advance the financial or other private interest of himself or herself or any other person.

(12) After termination of his or her term of office or employment with the Town, appear before the Town or receive compensation for any services rendered on behalf of any person other than the Town in relation to any particular matter upon which he or she took any discretionary act during his or her term of office or employment with the Town.

B. No partnership, LLP, LLC or corporation or unincorporated association of which a Town official is a member or employee or in which he or she has a proprietary interest nor any corporation, LLC of which he or she is an officer or director or legally or beneficially owns or controls more than five percent (5%) of the outstanding stock shall appear before the agency served by such Town official on behalf of any person other than the Town or itself.

C. No partnership, LLP or unincorporated association of which a Town official who is elected or paid by the Town is a member or employee or in which he or she has a proprietary interest nor any corporation, LLC of which he or she is an officer or director or of which he or she legally or beneficially owns or controls more than five percent (5%) of the outstanding stock shall appear before the Town on behalf of any person other than the Town or itself.

D. Nothing in this section shall be construed to prohibit a Town officer or employee or any other person from receiving a municipal service or benefit or using a municipal facility which is generally available to residents or a class of residents in the Town.

E. Nothing in this section shall be construed to prohibit any Town officer or employee listed in §11 of the Domestic Relations Law from accepting any gift or benefit having a value of One Hundred Dollars ($100.00) or less for the solemnization of a marriage by that Town officer or employee at a place other than the Town officer's or employee's normal place of business or at a time other than the officer's or employee's normal hours of business and except as may be otherwise restricted by law.

F. Nothing in this section shall be construed to prohibit a Town officer or employee from performing any ministerial act.

G. A person who knowingly violates any provision of this section may, in addition to any penalty contained in any other provisions of law, be dismissed,

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

suspended or removed from office or employment in the manner provided by law.

§ 19-~~5~~7. Transactional disclosure and recusal; definitions.

A. Whenever a Town official is requested or required to take any action on a matter before the Town and, to his or her knowledge, either the performance or nonperformance of that action would provide a pecuniary or material benefit to himself or herself or to any related person different from that which would be derived from the action by reason of its general application to a broad class of persons deriving such benefit, the Town official shall not participate in that matter unless the official's recusal prohibits Town action, then said officer or employee shall participate after full disclosure and reference to the particular legislation otherwise prohibiting Town action. The Town officer or employee also shall file promptly with his or her immediate superior, if any, and with the Town Clerk a signed statement disclosing the nature and extent of that interest.

B. For purposes of this section, the following terms shall have the meanings indicated:

RELATED PERSON

(1) A family member.

(2) Any corporation of which the municipal officer or employee is an officer or director or of which he or she legally or beneficially owns or controls more than five percent (5%) of the outstanding stock.

(3) Any person with whom the municipal officer or employee or his or her family member has an employment, business or financial relationship.

(4) Any person from whom the municipal officer or employee or his or her spouse has received within any twelve (12) month period during the previous twenty-four (24) months a pecuniary or material benefit having an aggregate value greater than One Thousand Dollars and Zero Cents ($1,000.00).

C. Nothing in this section shall be construed to prohibit a Town officer or employee from performing any ministerial act or to require a Town officer or employee to file a disclosure statement pursuant to Subsection A of this section prior to performing any ministerial act. The award of a contract by an officer or employee pursuant to the public bidding requirements of §103 of the General Municipal Law shall be deemed a ministerial act.

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

§ 19-~~6~~8. Disclosure statement.

A. Long Form Disclosures: All elected Town officials, all department heads and all Town Officials who are elected, appointed, paid or unpaid, who are members of the ~~Zoning Board of Appeals, Planning Board, Youth Board, Traffic Safety Board, Government Study Committee, Recreation Commission, Board of Assessment Review Amherst Industrial Development Agency, Board of Ethics, Board of Electrician Examiners, Board of Plumbing and Drainage Examiners, Citizens' Financial Advisory Committee, Energy Conservation Committee, FOIL Board, Historic Preservation Commission and the Open Government Advisory Board~~ Amherst Industrial Development Agency, Board of Assessment Review, Board of Plumbing and Drainage Examiners, Board of Electrician Examiners, Board of Ethics, Citizens' Financial Advisory Committee, Design Advisory Board, Energy Conservation Committee, FOIL Board, Government Study Committee, Historic Preservation Commission, Open Government Advisory Board, Planning Board, Recreation Commission, Traffic Safety Board, Youth Board and Zoning Board of Appeals shall file with the Town Clerk, who for the purpose of this section shall also be deemed the Secretary of the Board of Ethics as hereinafter set forth, a signed, annual disclosure statement within thirty (30) days of taking office and no later than April 30 of each year thereafter. Within thirty (30) days of any change in the information contained in his or her most recently filed statement, the ~~public~~ Town official shall file a signed amendment to the statement indicating the change.

B. Information to be disclosed by all those Town officials defined in Section 19-6A shall be in the following form:

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

(1) Name:

Address:
Email Address:

If married, spouse's name:

(2) (a) Title of Town position:

(b) Department, agency or other governmental entity:

(3) Do you receive any benefits, compensation or other consideration that are derive directly or indirectly from your employment or association with the Town of Amherst other than your remuneration from the Town?

Yes _____ No _____

If YES, please describe the nature, source of and amount such benefits, compensation o other consideration.

Nature	**Source**	**Amount**

(4) List the address and SBL of all real property in which you, your spouse or other famil member of your household has an ownership or other financial interest.

Name of Owner	**Address**

(5) List the name and address of any partnership, unincorporated association, corporation business or employer of any sort of which you or your spouse is a member, officer o employee or from which you or your spouse derive income of any nature, giving you position and/or your spouse's position, if any, with such entity.

Self/Spouse	**Position**	**Organization and Address**

(6) List the name and address of any corporation, partnership, unincorporated associatio or business of which you or your spouse legally or beneficially owns or controls mor than 5% of the issued and outstanding stock or other ownership rights.

Self/Spouse	**Organization and Address**

~~Strikethrough~~ = Deleted language; Underline = Added language

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

(7) State any self-employment, and the general nature thereof, from which you or you spouse has derived gross income in excess of $2,000 during the previous calendar year.

Self/Spouse **General Nature**

(8) If you are unable, after reasonable effort, to obtain any of the information required herein so state and explain.

(9) List any position you held within the last 5 years as an officer of any political committee or political organization. The term "political organization" includes any independent body or any organization that is affiliated with or a subsidiary of a political party.

(10) List the source of all gifts received in the past year from the same or affiliated source aggregating in excess of $100.00 by you or a close relative, from any person or organization having had a regulatory or financial relationship with the Town within the past 2 years or expected to have such a relationship within the next 2 years, excluding gifts from a relative. The term "gifts" includes gifts of cash, property, personal items services, payments to third parties on your behalf, loans, forgiveness of debt honorariums, travel, entertainment, hospitality, tickets and any financial transaction or terms not available to the general public. The term "gifts" shall not include normal hospitality or promotional materials received within the past year if such hospitality or materials which, when aggregated by source, do not exceed $100.00 in value and are not received in circumstances in which it might reasonably be inferred that they were given with the intention to influence or reward you in relation to the performance of your duties.

Name of Family Member	Relationship to You	Name of Business Entity	Involvement with Town

(11) List your interest or any close relative in an entity which has had financial or regulatory activity with the Town or Amherst Industrial Development Agency within the last 2 years or is expected to have such activity within the next 2 years, except for a publicly traded business organization of which you own less than 5% of the outstanding stock or ownership interest. It is not necessary to disclose personal savings accounts and retirement accounts.

~~Strikethrough~~ = Deleted language; Underline = Added language

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

(12)

Name of Family Member	Relationship to You	Name of Business Entity	Involvement with Town

Outside employment. Describe any outside occupation, employment, trade, business or profession providing more than $1,000.00 per year for you or a close relative, if any, and indicate whether such activities are regulated by any state or local agency.

Name of Family Member	Position	Name, Address & Description of Organization	State or Local Agency

(13) Future employment. Describe any contract, promise or other agreement between you and anyone else with respect to your employment after leaving your Town office or position.

Past employment. Identify the source and nature of any income in excess of $1,000.00 per year from any employer, including deferred income, contributions to a pension or retirement fund, profit-sharing plan, severance pay or payments under a buy-out agreement for this year and the year prior to this year.

Name and Address of Income Source	Description of Income (i.e. pension, deferred compensation, etc)

(14) Identify and describe the source of any third-party payment or reimbursement for Town of Am st travel-related expenditures in excess of $250.00 for any matter that relates to your official duti The term "reimbursement" includes any travel-related expenses provided by anyone other than the wn for speaking engagements, conferences or fact-finding events that relate to your official duties.

Source	Description

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

(15) Describe all loans and debts of you or a close relative in excess of $5,000.00 (excluding retail accommodations such as primary mortgages, home equity loans, charge accounts, lines of credit and credit cards extended in the normal course of business which are ordinarily available to the general public by financial institutions (for example, banks) and/or merchants and which are not extended in circumstances in which it might be reasonably inferred that they were extended with the intention to influence or reward you in relation to the performance of your duties):

_____ _____

~~(month, day, year)~~
(date) Signature of Reporting Individual

C. Short Form Disclosure. All Town officials who are appointed, paid or unpaid, to any board of committee for who a long form disclosure is not required shall file a Short Form Disclosure form containing the following information:

(1) Name, Address, Email Address, Telephone Number (Both Home and Cell) and if married, Spouse's name.

(2) Title of Position (Name of Board or Committee)

(3) I hereby certify that I have read Chapter 19 of the Town of Amherst Town Code (Code of Ethics) and understand its restrictions upon my activities. I further certify that I will follow these provisions and that I do not have any conflict of interest as defined in the Code of Ethics.

Name & Date

§ 19-9. Transactional Disclosure Statement Required

A. Private interests. A Town officer or employee shall, before taking, advising or participating in any official discretionary action affecting his or her known private interest or the private interest of a related party, file a statement disclosing such interest and defining the proposed action.

~~Strikethrough~~ = Deleted language; Underline = Added language

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

B. Professional or business transactions. If a Town officer or employee wishes to enter into an employment, professional, business or financial transaction, other than a normal retail purchase or credit transaction on the same terms as are available to the general public, with another party and such other party has pending or is known by such Town officer or employee to be considering or has had pending within the prior twelve (12) months any financial or regulatory matter with a Town agency and the Town officer or employee or a subordinate officer or employee has participated in or is authorized to participate in any official discretionary action affecting such matter, the Town officer or employee shall file a statement disclosing such transaction and disclosing the nature of his or her participation in such action prior to entering into such transaction. If a Town officer or employee learns that a related party proposed to enter or has entered into such a transaction, then he or she shall promptly file such a statement.

§ 19-~~7~~10. Civil penalty; penalties for offenses.

A. Statement of financial disclosure.

(1) A reporting individual who knowingly ~~and willfully~~ fails to file an annual statement of financial disclosure as ~~provided~~ required herein shall be presumed to have voluntarily withdrawn from membership on the committee/board they were appointed to.

(2) A reporting individual who knowingly and ~~willfully with intent to deceive~~ makes a false statement or gives information which such individual knows or should have known to be false on such statement of financial disclosure filed pursuant to this Chapter shall be assessed a civil penalty in an amount not exceed Ten Thousand Dollars and Zero Cents ($10,000.00). Assessment of a civil penalty hereunder shall be made by the Town of Amherst Board of Ethics following a hearing which follows the procedure set forth in the rules of procedure adopted by the Board of Ethics.

(3) A reporting individual fails to file an amended financial disclosure within thirty (30) days of any change in information contained in his/her most recently filed financial disclosure statement shall be presumed to have withdrawn from membership in the committee or board that they were appointed to.

(4) For a violation of this subsection 2, the Town of Amherst Board of Ethics may, in lieu of a civil penalty, refer said violation to the District Attorney and, upon such conviction~~, but only after such referral, such violation shall be punishable as a misdemeanor~~.

~~Strikethrough~~ = Deleted language; Underline = Added language

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

(5) Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal, may be imposed for failure to file or for false filing of such statement, except that the appointing authority may impose disciplinary actions as otherwise provided by law.

B. For violations of the conflict of interest and transactional disclosure provisions of this chapter, the Town of Amherst Board of Ethics shall assess a civil penalty in an amount not to exceed Ten Thousand Dollars and Zero Cents ($10,000.00) or, in lieu thereof, issue a public censure or private admonition. In addition, the appointing authority may impose disciplinary action as otherwise provided by law.

C. For violations of the Section 19-4(A)(10) the Town of Amherst Board of Ethics shall assess a civil penalty in an amount not to exceed Ten Thousand Dollars and Zero Cents ($10,000.00) or, in lieu thereof, issue a public censure or private admonition. In addition, the appointing authority may impose disciplinary action as otherwise provided by law including removal from office/employment. For a violation of Section 19-4(A)(10), the Town of Amherst Board of Ethics may, in lieu of a civil penalty, refer a violation to the District Attorney and upon such conviction but only after such referral, such violation shall be punishable as a Class A misdemeanor.

D. The Town of Amherst Board of Ethics shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of civil penalties herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in Article 3 of the State Administrative Procedures Act, but such mechanisms may not be identical in terms or scope.

E. No reporting individual shall be subject to the sanction contained in Subsections 1 or 2 for any offense that occurred more than two (2) years before Notice is provided to that individual that he/she has violated the provisions of the Ethics Code.

F. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty (30) days of imposition and, upon becoming final, shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the Town of Amherst Board of Ethics pursuant to Article 78 of the Civil Practice Law and Rules.

§ 19-~~8~~11. Maintenance of disclosure statements.
Transitional disclosure statements and annual disclosure statements shall be a matter of public record and shall be filed and indexed with the Town Clerk.

~~Strikethrough~~ = Deleted language; Underline = Added language

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

The Town Clerk shall retain such disclosure statements for a period of not less than seven (7) years from the date of filing.

§ 19-~~9~~12. List of officials; notice and verification of filing.

A. On or before the first day of April of each year the Town Supervisor, together with the Town Clerk, shall:

(1) File with the Town Clerk a list of names and offices or positions of all officials and employees required to file annual disclosures; and

(2) Notify all persons required to file annual disclosure forms and request that the same be filed with the Town Clerk no later than April 30th of ~~each year~~ or the subsequent business day. Said notifications are to be sent to the person's current residence on file with the Town Clerk and also be sent via email, if email is available.

(3) Notify all Department Heads/Town Board liaisons of the names of these persons required of the names and offices or positions of all officers and employees required to file annual disclosures with an indication of whether that individual has filed the required disclosure form.

(4) If the notice is returned, the Town Clerk within three (3) business days will then notify the relevant Department Head/Town Board liaison of the same within three (3) business days. Upon receipt of such notice, the Department Head/Town Board liaison shall immediately notify the person in writing (email shall suffice) that he/she needs to file the annual disclosure statement.

B. On or before the 15th day of May of each and every year, the Board of Ethics shall meet to ascertain and verify that every required individual has filed the required disclosure statement.

C. Failure of the Supervisor and the Town Clerk to notify any or all individuals required to file disclosure statements shall not relieve Town officials~~s~~ or employees of their duty to file the disclosure statements.

§19-13. Disclosure of Interest by Town Board member; abstention from action.

When a member of the Town Board must take official action on a matter in which the board member has a substantial personal economic interest, which interest is distinct from that of the general community, the member's constituents or a substantial class of the general community he or she shall

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

divest himself or herself of that interest or shall publicly disclose the nature and extent of such interest in writing to the Town Board. The board member ~~may~~ shall abstain from participating in such action upon consideration of any possible inference of impropriety and the affirmative public need for his or her participation in the action under consideration. ~~The board member's decision not to abstain shall not be deemed unethical.~~

§19-14. Applicant Disclosure

A. Where a person requests the Town or a Town officer, official or employee to take or fail to take any action (other than a ministerial act) that may result in a financial benefit ~~both to the requester and~~ to either any officer, official or employee of the Town, the ~~requester~~ Town officials shall disclose the names of any such persons, to the extent known to the requester at the time of the request.

B. If the request is made in writing, the disclosure shall accompany the request. If the request is oral and made at a meeting of a public body, the disclosure shall be set forth in the public record of the body. If the request is oral and not made at a meeting of a public body, the disclosure shall be set forth in writing filed with the Town Clerk.

§19-15. Registration before Town Agency

No Town officer or employee shall receive or enter into any agreement, whether expressed or implied, for compensation for services to be rendered in relation to any matter before any Town agency; provided, however, that this Section shall not be applicable if the Town officer or employee does not receive compensation by reason of his or her Town position and the matter is not before his or her own agency.

§19-16. Gifts and Financial Benefit.

A. No Town officer or employee shall directly or indirectly solicit, accept or receive any gift or financial benefit from or on behalf of any person or organization that has pending or is known by such Town officer or employee to be considering or has had pending within the prior twelve (12) months any financial or regulatory transaction with any Town agency in which he or she serves or over which he or she has any jurisdiction or appointing power.

B. For purposes of this Code, a Town officer's or employee's acceptance of travel and travel-related expenses from or on behalf of any person or organization that has pending or is known by such Town officer or employee to be considering or has had pending within the prior twelve (12) months can be considered a gift to the Town of Amherst rather than to the Town officer or employee when:

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

(1) The travel is for a Town purpose and therefore could properly be paid for with Town funds;

(2) The travel arrangements are appropriate to that purpose; and

(3) The travel is no longer than reasonably necessary to accomplish the business which is its purpose.

C. To avoid an appearance of impropriety, advanced notice of such travel, including itinerary and a proposed travel budget, should be submitted to the Board of Ethics for review, when practicable. Following the conclusion of the trip, the official should report to the Board of Ethics the itinerary and actual travel disbursements and payments or reimbursements of expenses.

§19.17. Future Employment.

No Town officer or employee, without proper disclosure to the Town Board shall solicit, negotiate for or promise to accept employment by any person, firm or corporation with which he or she or his or her agency is engaged on behalf of the Town in the transaction of business or which is or may be affected by his or her official action.

§19.18. Appearance of Compensation After Termination of Service

No Town officer or employee without proper disclosure to the Town Board shall, after the termination of service or employment with such municipality, appear before any agency of the Town or receive compensation for services in relation to any specific case, proceeding, application or matter before a Town agency or against the Town's interest in which he or she personally participated in the course of his or her service or employment.

§19.19. Abuse of Position

No Town officer or employee shall accept any employment, enter into any transaction or acquire any investment under circumstances in which any impression may reasonably be created that he or she will be influenced thereby in the conduct of his or her duties. No Town officer or employee shall use or attempt to use his or her official position to secure unwarranted benefits, privileges or exemptions for himself or herself or for others.

§19.20. Board Removal

Notwithstanding provisions set forth in the Code of the Board of Ethics, Town officials or its officers covered by this Code of Ethics who violate its provisions set forth herein may be removed by the Supervisor if appointed by him/her,

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

by the Town Board through a majority vote for appointments made by the Town Board, and by the Town Board through a majority vote for individuals appointed or designated by third parties.

§19.21.

~~B.~~ Any member serving on a Town board or committee who affirmatively commences a lawsuit against the Town, or is a named party to a lawsuit against the Town and/or any board while serving as a member of that board, must disclose to that board his or her involvement in the lawsuit and must refrain from participating in all board decisions that entail or are likely to entail issues that form the basis of the litigation and may be removed; and

§19.22

~~C.~~ Any member who receives financial and/or noneconomic gains from representing groups, corporations, or individuals in legal actions brought against the Town and/or any board shall not simultaneously serve as a board member on any board of the Town of Amherst and may be removed; and

§19-23

~~D.~~ Whenever necessary, the Supervisor shall require each member to disclose all conflicts on matters before the Board, and Board members shall recuse him/herself, if necessary, from any decision or underlying considerations regarding such matters.

(1) Nothing herein shall be deemed to impose civil penalties on Board members.

(2) Nothing herein shall be deemed to bar a Board member from bringing a timely suit against the Town or its agencies for personal injuries or damages as allowed by law.

§19-21~~4~~. Reservation of Right.

Nothing in this Code shall be deemed to bar or prevent the timely filing by a present or former Town officer or employee of any claim, account, demand or suit against the Town or any agency thereof on behalf of himself or any member of his family arising out of personal injury or property damage or for any lawful benefit authorized or permitted by law.

§19.2~~2~~5 Distribution of Provisions.

The Supervisor shall cause a copy of this Code to be compiled with Article 18 of the New York General Municipal Law and such other material he or she shall deem relevant. He or she shall cause a copy of such compilation to be

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

distributed to every officer and employee of the Town within thirty (30) days of the adoption of this code or as soon thereafter as may be practicable. Every officer and employee elected or appointed thereafter shall be furnished a copy of such compilation within ten (10) days after entering upon the duties of his or her position.

§ 19-~~112326~~. Duty to report.
Every Town officer or employee shall report to the Erie County District Attorney or the Town Attorney any action which may reasonably be interpreted as an improper attempt to influence him in the conduct of his office.

§19-~~102427~~. Board of Ethics.
A. A Board of Ethics is established and shall be known as the "Town of Amherst Board of Ethics."

B. The Board of Ethics shall consist of five (5) members who shall serve five (5) year terms of office, one such term expiring each year. Members shall be appointed by the Supervisor, subject to confirmation by the Town Board. If the Supervisor shall fail to appoint the members within thirty (30) days after the establishment of the Board of Ethics or within thirty (30) days after a vacancy occurs on the Board of Ethics, the Town Board shall appoint such member or members as the case may be. ~~Only o~~ One (1) member of the Board shall be an officer or employee of the Town of Amherst. In the event that a vacancy occurs prior to the expiration of the five (5) year term, such vacancy shall be filled for the balance of such term in the same manner as members are appointed to full terms. All members shall reside within the Town of Amherst. All members shall serve without compensation except that any member who is a Town of Amherst officer or employee shall be entitled to his usual compensation when attending upon the business of the Board of Ethics during normal working hours.

C. No more than two (2) members of the Board of Ethics may be affiliated with the same political party. No member of the Board of Ethics may hold an officer's position in any political party except such person may be a member of a county committee of a political party. The members shall elect a Chairman from among themselves and such other officers as may be deemed necessary from time to time.

D. A Board of Ethics member may be removed by the Town Supervisor with the approving consent of not fewer than four (4) members of the Town Board after a finding of substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of the office or violation of this chapter after written notice of the charges and an opportunity for reply.

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

E. The Town Clerk shall be the Clerk of the Board of Ethics. All documents filed with the Town Clerk shall be deemed for the purposes of this chapter to be filings with the Board of Ethics.

F. The Board of Ethics established hereunder shall render advisory opinions to Town residents or employees on written request and, upon request of the Town Board, make recommendations to such Town Board as to any amendments of this chapter. The opinions of the Board of Ethics shall be advisory and confidential and in no event shall the identity of the town employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the Board of Ethics or, if none, of the Town Attorney.

G.~~F~~. The Board of Ethics shall have all the powers and duties as prescribed by Article 18 of the General Municipal Law. The Board of Ethics may adopt and amend such rules or procedures as are appropriate.

H. Such Board of Ethics upon its formation shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

Section 4. 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 Sections 130 and 133 of the Town Law and Chapter 28 of the Code of the Town of Amherst.

Francina J. Spoth
Town Clerk
Town of Amherst
County of Erie, New York

Attachment: ProposedLocalLaw2021 (RES-2021-78 : Local Law Amending Chapter 19, Ethics)

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Clerk
Initiated by: **Kathleen Cooper**
Co-Sponsored by:

DOC ID: 22856 **RESOLUTION 2021-153** **TABLED (NO VOTE)**

Amend the Audubon Development Plan and the Zoning Map to Reclassify 2160 & 2170 North Forest Road from NCD-SA to NCD-ND

DRAFT RESOLUTION
(2/22/21)

Amend the Audubon Development Plan and the Zoning Map
[2160 & 2170 North Forest Road (NCD); Z-2020-06]

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

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of January 21, 2021 that the proposed New Community District - Neighborhood District (NCD-ND) classification at 2160 & 2170 North Forest Road is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that to the extent the proposed classification is not consistent with the adopted Comprehensive Plan, the plan is hereby amended to be consistent with the proposed classification at this location, and be it further

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

1. That the petitioner include additional parking spaces beyond the 17 spaces shown on the concept plan at the site plan stage.

2/22/2021
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0. The public hearing was opened at 7:32 PM.

Sean Hopkins, Esq. presented.

The following speakers addressed the Town Board:
Joseph Hausbeck, 2180 N. Forest Rd. - Spoke in opposition; does not fit the concept of the neighborhood; submitted a letter listing various concerns

Fran Cummings, 2200 N. Forest Rd. - Voiced her concerns; property floods; traffic
Karen Macris, 2230 N. Forest Rd. - Asked questions; concern of dorm-like apartments; dumpster location and noise

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn the public hearing to March 8th. The motion was seconded by Councilmember Szukala and unanimously approved 5-0. The public hearing was adjourned at 8:17 PM.

3/8/2021
A motion to adjourn to April 5th was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 5-0.

4/5/2021
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was opened at 7:05 PM.

Sean Hopkins, Esq. presented updated plans.

The following speakers addressed the Town Board:
Fran Cummings, 2200 N. Forest Rd. - Concerned about it being student housing, lighting spillover, flooding and traffic
Joseph Hausbeck, 2180 N. Forest Rd. - Concerned about excavation of the site and the project being too large

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn the public hearing to April 19th. The motion was seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was adjourned at 7:34 PM.

4/19/2021
Per Supervisor Kulpa, the Petitioner has requested an adjournment. Supervisor Kulpa then moved to Adjourn to May 3rd, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The hearing was adjourned at 7:09 PM.

5/03/2021
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 5-0. The public hearing was opened at 7:09 PM.

Sean Hopkins, Esq. presented updated plans.

The following speaker addressed the Town Board:
Fran Cummings, 2200 N. Forest Rd. - Voiced her continued concerns regarding flooding, student housing in their senior citizen community

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

RESULT:	**TABLED (NO VOTE)**	**Next: 12/20/2021 7:00 PM**

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

March 3, 2021

MEMO TO: David Marrano, Town Assessor

FROM: Francina Spoth, Town Clerk

RE: Petition

The attached petition, in connection with the parcel located at 2160 and 2170 North Forest Road was received in my office. Will you kindly check if the protest has been signed by the owners of 20% or more, either of the area of the land included in such proposed change, or of the immediately adjacent extending 100 ft. therefrom, or of that directly opposite thereto, extending 100 ft. from the street frontage of such opposite land, as provided in Zoning Ordinance, section XXI, Article 2.

Attachment
cc: Town Board
Town Attorney

Attachment: protest petition 2160 n forest-03042021095641 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon

To: Members of the Amherst Town Board

c/o: Town of Amherst, Office of the Town Clerk

MAR03'21 PM 1:06 RCVD

Date: March 2, 2021

In Re: Requested Amendment to Rezone Property

Located at 2160 and 2170 North Forest Road

PROTEST PETITION

Pursuant to New York Consolidated Laws, Town Law, Section 265 (1)(b), we, the undersigned, being the owners of 20% or more of the area of land immediately adjacent to the land included in the above referenced proposed change, extending 100 feet therefrom, hereby petition that any such amendment shall require the approval of at least three-fourths of the members of the town board.

NAME:	ADDRESS:
[illegible]	2180 North Forest Rd
Rosemary Blando	2180 North Forest Rd

Attachment: protest petition 2160 n forest-03042021095641 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon

Town of Amherst, NY
Office of the Assessor
David C. Marrano SCA Assessor

5583 Main Street
Williamsville, New York 14221
Phone: (716) 631-7038
www.amherst.ny.us
dmarrano@amherst.ny.us

Memorandum

March 4, 2021

To: Francina Spoth, Town Clerk
Re: Petition – 2160 & 2170 North Forest Road

The protest petition for 2170 North Forest Road has been signed by the required property owners of one of Zoning Ordinance section XXI, Article 2. The signature(s) satisfied test 2. The Super Majority calculations are based on three tests:

1. 20% or more of the owners signed a petition
2. **20% of the AREA surround said rezoning within 100 feet has signed a petition**
3. 20% of the AREA within 100 feet directly across the street from said rezoning has signed a petition

Therefore a super majority vote will be required to enact the change in zoning, as it relates to 2170 North Forest Road.

2160 North Forest Road has not been signed by the required property owners to satisfy the Zoning Ordinance referenced above, as it relates to the 3 aforementioned tests.

Should you have questions, please feel free to contact me.

Cheryl E. Walfrand
Senior Real Property Appraiser

cc: David C. Marrano
Assessor

Attachment: protest petition 2160 n forest-03042021095641 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon

D R A F T (2/22/21)

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:	Town of Amherst Town Board	**Project**: Z-2020-06
Address:	5583 Main Street Williamsville, NY 14221 (716) 631-7051	**Date**:

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

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

Title of Action:	Rezoning Request.
SEQR Status:	Type I
Description of Action:	Rezoning of 2.35± acres of land from NCD-SA to NCD-ND to allow a proposed 2-story, 8-unit apartment building.
Location:	2160 & 2170 North Forest Road (NCD), Town of Amherst, Erie County, New York
Petitioner:	Coromandel Estates Amherst, LLC

Attachment: Z-2020-06_draft TB Neg Dec_2160 & 2170_2.22.21 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon

Reasons Supporting This Determination

Based on information submitted by the applicant, including a Full Environmental Assessment Form (EAF) - Part 1, a complete rezoning application, and concept plan, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that the proposed rezoning of 2.35± acres of land from NCD-SA to NCD-ND for a proposed 2-story, 8-unit apartment building will not have a significant impact on the environment, as follows:

1. The action is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Town Engineering Department on December 24, 2020 reviewed the application and EAF submitted on December 18, 2020, and had no objection or comments on the proposed rezoning. The Building Department requires that a floodplain development permit be obtained prior to final site plan approval.

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 Landscape/Tree preservation Plan shall be required of the applicant upon submittal of a site plan application for development of the site at which stage all landscape requirements of the Zoning Ordinance will be met.

3. The action is not expected to create any material conflict with the Town Comprehensive Plan. The project will comply with all regulations of the Town Zoning Ordinance before final site plan approval is granted. The Town Building Department on January 13, 2021 reviewed the application and EAF submitted on December 18, 2020, and has no objection or comments on the proposed rezoning.

4. The property is within an area identified by the State as potentially containing significant cultural or archeological resources. A Phase I Archaeological Reconnaissance Survey was conducted in October 2020 by the University at Buffalo's Department of Anthropology. The report concluded that no prehistoric or historic sites were identified and recommended no further work. The NYS Office of Parks, Recreation and Historic Preservation's letter of October 30, 2020 concurred that the action will not impair the character or quality of important historical resources.

5. The action will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The subject request is for reclassification from NCD-SA to NCD-ND. This property is in an area of Town with a variety of residential uses. The majority of this area is occupied by single-family homes, however, directly across North Forest Road from this site is the Beechwood Senior Residence/Asbury Pointe development. Within the past few years, apartment developments have been constructed further west along North Forest Road, most notably the "Muir Lake" apartments between Millersport Highway and John James Audubon Parkway. Therefore, the project is considered consistent with surrounding land use.

Attachment: Z-2020-06_draft TB Neg Dec_2160 & 2170_2.22.21 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon

6. The proposed reclassification to NCD-ND for the proposed 2-story, 8-unit apartment building will not cause a major change in the use of either the quantity or type of energy.

7. The reclassification to NCD-ND for the proposed 2-story, 8-unit apartment building will not create any hazard to human health.

8. The reclassification to NCD-ND will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The proposed 2-story, 8-unit apartment building will be consistent with the scale of surrounding land uses.

9. The reclassification to NCD-ND for the proposed 2-story, 8-unit apartment building will not significantly increase the number of people using the site over its previous level of use.

10. Review by the Town Traffic/Safety Board on December 30, 2020 and the NYS Department of Transportation on November 28, 2020 indicate that significant negative traffic impacts are not expected to result from the proposed project.

11. Coordinated reviews of the project have been undertaken by Town Departments including Building on January 13, 2021, Engineering on December 24, 2020, Attorney on January 4, 2021, Traffic/Safety Board on December 30, 2020, Assessor on December 23, 2020, and Right-of-Way Agent on December 29, 2020, along with outside agencies including the NYS Department of Environmental Conservation on January 22, 2021 and the Williamsville School District on December 28, 2020. These reviews have not identified any significant environmental issues and indicate that the proposal will not have a significant damaging impact on the environment.

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

_____ _____
Signature & title of preparer date

_____ _____
Brian J. Kulpa, Supervisor date

EK/ac
X:\Current_Planning\Files\Rezonings\2020\Z-2020-06_(2160 &_2170_North_Forest_Rd_NCD)_2020\Z-2020-06_draft TB Neg Dec_2.22.21.docx
cc: Amherst Town Clerk
Amherst Building Department
ECDEP
NYSDEC

Attachment: Z-2020-06_draft TB Neg Dec_2160 & 2170_2.22.21 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon

Attachment: Draft Local Law-Reclassification of 2160 2170 North Forest Road-08-24-20 (RES-2021-153 : 2160 & 2170 Request to Rezone and

LOCAL LAW NO. _____-201_

TOWN OF AMHERST
COUNTY OF ERIE, STATE OF NEW YORK

A LOCAL LAW AMENDING CHAPTER 203 OF THE TOWN OF AMHERST CODE, KNOWN AS THE ZONING ORDINANCE, TO REZONE/RECLASSIFY 2160 AND 2170 NORTH FOREST ROAD FROM NCD-SA TO NCD-ND AND TO AMEND THE AUDUBON DEVELOPMENT PLAN AND TO AMEND THE ZONING MAP ACCORDINGLY.

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 203 of Town of Amherst Code, Known As The Zoning Ordinance, to Rezone/Reclassify 2160 and 2170 North Forest Road from NCD-SA to NCD-ND and to Amend The Audubon Development Plan and to Amend The Zoning Map Accordingly".

Section 2. Legislative Findings and Intent.

The Town Board of the Town of Amherst finds that an application to rezone/reclassify 2160 and 2170 North Forest Road from NCD-SA to NCD-ND and Amend the Audubon Development Plan and to Amend the Zoning Map Accordingly has been filed and is in proper order. The Town Board further finds that the request including the rezoning/reclassification and the amendment of the Audubon Development Plan is consistent with the Comprehensive Plan.

Section 3. Amherst Zoning Map.

The Town Board hereby: 1.) amends its Zoning Map which is incorporated by reference in the Town Zoning Code by amending/reclassifying from NCD-SA to NCD-ND the parcels at 2160 and 2170 North Forest Road; and 2.) amending the Audubon Development Plan, both being **subject to any conditions imposed by the authorizing resolution**; legally described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 68, Township 12, Range 7 of the Holland Land Survey so-called and further bounded and described as follows.

BEGINNING at the intersection of the centerline of Stahl Road (66.0 feet wide) with the centerline of North Forest Road (66.0 feet wide):

THENCE: Southerly, along the centerline of Stahl Road extended southerly, a

distance of 108 feet more or less to the north bank of Ellicott Creek;

THENCE: Westerly along said north bank of Ellicott Creek, a distance of 583 feet more or less to the west line of lands conveyed to Peter D. Durham by deed recorded in the Erie County Clerk's Office in Liber 9264 of Deeds at page 188;

THENCE: Northerly along said west line of Peter D. Durham lands, a distance of 10 feet more or less to the north bank of Ellicott Creek;

THENCE: Westerly and southerly along said north bank of Ellicott Creek, a distance of 227 feet more or less to a point distant 100 feet westerly from the said west line of Peter D. Durham lands as measured at right angles;

THENCE: Northerly along a line parallel with the west line of said Peter D. Durham lands distant 100.00 feet westerly therefrom measured at right angles, a distance of 491 feet more or less to the centerline of North Forest Road;

THENCE: Easterly, along said centerline of North Forest Road, a distance of 564.74 feet to the POINT OR PLACE OF BEGINNING.

Section 4. Validity.

This Local Law is adopted under the authority granted to the Town Board of the Town of Amherst pursuant to §§10(1)(ii)(a)(12), 20 and 27 of the Municipal Home Rule Law and §265 of the Town Law of the State of New York.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 5. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and published pursuant to Sections 130 & 133 of the Town Law and Chapter 28 of the Code of the Town of Amherst.

Francina J. Spoth
Town Clerk
Town of Amherst
County of Erie, State of New York

Attachment: Draft Local Law-Reclassification of 2160 2170 North Forest Road-08-24-20 (RES-2021-153 : 2160 & 2170 Request to Rezone and

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard, A
Planning Directo

Ellen M. Kost, AICP
Assistant Planning Dir

Town Board Agenda of February 22, 2021

February 9, 2021

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

Subject: Amendment #73 to the Audubon New Community District Development Plan to reclassify 2.35± acres of land from NCD-SA to NCD-ND; property located at 2160 & 2170 North Forest Road (NCD). Z-2020-06.

Honorable Members:

The subject property consists of two lots and forms a 2.35± acre irregularly shaped area located on the south side of North Forest Road, just west of the Stahl Road intersection. The site has 278.60± ft. of frontage and a depth of 497.16± ft. The site is vacant and partially wooded.

The south boundaries of the two lots are directly adjacent to Ellicott Creek, and the Ellicott Creek floodway extends onto both properties. A preliminary wetland investigation by Earth Dimensions, Inc. in July 2020 did not identify any federal jurisdictional wetlands or NYS wetlands on the subject properties. North Forest Road is a County collector.

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

The purpose of this request is to reclassify the land to allow a 2-story, 8-unit apartment building. The concept plan shows the building in the central portion of the site, with 17 parking spaces in front of the building, eight (8) of which are proposed to be in a free-standing garage. Parking would be accessed by one driveway to North Forest Road approximately in the center of the site. Space for emergency vehicle turnaround is shown between the building and the road. The plan also shows a covered patio with fire pit on the west side of the building and a dumpster location west of the building. Two stormwater basins are proposed near the north and south ends of the west property line. All development is shown outside the Ellicott Creek floodway.

The property was zoned New Community District – Suburban Agriculture (NCD-SA) with adoption of the Town-wide zoning ordinance and maps in 1976. No other requests are on file.

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

continued . .

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

A) **EXTENT TO WHICH THE PROPOSED AMENDMENT MEETS THE INTENT AND OBJECTIVES OF A NEW COMMUNITY DISTRICT AS EXPRESSED IN SECTION 5-2-2 OF THE ZONING ORDINANCE.**

The proposed revision to the development plan addresses the following objectives of the Zoning Ordinance.

Objectives

2-2A *A varied choice in the types of environment, occupancy, tenure, types and cost of housing, lot sizes, and community facilities available to existing and potential Town residents.*

The proposed project consists of a 2-story, 8-unit apartment building with 17 parking spaces in front of the building, eight (8) of which will be in a free-standing garage. One driveway to North Forest Road is shown in the central portion of the site. Two stormwater basins are proposed near the west property line. All development is shown outside the Ellicott Creek floodway.

The Assessor's office agrees with all statements made in the application and has no issue with the rezoning since units will be leased and not sold with condominium tax status.

The Building Department has approved the rezoning as submitted.

2-2B *Extensive usable open space and recreation areas, appropriate in terms of location, size and suitability of intended function.*

No usable open space or recreation areas are proposed with this project. The Ellicott Creek floodway, which extends onto these properties, will remain as open space and is prohibited by FEMA regulations from containing any structures.

2-2C *The provision of commercial, office or industrial uses of substantial real property tax productivity intended to support the financing of additional educational, municipal, and other public services required as a result of the development.*

No commercial, office or industrial uses are proposed with this project.

2-2D *Convenience in location of Commercial and Service Areas*

The closest commercial/service areas to the subject property are located on Millersport Highway (0.5 miles) and on Maple Road (1.5 miles). These include gas stations and a variety of restaurants. The UB North campus, on the opposite side of Ellicott Creek, also offers commercial services.

2-2E *The preservation of such features as trees, outstanding natural topography and geological features; the prevention of soil erosion; and the comprehensive design of storm water retention and proper drainage systems.*

As most of the wooded areas in the southern and eastern portions of these properties are within the Ellicott Creek floodway, they are proposed to remain undisturbed.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

The NYS Department of Environmental Conservation concurs that the Town of Amherst should act as SEQR Lead Agency and has the following comments:

1. Note that Ellicott Creek has a water classification and standard of B. Therefore, any physical alteration (ie, land clearing, filling, drainage pipe/ditch installation, etc.) to the bed or banks (within 50 feet of the stream) will require an Article 15, Title 5, Protection of Waters Permit from the NYSDEC.

2. The project site is located near a NYS Flood Control Easement, specifically Amherst Ellicott Creek Flood Control Project. Use of this easement requires an Article 16 Flood Control Land Use Permit from the NYSDEC.

3. The site is located within the designated 100-year floodplain per the Federal Emergency Management Agency's (FEMA) Firm Map No. 36029C0069H. The proposed project should be designed in accordance with all applicable local municipal laws for flood damage reduction. In addition, Ellicott Creek has a regulatory floodway, and any encroachment into floodway, including fill, requires an engineering analysis that demonstrates a 0.0' rise in the base flood elevation before a permit can be issued. Based on submitted plans, it also appears that the proposed patio/fire pit area is within the floodway and may require a separate floodplain development permit.

4. If any project activities will involve land disturbance of 1 acre or more, the project sponsor is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity.

5. This proposed project requires a sanitary sewer connection that is designed to convey 2,500 gallons/day or more of municipal sewage and is therefore considered a sanitary sewer extension. The Erie County Health Department will be the approving agency. A detailed Downstream Sewer Capacity Analysis must be performed and submitted for the proposed project as part of the Project's Engineering Report.

6. Portions of this project area are located on hydric soils. The project sponsor should contact the United States Department of the Army, Corps of Engineers (COE) to ensure that the project will not involve federally regulated wetlands or any other approval from that agency. If Federal Wetlands are involved, the COE may require Water Quality Certification from DEC.

7. The project site appears to be within an archaeologically sensitive area based on information obtained through the Cultural Resources Information System (CRIS) on the NYS Office of Park, Recreation and Historic Preservation's (OPRHP) website. As part of the SEQR process, this concern should be evaluated, unless it can be verified by appropriate documentation that the sites have been significantly disturbed in a way that would destroy potential artifacts. Note: If any of the described Department approvals are required, an appropriate archaeological investigation must be conducted in order to satisfy the NYS Historic Preservation Act.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

2-2F *The creative use of land and related physical development which allows an orderly transition of land from rural to urban uses.*

The subject properties are located within an area of Town with a variety of residential uses. The majority of this area is occupied by single-family homes, however, directly across North Forest Road from this site is the Beechwood Senior Residence/Asbury Pointe development. Within the past few years, apartment developments have been constructed further west along North Forest Road, most notably the "Muir Lake" apartments between Millersport Highway and John James Audubon Parkway.

The ROW Agent agrees with all statements made in the application and notes that an easement to the Town of Amherst on this property (liber 7105, page 369) should continue to be in effect and be reduced to an agreement.

2-2G *An efficient use of land resulting in smaller networks of utilities and streets and lessened burden of traffic on streets and highways thereby lowering utility and maintenance costs borne by new development.*

As the floodway is located on nearly half of the subject site, the concept plan submitted with this application shows the development limited to the central portion of the site. One driveway to North Forest Road is shown in the center of the site.

The Engineering Department, Traffic-Safety Board and Fire Chiefs' Association agree with all statements made in the application. The Highway Department review is pending.

NYSDOT reviewed the project, concurred with the Town acting as Lead Agency, and stated that the proposed project will not have a significant impact to traffic on the State Highway System.

The Erie County DPW – Highways Division concurs with the Town of Amherst being the Lead Agency for this project and has the following comments:

Permit Requirements:

1. The Developer will be required to apply for and obtain an Erie County Highway Work Permit for Utility Work Perm-2 for construction within the North Forest Road highway right-of-way.

2. The Developer will be required to apply for and obtain an Erie County Highway Work Permit for Non-Utility Work, Perm 3 for construction of a new entrance drive within the North Forest Road highway right-of-way.

Traffic Concerns:

1. A Traffic Impact Study may be needed due to the close proximity of the project to the intersection of North Forest and Stahl Road.

2-2H *Creation and preservation of natural and man-made features which will give increased environmental quality, encourage uses which will maintain high environmental quality and provide an attractive community design.*

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

The most important natural feature on this development site is the Ellicott Creek floodway, which according to FEMA regulations cannot hold structures of any kind. The wooded areas in the southern and eastern portions of the site within the floodway are therefore proposed to remain undisturbed.

This project is in an archaeologically sensitive location based on NYS mapping. A Phase I Archaeological Reconnaissance Survey was conducted in October 2020 by the Department of Anthropology at the University at Buffalo. The survey found that no historic or prehistoric sites were identified and recommended no further work. The NYS Office of Parks, Recreation and Historic Preservation concurs with the report's conclusion that no further archaeological investigations are warranted, and their opinion is 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.

2-2I *Guidance and control of development in Flood Hazard Areas so that life and property both within and without such areas are protected.*

The Building Department is responsible for administering all flood code provisions; that department has no issue with the proposed rezoning but notes that a floodplain permit will be required. Town mapping from 2019 shows this property within the existing flood hazard area.

2-2J *Increased safety for all modes of travel, including pedestrian and bicycle.*

There are no sidewalks on North Forest Road in the vicinity of this project, and the petitioner does not propose to install any. An internal sidewalk is shown around the proposed building and parking lot but does not extend to the road.

The Williamsville Central School District notes that the District has received information on this project and placed it on file, and that a future bus stop will be located at a driveway entrance at North Forest Road in accordance with District policy.

2-2K *An appropriate balancing or accommodation of the effect of major public or private development elsewhere in the Town or its vicinity.*

While the proposed 8-unit apartment building presents a denser development than the nearby single-family lots, it is consistent with the adjacent Beechwood Senior Residence/Asbury Pointe development across North Forest Road. The property is close to the UB North Campus on the opposite side of Ellicott Creek. The development can also be expected to supplement the off-campus housing stock for faculty, staff and students. The developer has stated that these units are intended to be marketed to professionals who often work remotely.

2-2L *Sufficient civic and community facilities, carefully integrated with adjoining areas.*

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

There are no civic or community facilities proposed with this project; adequate civic and community facilities are located in the area.

2-2M *Provision for the orderly updating of long-term, large-scale development plans to reflect changing circumstances within an overall, Town-approved planning framework.*

The Comprehensive Plan's Conceptual Land Use Plan (Figure 6) indicates Mixed Residential use for the section of North Forest Road between Stahl Road and Millersport Highway. The Mixed Residential designation is aimed at projects with densities of 4 – 12 units/acre. The subject project will result in a density of 3.4 units/acre.

The requested change is generally compatible with the character of development in the area, although the other comparable developments are not located on the 'creek side' of North Forest Road. The 3-story, 90-unit "Muir Lake" apartments between Millersport Highway and J. J. Audubon Parkway, as well as the Beechwood/Asbury senior residence, do not back up to Ellicott Creek. It should be noted that the subject site is within the boundary of the Town's Local Waterfront Revitalization Program (LWRP) currently in progress. This project would require another level of review for consistency with waterfront policies if the LWRP was adopted by the Town (adoption is not expected within the next year).

2-2N *A more desirable environment than would be possible through the strict application of other sections of this Zoning Ordinance.*

The current zoning of New Community District – Suburban Agriculture (NCD-SA) allows single family dwellings only. The proposed development of the site includes 8 apartment units that would not be allowed under the current zoning classification. The demand for student housing in the area surrounding the UB campus makes this a desirable location for apartment use.

B) EXTENT TO WHICH THE PROPOSED DEVELOPMENT PLAN MEETS ALL THE REQUIREMENTS OF SUBSECTIONS 5-2-4, 5-2-5, and 5-2-6 OF THE ZONING ORDINANCE.

5-2-4 Location of NCD Not applicable (pertains to entire existing NCD within the Town).

5-2-5 Permitted Uses

5-2-5A(2) Neighborhood District. This classification includes primarily residential areas designed to provide living space for families and individuals. Ancillary uses designed to conveniently serve residents may be located within them. The classification includes:

a. Residences and dwelling units of every type, except as otherwise specified in this subsection.
b. Fraternity and sorority houses, dormitories, hostels and boardinghouses.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

c. Small convenience retail and service facilities, except for automobile drive-in restaurants, and ancillary office facilities designed to serve the needs of residents of the neighborhood.
d. Public or quasi-public facilities, including schools and day-care centers, religious buildings and other community facilities.
e. Recreation facilities, open space areas, and personal training facilities.
f. Special limited commercial services and facilities not already included in the above uses, storage yards, and open equipment structures.

5-2-5B Use Mixture: Not applicable.

5-2-6 Dimensional Standards

5-2-6A The overall residential density of an NCD shall not exceed five (5) dwelling units per gross acre. This density regulation applies to the entire New Community District (4,121± acres) within the Town. Although the density of the proposed development is 3.4 units/acre, it would not bring the overall NCD density beyond the threshold of 5 units/acre.

5-2-6B Dwelling Unit Area. Information not provided. All dwelling units and rooms included in a dwelling are required to have sufficient floor area to satisfy the applicable minimum floor area requirements of the State Building Construction Code or the Town Building Code, whichever is applicable. This requirement will need to be met.

5-2-6C Minimum Area. Not applicable

5-2-6D Building Arrangements. The proposed development will result in a 2-story, 8-unit apartment building in the central portion of the site. The proposed 17 parking spaces will result in 2 spaces/unit, the minimum required by code elsewhere in the Town.

C) THE PROPOSED DEVELOPMENT PLAN IS CONCEPTUALLY SOUND IN THAT IT MEETS PRESENT AND FUTURE COMMUNITY NEEDS

The requested NCD-ND classification and proposed project concept will generally result in a sound development plan for the subject area; however, the concept should include space for overflow parking beyond that required for residents of the development. Section 5-2-7A(8) in the Zoning Ordinance states that "Off-street parking, loading, and stacking spaces shall be provided so as to prevent overflow of parked or standing vehicles onto public or common vehicular or pedestrian rights-of-way."

D) THERE ARE ADEQUATE SERVICES AND UTILITIES AVAILABLE OR PROPOSED TO BE MADE AVAILABLE IN THE CONSTRUCTION OF THE DEVELOPMENT.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

All services and utilities are or will be made available with this development.

E) THE PROPOSED DEVELOPMENT PLAN IS CONSISTENT WITH THE TOWN COMPREHENSIVE PLAN

The proposed project generally complies with the locational and use criteria in the Comprehensive Plan for land near a university campus.

SEQR

This is a Type I action, and an environmental assessment consistent with SEQR has been prepared for the subject proposal. Pursuant to Local Law #3-82, as amended, the requirements of SEQR are complete and the proposal is not expected to have a significant adverse effect on the environment.

RECOMMENDATION

The Planning Board recommends that your Honorable Body concur with the Planning Board's findings relative to SEQR and issue the attached Negative Declaration, and that the subject request be **approved** based on the attached resolution.

Very truly yours,

DANIEL C. HOWARD, AICP
Planning Director

DH/EK/ac
Att.
X:\Current_Planning\Files\Rezonings\2020\Z-2020-06_(2160 &_2170_North_Forest_Rd_NCD)_2020\Z-2020-06_TB Letter_2.22.21.docx
cc: Stanley Sliwa, Town Attorney

Planning Board Approval – January 21, 2021
Ayes 7; Noes 0

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

TOWN OF AMHERST
PLANNING BOARD RESOLUTION
AMENDMENT #73 TO THE AUDUBON DEVELOPMENT PLAN
Z-2020-06

PETITIONER
Coromandel Estates Amherst LLC
c/o Sean Hopkins, Esq.
Hopkins Sorgi & McCarthy PLLC
5500 Main St., Suite 343
Williamsville, NY 14221

PROPERTY LOCATION
2160 & 2170 North Forest Road (NCD)

JAN29'21 AM 8:32 RCVD

WHEREAS the Town of Amherst Planning Board on Thursday, January 21, 2021 held a public hearing on Amendment #73 to the Audubon New Community District Development Plan to classify the subject property as suitable for use as an apartment development, and

WHEREAS the Planning Board has reviewed the Amendment plans and supporting documentation, and

WHEREAS the Amendment has been referred to the various Town review agencies, and

WHEREAS the Planning Board finds that:

A. The proposed Revision to the Development Plan meets the intent and objectives of a New Community District as expressed in Subsection 1-1.1.

B. The proposed Revision to the Development Plan meets all the requirements of Section 5-2-3 through 5-2-6.

C. The proposed Revision to the Development Plan is conceptually sound in that it meets present and future community needs.

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

E. The proposed Amendment to the Development Plan is consistent with the Town Comprehensive Plan.

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

NOW THEREFORE BE IT RESOLVED that the Planning Board, in accordance with Section 8-15-2 of the Zoning Ordinance offers a positive report and recommends Town Board approval of Amendment #73 to the Audubon Development Plan with the following condition:

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

TOWN OF AMHERST
PLANNING BOARD RESOLUTION
AMENDMENT #73 TO THE AUDUBON DEVELOPMENT PLAN
Z-2020-06

PETITIONER
Coromandel Estates Amherst LLC

PROPERTY LOCATION
2160 & 2170 North Forest Road (NCD)

JAN29'21 AM 8:33 RCVD

1. That the petitioner include additional parking spaces beyond the 17 spaces shown on the concept plan at the site plan stage.

The foregoing resolution was adopted by the Town of Amherst Planning Board, January 21, 2021; moved by Chmiel; seconded by Giuliani; ayes 7, noes 0.

Robert J. Gilmour, Chair — Date 1/28/21

EK/ac
X:\Current_Planning\Files\Rezonings\2020\Z-2020-06_(2160 &_2170_North_Forest_Rd_NCD)_2020\Z-2020-06_resolution_012121.doc
cc: Commissioner of Building
Town Engineer
Highway Superintendent
Traffic/Safety Coordinator
Coromandel Estates Amherst LLC, c/o Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221
Thiru Vikram, c/o Coromandel Estates LLC, 4515 Chestnut Ridge Road, Unit 106, Amherst NY 14228
Chris Wood, Carmina Wood Morris, 487 Main St., Suite 500, Buffalo NY 14203
Christina Barmosz, Silvestri Architects, 1321 Millersport Hwy., Amherst, NY 14221
David Pawlik, Creative Structures Services, 550 Seneca St., Suite 100, Buffalo NY 14204

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Amended Application - Reclassification 2160 and 2170 North Forest Road and to Amend the Audubon Development Plan
Date: December 17, 2020

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

Original

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning Review and, if required Comprehensive Plan Amendment

For Official Use

File #: Z-2020-06 **Acreage** — **Fee $** -0-

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**		$250.00
20 – 30 ACRES **$5,700 + $150/acre or fraction thereof over 20 acres**		____
OVER 30 ACRES **$6,900 +$75/acre or fraction thereof over 30 acres**		____
Request for Relief of/Change to Conditions of Zoning Approval	**$ 1,200**	____
AFFIDAVIT FEE FOR PUBLIC HEARING	**$ 15.00**	$15.00
	TOTAL FEE:	$ 1,515.00

REVISED
DEC 18 2020
TOWN OF AMHERST
PLANNING DEPT.

Z-2020-06,
2160 & 2170 N. Forest Rd. (RCD)

[Note: A completed Amended Part 1 of the Full Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act ("SEQRA") is attached as Exhibit "2" of this Application.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

TO BE COMPLETED BY APPLICANT

1. **Petitioner:** Name: Coromandel Estates Amherst LLC

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

Phone: 510-4338 Fax:

E Mail shopkins@hsr-legal.com

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

From: NCD-SA District

To: NCD-ND District

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

2160 and 2170 North Forest Road

SBL #: 55.02-1-2 and 55.01-1-19.2

4. **Area of land to be rezoned** (in acres): 2.35

5. **Owner of Land:**

Name: Allen and Kristen Guerin

Address: 270 Rosedale Boulevard, Amherst, NY 14226

Telephone:

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

Name: Sean W. Hopkins, Esq.

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

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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

_____Option to purchase

_____Owner

__X__Other (explain) Petitioner has entered into a contract to purchase the Project Site. A signed Authorization Form is attached as Exhibit 1 of this Amended Application.

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.** The legal description of property to be reclassified is attached as Exhibit "3" and a full size copy of the Survey prepared by GPI dated dated July 13, 2020 is attached. A reduced size copy of the Survey is also attached as Exhibit "4".

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

Liber _____ Page _____

11. **Information on proposed project:**

A. Description of the character of the proposed development:

See Exhibit 5.

B. Rationale for rezoning request:

1. Why was this site chosen?

See Exhibit 5.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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

See Exhibit 5.

3. How will this rezoning impact surrounding properties?

See Exhibit 5.

4. How will this rezoning impact the school system?

See Exhibit 5.

12. Quantitative Data:

A. Total # of dwelling units 8
[The density of the proposed project has been reduced from 18 units to 8 units.]

B. Distribution of dwelling units by type Attached residential units for lease

C. Gross Residential Density per acre 3.40 units per acre

D. Total amount of Open Space Approximately 1 acre of greenspace and landscaping

E. Proposed Non-Residential Floor Area Not Applicable

13. Development Schedule:

Start Spring/Summer 2021

Finish 2022

Stages (# of) 1

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

The attached residential units will be leased to residential tenants.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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

Greenspace and landscaping will be privately owned and maintained.

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

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

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

See Exhibit 6.

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

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

See Exhibit 6.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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

See Exhibit 6.

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

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

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

See Exhibit 6.

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

See Exhibit 6.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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

See Exhibit 6.

17. The petitioner encloses herewith the sum of $ 1,515.00 to pay the fee, and consents to the placement of a sign(s) at the described location identifying this request for a period of time to be determined by the Town Clerk.
[The filing fee was previously paid .]

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

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

[Note: Authorization letter of property owners dated August 18, 2020 is attached to this Application.]

Counsel for Petitioner
Signature of Petitioner

Subscribed and sworn to before me this 17th day of December, 20 20

Notary Public, Erie County, New York

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

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

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

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Exhibit 1 – Authorization Form of Property Owners dated August 18, 2020

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Authentisign ID: 5F5EDAC5-6B0F-4377-B19F-0884A050FD33

AUTHORIZATION

Allen Guerin and Kristen Guerin, as the record owners of the parcels of land located at 2160 North Forest Road [SBL No. 55.02-1-1] and 2170 North Forest Road [SBL No. 55.01-1-19.2] in the Town of Amherst (collectively the "Project Site") hereby authorizes Postwork Capital LLC and its consultants to seek a rezoning and all other required governmental approvals from the municipal boards of the Town of Amherst in connection with a proposed multifamily project to be located on the Project Site.

Date: August 18, 2020 Signature: Authentisign Allen Guerin 08/19/2020
8/19/2020 9:14:43 AM EDT
Print Name: Allen Guerin

Date: August 18, 2020 Signature: Authentisign Kristen Guerin 08/19/2020
Print Name: Kristen Guerin

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Exhibit 2 – Amended Part 1 of Full Environmental Assessment Form Prepared Pursuant to the State Environmental Quality Review Act ("SEQRA") with Attachments "A" and "B"

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Amended Part 1 of Full Environmental Assessment Form with Attachments
Date: December 17, 2020

Full Environmental Assessment Form Part 1 - Project and Setting

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

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Proposed Multifamily Project		
Project Location (describe, and attach a general location map): 2160 and 2170 North Forest Road - Town of Amherst - Erie County		
Brief Description of Proposed Action (include purpose or need): The proposed action involves an amendment of the land use classification of 2160 and 2170 North Forest Road from NCD-SA to NCD-ND and an amendment of the Audubon Development Plan to accommodate the development of the Project Site as a three-story multifamily building consisting of 8 attached residential units for lease and all related site improvements as depicted on the Concept Site Plan prepared by Silvestri Architects, P.C. The proposed action has been defined broadly to include the construction of the proposed two-story multifamily building as well as all necessary site improvements including: parking spaces, a curb cut onto North Forest Road, access aisles, water and sanitary sewer lines as well as utility connections. Although the proposed project ("action") will not cross of any of the thresholds for a Type I action contained in 6 NYCRR Part 617.4. of SEQRA Regulations, it is a Type I action due the proximity of the Project Site to Ellicott Creek, which is a flowing watercourse, pursuant to a local law adopted by the Town of Amherst in 1982. The local law requires projects within 100 ft. of a flowing watercourse to be classified as Type I action. Given that the proposed project will not result in any potentially significant adverse environmental impacts, the issuance of a negative declaration pursuant to SEQRA is appropriate.		
Name of Applicant/Sponsor: Coromandel Estates Amherst LLC c/o Sean Hopkins, Esq.	Telephone: 716.510-4338 E-Mail: shopkins@hsr-legal.com	
Address: 5500 Main Street, Suite 343		
City/PO: Williamsville	State: NY	Zip Code: 14221
Project Contact (if not same as sponsor; give name and title/role): Same as Above.	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Allen and Kristen Guerin	Telephone: E-Mail:	
Address: 270 Rosedale Boulevard		
City/PO: Amherst	State: NY	Zip Code: 14226

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PLANNING DEPT.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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 of Amherst Town Board - Reclassification NCD Property and Amend. of Audubon Dev. Plan	August 24, 2020
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Planning Board - Site Plan Approval	To be Determined
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☑Yes ☐No	Building Dept. - Building and Floodplain Permits; Stormwater Permit - Eng. Dept.	To be Determined
e. County agencies ☑Yes ☐No	ECDPW - Curb cut onto North Forest Road; ECWA - Water	To be Determined
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	NYSDEC - DSCA and SPDES Permit and NYSOPRHP - Cultural resource review	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-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

C.3. Zoning

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

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

c. Is a zoning change requested as part of the proposed action? ☑ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? NCD-ND

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?
Getzville Volunteer Fire Department

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

D. Project Details

D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? 2.35 acres
b. Total acreage to be physically disturbed? 1.3 +/- acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2.35 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-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				8
At completion of all phases				8

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

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☑ Yes ☐ No
If Yes,
i. Purpose of the impoundment: Stormwater management.
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☑ Other specify: Runoff from impervious surfaces to be located on the Project Site.
iii. If other than water, identify the type of impounded/contained liquids and their source.
iv. Approximate size of the proposed impoundment. Volume: TBD million gallons; surface area: 0.3 acres
v. Dimensions of the proposed dam or impounding structure: n/a height; _____ length
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
impoundment is an excavation, a dam is not required

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): _____

Attached as Attachment "A" of this Amended Part 1 of the Full EAF is a wetland investigation letter prepared by Scott Livingstone of Earth Dimensions, Inc. dated July 7, 2020 confirming there are not any wetland subject to the jurisdiction of either of the NYS Dept. of Environmental Conservation of the United States Army Corps of Engineers located on the Project Site.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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: 1,850 gallons/day

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

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

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

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

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

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

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

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: 1,850 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):

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

- Name of wastewater treatment plant to be used: Town of Amherst Waste Water Treatment Plan on Tonawanda Creek Road
- Name of district: Town of Amherst Consolidated Sanitary Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? ☑Yes ☐No
- Is the project site in the existing district? ☑Yes ☐No
- Is expansion of the district needed? ☐Yes ☑No

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

- 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 0.5 acres (impervious surface)

_____ Square feet or 2.35 acres (parcel size)

ii. Describe types of new point sources. roof, parking lot

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)?

Private on-site storm water management area. Discharge will be to Ellicott Creek.

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

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

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

If Yes, identify:

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

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

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

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

If Yes:

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

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

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

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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

If Yes:

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

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

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

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

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

If Yes:

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

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

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

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

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

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

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

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

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

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: Typical energy usage for a project of this type

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

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

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

i. During Construction:

- Monday - Friday: 7:00 a.m. to 7:00 p.m.
- Saturday: 8:00 a.m. to 5:00 p.m.
- Sunday: As needed
- Holidays: Not Applicable

ii. During Operations:

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

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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:

There will be short-term unavoidable noise impacts during the construction of the project that will result from construction equipment.

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

Describe:

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

If yes:

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

Parking lot lights, 15' mounting height, dark sky compliant, minimum of 30' from nearest residence.

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: 3 tons per week (unit of time)
- Operation : 2 tons per month (unit of time)

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

- Construction: at the discretion of the contractor
- Operation: Project will follow town of Amherst recycling program

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

- Construction: NYSDEC approved landfill
- Operation: NYSDEC approved landfill

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

☐ Urban ☐ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☑ Other (specify): Asbury Pointe Retirement Community

ii. If mix of uses, generally describe:

There are a mixture of land uses in the vicinity of the Project Site including single-family homes, the Asbury Pointe Retirement Community and the Audubon Women's Health Medical Office.

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	0.9	+0.9
• Forested	.5	.5	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	1.8	.4	-1.4
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: lawn/landscaping		0.3	+1.4

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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:
The Asbury Pointe Retirement Community is located at 50 Stahl Road.

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

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

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

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

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

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

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

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

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

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? >5 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: >5 feet

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

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

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

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site? ☑Yes ☐No
If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

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

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

- Streams: Name 837-25 Classification B
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☑Yes ☐No
If yes, name of impaired water body/bodies and basis for listing as impaired:
Name - Pollutants - Uses:Ellicott Creek, Lower, and tribs – Nutrients;Silt/Sediment – Aquatic Life

i. Is the project site in a designated Floodway? [There will not be any development in the Floodway associated with Ellicott Creek.] ☑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: _____

[Note: Attached as Attachment "A" of this Amended Part 1 of the Full EAF is a wetland investigation letter prepared by Scott Livingstone of Earth Dimensions, Inc. dated July 7, 2020 confirming there are not any wetland subject to the jurisdiction of either of the NYS Dept. of Environmental Conservation of the United States Army Corps of Engineers located on the Project Site.]

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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

[Note: A copy of the No Impact determination letter issued by the NYS Office of Parks, Recreation and Historic Preservation dated October 30, 2020 is provided at Attachment "B" of this Amended Part 1 of the Full EAF.]

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 Coromandel Estates Amherst LLC Date December 17, 2020

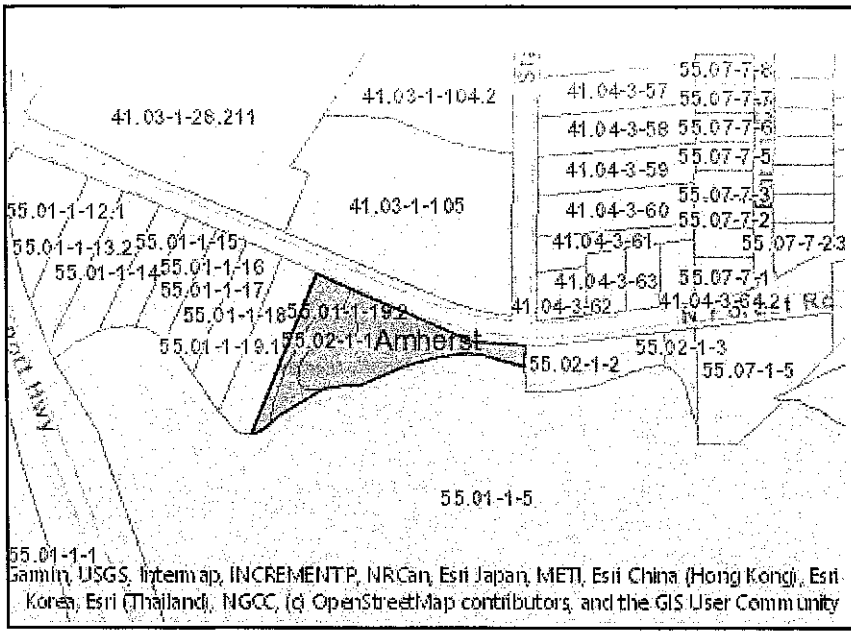
Signature _____ Title Counsel for Project Sponsor

PRINT FORM

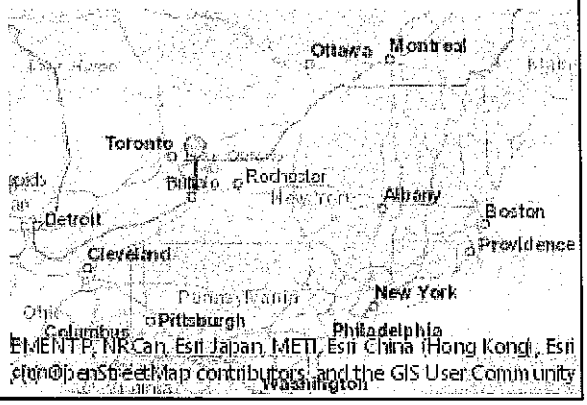
Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

EAF Mapper Summary Report

Monday, August 17, 2020 7:45 AM



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



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	837-25
E.2.h.iv [Surface Water Features - Stream Classification]	B
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Ellicott Creek, Lower, and tribs – Nutrients;Silt/Sediment – Aquatic Life

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Attachment "A" of Amended Part 1 of Full Environmental Assessment Form – Wetland Investigation Letter of Scott J. Livingstone of Earth Dimensions, Inc. dated July 7, 2020

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

EARTH DIMENSIONS, INC.
* Soil & Hydrogeologic Investigations * Wetland Delineations
1091 Jamison Road, Elma NY 14059
(716) 655-1717 * Fax (716) 655-2915 www.earthdimensions.com

July 7, 2020 W4E87a

Thiru Vikram
4515 Chestnut Ridge Road
Amherst, New York 14228

Re: Preliminary Wetland Investigation – 1.9± acres
2160-2170 North Forest Road
Town of Amherst
Erie County, New York

Dear Mr. Vikram:

Earth Dimensions, Inc. (EDI) has completed a preliminary wetland investigation at the above referenced site for the purpose of identifying potential regulated wetlands and waterways. The site investigation was conducted on July 7, 2020. The attached map depicts the limits of our investigation. EDI did not identify any federally regulated wetlands as defined by the U.S. Army Corps of Engineers (USACE) Wetland Delineation Manuals within the limits of investigation. However, Ellicott Creek abuts the site on the south boundary and would be regulated by USACE under Section 404 of the Clean Water Act.

The New York State Department of Environmental Conservation (NYSDEC) On-line Resource Mapper does not depict any Freshwater Wetlands within or adjacent to the subject parcel. NYSDEC, thus, has no jurisdiction over any wetlands within the site. However, Ellicott Creek is a Class B stream and is regulated under Article 15 of New York Conservation Law.

Based on this investigation, it is our professional opinion that as long as no disturbance is proposed to the bed and banks of Ellicott Creek, your project may move forward without the need for a Section 404 permit from USACE or Article 15 permit from NYSDEC. Should your project propose impacts to the bed or banks of Ellicott Creek, we recommend that a Joint Application for permit be submitted to USACE and/or NYSDEC with a request for a Section 404 and/or an Article 15 permit, respectively.

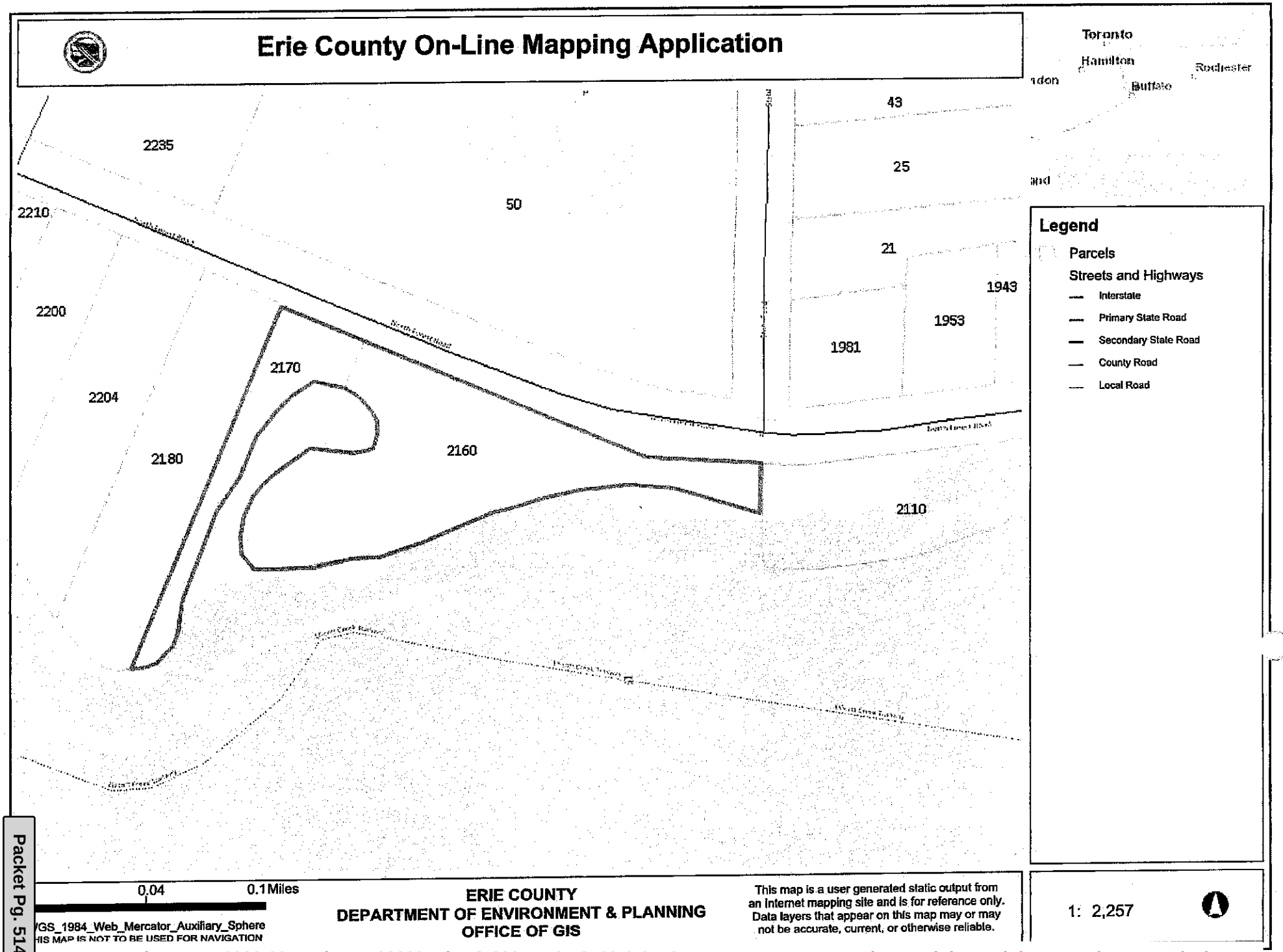
If you have any questions, please contact our office at (716) 655-1717 or email slivingstone@earthdimensions.com.

Very truly yours,
Earth Dimensions, Inc.

Scott J. Livingstone
Wetlands Operations Manager

Encl.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)



Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Attachment "B" of Amended Part 1 of Full Environmental Assessment Form – No Impact Determination Letter of Josalyn Ferguson of the New York State Office of Parks, Recreation and Historic Preservation dated October 30, 2020

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

NEW YORK STATE OF OPPORTUNITY | Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

October 30, 2020

Roberta Rappoccio
Associate Planner
Town of Amherst, NY Planning Department
5583 Main Street
Amherst, NY 14221

Re: DEC
Rezoning for 18-Unit 3-story New Construction Project
2160 North Forest Rd, Amherst, Erie County, NY
20PR05460
Z-2020-06

Dear Roberta Rappoccio:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the Phase I Archaeological Reconnaissance Survey report prepared by the University at Buffalo's Archaeological Survey (Whalen & Angelini, October 2020; 20SR00539) 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 Division for Historic Preservation and relate only to Historic/Cultural resources.

Based on this review, it is OPRHP's understanding that no archaeological sites were identified during the above-noted investigation, and we concur with the report's conclusion that no further archaeological investigations are warranted. It is, therefore, OPRHP's opinion 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. Should the project design be changed OPRHP recommends further consultation with this office.

If you have any questions, I can be reached via e-mail at Josalyn.Ferguson@parks.ny.gov.

Sincerely,

Josalyn Ferguson, Ph.D.
Scientist Archaeology

via email only

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Exhibit 3 – Legal Description of Property to be Reclassified from NCD-SA to NCD-ND

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

EXHIBIT 3 OF AMENDED APPLICATION

LEGAL DESCRIPTION OF PROPERTY TO BE RECLASSFIED FROM NCD-SA TO NCD-ND – 2160 AND 2170 NORTH FOREST ROAD

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 68, Township 12, Range 7 of the Holland Land Survey so-called and further bounded and described as follows.

BEGINNING at the intersection of the centerline of Stahl Road (66.0 feet wide) with the centerline of North Forest Road (66.0 feet wide):

THENCE: Southerly, along the centerline of Stahl Road extended southerly, a distance of 108 feet more or less to the north bank of Ellicott Creek;

THENCE: Westerly along said north bank of Ellicott Creek, a distance of 583 feet more or less to the west line of lands conveyed to Peter D. Durham by deed recorded in the Erie County Clerk's Office in Liber 9264 of Deeds at page 188;

THENCE: Northerly along said west line of Peter D. Durham lands, a distance of 10 feet more or less to the north bank of Ellicott Creek;

THENCE: Westerly and southerly along said north bank of Ellicott Creek, a distance of 227 feet more or less to a point distant 100 feet westerly from the said west line of Peter D. Durham lands as measured at right angles;

THENCE: Northerly along a line parallel with the west line of said Peter D. Durham lands distant 100.00 feet westerly therefrom measured at right angles, a distance of 491 feet more or less to the centerline of North Forest Road;

THENCE: Easterly, along said centerline of North Forest Road, a distance of 564.74 feet to the POINT OR PLACE OF BEGINNING.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Exhibit 4 – Reduced Size Copy of Survey of 2160 and 2170 North Forest Road as Prepared by GPI Surveying dated July 13, 2020

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

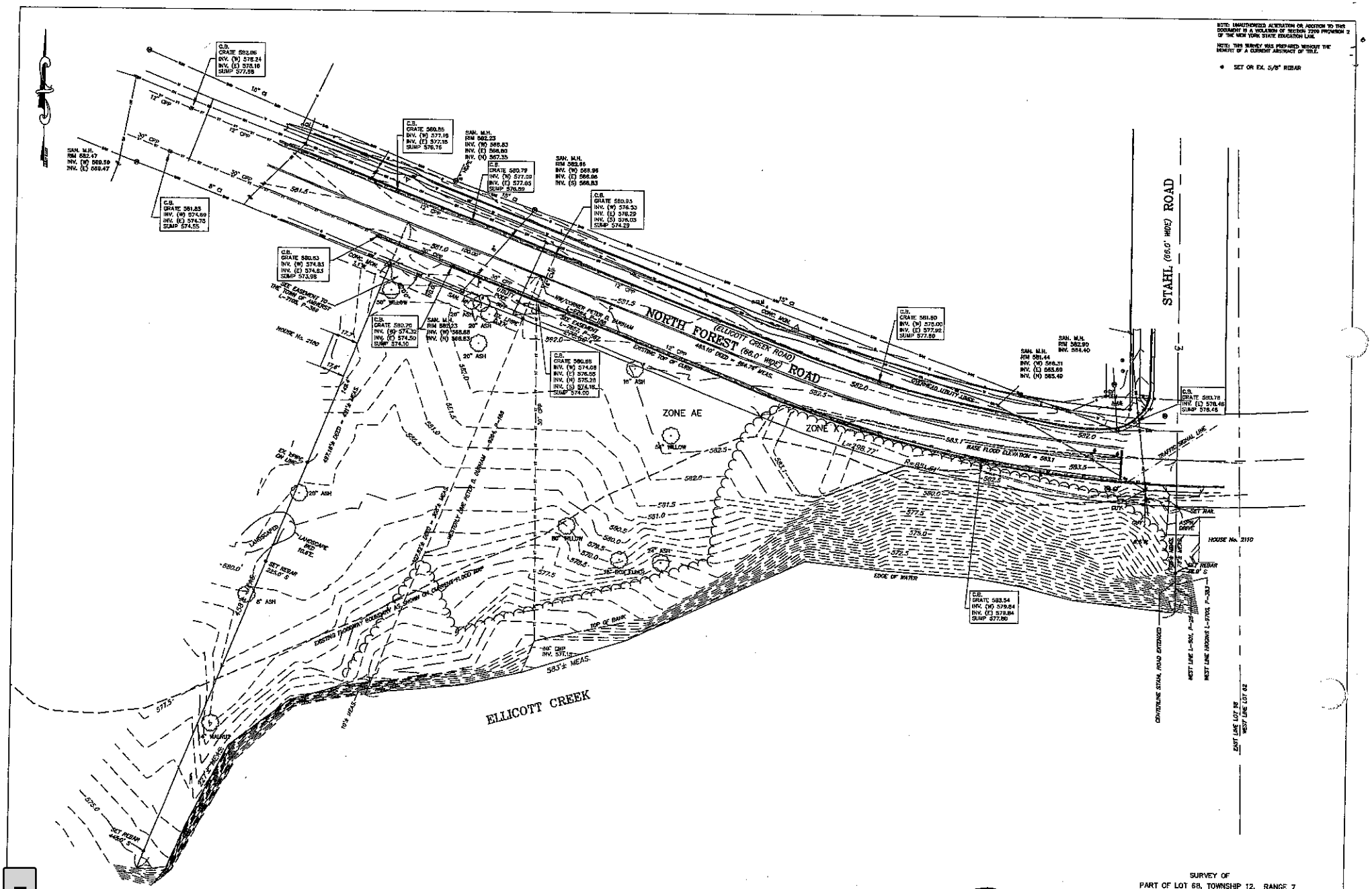

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.
NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE.
SET OR EX. 5/8" REBAR
NORTH FOREST (ELLICOTT CREEK ROAD) ROAD
(66.0' WIDE)
STAHL (66.0' WIDE) ROAD
ELLICOTT CREEK
ZONE AE
ZONE X
BASE FLOOD ELEVATION = 583.1
HOUSE No. 2160
HOUSE No. 2170
EDGE OF WATER
TOP OF BANK
EXISTING TOWPATH ROADWAY AS SHOWN ON CHESSUT FLOOD MAP
583'± MEAS.
SET REBAR
SET MAG. NAIL
EX. MAG. NAIL
EX. IRON PIN
CONC. MON.
CENTERLINE STAHL ROAD EXTENDED
WEST LINE L-901, P-35
WEST LINE HAVING L-97004, P-383
EAST LINE LOT 88
WEST LINE LOT 62
TRAFFIC SIGNAL LINE
OVERHEAD UTILITY LINES
UNDERGROUND UTILITY LINES
LANDSCAPED
LANDSCAPE BED
LANDSCAPE BED TYP.
CONC. DRIVE
EXISTING TOP OF CURB
REMOVE TREE
RE-INSTALL
SURVEY OF
PART OF LOT 58, TOWNSHIP 12, RANGE 7
HOLLAND LAND COMPANY
TOWN OF AMHERST, ERIE COUNTY, NEW YORK
GPI ENGINEERING, LANDSCAPE ARCHITECTURE & SURVEYING, LLP
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE
4820 CONSHOR STREET, SUITE 100
BUFFALO, NEW YORK 14228
(716) 633-4844 FAX 633-4846
Job No. 5083-BOUNDARY Date: JUNE 24, 2014
Scale 1" = 40' Tax No.
REVISION/TYPE
UPDATE SURVEY AND TOPOGRAPHY
RE-SURVEY
REVISED FLOODWAY BOUNDARY
REFERENCES:
SEE SURVEY PREPARED BY GORDON & BRODERICK ASSOCIATES JOB No. 2-15-219
SEE SURVEY PREPARED BY GORDON & BRODERICK ASSOCIATES JOB No. 2-24-219
LETTER OF MAP REVISION (LOMR) CASE No. 95-02-015P DATED 1/11/96
FLOOD INSURANCE RATE MAP NUMBER 36029C0069H DATED JUNE 7, 2019*
*MAP NUMBER 36029C0069H DATED 6/7/19 SUPERCEDES LOMR CASE No. 95-02-015P DATED 1/11/96
EQUITY TITLE REPORT No. E18-10758T EXCEPTIONS:
EASEMENT TO THE TOWN OF AMHERST L-7105, P-369 – AS SHOWN
EASEMENT TO NEW YORK TELEPHONE COMPANY L-7957, P-307 – AS SHOWN
STATE OF NEW YORK
MARK L. ANDREWS
LICENSED LAND SURVEYOR
050435

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

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

EXHIBIT 5

AMENDED APPLICATION TO RECLASSIFY 2160 AND 2170 NORTH FOREST ROAD FROM NCD-SA TO NCD-ND

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

Response to Question 11(A): The modified layout of the proposed residential project is depicted on the updated Concept Site Plan prepared by Silvestri Architects P.C. A full size copy of the updated Concept Site Plan [Drawing AS-101 – Date: 12/16/20] is attached to this Amended Application and a reduced size copy is also provided at Exhibit "7". The updated layout of the proposed residential project consists of a two-story building consisting of eight (8) units for lease with related site improvements as depicted on the updated Concept Site Plan. It is important to mention that the updated Concept Plan reflects a deliberate effort made by the project team to reduce the density of the proposed multifamily project that previously consisted of a three-story building with eighteen (18) units. A copy of the previous Concept Plan for the project as prepared by Carmina Wood Morris DPC is provided at Exhibit "8" of this Amended Application.

It is important to mention that the layout of the proposed project as depicted on the updated Concept Site Plan provided is not meant to represent the final layout of the proposed project since modifications may be necessary based on the project review process and the preparation of fully engineered plans.

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

Response to Question 11(B)(1): The Project Site is an appropriate location for the proposed project given its location on North Forest Road in an area that consist of a mixture of uses and zoning

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

classifications. The Project Site was listed for sale and the Petitioner has entered into a contract to purchase the Project Site.

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

Response to Question 11(B)(2): The Project Site is currently zoned NCD-SA. The allowable uses of property zoned NCD-SA are extremely limited given that the NCD-SA classification is intended for agricultural uses in rural areas.

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

Response to Question 11(B)(3): The requested reclassification of the Project Site from NCD-SA to NCD-ND to accommodate the proposed residential project will not result in any potentially significant adverse impacts on surrounding properties. The density of the proposed residential project has been reduced from eighteen (18) units to eight (8) units as depicted on the updated Concept Plan prepared by Silvestri Architects P.C. [Drawing AS-101 – Date: 12/16/20]. An effort has been to reduce the density of the residential project and also to design the residential project to minimize environmental impacts associated with the proximity of Ellicott Creek. A completed Amended Part 1 of the Full Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act ("SEQRA") is attached as Exhibit "2".

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

Response to Question 11(B)(4): The proposed project will have positive impacts on the school district since the project will generate annual property taxes to be received by taxing jurisdictions. The proposed project will not generate a substantial demand for educational services.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

EXHIBIT 6

AMENDED APPLICATION TO RECLASSIFY 2160 AND 2170 NORTH FOREST ROAD FROM NCD-SA TO NCD-ND

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

Response to Question 16(A)(1): The request to reclassify the Project Site from NCD-SA to NCD-ND to accommodate the proposed residential project consisting of eighteen attached units for lease is consistent with the adopted Bicentennial Comprehensive Plan. The Town of Amherst adopted the Bicentennial Comprehensive Plan in January of 2007 after completing a lengthy planning process that included numerous public meetings and public hearings involving the Comprehensive Plan Advisory Committee, the Planning Board and the Town Board.[1] On September 3, 2019, the Town Board most recently adopted an amendments to the Bicentennial Comprehensive Plan. The Comprehensive Plan is intended to guide future growth and redevelopment in the Town.

Figure 6 of the Bicentennial Comprehensive Plan is the Conceptual Land Use Plan and it depicts the Project Site as being appropriate for "Mixed Residential" use. A copy of Figure 6 of the Comprehensive Plan is provided at Exhibit "9". The Conceptual Land Use Plan is intended to communicate the overall direction and concept of future development in the Town of Amherst. The Mixed-Residential land use category is described in Chapter 3 of the Comprehensive Plan as

[1] A copy of the resolution adopted by the Town Board on January 2, 2007 for the purpose of adopting the Bicentennial Comprehensive Plan pursuant to Town Law Section 272-a is included at the beginning of the Comprehensive Plan. This resolution recites the lengthy planning history that incorporated numerous opportunities for public input as well as a coordinated environmental review pursuant to SEQRA that involved the preparation a Generic EIS and the issuance of a Findings Statement.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

being appropriate for a residential density of 4-12 units per acre the density of the proposed project is 7.66 units per acre.

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 adopted Comprehensive Plan does not need to be amended to accommodate the requested reclassification of the Project Site from NCD-SA to NCD-ND.

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 request reclassification of the Project Site from NCD-SA to NCD-ND to accommodate the proposed residential project is consistent with the "Purpose" of the Zoning Code. Section 1-2-2 of the Zoning Code sets forth the objectives of the Zoning Code. This section of the Zoning Code lists thirteen (13) objectives that are discussed below as follows:

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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 project will be consistent with the objective of protecting the character and value of existing land uses and represents orderly and beneficial development.

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

Response: The proposed project is consistent with this objective.

C. To prevent overcrowding of land;

Response: The proposed residential project will not result in the overcrowding of land.

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

Response: The proposed residential project will not result in an excessive concentration of population. The proposed residential project is not an example of uncoordinated 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 requested reclassification of the Project Site from NCD-SA to NCD-ND and the proposed residential project are consistent with the policies of the Comprehensive Plan.

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

Response: The Site Plan review process will trigger the need for an Engineer's Report and SWPPP prepared by a licensed engineer to be prepared for review and approval by the Town's Engineering Department. The residential project will not increase the

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

likelihood of damage and injury due to fire and flood. The proposed 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 residential project will not be inconsistent with this objective.

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

Response: The development of the Project Site in a manner consistent with the updated Concept Site Plan depicting a two-story building with 8 units will result in a residential project that is aesthetically harmonious with nearby areas and structures.

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

Response: The proposed residential project will not result in any potentially significant traffic impacts and only curb cut will be provided onto North Forest Road, which is an Erie County Highway. The potential traffic impacts of the proposed project will be evaluated in connection with the coordinated environmental review of the project pursuant to SEQRA.

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.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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 reclassification of the Project Site from NCD-SA to NCD-ND is consistent with this objective since the project is generally consistent with the recommended land use category of "Mixed Residential" as well as the planning objectives and policies in the Comprehensive Plan.

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

Response: The proposed residential project is consistent with this objective.

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

Response: The proposed residential project will not be inconsistent with this objective.

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

Response to Question 16(C): The proposed project is compatible with the present zoning and conforming uses of nearby properties and the character of the neighborhood.

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

Response to Question 16(D): The Project Site is not suitable for agricultural uses allowed in the NCD-SA district given its size, location and nearby land uses.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

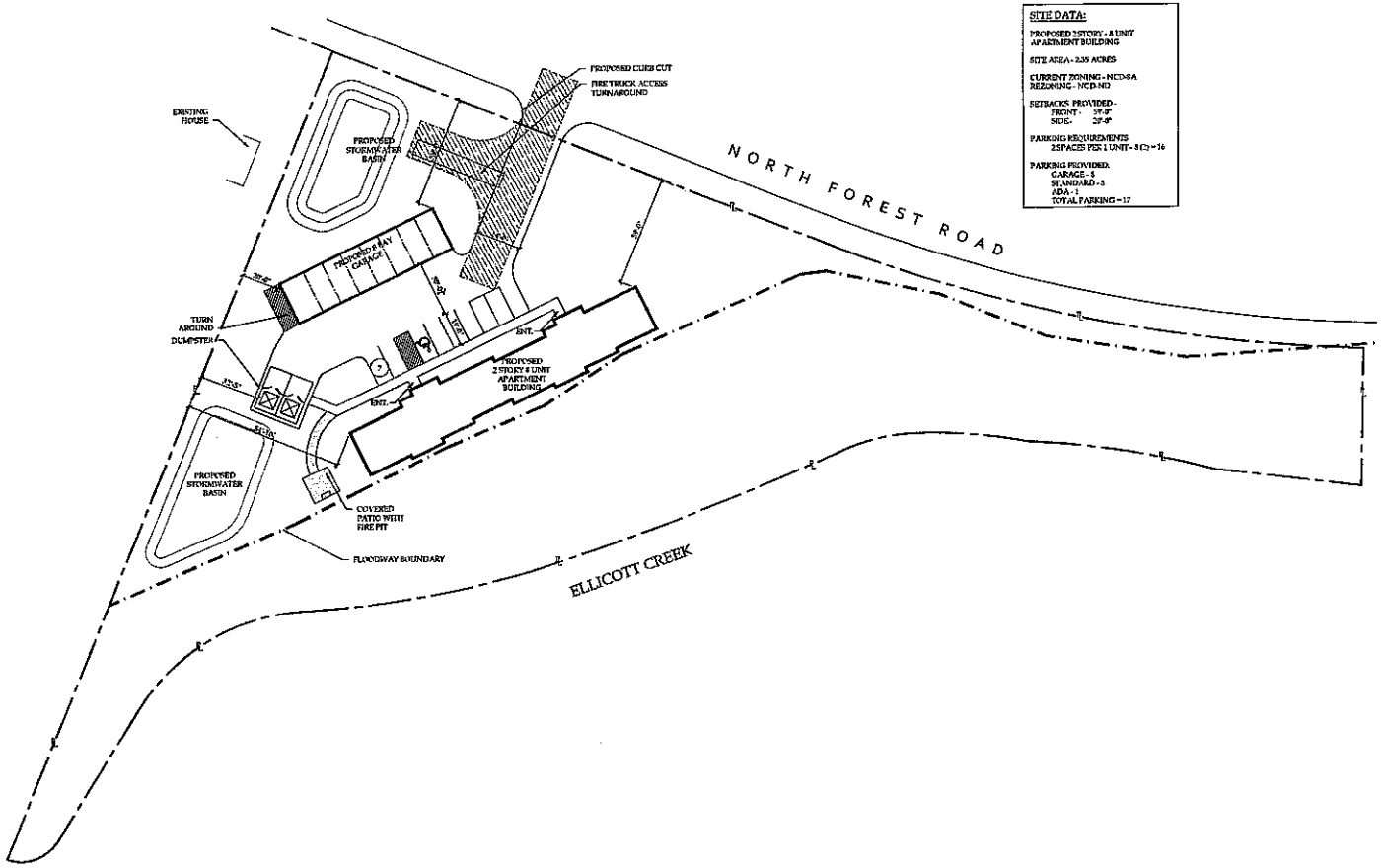
Question 16(E): **Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:**

Response to Question 16(D): The requested reclassification of the Project Site from NCD-SA to NCD-ND to accommodate the proposed residential project will have positive impacts on the balance of uses in the Town since there is demand for upscale attached residential units for lease in the Town.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Exhibit 7 – Reduced Size Copy of the Updated Concept Site Plan for the Proposed Project as Prepared by Silvestri Architects PC [Drawing AS-101 – Date: 12/16/20] [Note: A full size copy of Updated Concept Site Plan is also attached to this Amended Application]

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)



NOTICE

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This document is the exclusive property of the architect, no rights to ownership are transferable, or shall be lost by the filing of this document with any and all public authorities for the purpose of compliance with Codes and or Ordinances, i.e. Building Permit, etc.

NORTH FOREST APARTMENTS

2160-2170 North Forest Rd
Amherst, ny

ISSUE:

SA PROJECT TEAM: PRINCIPAL R.Silvestri
PROJ. ARCH. S.Hunt DRAFTER B.Meinhardt
JOB CAPT. _____ INTERIORS K. Hanssen

SEAL:

TITLE:

CONCEPT SITE PLAN

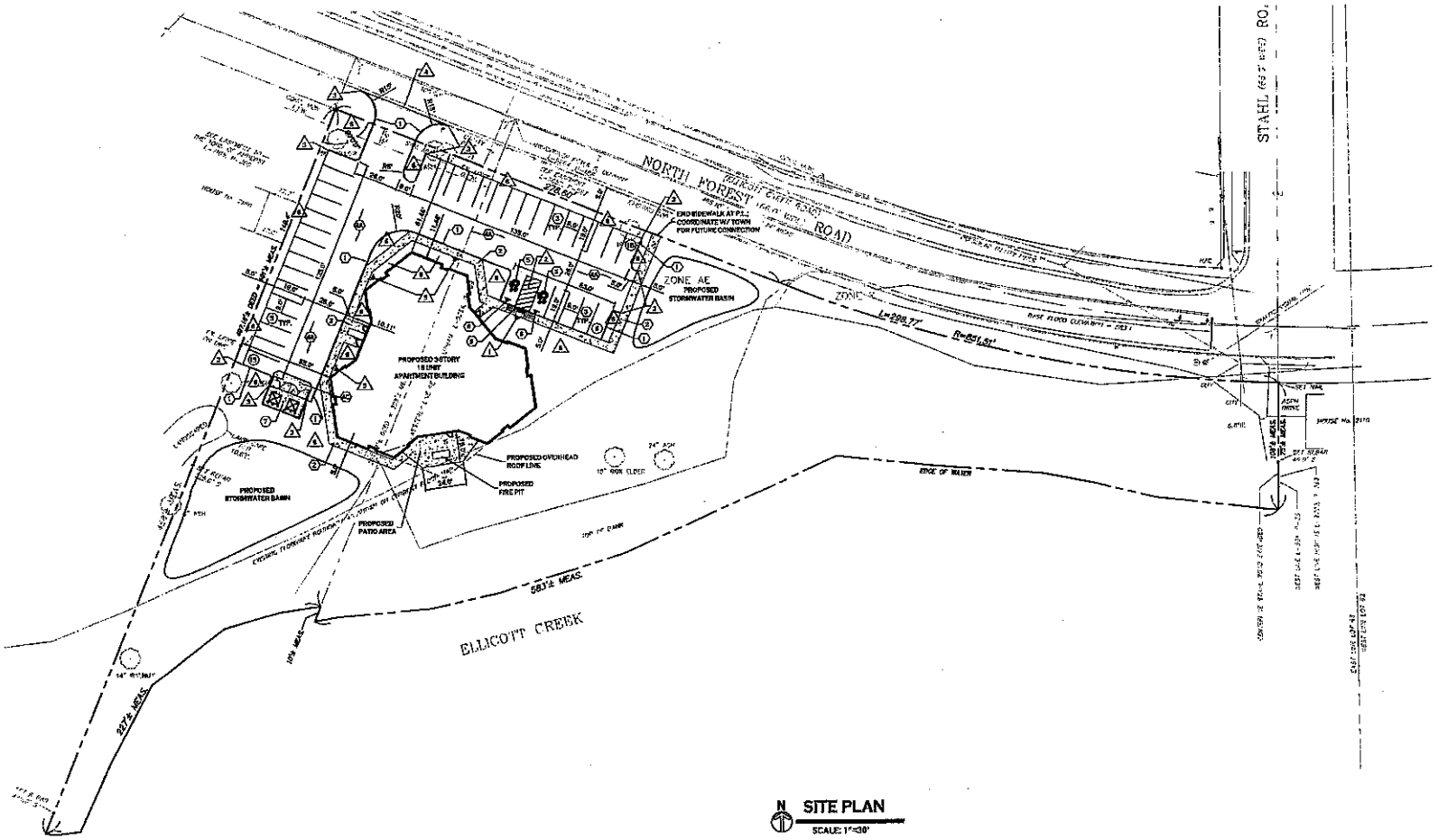
SILVESTRI
ARCHITECTS • PC
1321 MILLERSPORT HWY PH. 716.691.0909
AMHERST, NY 14221 FAX 716.691.4773

SA JOB #: 20060.02
DATE: 12/16/20
DRAWING #: AS-101

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Exhibit 8 – Reduced Size Copy of the Previous Concept Site Plan as Prepared by Carmina Wood Morris DPC [Drawing C-100 – Date: August 2020]

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)



N SITE PLAN
SCALE: 1"=30'

SITE DATA

TOTAL SITE 2.36 ACRES
ZONED: HCD-8A (CURRENT) TO BE REZONED TO HCD-AD
USE: PROPOSED 3-STORY 18 UNIT APARTMENT BUILDING

PARKING REQ'D: 2 SPACE PER UNIT.
18 UNITS x 2 = 36 SPACES REQ'D.
56 SPACES PROVIDED.

SITE LEGEND

- PROPERTY LINE
- PROPOSED CONCRETE CURB
- PROPOSED CONCRETE SIDEWALK
- PROPOSED ASPHALT PAVEMENT
- PROPOSED SIGN
- PROPOSED PARKING NUMBER (27)
- PROPOSED LIGHT POLE
- PROPOSED WALL MOUNTED LIGHT

GENERAL NOTES:

1. INSTALL ALL MATERIALS TO MANUFACTURER'S RECOMMENDATIONS AND BEST STANDARDS OF TRADE INVOLVED.
2. SUBSTITUTIONS SHALL BE MADE ONLY WITH OWNER'S APPROVAL AND BE OF EQUIVALENT QUALITY TO WHAT IS SPECIFIED.
3. WORK SHALL BE COMPLETED IN STRICT ACCORDANCE WITH ALL LOCAL CODES AND OSHA SAFETY RULES AND REGULATIONS.
4. VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS AT THE SITE. NOTIFY OWNER & ENGINEER OF DISCREPANCIES IN CONDITIONS SHOWN ON DRAWINGS PRIOR TO PROCEEDING WITH THE WORK.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF ANY EXISTING STRUCTURES TO REMAIN AND ANY FINISH MATERIAL INSTALLED WHILE WORKING ON OTHER COMPONENTS.
6. CONTRACTOR SHALL KEEP JOB FREE OF DEBRIS AND MAKE FINAL CLEANUP TO SATISFACTION OF OWNER.
7. CONTRACTOR SHALL ASCERTAIN THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION SO THAT THIS WORK WILL NOT DISTURB EXISTING LINES AND/OR INSTALLATIONS. COORDINATE ALL WORK WITH THE APPLICABLE UTILITY COMPANIES.
8. ALL OTHER PERMITS REQUIRED BY STATE OF NEW YORK, COUNTY OF ERIE, AND TOWN OF AMHERST ARE THE RESPONSIBILITY OF THE CONTRACTOR / DEVELOPER / OWNER.

SITE NOTES:

1. ALL RADII SHALL BE 3'-0" UNLESS OTHERWISE NOTED.
2. ALL DISTURBED AREAS: SHALL HAVE 4" MIN. OF TOPSOIL AND SEED.
3. ALL DIMENSIONS FROM PROPERTY LINES SHALL BE MEASURED PERPENDICULAR TO THE PROPERTY LINE.
4. CENTER ENTRANCE SIDEWALKS ON DOOR OPENINGS.
5. BUILDING DIMENSIONS ARE APPROXIMATE, REFER TO ARCHITECTURAL DRAWINGS FOR LAYOUT DIMENSIONS.

DETAIL LEGEND SEE SITE DETAIL SHEET

1. CONCRETE CURB
2. CONCRETE SIDEWALK, 5" WIDE UNLESS OTHERWISE NOTED
3. 90° PARKING STALL
4. STANDARD DUTY ASPHALT
5. EXTERIOR CONCRETE SLAB ON GRADE
6. HANDICAP PAVEMENT MARKINGS
7. HANDICAPPED PARKING SIGN
8. DUMPSTER ENCLOSURE
9. LIGHT POLE FOUNDATION
10. HANDICAP PAVEMENT RAMP

NOTE LEGEND

1. INSTALL "NO PARKING" SIGN, M.U.T.C.D. SIGN NO. R7-1C
2. 4" WIDE YELLOW PAINT STRIPE @ 45° @ 2'0" O.C., INFILL AREA AS SHOWN
3. BOXOUT CURB IN 2' OR MATCH EXISTING CURB
4. MATCH EX. EDGE OF PAVEMENT, SAWCUT AS REQ'D TO ACHIEVE SQUARE EDGE TO MATCH
5. INSTALL "NO PARKING-FIRE LANE" SIGN, M.U.T.C.D. SIGN NO. R8-3
6. LANDSCAPED AREA - SEE LANDSCAPE PLAN. IF NO PLANTINGS, INSTALL TOPSOIL & SEED

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

30 0 30 60FT.

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Carmina Wood Morris DPC
457 Main Street Suite 300
Buffalo, New York 14203
P 716.842.3195
F 716.842.0263

REVISIONS:
No. Description Date

PROJECT NAME:
Site Development Plans for:
Proposed 3-Story Apartment bldg
2160 - 2170 North F[illegible] Road
Amherst, New York

Date: 08/2020
Drawn by: C. Wood
Scale: As Noted

DRAWING NAME:
Concept
Site Plan

DRAWING NO.
C-100
Project no.: 20.143

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Exhibit 9 - Color Copy of Figure 6 of the Adopted Bicentennial Comprehensive Plan (titled "Conceptual Land Use Plan")

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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.

Location of Project Site - Designated as Appropriate for Mixed Residential Use

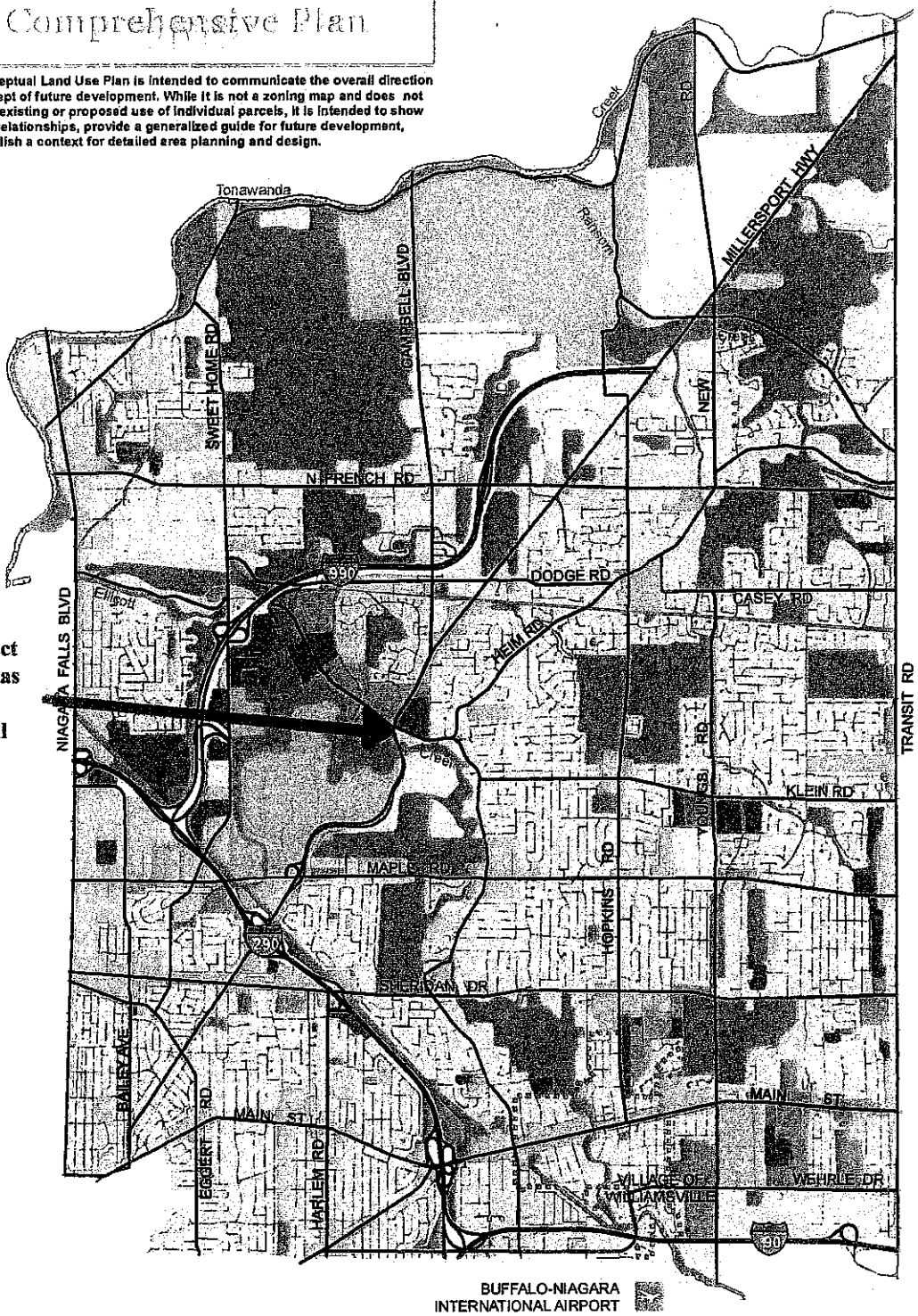


FIGURE 6

Conceptual Land Use Plan

Rural Residential
Single Family Residential
Mixed Residential
Medium Residential
Commercial / Mixed Use*
Special Use Center
Commercial - Office
Industrial - Office
Community Facilities
Educational Campus
Recreation, Open Space & Greenways
Agriculture
Transportation
Surface Water
Village of Williamsville Boundary

* See Map Figure 6-A for Additional Designations

SOURCE NOTES:

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

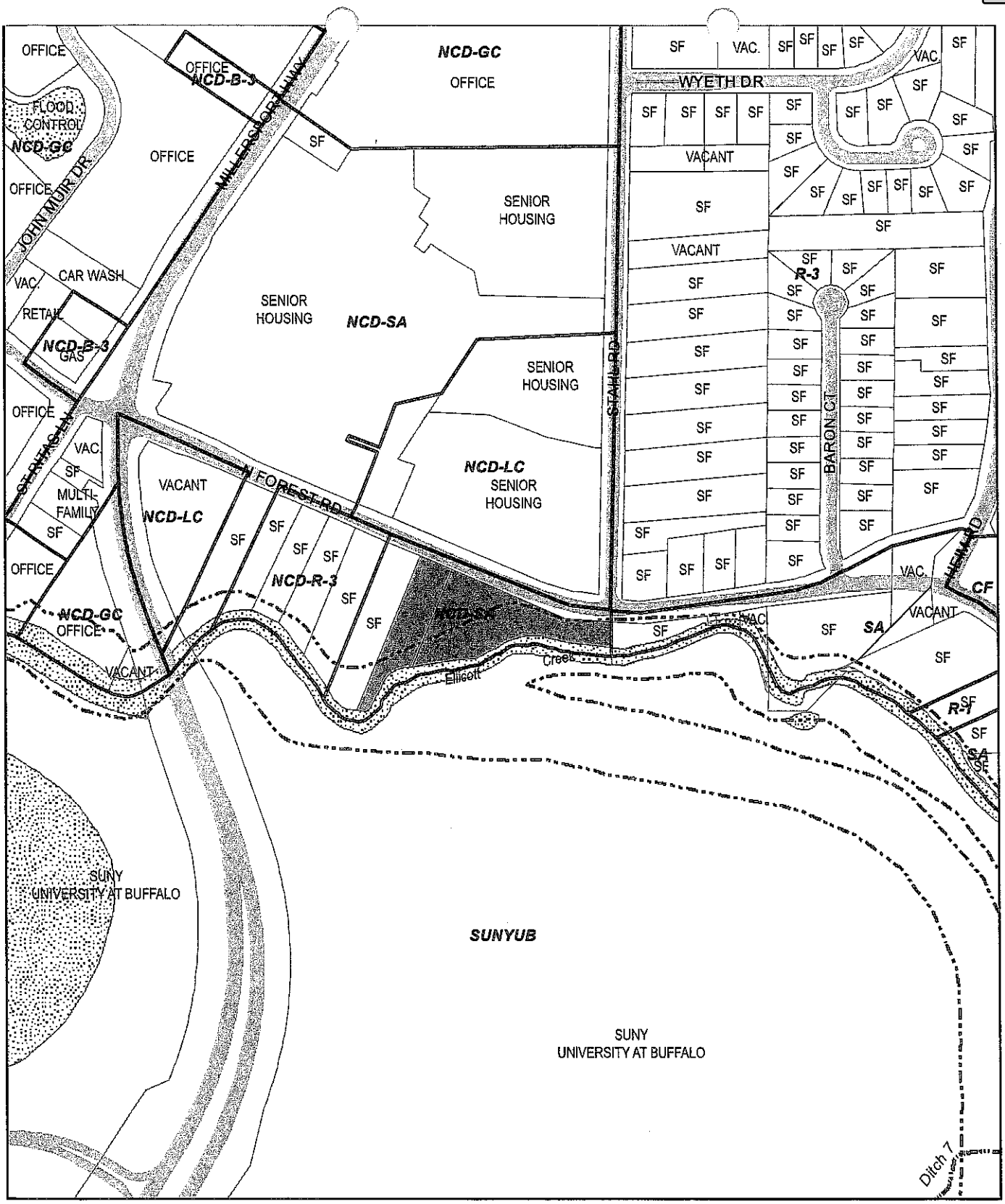
Map Compiled by the Town of Amherst Planning Department

Date: September 2019

N

0 0.25 0.5 0.75 1 1.25
Miles

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)



Z-2020-06
Proposed Amendment #73 to the Audubon New Community Development Plan to Reclassify 2.35+/- AC of Land from NCD-SA to NCD-ND
Property Located at 2160 & 2170 North Forest Road (NCD)

Coromandel Estates Amherst, LLC, Petitioner

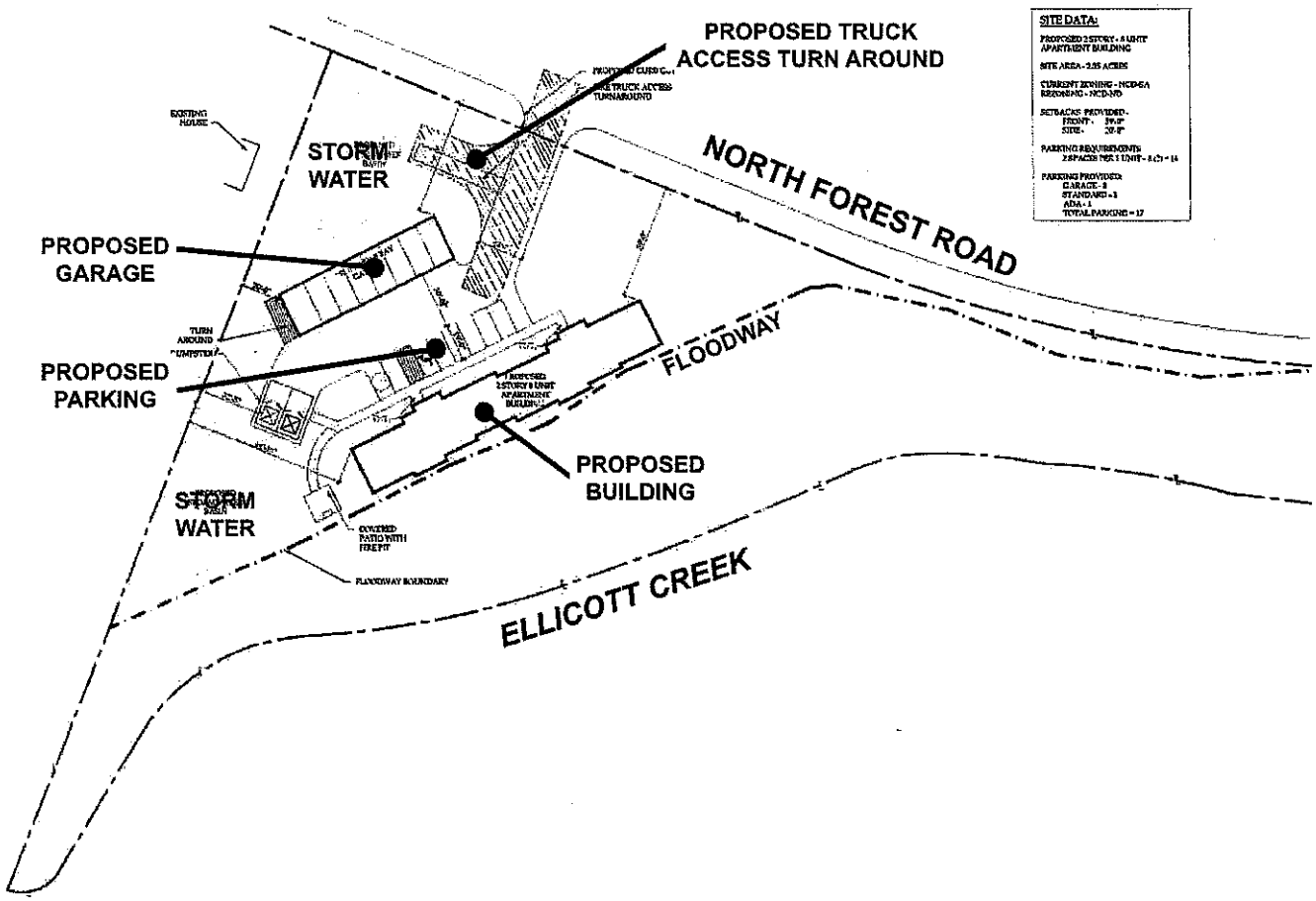
January 21, 2021

2160 & 2170 North Forest

Floodway Boundary

Prepared by the Town of Amherst Planning Department

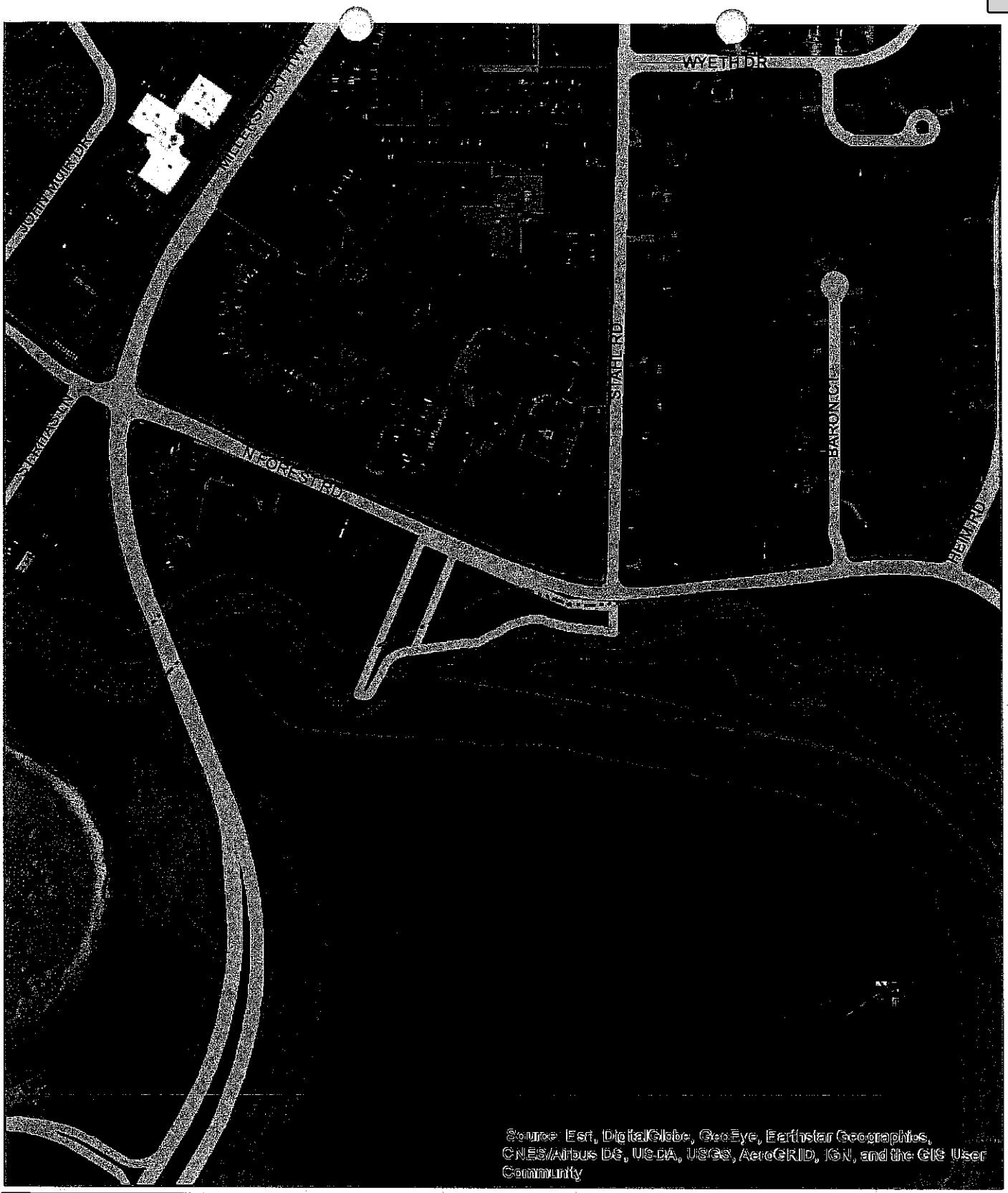
Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)



CONCEPT PLAN

Z-2020-06
2160 & 2170 North Forest Road
Received: 12/21/20

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)



Z-2020-06
Proposed Amendment #73 to the Audubon New Community Development Plan to Reclassify 2.35+/- AC of Land from NCD-SA to NCD-ND
Property Located at 2160 & 2170 North Forest Road (NCD)

Coromandel Estates Amherst, LLC, Petitioner
January 21, 2021

2160 & 2170 North Forest

Floodway Boundary

Prepared by the Town of Amherst Planning Department

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Williamsville Central Schools

Encouraging • Nurturing • Challenging

RECEIVED
SEP 22 2020
TOWN OF AMHERST
PLANNING DEPT.

September 15, 2020

Ms. Ellen Kost
Associate Planner
Town of Amherst Planning Department
5583 Main Street
Williamsville, NY 14221

RE: PROPOSED AMENTMENT #73 TO THE AUDUBON NEW COMMUNITY DEVELOPMENT PLAN TO RECLASSIFY 2.35 ACRES OF LAND FROM **NCD-SA** TO **NCD-ND, Z-2020-06**; PROPERTY LOCATED AT **2160 AND 2170 NORTH FOREST ROAD (NCD)**; COROMANDEL ESTATES AMHERST, LLC, PETITIONER.

Dear Ms. Kost:

The Williamsville Central School District has reviewed file number **Z-2020-06** for the request by Coromandel Estates Amherst, LLC to reclassify land for the above-named property.

Please note that the District has received this information and placed it on file. A future bus stop will be located at a driveway entrance at N. Forest Road in accordance with District policy.

Sincerely,

Thomas R. Maturski
Assistant Superintendent for Finance & Management Services

TRM/ld

cc: Coromandel Estates Amherst LLC c/o Sean Hopkins, Esq, 5500 Main St., Suite 343, Williamsville NY 14221; shopkins@hsr-legal.com
Scott Marshall, Principal Planner; smarshall@amherst.ny.us

105 Casey Road, P.O. Box 5000, East Amherst, NY 14051-5000 • Phone: (716) 626-8012, Fax: (716) 626-8017
www.williamsvillek12.org
Thomas R. Maturski, Assistant Superintendent for Finance & Management Services

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

William E. Geary, Jr.,
COMMISSIONER

DEPARTMENT OF PUBLIC WORKS
RATH BUILDING 14TH FLOOR

TELEPHONE:716.858.8300
FAX: 716.858.8228

September 27, 2020
Ms. Ellen M. Kost, AICP
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Re: Lead Agency Request
Proposed 3 Story Apartment Building
2160-2170 North Forest Road (CR-294)
(T) of Amherst, County of Erie

Dear Ms. Kost:

This Department has received your request for Lead Agency for the above referenced project and the rezoning of 2.35 acres. Erie County Department of Public Works takes no exception with the Town of Amherst being the Lead Agency for this project. This approval of Lead Agency is only from Erie County Department of Public Works and does not imply that other County Departments concur with this approval, as their response will be coming by separate letter.

Permit Requirements

The Developer will be required to apply for and obtain an Erie County Highway Work Permit for Utility Work Perm-2 for construction within the North forest Road highway right-of-way.

The Developer will be required to apply for and obtain an Erie Count Highway Work Permit for Non-Utility Work, Perm 3 for construction of a new entrance drive within the North Forest Road highway right-of-way.

Traffic Concerns

A Traffic Impact Study may be needed due to the close proximity of the project to the intersection of North Forest and Stahl Road.

We ask that you please keep us informed as this project progresses and forward design plans and reports when they become available.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Sincerely,

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Darlene M. Svilokos, P.E.
Principal Civil Engineer

cc: Karen Hoak, Deputy Commissioner – Highways
Brian A. Rose, P.E., Supervisor of Engineering
Gina Wilkolaski, P.E., Traffic and Safety Engineer
John Dennee, Senior Highway Maintenance Engineer
File: CR-294

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

January 22, 2021

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

Dear Ms. Kost,

SEQR Lead Agency Coordination
Audubon New Community Development
2160 and 2170 North Forest Road
Town of Amherst, Erie County

This letter is in response to your December 23, 2020 correspondence regarding the above-noted project. The revised project plan has been reviewed and the Department has no additional comments on the proposed project beyond those in the attached September 30, 2020 SEQR lead agency response letter from this agency. Thank you.

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

Sincerely,

David S. Denk

Digitally signed by David S. Denk
DN: cn=David S. Denk, o=NYS DEC, ou=Div. of Env. Permits, email=david.denk@dec.ny.gov, c=US
Date: 2021.01.22 14:13:13 -05'00'

David S Denk
Regional Permit Administrator

KPD

ecc: Mr. Theodore Myers, NYSDEC, Division of Water
Mr. Sean Hopkins, Esq, shopkins@hsr-legal.com

Z-2020-06

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Amherst

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

RECEIVED
JAN 14 2021
TOWN OF AMHERST
PLANNING DEPT.

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

MEMORANDUM December 18, 2020

TO: Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
ECHWY
NYSDEC
Williamsville Central School District

DEC 23 2020
TOWN OF AMHERST
BUILDING DEPT

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

SUBJECT: PROPOSED AMENDMENT #73 TO THE AUDUBON NEW COMMUNITY DEVELOPMENT PLAN TO RECLASSIFY 2.35± ACRES OF LAND FROM **NCD-SA** TO **NCD-ND;** PROPERTY LOCATED AT **2160 and 2170 NORTH FOREST ROAD (NCD);** COROMANDEL ESTATES AMHERST, LLC, PETITIONER. **Z-2020-06**

REVISED APPLICATION AND CONCEPT PLAN:
Received December 18, 2020

REVIEW:

Do you agree with all statements made? Yes

If you do not, briefly state why: _____

General comments relative to your agency interests: a floodplain development permit will be 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).

Signature: Doug Gesel **Date:** 1-13-21

EK/jfa
X:\Current_Planning\Files\Rezonings\2006\Z-2006-06_(9290_Transit_Rd)_2006\Z-2020-06_Rev_Transmittal_Application & Concept Plan_121820.doc

cc: Scott Marshall, Principal Planner
Coromandel Estates Amherst LLC, c/o Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221
Thiru Vikram, c/o Coromandel Estates LLC, 4515 Chestnut Ridge Road, Unit 106, Amherst NY 14228
Chris Wood, Carmina Wood Morris, 487 Main St., Suite 500, Buffalo NY 14203
Christina Barmosz, Silvestri Architects, 1321 Millersport Hwy., Amherst, NY 14221
David Pawlik, Creative Structures Services, 550 Seneca St., Suite 100, Buffalo NY 14204

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Amherst

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

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

RECEIVED
DEC 17 2020
TOWN ATTORNEY

MEMORANDUM December 18, 2020

TO: Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
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Integrated Review Coordinator, ECDEP
ECHWY
NYSDEC
Williamsville Central School District

RECEIVED
JAN 05 2021
TOWN OF AMHERST
PLANNING DEPT.

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

SUBJECT: PROPOSED AMENDMENT #73 TO THE AUDUBON NEW COMMUNITY DEVELOPMENT PLAN TO RECLASSIFY 2.35± ACRES OF LAND FROM **NCD-SA** TO **NCD-ND**; PROPERTY LOCATED AT **2160 and 2170 NORTH FOREST ROAD (NCD);** COROMANDEL ESTATES AMHERST, LLC, PETITIONER. **Z-2020-06**

REVISED APPLICATION AND CONCEPT PLAN:
Received December 18, 2020

REVIEW:

Do you agree with all statements made? Yes

If you do not, briefly state why: _____

General comments relative to your agency interests: None at this time

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

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

Signature: Stanley Sliwa **Date:** 1/4/2021

EK/jfa
X:\Current_Planning\Files\Rezonings\2006\Z-2006-06_(9290_Transit_Rd)_2006\Z-2020-06_Rev_Transmittal_Application & Concept Plan_121820.doc

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Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Amherst

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

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

RECEIVED
DEC 21 2020
TOWN ATTORNEY

MEMORANDUM December 18, 2020

TO: Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
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Williamsville Central School District

RECEIVED
JAN 05 2021
TOWN OF AMHERST
PLANNING DEPT.

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SUBJECT: PROPOSED AMENDMENT #73 TO THE AUDUBON NEW COMMUNITY DEVELOPMENT PLAN TO RECLASSIFY 2.35± ACRES OF LAND FROM **NCD-SA** TO **NCD-ND**; PROPERTY LOCATED AT **2160 and 2170 NORTH FOREST ROAD (NCD);** COROMANDEL ESTATES AMHERST, LLC, PETITIONER. **Z-2020-06**

REVISED APPLICATION AND CONCEPT PLAN:
Received December 18, 2020

REVIEW:

Do you agree with all statements made? Yes

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

General comments relative to your agency interests: N/A

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)
N/A

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

Signature: _____ **Date:** 12/29/20

EK/jfa
X:\Current_Planning\Files\Rezonings\2006\Z-2006-06_(9290_Transit_Rd)_2006\Z-2020-06_Rev_Transmittal_Application & Concept Plan_121820.doc

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Amherst

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

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

RECEIVED
DEC 31 2020
TOWN OF AMHERST
PLANNING DEPT.

MEMORANDUM December 18, 2020

TO: Daniel Ulatowski, Principal Planner
~~Dave Marrano~~, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
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Integrated Review Coordinator, ECDEP
ECHWY
NYSDEC
Williamsville Central School District

TO: Ellen Kost
From: Dave Marrano
12/23/20
See Below

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

SUBJECT: PROPOSED AMENDMENT #73 TO THE AUDUBON NEW COMMUNITY DEVELOPMENT PLAN TO RECLASSIFY 2.35± ACRES OF LAND FROM **NCD-SA** TO **NCD-ND**; PROPERTY LOCATED AT **2160 and 2170 NORTH FOREST ROAD (NCD);** COROMANDEL ESTATES AMHERST, LLC, PETITIONER. **Z-2020-06**

REVISED APPLICATION AND CONCEPT PLAN:
Received December 18, 2020

REVIEW:

Do you agree with all statements made? Yes

If you do not, briefly state why: No Issue.

General comments relative to your agency interests: No Issue since units will be Leased, not sold w/ Condominium Tax Status

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) N/A

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

Signature: _____ **Date:** 12/23/20

EK/jfa
X:\Current_Planning\Files\Rezonings\2006\Z-2006-06_(9290_Transit_Rd)_2006\Z-2020-06_Rev_Transmittal_Application & Concept Plan_121820.doc

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Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Amherst

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

RECEIVED
DEC 31 2020
TOWN OF AMHERST
PLANNING DEPT.

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

MEMORANDUM December 18, 2020

TO: Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
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Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
ECHWY
NYSDEC
Williamsville Central School District

TOWN OF AMHERST
ENGINEERING
DEPARTMENT
2020 DEC 22 P 12:51

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

SUBJECT: PROPOSED AMENDMENT #73 TO THE AUDUBON NEW COMMUNITY DEVELOPMENT PLAN TO RECLASSIFY 2.35± ACRES OF LAND FROM **NCD-SA** TO **NCD-ND**; PROPERTY LOCATED AT **2160 and 2170 NORTH FOREST ROAD (NCD);** COROMANDEL ESTATES AMHERST, LLC, PETITIONER. **Z-2020-06**

REVISED APPLICATION AND CONCEPT PLAN:
Received December 18, 2020

REVIEW:

Do you agree with all statements made? YES

If you do not, briefly state why: _____

General comments relative to your agency interests: None At This Time

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

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

Signature: _____ **Date:** 12/30/20

EK/jfa
X:\Current_Planning\Files\Rezonings\2006\Z-2006-06_(9290_Transit_Rd)_2006\Z-2020-06_Rev_Transmittal_Application & Concept Plan_121820.doc

cc: Scott Marshall, Principal Planner
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Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Amherst

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

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

RECEIVED
Williamsville Central School District
DEC 23 2020
Asst Superintendent for
Finance & Management Services

MEMORANDUM December 18, 2020

RECEIVED
DEC 31 2020
TOWN OF AMHERST
PLANNING DEPT.

TO: Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
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Integrated Review Coordinator, ECDEP
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FROM: Planning Department, Ellen M. Kost, AICP, Assistant Planning Director EMK

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REVISED APPLICATION AND CONCEPT PLAN:
Received December 18, 2020

REVIEW:

Do you agree with all statements made? In regard to site plan and SEQRA, the

If you do not, briefly state why: District does not have comments on these items

General comments relative to your agency interests: Williamsville Central School District school bus service will follow policy, presently, bus service would be at entrance of the apartment complex.

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

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

Signature: [signature] **Date:** 12/28/20

EK/jfa
X:\Current_Planning\Files\Rezonings\2006\Z-2006-06_(9290_Transit_Rd)_2006\Z-2020-06_Rev_Transmittal_Application & Concept Plan_121820.doc

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Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Amherst

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

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

TOWN OF AMHERST ENGINEERING DEPARTMENT
2020 DEC 22 P 12:37

MEMORANDUM December 18, 2020

TO: Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
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Integrated Review Coordinator, ECDEP
ECHWY
NYSDEC
Williamsville Central School District

RECEIVED
DEC 28 2020
TOWN OF AMHERST
PLANNING DEPT.

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

SUBJECT: PROPOSED AMENDMENT #73 TO THE AUDUBON NEW COMMUNITY DEVELOPMENT PLAN TO RECLASSIFY 2.35± ACRES OF LAND FROM **NCD-SA** TO **NCD-ND**; PROPERTY LOCATED AT **2160 and 2170 NORTH FOREST ROAD (NCD);** COROMANDEL ESTATES AMHERST, LLC, PETITIONER. **Z-2020-06**

REVISED APPLICATION AND CONCEPT PLAN:
Received December 18, 2020

REVIEW:

Do you agree with all statements made? YES.

If you do not, briefly state why: _____

General comments relative to your agency interests: NONE

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

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

Signature: _____ **Date:** 12/24/20

EK/jfa
X:\Current_Planning\Files\Rezonings\2006\Z-2006-06_(9290_Transit_Rd)_2006\Z-2020-06_Rev_Transmittal_Application & Concept Plan_121820.doc

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Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

RECEIVED
NOV 30 2020
TOWN OF AMHERST
PLANNING DEPT.

Kost, Ellen

From: Rutkowski, Edward (DOT) <Edward.Rutkowski@dot.ny.gov>
Sent: Saturday, November 28, 2020 12:50 PM
To: Kost, Ellen
Subject: 2160-2170 North Forest Rd, Proposed Rezoning for 18 Unit Apartment Building, Amherst
Attachments: 2160-2170 N Forest.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.

Ellen,

New York State Department of Transportation (NYSDOT) reviewed the information submitted for the subject project and has the following comments:

- NYSDOT concurs with the Town of Amherst acting as the Lead Agency.
- The proposed project will not have a significant impact to traffic on the Stathe Highway System.

If you have any questions, please contact me either by email or phone.

Sincerely,
Ed Rutkowski

Edward S. Rutkowski, P. E.
SEQR/Site Plan Review Coordinator
NYSDOT - Region 5
100 Seneca Street
Buffalo, New York 14203
716-847-3575

NEW YORK STATE OF OPPORTUNITY. | Department of Transportation

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

NEW YORK STATE OF OPPORTUNITY. | Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

October 30, 2020

Roberta Rappoccio
Associate Planner
Town of Amherst, NY Planning Department
5583 Main Street
Amherst, NY 14221

Re: DEC
Rezoning for 18-Unit 3-story New Construction Project
2160 North Forest Rd, Amherst, Erie County, NY
20PR05460
Z-2020-06

Dear Roberta Rappoccio:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the Phase I Archaeological Reconnaissance Survey report prepared by the University at Buffalo's Archaeological Survey (Whalen & Angelini, October 2020; 20SR00539) 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 Division for Historic Preservation and relate only to Historic/Cultural resources.

Based on this review, it is OPRHP's understanding that no archaeological sites were identified during the above-noted investigation, and we concur with the report's conclusion that no further archaeological investigations are warranted. It is, therefore, OPRHP's opinion 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. Should the project design be changed OPRHP recommends further consultation with this office.

If you have any questions, I can be reached via e-mail at Josalyn.Ferguson@parks.ny.gov.

Sincerely,

Josalyn Ferguson, Ph.D.
Scientist Archaeology

via email only

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Carrato, Amy

From: ann bealer <annri35@msn.com>
Sent: Tuesday, October 06, 2020 3:26 PM
To: Carrato, Amy
Subject: Rezoning of property at 2160&2170 N. Forest Rd.

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I am totally against the rezoning of the above properties for a 3 story apartment building. I spend my summers outside in my backyard and I would lose all my privacy. Traffic is a problem. We have trouble getting in and out of our driveways. At rush hour it is almost impossible. We also have frequent water brakes as the lines are old. They were supposed to put new lines in 3or4 years ago and they never did. How much more water can those pipes handle? Water pressure is another issue. Am and pm the pressure is low. I ask also where is the green space in Amherst. It seems all the developers want to do is build. And I would ask the Board members and the Planning Board if they would like a 3 story building right next door to them.

Ann Bealer
2204 N. Forest Rd.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Carrato, Amy

From: sprinter16@roadrunner.com
Sent: Sunday, October 11, 2020 11:29 AM
To: Carrato, Amy
Subject: Rezoning request located at 2160 & 2170 N Forest Rd.

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To Whom It May Concern,

We received a notice regarding the request to rezone 2160 & 2170 N Forest Rd. We live at 2200 N Forest Rd which is 3 houses down from the proposed rezoning and would like it noted that we are definitely not in favor of a 3 story apartment building or any apartment building for that matter.

Several years ago an effort was made to rezone the corner of N Forest Rd and Millersport Hwy to a 3 story apartment building and that effort was successfully denied based on various issues such as excessive traffic which is already a terrible problem, frequent water main breaks that occur in our area and the proposed targeted tenants which would have been college students. At the time, there was a house on the property that was being rented out to college students and the loud parties and noise created many complaints that required a police response.

As well as the concerns already mentioned, the project calls for 2 retention ponds that will drain in to Ellicott Creek. We always have flooding occur on the lower portion of our property during heavy rains and we do not want additional discharge of water from other sources as we feel this will create more opportunity for additional flooding as well as perhaps change the flow of the water.

Most of the homes that would be directly impacted by the proposed apartment building would lose all backyard privacy based on the illustration provided in the rezoning request. One of the only saving graces of living on an extremely busy, noisy street is the fact that we have no rear neighbors and are able to enjoy the view of the creek as well as the natural habitat. Having a 3 story apartment building and the noise it will create just through everyday living will definitely have a negative impact on those of us nearest to it.

We will continue to remain involved in the meetings and decisions regarding this request.

Fran & Dennis Cummings

2200 N Forest Rd

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Carrato, Amy

From: Dan Boscarino <dboscarino@yahoo.com>
Sent: Tuesday, October 13, 2020 3:07 PM
To: Carrato, Amy
Subject: Property at 2160& 2170 North Forest Road Planning Board meeting October 15

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I'm writing to voice my opinion that I'm not in favor of rezoning the property. The corner is extremely busy and less than a half a mile from a school zone. The traffic is already unbearable on weekday mornings and evenings. This is a residential neighborhood and should stay that way, with single family homes only. I cannot see how anyone could approve a zoning change.

Regards,

Daniel M. Boscarino
Carrie Boscarino
57 Baron Ct
Getzville, New York

Sent from Yahoo Mail for iPad

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Carrato, Amy

From: Rosemary Blando <rblando@durham.com>
Sent: Tuesday, October 13, 2020 8:04 AM
To: Carrato, Amy
Cc: jjh2180@verizon.net
Subject: 2160 & 2170 North Forest Rd
Attachments: Amherst final draft.docx; Signed petitions.pdf

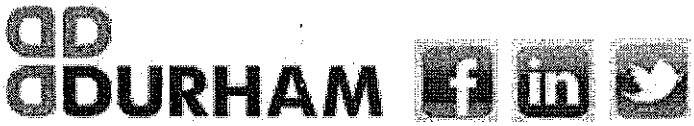
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Planning Board:
Attached please find our response to the request to approve **Amendment #73 of the Audubon New Community Development Plan**. This matter is scheduled to be heard as **item #3** on the Planning Board's **October 15th agenda**. Kindly acknowledge receipt via email as well as **jjh2180@vereizon.net**. My husband, Joseph Hausbeck plans to appear at the hearing, via Zoom, and requests permission to speak in rebuttal. The second attachment are (2) petitions in opposition to petitioner's request.
Thank you for your consideration,

Joseph J. Hausbeck
Rosemary Blando
Residents 2180 North Forest Rd
Williamsville, NY 14221

716.473.3972 cell

www.durhamstaffing.com



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Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Amherst Planning Board
5583 Main Street
Williamsville, New York 14221

Via email to: acarrato@amherst.ny.us

Re: Request to Approve Amendment #73 of the Audubon New Community Development Plan to Reclassify Property located at 2160 and 2170 North Forest Road.

To Whom It May Concern:

My wife and I are the owners and residents of 2180 North Forest Road, the property immediately adjoining the subject property. We have resided there over 23 years. We are hereby expressing our **strong opposition** to the above referenced matter which is scheduled for consideration by the Town Planning Board on Thursday, October 15th.

PROCEDURAL MATTER:

Prior to setting forth our concerns about the proposed project, I wish to raise a **procedural** concern. I am very concerned that there has been insufficient notice given of the upcoming hearing. In preparation for the hearing, I attempted to contact local residents to gauge their interest in the matter. I was advised that the Beechwood Campus and, specifically, the residents of Asbury Point, located directly across from the subject property on North Forest Road, were **not** given notice of the hearing. In addition, in speaking with the residents of eight (8) other parcels in close proximity to the subject, three (3) residents advised that they had **not** received any notice whatsoever. I attempted to contact other residents without success, perhaps because of the Covid 19 times in which we are living. I am therefore respectfully requesting that the Town insure that all reasonable efforts are made to assure that all Town Residents potentially impacted by the requested action be afforded their basic right to Notice and an Opportunity to be Heard.

SUBSTANTIVE MATTERS:

I would like to address the Request from two (2) perspectives.

I. **Character of the Neighborhood and the Subject Property:**

The property in question is the eighth parcel on the west side of North Forest Road, south of Millersport Highway. It is the last parcel on North Forest before Stahl Road and is immediately adjacent to the "zombie" property, known throughout Amherst as "that white house". The seven parcels between it and Millersport consist of six (6) single family ranch homes and one (1) one- story building, housing a Women's Medical Center. The Medical Center is on the corner of Millersport Highway (a commercial thoroughfare) and North Forest Rd. There is a substantial fenced buffer zone between the Medical Center and the first residential property, including an area dedicated to a Stormwater Management Practices Bio-retention Project, permitted by the NYS Dept. of Environmental Conservation. The rear of all the ranch homes, as well as the subject property, abut Ellicott Creek.

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It should be noted that the Medical Center required a rezoning. However, prior to that being accomplished, a different developer attempted to rezone that property to build a similar residential rental structure. That proposed redevelopment plan was objected to by the residents and was not approved by the Town. The question may therefore be asked as to why the Town should approve this application for a three-story multifamily residence on property which sits further down the same block (removed from any commercial intersection) which also presents potentially significant adverse environmental impacts.

On the opposite side of North Forest sits Asbury Point, a quiet and pristine retirement residence. Asbury Point is set back far from North Forest Road. There are dense wooded areas, landscaped areas, abundant mature trees and open greenspaces that act as a buffer between Asbury Point and North Forest Rd. The Asbury Point structure referred to by the petitioner is, indeed, three stories, but it has some underground parking. The structure, as well as its infrequently used limited surface parking area, is setback, partially concealed, and surrounded by walking paths. The building is entirely occupied by senior citizens who have a vested interest in the self-contained elderly campus. They are wonderful neighbors.

In contrast, the proposed project is a three-story, 18 unit apartment building with surface area parking for 36 cars. The site abuts our southern property line and is just 17.5 feet (+ or -) from the south wall of our home. It should be noted that the site plan describes the site as being 2.35 acres. However, the structure, surface parking and all appurtenances are "sandwiched in" on less than ½ of the "site". The remainder of the site sits in the existing floodway and is unusable. It is wooded, but sits behind the proposed development and offers no buffer between the structure and the street or our adjoining property. The "sandwiching" is so tight, that the proposed site plan reveals that portions of the proposed fire pit actually encroach into the floodway.

The site plan appears to show only a 5' "landscaped" area between the 15 parking spaces (that face our lot line and house) and the lot line itself. As the wall of our home sits approximately 17.5' from the lot line, and our home (a ranch which has no basement) sits on a concrete pad, cars will be parked 22.5' from the south wall of our house, with headlights shining in our bedroom windows. In addition, most likely because of the "sandwiching", the site plan seeks to place what appears to be a double bay dumpster extremely close to both our unfenced yard (which we use regularly throughout the spring, summer and fall) and our home. For the past 23 years we have had an unobstructed view of Ellicott Creek and the Ellicott Creek Trailway (bikepath). If this project is approved, we will have only an unobstructed view of the dumpster. We are also concerned about the potential impact of dumpster odors and the potential for rodent and pest infestation. Throughout the entire 23 years we have lived here, we have enjoyed the wildlife that regularly occupies these parcels. That wildlife includes the deer which miraculously seem to present us, each spring, with two new spotted fawns. However, it also includes the raccoon (anxiously awaiting the installation of the dumpsters) that we have observed in the tree on the property line, these are not the only potential significant adverse impacts on our property, but they are clearly indicative of the fact that this project is simple much too large for this site.

I would encourage all members of the Planning Board to personally visit the site to fully appreciate the concerns expressed.

II. <u>Specific Issues applicable to the Neighborhood:</u>

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

The proposed project is totally out of character and inconsistent with our neighborhood. It simply does not fit the site (see preceding section). The quality of life for the current residents on North Forest Road, will be adversely affected for numerous reasons. There are serious concerns over potential loss of property values; there are privacy concerns, traffic and traffic safety concerns, water issues and flooding concerns, erosion concerns, and soil and land subsidence concerns, among others.

WATER ISSUES – Over the years, the proposed site, as well as adjacent properties, have Experienced flooding issues from Ellicott Creek. During wet weather events, waters from the adjacent creek and diversion channel regularly flood portions of the proposed site, our premises, and the premises of neighbors to the north.

Prior to the construction of the Ellicott Creek diversion channel, the subject property had large depressions that used to flood regularly. Neighbors have told me that the property was actually used by local children for ice skating, and at some point a public berm was constructed along the creek in an effort to prevent the flooding. I have also been told that this berm material was later excavated and used by a prior owner of the subject property to fill the depressed areas that regularly flooded. This story may be substantiated by the following observation: on the property, there is a large old willow tree sitting about 5' deep in a rip rap well. Within that well are several plastic drain hoses, with clamps that appear to drain into the "well" area. This may be some indication of the possible depth of fill placed upon the subject property by prior owners. However, I have no idea what the composition of that fill is.

Attached to the petitioner's application for a variance is a copy of a letter from Earth Dimensions, Inc. related to a preliminary wetland investigation. That letter references an attached map which "depicts the limits of our investigation". The attached map (entitled "Erie County On-Line Mapping Application") purports to depict the subject property (2170 and 2160 North Forest Road). Please compare the configuration of the subject property shown upon that map with the configuration of the "same" property (2170 and 2160 North Forest Road) shown on the site plan. A comparison may substantiate the alleged prior flooding and the later use of fill should these questions be relevant to the question of site suitability for the proposed project.

It is my understanding that a pipe for drainage of surface water from the Asbury Point property was installed years ago, and ran under North Forest Road to what was once a culvert along the road adjoining the proposed site. Allegedly, a prior owner of the proposed site later had a 36" drainage pipe installed. That pipe bisected the proposed site and discharged the drainage water to the bank or bed of Ellicott Creek. I believe the discharge pipe itself is visible at the creek bank. However, I was unable to note any reference to that discharge system on the site plans or application documents. I have no knowledge as to whether there is any public record of this.

Based upon:

Past and current flooding issues;
The addition of ½ acre of impervious surface;
The non-use of pervious surfaces;

Lack of information regarding proposed excavations;
Lack of information regarding storm water basins and their location with respect to the topography of adjacent lands;
The discharge of storm water to Ellicott Creek; and
concerns over storm water management generally,

We have serious concern that this project will have a significant adverse environmental impact on our property and that of our neighbors to the north.

ERROSION CONCERNS - We have personally observed substantial erosion of the bank of Ellicott Creek on the site of the subject property. When we acquired our property 23 years ago, the subject property, which adjoins ours, had a large concrete wall comprised of sections of concrete attached to metal supports mounted along the creek bank. The wall was along the peninsular-like portion of the western end of the property. Over the years, due to substantial erosion of the bed behind the wall, the entire wall has fallen, section by section, into Ellicott Creek. All that currently remains of the structure are a few of the metal supports.

At the opposite end of the subject property (at the Stahl Road intersection) sits the infamous "white house". Its driveway is a matter of inches from the eastern end of the subject property. The White house (a zombie property) is generally believed to be falling into Ellicott Creek.

In our mind, concern over erosion raises an issue as to the safety and appropriateness of a construction project of this magnitude.

FLOOD CONTROL EASEMENT - Our property (which adjoins the subject property) is subject to a Flood Control Easement held by, or of interest to NYSDEC, USACOE and the TOWN of AMHERST. We assume the adjoining upstream property is, or should be, also subject to such an easement. However, I did not see it directly addressed in the petitioner's Environmental Assessment Form.

Concerns over storm water and its management (see above) would seem to have a direct impact upon any Flood Control Easement applicable to the subject property, as well as to ours.

SEWERS - The petitioner's "Application to Reclassify" represents that there is adequate sanitary Sewer capacity for the proposed project. This may not be the case. We have learned that the proposed action is considered a Sanitary Sewer Extension by the NYSDEC, and a detailed sewer capacity analysis must be performed and submitted for review and approval. Further investigation is necessary to avoid potential substantial adverse environmental impacts upon the community.

PUBLIC WATER - Again, the "Application to Reclassify" represents that adequate public water

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

capacity exists. However, we can attest to the fact that, in the past, we and others in our block (North Forest Rd from Millersport Hwy to Stahl Rd) have experienced numerous interruptions in water service. These interruptions have occurred from broken pipes in our block, and have occurred principally during cold weather. Interruptions have been for long periods and have been extremely inconvenient. Ruptured pipes were the culprit and geysers with flooding of the street were common.

In August, 2016, the Town Board approved a measure to replace the water line from Stahl Road to Millersport Highway. To date, I do not believe that project has been completed. Further investigation is necessary to avoid potential adverse environmental impacts on the community.

TRAFFIC – Petition asserts that the proposed project will not result in a substantial increase in traffic above present levels. This is simply not true. Having lived on this block of North Forest for over 23 years, I am familiar with its unique problems. North Forest to Millersport Highway is a major route to the University of Buffalo. It is also the preferred route for many cars entering the Beechwood Complex on Stahl Road. It is also the route followed by large numbers of Amherst residents seeking to access the I-290 and I-990.

This block (between Millersport and Stahl) is a two way (one lane in each direction) residential street. It experiences the full impact of traffic going ***to*** the University in the morning and returning from it in the afternoon. Depending upon the time of day, the traffic can be backed up from Stahl to Millersport or from Millersport to Stahl.

As Stahl Road is the main access point for the Beechwood Complex, and ends at North Forest, traffic is also regularly backed up on Stahl Road, at the intersection. To complicate matters further, there is a serious bend on North Forest, right at the intersection. Between cars coming down North Forest and cars turning at Stahl, living on North Forest and being the first driveway from Stahl is a serious challenge. It makes it extremely difficult to find an opening in traffic long enough to enter or exit our driveway.

The proposed project seeks a curb cut for a driveway entrance onto the site. The proposed driveway is near our joint property line. It is, therefore, even closer to the Stahl Road intersection. The project allows for 36 parking places. Potentially, that makes 36 more cars attempting the same maneuvers as we must attempt and further obstructing our ability to enter and exit. This is a problem common to each of my neighbors.

It should be noted that "traffic concerns" are not limited solely to traffic flow and traffic visibility. A multi-family residential project such as this should consider the safety of pedestrians and cyclists. Due to the proximity to the University and to the Ellicott Creek Trailway (Bike Path), this stretch of North Forest Road is used regularly by both. There are no discrete bike paths along this section, and sidewalks are limited to the opposite side of North Forest. Additionally, it is questionable whether either could be practically installed along North Forest, south of the subject site, due to the proximity to the creek and its erosion issues in that area.

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

SOIL ISSUES AND DEPTH TO BEDROCK – Over the years, there have been numerous efforts by individuals to acquire and build on the subject property. It is our understanding that most of the efforts involved proposed single family residences. Despite contractual agreements to purchase, none of these efforts materialized. We assume that some were discouraged because of the existence of floodplain/floodway issues. However, some failed as a result of depth to bedrock issues. Borings have been taken on a number of occasions and the results, which are unknown to us, are rumored to be unfavorable to construction due to the depth to bedrock. It should also be noted that we learned that when Asbury Point was constructed, it was necessary to drive an extraordinary number of I-beams into the ground, in places up to 40 to 50' in depth.

It is noted that the petitioner's EAF references the depth to bedrock as being "greater than 5 feet". It also identifies the soils on 100% of the site to be "cosad loamy fine sand" and 100% of the site to be poorly drained.

In light of the afore referenced information relating to prior flooding, the prior placement of fill, and existing erosion concerns, the possibility of depth to bedrock discrepancies simply reinforces our concerns relating to the integrity of the potential structure. We believe that a complete geo-technical investigation and inspection should be required. We have heard of instances of properties collapsing, in one case into a creek, within the Town of Amherst. We have no desire to see that occur next door.

CONCLUSION:

In a perfect world, the subject site would be a small neighborhood park and a continuation of the beautiful greenspace located directly across the creek from the site. It could contain a pedestrian bridge over Ellicott Creek, accessible by the general public seeking safer access to the Bike Trail, as well as the residents of Asbury Point, who, in the past, have casually strolled on this site. Possibly, a kayak launch point could serve this site as well. My wife and I, as adjoining neighbors would welcome such alternative uses. We do not oppose this proposal on the basis of change. However, the property is privately owned and we lack the power of Eminent Domain.

Based upon the foregoing considerations, we, Joseph Hausbeck and Rosemary Blando, strongly oppose approval of the petitioner's request. As 23 year residents of the site immediately adjoining the subject site, we are of the opinion that the proposed project will result in potentially significant adverse environmental impacts upon this community. Additionally, we are firmly of the belief that the applicant has failed to provide sufficient information to establish that there will be no impacts and, at the very least, a Draft Environmental Impact Statement should be required.

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Town of Amherst Planning Board

5583 Main Street

Williamsville, NY 14221

We, the undersigned, being residents of North Forest Rd. between Stahl Rd and Millersport Highway, hereby **OPPOSE** the request filed by the petitioner **Coromandel Estates Amherst, LLC**, to approve amendment # 73 of the Audubon New Community Development Plan to reclassify 2.35 acres, more or less, of land located at 2160 and 2170 North Forest Rd.

Joseph Lagumbay 2160 North Forest Rd.
Rodney Rhands 2180 North Forest Rd
Ann Beahen 2204 N. Forest Rd.
Donna J Beahen 2204 N. Forest Rd.
Lisa Dennis Cummings 2220 N. Forest Rd.
Sterling Lawson 1881 N. Forest Rd
Joan Amico, 1936 North Forest, Amh NY 14221
Steve Amico, 1936 North Forest, Amh NY 14221

October 2020

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Town of Amherst Planning Board

5583 Main Street

Williamsville, NY 14221

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George De Rosa
2220 North Forest Road, Williamsville, N.Y. 14221
Allen Miles
25 Stahl Rd, Getzville 14068 Allen Miles
[illegible]
W.R.D. 2220 N. Forest Rd. 14221
Karen Macura 2230 N FOREST RD 14221

October 2020

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Z-2020-06
2160 & 2170 N. Forest Rd

Carrato, Amy

From: Joan Amico <jamico99@gmail.com>
Sent: Wednesday, October 14, 2020 7:15 AM
To: Carrato, Amy
Subject: Planning Board Meeting 10/15 - Amendment #73 of the Audubon New Community Development Plan.

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

My husband and I received notice of the proposed rezoning of residential property on North Forest Road and I would like to speak at the Planning Board meeting on October 15 about this rezoning.

Also, please share my comments below with the board:

This stretch of North Forest is primarily a residential area. It is not a commercial area and it should not be rezoned. It seems that over the last several years, long stretches of North Forest Road have been turned into apartment buildings and other commercial properties. Do we really need to build such structures alongside and embedded between single family homes? Would you want to live in-between commercial properties? Do we even need another apartment complex in this area?

The Town of Amherst should first and foremost make decisions that are best for the residents that live in their community. Please think about the residents, people like my husband and I, when deciding to rezone this and any property.

Kindly reply back to confirm receipt of this email.

Thank-you,

Joan and Steve Amico
1936 N Forest Rd, Williamsville, NY 14221

Attachment: Z-2020-06_TB letter_022221 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

GINEERING DPC|DBA
GEOTECHNICAL
INEERING SERVICES

Z-2020-06,
2160 and 2170 N. Fores

☒ CORPORATE/ BUFFALO OFFICE
5167 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051

☐ ALBANY OFFICE
PO Box 2199
Ballston Spa, NY 12020

5 Knabner Road
Mechanicville, NY 12118
Phone: (518) 899-7491
Fax: (518) 899-7496

☐ CORTLAND OFFICE
60 Miller Street
Cortland, NY 13045
Phone: (607) 758-7182
Fax: (607) 758-7188

☐ ROCHESTER OFFICE
535 Summit Point Drive
Henrietta, NY 14467
Phone: (585) 359-2730
Fax: (585) 359-9668

September 17, 2020
Project No. WB-20-105
(SJB Project No. BE-20-105)

Postwork Capital

c/o Buffalo Automation
10236 Transit Road
East Amherst, New York
14051

Attn. Mr. Thiru Vikram, CEO

Re: Geotechnical Engineering Report
Proposed Elysium Apartment Complex
2160 North Forest Road
Town of Amherst, New York

Dear Mr. Vikram:

WMA Engineering DPC, dba Empire Geotechnical Engineering Services (Empire), is pleased to submit the enclosed Geotechnical Engineering Report for the above referenced project. We have also e-mailed you an electronic copy (pdf file format) of this report, for your use and for distribution. Please contact me should you have any questions or wish to discuss this report. Thank you for considering Empire for this work and we look forward to working with you through the completion of this project.

Sincerely,

WMA Engineering DPC, dba
Empire Geotechnical Engineering Services

Thomas R. Seider, P.E.
Geotechnical Engineer

RECEIVED
OCT 07 2020
TOWN OF AMHERST
PLANNING DEPT.

Enc.: Geotechnical Engineering Report

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

WMA ENGINEERING DPC|DBA
EMPIRE GEOTECHNICAL
ENGINEERING SERVICES

CORPORATE/
BUFFALO OFFICE
5167 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051

ALBANY OFFICE
PO Box 2199
Ballston Spa, NY 12020

5 Knaibner Road
Mechanicville, NY 12118
Phone: (518) 899-7491
Fax: (518) 899-7496

CORTLAND OFFICE
60 Miller Street
Cortland, NY 13045
Phone: (607) 758-7182
Fax: (607) 758-7188

ROCHESTER OFFICE
535 Summit Point Drive
Henrietta, NY 14467
Phone: (585) 359-2730
Fax: (585) 359-9668

Geotechnical Engineering Report
Proposed Elysium Apartment Complex
2160 North Forest Road
Town of Amherst, New York

Prepared For:

Postwork Capital

c/o Buffalo Automation
10236 Transit Road
East Amherst, New York
14051

Prepared By:

WMA Engineering, DPC
dba Empire Geotechnical Engineering Services
5167 South Park Avenue
Hamburg, New York, 14075



9/17/20

Project No. WB-20-105
(SJB Project No. BE-20-105)
September 2020

A Woman Owned Firm

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

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1.00 INTRODUCTION

1.10 GENERAL

This report presents the results of a subsurface exploration program completed by SJB Services, Inc. (SJB), and a geotechnical engineering evaluation completed by WMA Engineering DPC, dba Empire Geotechnical Engineering Services (Empire), for the proposed Elysium Apartment Complex, planned off of North Forest Road, within the Town of Amherst, New York. Postwork Capital retained SJB and Empire to complete this work, which was done in general accordance with SJB's June 29th, 2020 proposal, that was authorized on July 2, 2020.

SJB, our affiliated subsurface exploration company, recently completed five test borings and installed a groundwater observation well at the site. Prior to this investigation, SJB and Empire completed two separate subsurface investigations and prepared geotechnical evaluation reports for projects that were planned at the site. These included a proposed house in July 2014 and a proposed garage type structure in March 2020. The previous investigations each included one test boring along with some geotechnical laboratory testing. Neither of the two projects were constructed. It is our understanding that Postwork Capital has received approval to use the data developed during the first two investigations, to supplement the findings from the recently completed investigation.

Based on the findings from the recent investigation, and the two previous investigations, Empire has prepared this report, which summarizes the subsurface conditions encountered, and presents geotechnical recommendations for design and construction of the foundations, slab-on-grade floor, and pavement areas, as well as the associated site preparation work for the proposed project.

1.20 SITE AND PROJECT DESCRIPTION

The project site is located along the south side of North Forest Road, immediately west of its intersection with Stahl Road (street address 2160 North Forest Road) within the Town of Amherst, New York. As shown on Figure 1, Ellicott Creek forms the southern boundary of the project site, resulting in an irregular triangular shaped parcel, with about 550 feet of frontage along North Forest Road. As shown on Figure 2, the ground surface at the site slopes downward towards Ellicott Creek, with surface elevations ranging from about 583 feet to 570 feet.

Based on a cursory review of older USGS mapping (www.historicaerials.com), it appears Ellicott Creek formerly extended farther to the north than its current location. As discussed in later sections of this report, the fill soils encountered within the test borings could be related to site filling within the limits of the former creek location.

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The proposed apartment building will be located within the northwest corner of the site, beyond the floodway boundary, and where the site grades are more gradual. Based on the information provided by Silvestri Architects, PC, the apartment building will consist of a three story wood framed structure with an at-grade floor near the current site grades. Other than an elevator pit, no below grade structures are planned. Asphalt pavement driveways and parking areas are planned around the building. Figure 2 provides additional details about the proposed development.

2.00 SUBSURFACE EXPLORATIONS

2.10 JULY 2020 INVESTIGATION

The most recent subsurface exploration program included:

- 3 test borings completed within the limits of the proposed apartment building, designated as B-1 through B-3;
- 1 test boring completed within the southwest portion of the site, within a proposed terraced seating area, designated as B-4; and
- 1 test boring to the east of the proposed apartment building, within a future sports court area, designated as B-5.

The test boring locations were staked in the field by SJB, using a hand held global positioning system (GPS) instrument. The approximate test boring locations are shown on Figure 2. Survey level measurements were used to determine the approximate ground surface elevation at the test boring locations, using the rim of a catch basin frame within North Forest Road as a benchmark. The approximate benchmark location is shown on Figure 2, and has a reported elevation of 580.70 feet.

The recent test borings B-1 through B-5 were completed by SJB between July 23rd and July 27th, 2020, using a Central Mine Equipment (CME) model 550x, all-terrain tire mounted drill rig. Hollow stem auger and split spoon sampling techniques were used to advance the test borings through the overburden soils. Split spoon samples and Standard Penetration Test (SPT) were taken continuously from the ground surface to a depth of 12 feet, and in intervals of five feet or less for the remaining depth of the test borings. The split spoon samples and SPTs were completed general accordance with *ASTM D1586 – "Standard Test Method for Penetration Test and Split-Barrel Sampling of Soils"*.

Test borings B-1 through B-4 were advanced through the overburden until encountering the top of apparent bedrock, as identified by auger refusal, at depths of about 22 feet to 27.2 feet. After encountering auger refusal within test borings B-1 and B-4, 8 to 9 feet of rock coring was completed using an NQ'2' size core barrel, in accordance with *ASTM D 2113 – "Standard Practice for Rock Core Drilling and Sampling of Rock for Site Investigation"*. Test boring B-5 was completed to a depth of 15 feet.

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A Geologist prepared the test boring logs based on visual observations of the recovered soil and rock core samples and a review of the driller's field notes. The soil samples were described based on a visual/manual estimation of the grain size distribution, along with characteristics such as color, relative density, consistency, moisture, etc. The rock cores were also described, including characteristics such as color, rock type, hardness, weathering, bedding thickness, core recovery and rock quality designation (RQD). The test boring logs for the recently completed test borings B-1 through B-5 are presented in Appendix A, along with general information and a key of terms and symbols used to prepare the logs.

A groundwater monitoring well was installed within completed test boring B-2. The well consists of two inch diameter PVC screen and riser pipe, extending from the bottom of the test boring to above the ground surface. The sand pack extends from the bottom of the test boring up to a depth of about 14 feet. A bentonite chip seal was installed above the sand pack, with the remainder of the test boring backfilled with soil cuttings. Additional details regarding the construction of the well are shown on the Monitoring Well Completion Record, included in Appendix A, following test boring log B-2.

2.20 PREVIOUS INVESTIGATIONS

As noted, two previous investigations were completed at the site by SJB and Empire, each including one test boring along with some geotechnical laboratory testing. Test boring B-1 completed in June 2014 was drilled within the limits of the proposed apartment building. Test boring B-1 completed in February 2020 was completed within the southwest corner of the site. The approximate location of these test borings are shown on Figure 2. The test boring logs from the previous investigations, with updated ground surface elevations, are included in Appendix B. Additional information regarding the previous investigations is included in: Empire's July 11, 2014 Subsurface Exploration and Geotechnical Evaluation Report, along with the August 15, 2014 Follow-Up Information letter; and the March 14, 2020 Subsurface Exploration and Geotechnical Evaluation Report.

3.00 SUBSURFACE CONDITIONS

3.10 GENERAL

The subsurface conditions described in the following sections are based on the recently completed test borings B-1 through B-5, and previously completed test borings from 2014 and early 2020. Beneath the topsoil, fill type soils were encountered which extended to depths of about 4 feet to 10 feet. Beneath the fill, the upper indigenous soils consisted of silty clay soils, often containing intermixed organics, which extended to depths of about 18 to 20 feet. The remaining soils consisted of compact to very compact gravels and sands, which extended to the top of Shale bedrock at depths of about 25 to 28 feet. The soil and bedrock stratigraphy encountered along with the groundwater conditions observed are described in more detail below and on the test boring logs in Appendix A and Appendix B.

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3.20 FILL SOILS

Beneath the topsoil, fill type soils were encountered which extended to depths of about 4 to 10 feet. It should be expected that the depth of the fill will vary between and away from the exploration locations, and will be dependent on the original site topography and former limits of Ellicott Creek, prior to site filling and grading. As noted, based on a review of older USGS mapping, it appears Ellicott Creek formerly extended farther to the north than its current location.

The fill soils generally consisted of a reworked mixture of silty clays and sands with varying amounts of gravel and trace to little amounts of organics. Exceptions include: a layer of organic clayey silts encountered from about 4 to 6 feet within the 2014 test boring B-1; a zone of concrete fragments and soils observed within the upper four feet at test boring B-2; and a zone of asphalt fragments and soils observed from about 2 feet to 6 feet within test boring B-5. Trace amounts of glass, slag, concrete, organics, and asphalt were often observed within the fill soils. The Standard Penetration Test (SPT) "N" values obtained within the fill soils ranged from of 5 to "sample spoon refusal" (i.e. more than 50 blows required to advance the sample spoon with six inches or less of penetration). The variable nature of the fill soils, along with the variable relative density/consistency as determined from the SPT "N" values, indicate the fill soils were likely installed in an uncontrolled, non-engineered manner.

3.30 INDIGENOUS SOILS

Beneath the fill soils, and extending to depths of about 18 to 20 feet, the upper indigenous soils consisted of a mixture of silty clays and sands, often containing trace to little amounts of organics. Exception include the 15 to 17 feet deep sample from test boring B-2 which consisted predominately of organics. The silty clays and sands with organic are classified as CL, SC-SM, and OL-CL group soils using the Unified Soil Classification System (USCS). These upper indigenous soils appear to be alluvial deposited soils from Ellicott Creek. The SPT "N" values obtained within these soils ranged from "weight of hammer" (i.e. only the weight of the hammer and rods required to advance the sample spoon) to 8, indicating these soils have a "very soft" to "medium" consistency. Laboratory testing from the first two investigations indicate these soils, at depths shallower than about 12 to 14 feet, had a medium to high plasticity, a moisture content ranging from about 40% to 55%, and an organic content of about 5% to 8%.

Beneath a depth of about 18 to 20 feet, and extending to the top of bedrock at about 25 to 28 feet, the remaining indigenous soils consisted of a mixture of gravels and sands with little to some amounts of silts and clays. These soils are classified as GC-GM and SM group soils using the USCS. The SPT "N" values obtained within these deeper soils ranged from 40 to "sample spoon refusal", indicting the deeper soils have a "compact" to "very compact" relative density.

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3.40 BEDROCK

Recently completed test borings B-1 through B-4, along with test boring B-1 from 2014 and test boring B-1 from early 2020 were drilled through the overburden soils until encountering the top of apparent bedrock, as identified by auger refusal conditions. Following auger refusal within recently completed test borings B-1 and B-4, 8 feet, and 9 feet of rock coring was completed, respectively. The following table summarizes the depth and elevation where the top of bedrock was encountered, as identified by rock coring (C) or auger refusal (AR). At test boring B-4, rock coring was started at 22.0 feet. However, the upper portion of the recovered core consisted of soil, with the top of shale rock starting at a depth of about 24.4 feet.

Approximate Depth and Elevation of Top of Bedrock

Test Boring	Approximate Ground Surface Elevation (feet)	Depth / Elevation of Top of Bedrock (feet)
B-1	582.3	25.2 / 557.1 (C)
B-2	581.1	26.0 / 555.1 (AR)
B-3	579.5	26.5 / 553.0 (AR)
B-4	578.1	24.4 / 553.7 (C)
B-1 (2014)	581 +/-	26.0 / 555.0 (AR)
B-1 (Feb. 2020)	580.0	27.7 / 552.3 (AR)

The bedrock recovered from test borings B-1 and B-4 consisted of brown, medium hard, sound, laminated to thickly bedded, Shale bedrock. The core recoveries ranged from 66% to 100%. The rock quality designation (RQD) values for the first core runs were 21% and 47%, indicating the near surface bedrock has a "very poor" to "poor" rock mass quality. The RQD values for the second core runs were 81% and 85%, indicating the deeper bedrock has a "good" rock mass quality.

3.50 GROUNDWATER

Based on the information summarized below, a general groundwater condition at the time of our investigation appears to exist near a depth of about 10 to 11 feet, or approximate elevation 570 to 571 feet, which is near the water level within Ellicott Creek.

Water level measurements were made in the test borings following the completion of overburden drilling and sampling, and are presented on the test boring logs in Appendix A and Appendix B. At test boring B-3, the depth to water was about 21.5 feet below the ground surface. Within the remaining test borings, no water was observed. Based on the water levels measured within the observation well, as described below, it appears that

groundwater did not have sufficient time to fully accumulate and stabilize in the test holes within the time that had elapsed from the completion of drilling operations and the time of the measurements.

A groundwater observation well was installed within completed test boring B-2. SJB visited the site on August 6th, 2020, at which time the depth to water within the well was about 10.0 feet below the ground surface, correlating to approximate elevation 571 feet. Following the initial measurement, about 5 gallons of water was removed from the well, lowering the water level. SJB returned to the site on September 15th, 2020, at which time the depth to water within the well was about 11.1 feet below the surface, correlating to approximate elevation 570 feet. These depths generally correspond to the depths where the collected soil samples were described as "moist to wet" or "wet".

Some of the shallower samples of fill soils within test borings B-1 and B-5, along with some shallower samples of sandier indigenous soils within test boring B-3 were described as "moist to wet". These conditions could be representative of some perched or trapped groundwater within the more granular or looser fill and indigenous soils, which overlie less permeable indigenous soils. Perched groundwater conditions can be more prevalent following heavy or extended periods of precipitation and during seasonally wet periods. It should be expected that both permanent and perched groundwater conditions could vary with location and with changes in soil conditions, precipitation, seasonal conditions, and fluctuations of the water level within Ellicott Creek.

4.00 GEOTECHNICAL RECOMMENDATIONS

4.10 GENERAL CONSIDERATIONS AND RECOMMENDATIONS

The following general geotechnical considerations and recommendations are provided to assist with planning for the design and construction of the proposed apartment complex. More detailed recommendations are presented in the subsequent sections of this report.

1. Design and construction of the proposed building will be primarily impacted by: the fill soils that extend to depths of 4 to 10 feet; the underlying soft silty clay indigenous soils which also contain organics; and the apparent perched groundwater condition within some of the fill soils and shallower indigenous soils.

2. The fill soils and the underlying silty clay and organic indigenous soils are not suitable for supporting the proposed apartment building using a conventional shallow spread foundation design. These soils are highly compressible and can also subside with time due to decomposition of the organics, resulting in excessive amounts of settlement beneath spread foundations. In addition, the softer silty clay soils are considered marginal for support of spread foundations.

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3. Considering the issues associated with spread foundations, a deep foundation system is recommended for use at this site, which will transfer the building loads through the fill and softer indigenous soils and into the "compact" to "very compact" indigenous soils, first encountered about 18 to 20 feet below the surface. Suitable deep foundation options include: driven pipe piles; helical piles; and drilled, cast-in-place pier foundations (i.e. caissons or drilled shafts).

4. The deep foundation support options will generally eliminate the settlement risks discussed above for spread foundations. However, settlement risks will still remain with regard to the ground level floor, if designed as a conventional slab-on-grade. In order to eliminate all risks associated with a ground level floor constructed over the fill soils and softer indigenous / organic soils, the floor should be constructed as a structural floor supported by a deep foundation system. We understand, however, it may not be economically practical to use a structural floor slab.

   The Owner, therefore, could consider an approach of removing a portion of the existing fill and provide some additional Subbase Stone, along with a heavy duty stabilization geotextile and geo-grid reinforcement beneath the slab-on-grade construction. This will provide for a stiffer subgrade and reduce some of the differential settlement effects, if it were to occur. There are some uncertainties with this approach, such as the potential for some long-term differential settlement, resulting from unidentified zones of unsuitable fill soils or buried organics.

   If the Owner is willing accept these risks, then we would recommend the following be implemented as minimum requirements for constructing the slab-on-grade over the existing fill soils.

   - The existing fill subgrades should be thoroughly compacted and properly proof rolled, evaluated, and prepared in accordance with our recommendations provided in Section 4.90.6.
   - Any deleterious materials, such as organics, very soft soils, construction debris, etc., which are present within the fill soils at the bottom of the subgrade excavation, should be further undercut, removed, and replaced with additional Subbase Stone.
   - The slab-on-grade floor should be constructed over a minimum 24-inch thick layer of compacted Subbase Stone / Structural Fill, that is separated from the fill soils with a suitable stabilization/separation geotextile. The Structural Fill layer should also be reinforced with two separate layers of geo-grid.
   - Additional steel reinforcing within the floor slab should be considered to help further bridge and reduce the risks of any differential subsidence effects, should they occur.

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5. The installation of new fill, necessary to raise the site grades within the proposed building will result in some settlement within the fill soils and softer zones of indigenous soils, which could induce some drown drag forces on the deep foundations. Accordingly, the amount of new fill installation should be limited and be completed at least 2 to 3 months prior to the installation of the deep foundations.

6. Excavations to construct the pile caps and elevator pit could encounter some perched groundwater. Appropriate dewatering measures should be implemented to allow for construction to proceed in the dry. Undercutting the subgrade soils by about 12 to 18 inches and replacing them with Structural Fill should be considered, to provide a firm and stable working surface for construction of the pile caps, grade beams, and elevator pit.

7. Based on the subsurface conditions encountered, the site can be classified as Seismic Site Class "D" in accordance with the criteria in the New York State Building Code.

4.20 DRIVEN PIPE PILES

A driven, closed end pipe pile, is recommended for use at the site due to its lager end bearing area, compared to an H-pile. The steel pipe pile should have a yield strength of at least 50 ksi, and should have a minimum wall thickness of 0.25 inches. A steel cap plate should be used to close the end of the pile. The perimeter of the cap plate should be flush with the outer surface of the pipe pile. Driving the pipe piles open ended is not recommended. Following driving and acceptance, the pipe pile should be filled with concrete or be capped, as determined by the Structural Engineer.

The pile foundations should be driven to practical refusal, into the "compact" to "very compact" gravel and sand soils, first encountered about 18 to 20 feet below the surface. A pipe pile driven to practical refusal can be designed for an allowable axial capacity equal to 25% of the pile yield strength or 12.5 kips per square inch (ksi), whichever is less, times the cross sectional area of the pile.

Based on the above design criteria, an 8.625 inch diameter pipe pile section (Grade 50 steel), with a wall thickness of 0.25 inches and a cross sectional area of 6.6 in^2, would provide an allowable axial compressive capacity of about 41 tons per pile. The pile, however, should be driven and tested for an ultimate capacity of 82 tons. The ultimate test capacity assumes a Factor of Safety of 2.0, as required by the Building Code of New York State.

Other pipe pile sections could also be used, based on current product availability, to obtain different allowable axial capacities, provided the same design criteria as outlined above is used.

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Pile foundations driven to practical refusal within the "compact" to "very compact" gravel and sand soils, are expected to undergo insignificant total settlement, when designed and constructed in accordance with our recommendations. Driven piles should be spaced a minimum of 3 pile widths apart, or three feet, whichever is greater. At this spacing, no group reduction factor is considered necessary. All exterior pile caps and grade beams for driven pile foundations should be embedded a minimum of 4 feet below final exterior grades for frost protection.

At least 3 random piles should be dynamically tested to confirm that the pile capacity has been obtained with an adequate factor of safety (i.e. Factor of Safety of 2.0 or greater as required by the Building Code of New York State).

It is possible that obstructions could be encountered within the fill soils. Such obstructions will hinder and impact the installation of the driven piles, and therefore should be anticipated and addressed as appropriate by the pile driving contractor. Accordingly, some pre-excavation and removal of these materials may be necessary for the proper installation of the piles.

4.30 HELICAL PILES

Helical piles, often referred to as "screw piles", bearing within the "compact" to "very compact" gravel and sand soils, first encountered about 18 to 20 feet below the surface, can be used for supporting the proposed building. Helical piles consist of a steel plate formed into the shape of a helix (one pitch of a screw thread) attached to a steel shaft. Installation is accomplished by applying torque to the shaft and screwing the pile into the soil. During the installation, the torque is measured as a correlation to the design capacity.

We recommend a performance specification for the helical piles be developed (i.e. required compressive and uplift capacities). The helical pile installation contractor can then provide a suitable design and installation procedure. Variables will include the diameter of the helical plate, the use of multiple plates, embedment length, number of piles, grouting or no grouting, etc. A New York registered Professional Engineer should prepare the helical pile design.

Preliminarily, helical piles designed to bear at a depth of about 20 feet, can be designed based on an allowable end bearing capacity of 15 kips per square foot (psf). Accordingly, a 14 inch diameter helix (end area of 1.07 square feet) would be expected to develop an allowable axial capacity of about 16 kips per pile. The actual design, however, should be completed by the contractor based on the performance specification developed for the project. Exterior grade beams and pile caps should be embedded a minimum of 4 feet for frost protection.

Due to the potential for the accumulation of perched or trapped groundwater within the fill soils, and the potential flooding events, we recommend the design groundwater elevation be assumed to exist at the ground surface.

At least one load test should be completed for each helical pile type to confirm the design capacity has been obtained with an adequate factor of safety (i.e. Factor of Safety of 2.0 or greater). The load test data should be correlated to the installation torque to provide acceptance criteria for the production piles. Based on the testing results, the actual production helical pile lengths may vary and therefore such contingencies should be planned for in the installation contracts.

4.40 DRILLED PIERS

Drilled pier foundations, if used, should bear within the "compact" to "very compact" gravel and sand soils, first encountered about 18 to 20 feet below the surface. We recommend the drilled piers bear at least 2 to 3 feet into the gravel and sand soils. Therefore, the drilled piers should bear at an elevation of about 559 to 560 feet, in order to develop adequate end bearing capacity. All drilled pier foundation construction should be monitored by qualified geotechnical personnel, to ensure the drilled piers are bearing on suitable indigenous soil bearing subgrades.

The drilled pier foundations can be sized based on a maximum net allowable end bearing capacity of 15 kips per square foot. In all cases, a minimum pier diameter of 30 inches is recommended. The piers will need to be sized based on the actual column and wall loads as determined by the designer.

Drilled piers should be spaced no closer than 3 pier diameters, center to center. Exterior grade beams and pier caps for a drilled pier foundation system should be embedded a minimum of 4 feet for frost protection. It is estimated that drilled pier foundations sized and properly constructed in accordance with our recommendations above will undergo a total settlement of less than ½ inch.

4.50 ELEVATOR PIT

As noted, a general groundwater condition is expected near elevation 570 feet to 571 feet, or about 10 to 11 feet below the existing surface. However, due to the potential for the accumulation of perched or trapped groundwater within the fill soils, and the potential flooding events, we recommend the groundwater conditions be assumed to exist at the ground surface. Accordingly, the below grade elevator pit walls, should be constructed with perimeter foundation drains to intercept any groundwater that may tend to collect against the walls, and the walls should be properly damp proofed. As an alternative, the walls could be designed to resist full hydrostatic pressures acting on the structure walls and bottom slab, and be designed as a fully waterproofed structure.

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The elevator pit walls should be designed to resist "at rest" lateral earth pressures generated by the earth backfill and any temporary or permanent surcharge loads, based on the soil parameters below. These parameters are based on the wall backfill consisting of Structural Fill, as described in Appendix C. In addition, perimeter exterior foundation drains should be incorporated in the design where the walls are designed for relieved hydrostatic pressures (i.e. drained conditions).

Where a foundation drainage system is not used, the walls should be designed to resist the hydrostatic pressures as well as the lateral earth pressures acting the walls. In this case, the lateral earth pressure should be computed based on a submerged soil unit weight. In addition, the floor / bottom slab must be designed to resist the hydrostatic uplift pressure acting on it, and the depressed structure should also be fully water proofed.

Recommended Soil Parameters for Elevator Pit Wall Design

- Coefficient of "At-Rest" Lateral Earth Pressure – 0.47
- Angle of Internal Friction – 32 Degrees
- Moist Unit Weight of Soil – 140 pcf
- Submerged or Buoyant Unit Weight of Soil – 80 pcf
- Surcharge Load Lateral Coefficient – 0.50

4.60 SLAB-ON-GRADE FLOOR

4.60.1 Floor Slab with Thickened Subbase

As discussed in Section 4.10, the ground level floor can be constructed as a slab-on-grade over the existing fill soils, provided the Owner is willing to accept the risks associated with this option. These risks include the potential for some on-going, long-term settlement, and unpredictable differential settlement, because of the variable composition and density of the fill, and potentially other undetected areas of unsuitable fill soils (i.e. organics, wood, etc.).

The existing fill soil subgrades should be thoroughly compacted and properly prepared and evaluated in accordance with our recommendations in Section 4.906 prior to placement of the geotextile and Subbase Stone material. A minimum of 24 inches of Subbase Stone should be placed beneath the slab-on-grade floor. A suitable stabilization/separation geotextile, such as Mirafi 600X, should be placed over the prepared subgrades and a geo-grid reinforcement such as a TriAx TX160, should be placed over the geotextile, prior to installation of the first lift of Subbase Stone. An additional layer of geo-grid should be installed after the first 12-inches of Structural Fill has been installed.

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The slab-on-grade floors can be designed using a modulus of subgrade reaction of 200 pounds per cubic inch at the top of the 24 inches of Subbase Stone. Additional steel reinforcing within the floor slab should be considered to help further bridge and reduce the risks of any differential subsidence effects, should they occur.

It is understood the finished floor grade will be established above the surrounding exterior grades. Therefore, the use of a moisture barrier does not appear warranted, unless otherwise recommended by the finished flooring manufacturer. It is recommended that the slab-on-grade be constructed such that it floats on the subbase and subgrades, and is not structurally connected to or resting directly on, perimeter walls or column footings, in order to limit differential settlement effects, unless the slab / wall or column interface is designed with sufficient reinforcement to bridge potential differential settlement effects at these interfaces.

4.60.2 Structural Floor Slab

As discussed in Section 4.10, the floor system could also be designed as a structural slab supported by the selected deep foundation system. Although potentially more costly, a structural floor slab will negate the settlement risks associated with constructing the floor over the fill soils.

If the floor is structurally supported, it is recommended a minimum of 6 inches Subbase Stone material be placed beneath the structural slab to provide a suitable working surface to construct the slab. It is understood the finished floor grade will be established above the surrounding exterior grades. Therefore, the use of a moisture barrier does not appear warranted, unless otherwise recommended by the finished flooring manufacturer.

We note that the above subbase stone thickness is not adequate for carrying construction vehicle loads. Therefore, it may be desirable for the Contractor to temporarily increase the Subbase Stone thickness within the building pad area to provide a suitable working surface to stage the construction, carry construction vehicle loads and protect the underlying subgrades. This will be particularly important if construction proceeds during seasonally wet periods. The additional subbase stone material could then be removed and re-graded in preparation for the actual floor construction and re-used as foundation backfill, pavement subbase, or as otherwise determined appropriate.

4.70 SEISMIC DESIGN CONSIDERATIONS

Based on the subsurface conditions encountered in the test borings, the project site can be classified as Seismic Site Class "D" in accordance with ASCE 7-16, Table 20.3-1, as referenced in the 2020 Building Code of New York State. Therefore, seismic design can be based on this seismic site classification.

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

The spectral response accelerations at the project site were obtained by Empire using the SEAOC / OSHPD web site application https://seismicmaps.org/. Using the site location, the spectral response accelerations are 0.170g for the short period (0.2 second) response (S_S) and 0.045g for the one second response (S_1). For design purposes, these spectral response accelerations must be adjusted for the Seismic Site Class "D" soil profile determined for the project site.

Accordingly, the adjusted spectral response accelerations for Site Class "D" are as follows:

- Short Period Response (S_{MS}) - 0.272g
- 1 Second Period Response (S_{M1}) - 0.109g

The corresponding five percent damped design spectral response accelerations (S_{DS} and S_{D1}) are as follows:

- S_{DS} - 0.181g
- S_{D1} - 0.072g

4.80 PAVEMENT DESIGN AND CONSTRUCTION

4.80.1 Pavement Design

Pavement construction should include: removal of the existing topsoil and organic soils; excavation of the subgrade soils as necessary to establish the pavement profile grade; preparation of the exposed subgrades (i.e. drying, compaction and proof-rolling); installation of subgrade fill (i.e. Suitable Granular Fill), if necessary to raise site grades; and placement of the geotextile, pavement subbase course, and asphalt pavement.

Pavement design recommendations are provided for a Medium Duty Asphalt Concrete Pavement section. The pavement section recommended assumes that the subgrades will be prepared as described in Section 4.90.6.

Medium Duty Asphalt Concrete Pavement

- 1.5 inches - Top Course
- 3.0 inches - Binder Course
- 12 to 15 inches - Subbase Course*
- Geotextile

*It is recommended the subbase course thickness be increased to 15 inches in the entrance / exit areas, which will be subject to more frequent and heavier loads. Also, it may be necessary to increase the subbase thickness in some areas to improve subgrade conditions and to promote drainage to underdrains, as discussed below.

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Materials for the above pavement structure components should consist of the following:

A. Asphalt Concrete Top Course - NYSDOT Standard Specifications, Hot Mix Asphalt, 9.5 F3 Top Course.

B. Asphalt Concrete Binder Course - NYSDOT Standard Specifications, Hot Mix Asphalt, 19 F9 Binder Course.

C. Subbase Course – Should comply with NYSDOT Standard Specifications, Item No. 304.12 - Type 2 Subbase, as described in Appendix C.

D. Geotextile - Woven polypropylene stabilization/separation geotextile (i.e., Mirafi 600X or approved suitable equivalent).

4.80.2 Pavement Drainage

The installation of underdrains or edge drains are recommended to drain the pavement subbase course within any low points, in order to limit the potential for frost action and improve pavement structure performance and design life. Alternatively, the pavement subbase course can also be allowed to daylight/drain to an adjacent perimeter drainage swale. This could be accomplished by raising the pavement grade. Drainage of the pavement subgrades can be achieved by grading the subgrade to a slope of at least 2 percent to allow drainage to the underdrains or drainage swale.

Underdrains, if used, should include a geotextile (i.e. Mirafi 160N or suitable equivalent), selected considering drainage and filtration, installed around drainage stone surrounding a slotted or perforated drain pipe. The drainage stone should be sized in accordance with the pipe slotting or perforations. A crushed aggregate (½-inch washed gravel or stone) is generally acceptable for slotted underdrain pipe. The underdrain pipes should be set in the bottom of the subbase layer, or preferably below the top of the soil subgrade elevation. The drainage stone and surrounding geotextile should extend above the underdrain pipe and into the subbase layer. Underdrain pipes should be connected to the site storm water drainage system.

4.80.3 Pavement Construction

Placement of the pavement Subbase course can proceed, following proper subgrade preparation and subgrade filling. Installation of adjacent geotextile panels should have minimum overlap of 12 to 18 inches. The Subbase Stone should be placed and compacted in accordance with the recommendations in Appendix C. Construction of the Asphalt Concrete Pavement should be performed in accordance with NYSDOT Standard Specification Section 400. The Binder and Top Course compaction / evaluation should comply with NYSDOT Standard Specifications – 80 Series Compaction procedures, as a minimum, or as otherwise required by the jurisdictional agency. In addition, placement of asphalt concrete courses should not be permitted on wet or snow covered surfaces or when the subgrade surface is less than 40° F.

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

4.90 SITE PREPARATION AND CONSTRUCTION

4.90.1 Construction Dewatering

Construction dewatering will be required for surface water control and for excavations which encounter groundwater conditions. A general groundwater condition is expected near the water level within Ellicott Creek, which will not likely be encountered within the relatively shallow pile cap excavations, but will be encountered within any drilled pier excavations. As noted, there appears to be some shallower zones of perched or trapped groundwater within some of the fill soils and shallower zones of sandier indigenous soils, which could be encountered within the pile cap excavations, or excavations to construct the elevator pit.

Water should be diverted away from the work areas and should be prevented from accumulating on exposed subgrades. Exposed soil subgrades will be susceptible to strength degradation in the presence of excess moisture. It is anticipated that diversion berms and proper site grading will be sufficient to control surface water.

Groundwater conditions, when encountered, should be depressed at least 1 to 2 feet below the excavation bottom. It is anticipated that sump and pump methods of dewatering will be sufficient to control perched groundwater conditions, should it be encountered within the fill soils or sandier indigenous soils. Surface water and groundwater dewatering plans should include implementation of measures to control erosion, sedimentation and the migration of soil fines.

4.90.2 Driven Pile Construction and Testing

The pipe piles should be driven using a hammer producing a suitable energy to obtain the desired ultimate capacity, yet not overstress the pile. Pile stresses should not exceed 85% of the pile yield stress. The appropriate hammer and driving criteria should be determined by the pile installation contractor through the use of the wave equation, based on the actual pile hammer and cushions that will be used for the project. If the wave equation analysis indicates that the pile may be overstressed during driving then the contractor should select an alternate hammer/cushion arrangement, which will not overstress the pile.

At least three random piles, across the limits of the site, should be dynamically tested in accordance with *ASTM D 4945 – Standard Test Method for High Strain Dynamic Testing of Piles* to confirm the driving criteria and to evaluate that the allowable pile capacity has been obtained with an adequate factor of safety (i.e. Factor of Safety of 2.0 or greater). The dynamic testing should be performed prior to installation of the production piles. The test piles may be used as production piles provided the test data is acceptable. The results of the dynamic testing should include an evaluation to simulate static load testing.

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The wave equation results, pile installation records and the results of the dynamic testing should be evaluated to confirm the design capacity and to possibly refine the driving criteria and pile lengths if determined necessary. It should be understood that the pile capacity provided was estimated using conventional static analyses based on engineering interpretation of the conditions disclosed by the test borings. Variations in soil conditions may occur, which can impact the actual pile installation requirements. Therefore, it is recommended that the contract documents contain provisions to make adjustments in the actual pile lengths required, should the installation conditions and field testing dictate such changes.

A qualified individual should observe all pile driving and should prepare an individual pile driving report for each pile installed. The report should include, pile number and location, hammer and cushion types, pile size and material, installed length, blows per foot, unusual conditions encountered during driving, top of pile elevation following driving and notes on any necessary re-striking.

Installed piles should be monitored for potential heaving during installation of adjacent piles. Any piles which heave should be re-driven and reseated as appropriate. Plumbness of the piles should be maintained within 1% of the total length. Any misaligned or damaged piles should be replaced. Following driving the inside of the pipe pile should be inspected, before concreting or capping, to assure that no damage occurred during driving. Any damaged piles should be removed and replaced.

4.90.3 Helical Pile Construction

Helical piles should be installed by a qualified and experienced contractor. The helical piles should be installed in a smooth continuous manner, with sufficient pressure to advance the helical piles. Alignment of the helical piles should be maintained within 1% of the total length. At least one load test should be completed to determine the helical pile capacity has been obtained with an adequate factor of safety (i.e. Factor of Safety of 2.0 or greater).

A correlation, using the torque during installation and the load testing data should be used to confirm subsequent helical piles are installed to two times the allowable design load. A qualified individual should observe the helical pile installation and prepare a report summarizing the installation process, load testing results, torque during installation, length of pile, etc.

4.90.4 Drilled Pier Foundation Construction

The drilled pier foundation construction is expected to encounter groundwater conditions near a depth of about 10 feet. Shallower zones of perched groundwater within the fill soils could also be encountered. Dewatering should be implemented as necessary to lower the groundwater within the drilled pier excavation casing in order to observe the pier excavation bottom and evaluate the bearing subgrade surface, and to allow construction in-the-dry.

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Alternatively, procedures for constructing the drilled piers below the groundwater elevation, can be implemented. However, there is less control during construction in-the-wet, and therefore, there may be greater risk associated with this construction procedure. If this method is used, the hole must be stabilized and the concrete must be placed in a manner that displaces slurry/water from the hole, such as a tremie method. It is recommended that the drilled piers be constructed only by a Contractor, who is qualified and experienced in such construction methods. In both cases the installation of temporary casing during drilling will be necessary to prevent the sloughing of the softer fill soils and indigenous soils into the excavations.

Initially, the excavation should extend to the proposed bearing grade. Loose soil should be removed from the bearing surface. The final bearing surface should be level or near level. Plumbness of the pier should be maintained within 1% of the total length. Casing removal during concrete placement should proceed in a manner that prevents or reduces to the extent possible, surrounding soil and water from protruding into the space that will be occupied by concrete. Qualified and experienced geotechnical personnel should monitor the drilled pier construction.

4.90.5 Excavation for Grade Beams and Pile Caps

Excavation for the pile caps and grade beams should be performed using a method, which reduces disturbance to the subgrade soils, such as a backhoe equipped with a smooth blade bucket. As noted, consideration should be given to undercutting the subgrade soils by about 12 to 18 inches and replacing them with Structural Fill, as described in Appendix C, to provide a firm and stable working surface.

Subgrades should be protected from precipitation and surface water. Water should not be allowed to accumulate on the soil subgrades and the subgrades should not be allowed to freeze, either prior to or after construction of foundations. If subgrades are not protected and degrade, they must be undercut/removed accordingly.

Excavations should be backfilled as soon as possible and prior to construction of the superstructure. It is recommended that the excavations be backfilled with a Structural Fill, as described in Appendix C.

4.90.6 Subgrade Preparation for Slab-on-Grade and Pavement Areas

The site preparation work should be performed during seasonally dry periods to minimize potential degradation of the subgrade soils and undercuts which may be required to establish a stable base for construction. It should be understood that the silty clay fill soils encountered at the site are sensitive and can degrade and lose strength when they are wet and disturbed by construction equipment traffic. Accordingly, efforts should be made to

maintain the subgrades in a dry and stable condition at all times, and minimize construction traffic directly over these soils. These efforts could include:

- Installation of drainage swales and underdrains (i.e. "French drains") to intercept and divert surface runoff and groundwater away from the construction areas;
- Proper grading and sloping of the subgrade and "sealing" of the surface with a smooth drum roller, at the end of each day or when rain is anticipated to promote runoff; and
- Restricting construction equipment traffic from traveling directly over the subgrade surfaces, especially when they are wet. Any subgrades, which become damaged, rutted or unstable should be undercut and repaired as necessary prior to placement of the overlying fill courses.

Existing trees, stumps, vegetation, topsoil, organic soils, soft or loose soils, and any other deleterious materials within the proposed slab-on-grade and pavement areas should be removed. Following stripping of the surface materials and any required excavation to the proposed subgrades, the exposed subgrades should be allowed to dry, as necessary, and then be thoroughly compacted/densified and then proof-rolled.

The subgrade compaction and proof-rolling should be performed prior to any required fill placement, using a vibratory smooth drum roller weighing at least 10 tons. The roller should be operated in the vibratory mode for compacting the subgrades and in the static mode for proof rolling. The roller should complete at least four passes over the exposed subgrades for the compaction/densification operation and at least two passes for the proof rolling evaluation.

The subgrade compaction and proof-rolling should be done under the guidance of, and observed by, a representative of Empire. Any areas, which appear wet, loose, soft, unstable or otherwise unsuitable, should be undercut. Over excavation, which may be required as the result of the proof-rolling, should be performed based on evaluation of the conditions by Empire. Resulting over-excavations should be backfilled with controlled Structural Fill. The placement of an initial lift of oversized stone fill material (i.e. "surge stone", "shot rock", etc.) encased in stabilization geotextile top and bottom, may be necessary in some cases to help stabilize the subgrades.

During construction, the Contractor should take precautions to limit construction traffic over the soil subgrades. Any subgrades, including existing soil subgrades or fill subgrades, which become damaged, rutted or unstable should be undercut and repaired as necessary prior to placement of the Subbase Stone.

Suitable Granular Fill, as described in Appendix C, can be used to raise the site grades beneath the Subbase Stone course for the slab-on-grade and pavement construction. The use of the on-site soils to raise site grades is not recommended as it is expected to be more difficult to obtain acceptable compaction and maintain stable fill subgrades (i.e. free of rutting and pumping conditions), due to its inherent finer grained composition and organic

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content. Placement of subgrade fill (Suitable Granular Fill), to raise site grades, should be observed and tested by a construction materials testing company. It is recommended that utility trenches located within pavement areas be backfilled with controlled Structural Fill.

5.00 CONCLUDING REMARKS

This report was prepared to assist in the design and construction of the proposed Elysium Apartment Complex, planned at 2160 North Forest Road, within the Town of Amherst, New York. The report has been prepared for the exclusive use of Postwork Capital, Buffalo Automation, Silvestri Architects, PC, and other members of the project design team, for specific application to this site and this project only.

The site information and recommendations were prepared based on Empire's understanding of the proposed project, as described herein, and through the application of generally accepted soils and foundation engineering practices. Empire should be consulted with any questions regarding the interpretation of the findings of our work, and/or the geotechnical considerations and recommendations presented. In addition, the recommendations presented are provided as guidance to the designer and should not be considered a project specification. No warranties, expressed or implied are made by the conclusions, opinions, recommendations or services provided.

Empire should be informed of any changes to the planned project so that it may be determined if any modifications to the information presented in this report are necessary. Empire and / or its designated representative should also be retained to review final plans and specifications and to monitor the foundation and site work construction to verify that the recommendations were properly interpreted and implemented.

Additional information regarding the use and interpretation of this report is presented in Appendix D.

Respectfully Submitted:

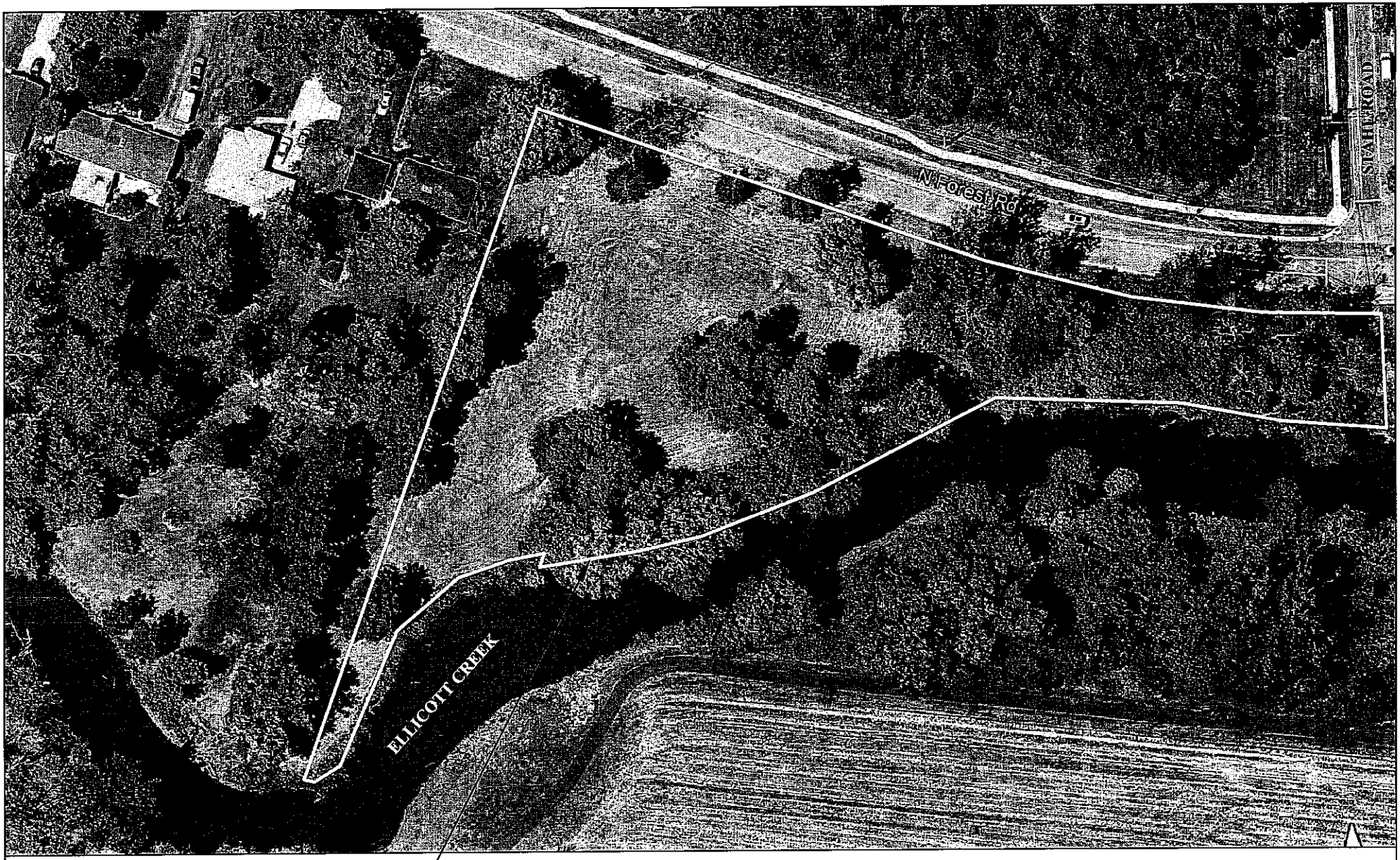
WMA Engineering DPC
dba Empire Geotechnical Engineering Services

Thomas R. Seider, P.E.
Senior Geotechnical Engineer

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

FIGURES

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)



APPROXIMATE SITE LOCATION

N

WMA ENGINEERING DPC|DBA
EMPIRE GEOTECHNICAL
ENGINEERING SERVICES

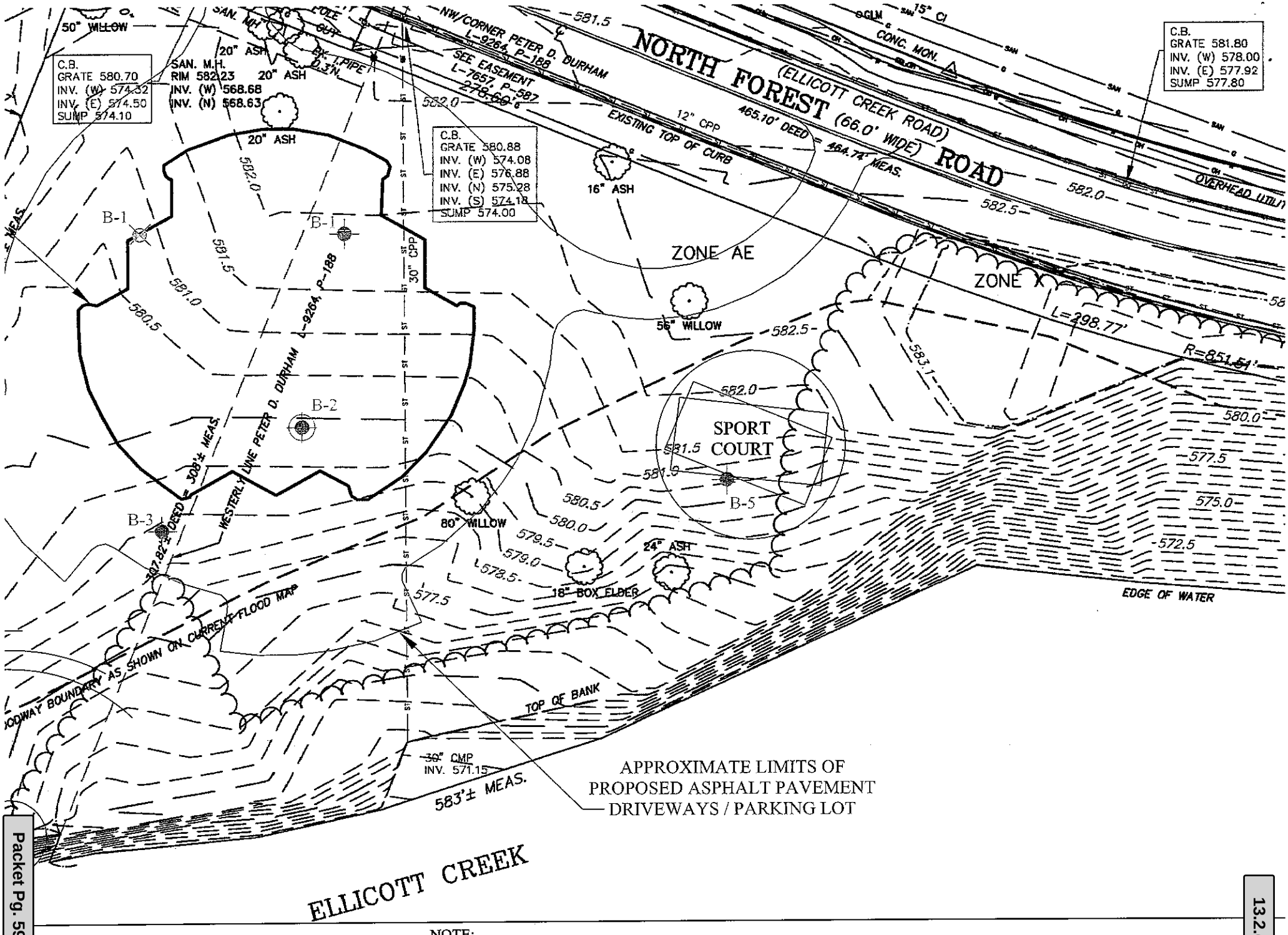
PROPOSED ELYSIUM APARTMENT COMPLEX
2160 NORTH FOREST ROAD
TOWN OF AMHERST, NEW YORK

DR BY: WMA	SCALE: NTS	PROJECT NO.: WB-20-105

NOTE:

SI

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NOTE:

N B-1 INDICATES APPROXIMATE LOCATION AND DESIGNATION OF TEST BORING

FIGURE DEVELOPED FROM JUNE 24, 2014

| WHPacific Engineering Division |

PROPOSED ELEVS

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Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

APPENDIX A

SUBSURFACE EXPLORATION LOGS

Recently Completed Test Borings
July 2020 (B-1 through B-5)

GENERAL INFORMATION & KEY TO SUBSURFACE LOGS

The Subsurface Logs attached to this report present the observations and mechanical data collected by the driller at the site, supplemented by classification of the material removed from the borings as determined through visual identification by technicians in the laboratory. It is cautioned that the materials removed from the borings represent only a fraction of the total volume of the deposits at the site and may not necessarily be representative of the subsurface condition between adjacent borings or between the sampled intervals. The data presented of the Subsurface Logs together with the recovered samples provide a basi for evaluating the character of the subsurface conditions relative to the project. The evaluation must consider all the recorded details and their procedures to more accurately evaluate the subsurface conditions. Any evaluation of the contents of this report and recovered samples must be performed by qualified professionals. The following information defines some of the procedures and terms used of the Subsurface Logs to describe the conditions encountered, consistent with the numbered identifiers shown o the Key opposite this page.

1. The figures in the Depth column define the scale of the Subsurface Log.
2. The Samples column shows, graphically, the depth range from which a sample was recovered. See Table I for descriptions of the symbols used to represent the various types of samples.
3. The Sample No. is used for identification on sample containers and/or Laboratory Test Reports.
4. Blows on Sampler – shows the results of the "Penetration Test", recording the number of blows required to drive a split spoon sampler into the soil. The number of blows required for each six inches is recorded. The first 6 inches of penetration is considered seating drive. The number of blows required for the second and third 6 inches of penetration is termed the penetration resistance,
5. Blows on Casing – Shows the number of blows required to advance the casing a distance of 12 inches. The casing size, hammer weight, and length of drop are noted at the bottom of the Subsurface Log. If the casing is advanced by means other than driving, tl method of advancement will be indicated in the Notes column or under the Method of Investigation at the bottom of the Subsurfac Log. Alternatively, sample recovery may be shown in this column or other data consistent with the column heading.
6. All recovered soil samples are reviewed in the laboratory by an engineering technician, geologist, or geotechnical engineer, unless noted otherwise. Visual descriptions are made on the basis of a combination of the driller's field descriptions and noted observatio together with the sample as received in the laboratory. The method of visual classification is based primarily on the Unified Soil Classification System (ASTM D 2487) with regard to the particle size and plasticity (See Table No. II), and the Unified Soil Classification System group symbols for the soil types are sometimes included with the soil classification. Additionally, the relative portion, by weight, of two or more soil types is described for granular soils in accordance with "Suggested Methods of Test for Identification of Soils" by D.M. Burmister, ASTM Special Technical Publication 479, June 1970. (See Table No. III). Description o the relative soil density or consistency is based upon the penetration records as defined in Table No. IV. The description of the soil moisture is based upon the relative wetness of the soil as recovered and is described as dry, moist, wet, and saturated. Water introduced into the boring either naturally or during drilling may have affected the moisture condition of the recovered sample. Special terms are used as required to describe soil deposition in greater detail; several such terms are listed in Table V. When sampling gravelly soils with a standard two inch diameter split spoon, the true percentage of gravel is often not recovered due to tl relatively small sampler diameter. The presence of boulders and large gravel is sometimes, but not necessarily, detected by an evaluation of the casing and sampler blows or through the "action" of the drill rig as reported by the driller.
7. Rock description is based on review of the recovered rock core and the driller's notes. Frequently used rock classification terms a included in Table VI.
8. The stratification lines represent the approximate boundary between soil types and the transition may be gradual. Solid stratification lines delineate apparent changes in soil type, based upon review of recovered soil samples and the driller's notes. Dashed lines convey a lesser degree of certainty with respect to either a change in soil type or where such change may occur.
9. Miscellaneous observations and procedures noted by the driller are shown in this column, including water level observations. It is important to realize the reliability of the water level observations depends upon the soil type (water does not readily stabilize in a hole through fine grained soils), and that any drill water used to advance the boring may have influenced the observations. The ground water level will fluctuate seasonally, typically. One or more perched or trapped water levels may exist in the ground seasonally. All the available readings should be evaluated. If definite conclusions cannot be made, it is often prudent to examine th conditions more thoroughly through test pit excavations or groundwater observation wells.
10. The length of core run is defined as the length of penetration of the core barrel. Core recovery is the length of core recovered divided by the core run. The RQD (Rock Quality Designation) is the total length of pieces of NX core exceeding 4 inches divided b the core run. The size core barrel used is also noted in the Method of Investigation at the bottom of the Subsurface Log.

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DATE

STARTED _____

FINISHED _____

SHEET ____ OF ____

SJB SERVICES, INC. SUBSURFACE LOG

PROJ. No. _____

HOLE No. _____

SURF. ELEV. _____

G.W. DEPTH _____

PROJECT _____ LOCATION _____

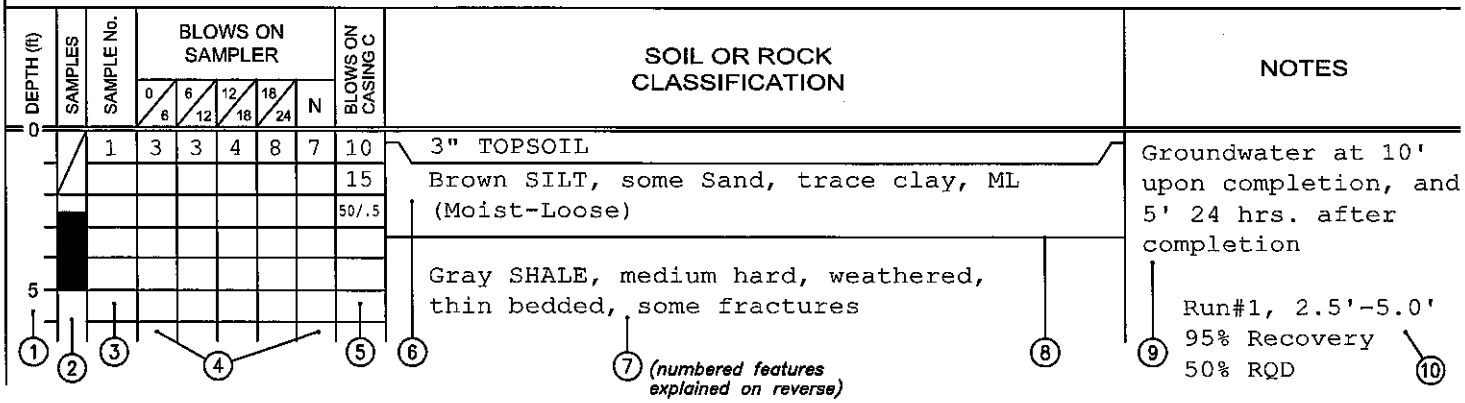


TABLE I

⁄	Split Spoon Sample
▮	Shelby Tube Sample
⊠	Geoprobe Macro-Core
▯	Auger or Test Pit Sample
■	Rock Core

TABLE II

Identification of soil type is made on basis of an estimate of particle sizes, and in the case of fine grained soils also on basis of plasticity.

Soil Type	Soil Particle Size	
Boulder	>12"	Coarse Grained (Granular)
Cobble	3" - 12"	
Gravel - Coarse	3" - 3/4"	
- Fine	3/4" - #4	
Sand - Coarse	#4 - #10	
- Medium	#10 - #40	
- Fine	#40 - #200	
Silt - Non Plastic (Granular)	<#200	Fine Grained
Clay - Plastic (Cohesive)		

TABLE III

The following terms are used in classifying soils consisting of mixtures of two or more soil types. The estimate is based on weight of total sample.

Term	Percent of Total Sample
"and"	35 - 50
"some"	20 - 35
"little"	10 - 20
"trace"	less than 10

(When sampling gravelly soils with a standard split spoon, the true percentage of gravel is often not recovered due to the relatively small sampler diameter.)

TABLE IV

The relative compactness or consistency is described in accordance with the following terms:

Granular Soils		Cohesive Soils	
Term	**Blows per Foot, N**	**Term**	**Blows per Foot, N**
Very Loose	0 - 4	Very Soft	0 - 2
Loose	4 - 10	Soft	2 - 4
Firm	10 - 30	Medium	4 - 8
Compact	30 - 50	Stiff	8 - 15
Very Compact	>50	Very Stiff	15 - 30
		Hard	>30

(Large particles in the soils will often significantly influence the blows per foot recorded during the penetration test)

TABLE V

Varved	Horizontal uniform layers or seams of soil(s).
Layer	Soil deposit more than 6" thick.
Seam	Soil deposit less than 6" thick.
Parting	Soil deposit less than 1/8" thick.
Laminated	Irregular, horizontal and angled seam and partings of soil(s).

TABLE VI

Rock Classification Term		Meaning
Hardness	- Soft	Scratched by fingernail
	- Medium Hard	Scratched easily by penknife
	- Hard	Scratched with difficulty by penknife
	- Very Hard	Cannot be scratched by penknife
Weathering	- Very Weathered	Judged from the relative amounts of disintegration, iron staining, core recovery, clay seams, etc.
	- Weathered	
	- Sound	

Rock Classification Term		Meaning	
Bedding	- Laminated	(<1")	Natural breaks in Rock Layers
	- Thin Bedded	(1" - 4")	
	- Bedded	(4" - 12")	
	- Thick Bedded	(12" - 36")	
	- Massive	(>36")	

(Fracturing refers to natural breaks in the rock oriented at some angle to the rock layers)

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DATE:
START 7/23/2020
FINISH 7/23/2020
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-1
SURF. ELEV 582.3'
G.W. DEPTH See Notes

PROJECT: PROPOSED ELYSIUM APARTMENT COMPLEX
PROJ. NO.: BE-20-105
LOCATION: 2160 NORTH FOREST ROAD
AMHERST, NY

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	2	4			TOPSOIL	Driller noted topsoil at the surface
		6	8		10	Brown Silty CLAY, some fine Gravel, little f-c Sand, tr.organics (moist, FILL)	
	2	8	7			One piece of coarse GRAVEL (moist, FILL)	WOH = Weight of Hammer and Rods
		6	5		13		
5	3	3	3			Brown Silty CLAY, some f-c Sand, little fine Gravel, tr.slag, tr.organics (moist-wet, FILL)	
		3	2		6		
	4	3	3			Contains tr.gravel, tr.glass, no slag	Sample #4: Contains wood
		4	3		7		
	5	WOH	2			Dark Brown Silty CLAY, little f-m Sand, tr.organics (moist, medium, CL)	Sample #5: Exhibits an organic odor
10		2	3		4		
	6	1	1			Contains tr.sand (moist-wet, soft)	
		1	1		2		Sample #6: Contains wood
15	7	WOH	1			Contains little f-m Sand, little Organics	Sample #7: Exhibits an organic odor, contains wood
		2	1		3		
20	8	6	21			Brown fine GRAVEL, some f-c Sand, little Silty Clay (moist, v.compact, GC-GM)	REF = Sample Spoon Refusal
		35	50/0.2		56		Driller noted hard augering at 20' to 25'
25	9	50/0.2			REF		NQ '2' Size Rock Core
						Brown SHALE Rock, medium hard, sound, thickly bedded, both natural and mechanical fractures	RUN #1: 25.2' - 30.2' REC = 72% RQD = 47%
30						Becomes laminated to thickly bedded	RUN #2: 30.2' - 33.2' REC = 100% RQD = 81%
35						Boring Complete at 33.0'	No Free Standing Water encountered before coring
							Free Standing Water recorded at 1' after coring
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. KOSKE
DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

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DATE:
START 7/27/2020
FINISH 7/27/2020
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-2
SURF. ELEV 581.1'
G.W. DEPTH See Notes

PROJECT: PROPOSED ELYSIUM APARTMENT COMPLEX
PROJ. NO.: BE-20-105
LOCATION: 2160 NORTH FOREST ROAD
AMHERST, NY

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	4	15			TOPSOIL	Driller noted topsoil at the surface
		21	19		36	Brown CONCRETE fragments, some Silty Clay, little f-c Sand (moist, FILL)	
	2	15	8				
		5	6		13	Contains little Silty Clay	Sample #1: Poor Recovery
5	3	2	2			Brown Silty CLAY, some f-c Sand, little fine Gravel,	Sample #2: Poor Recovery
		3	6		5	tr.organics (moist, FILL)	
	4	4	50/0.2		REF	Contains some fine Gravel, little f-c Sand, tr.concrete (moist-wet)	
	5	50/0			REF		Sample #5: No Recovery
10							
	6	2	2			Dark Brown Silty CLAY, little Organics, tr.sand	REF = Sample Spoon Refusal
		3	3		5	(moist-wet, medium, CL)	
15							
	7	1	2			Brown Organics, tr.sand (wet)	Sample #7: Poor Recovery, contains wood
		1	6		3		
20							
	8	31	40			Brown fine GRAVEL, some f-c Sand, little Silty Clay	
		45	50/0.4		85	(wet, v.compact, GC-GM)	
25							
	9	50	50/0.2		REF		
						Boring Complete with Auger Refusal at 26.0'	No Free Standing Water reading obtained at boring completion
30							2" PVC groundwater observation well installed within completed test boring. Refer to completion record for details.
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: R. STEINER

DRILL RIG TYPE : CME-550X

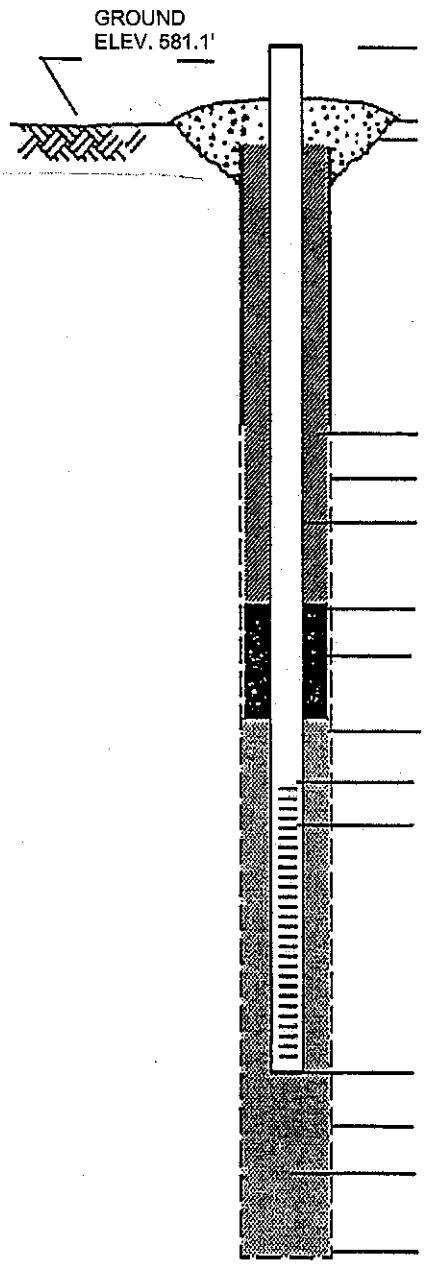
METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

MONITORING WELL COMPLETION RECORD

SJB SERVICES, INC.

WELL NUMBER: B-2	
PROJECT: Elysium Apartments	**DRILLING METHOD:** ASTM D-1586 USING HSA
PROJECT NUMBER: BE-20-105	**GEOLOGIST:** N/A
DRILLER: R. Steiner	**INSTALLATION DATE(S):** 7/27/2020



TYPE OF SURFACE SEAL:	SOIL
TYPE OF BACKFILL:	SOIL AUGER CUTTINGS
BOREHOLE DIAMETER:	7" ±
I.D. OF RISER PIPE:	2"
TYPE OF RISER PIPE:	PVC
DEPTH OF SEAL:	12'
TYPE OF SEAL:	BENTONITE CHIPS
DEPTH OF SAND PACK:	14'
DEPTH OF TOP OF SCREEN:	15.6'
TYPE OF SCREEN:	PVC
SLOT SIZE X LENGTH:	0.01' x 10'
I.D. OF SCREEN:	2"
TYPE OF SAND PACK:	No. 0 Silica Sand
DEPTH BOTTOM OF SCREEN:	25.6'
DEPTH BOTTOM OF SAND PACK:	26.0'
TYPE OF BACKFILL BELOW OBSERVATION WELL:	N/A
ELEVATION/ DEPTH OF HOLE:	26.0'

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

DATE:
START 7/24/2020
FINISH 7/24/2020
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-3
SURF. ELEV 579.5'
G.W. DEPTH See Notes

PROJECT: PROPOSED ELYSIUM APARTMENT COMPLEX
PROJ. NO.: BE-20-105
LOCATION: 2160 NORTH FOREST ROAD
AMHERST, NY

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	5	6			TOPSOIL	Driller noted topsoil at the surface
		15	10		21	Brown Silty CLAY, some f-c Sand, tr.organics (moist, FILL)	
	2	8	8			Contains little fine Gravel	
		10	11		18		Sample #2: Poor Recovery
5	3	2	2			Dark Gray f-c SAND, little Silty Clay, tr.organics	
		3	4		5	(moist-wet, loose, SC-SM)	
	4	3	2			(wet)	Sample #4: Contains wood
		3	2		5		
	5	2	2			Contains some Silty Clay (v.loose)	Sample #5: Contains wood
10		1	1		3		
	6	WOH/1.0				Contains little Organics, little Silty Clay	WOH = Weight of Hammer and Rods
		WOH/1.0			WOH		
15	7	WOH/1.0				Brown Silty CLAY, some f-c Sand, little fine Gravel	
		3	5		3	(wet, soft, CL)	
							Driller noted hard augering at 18' to 26.5'
20	8	28	47			Brown fine Gravel, some f-c Sand, little Silty Clay	
		50/0.4			REF	(moist, v.compact, GC-GM)	REF = Sample Spoon Refusal
25	9	50/0.2			REF		Sample #9: No Recovery
						Boring Complete with Auger Refusal at 26.5'	Free Standing Water recorded at 21.5' at boring completion
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW
CLASSIFIED BY: Geologist
DRILLER: R. STEINER
DRILL RIG TYPE : CME-550X
METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

DATE:
START 7/23/2020
FINISH 7/23/2020
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-4
SURF. ELEV 578.1'
G.W. DEPTH See Notes

PROJECT: PROPOSED ELYSIUM APARTMENT COMPLEX
PROJ. NO.: BE-20-105
LOCATION: 2160 NORTH FOREST ROAD
AMHERST, NY

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	1	2			TOPSOIL	Driller noted topsoil at the surface
		3	3		5	Brown Silty CLAY, some fine Gravel, little f-c Sand, tr.organics (moist, FILL)	
	2	2	5				
		10	50/0.2		15	Brown fine GRAVEL, some f-c Sand, little Concrete, little Silty Clay (moist, FILL)	
5	3	21	5				Sample #3: Contains wood
		3	3		8	Dark Brown Silty CLAY, tr.sand, tr.organics (moist, medium, CL)	
	4	4	2				Sample #4: Contains wood
		3	2		5	Contains little Organics, little f-c Sand (moist-wet) (soft)	
	5	1	1				Sample #5: Contains wood, Exhibits an organic odor
10		1	1		2		
	6	2	1			Brown Silty CLAY, little f-c Sand, tr.gravel (moist-wet, soft, CL)	
		1	2		2		
15							
	7	2	2			Contains some fine Gravel (moist, medium)	Driller noted hard augering at 18' to 22'
		4	7		6		
20							REF = Sample Spoon Refusal
	8	20	19			Brown fine GRAVEL, some f-c Sand, little Silty Clay (moist, compact, GC-GM)	
		21	25		40		NQ '2' Size Rock Core
	9	50/0			REF	22.0' to 24.4': Brown f-c GRAVEL, some f-c Sand, little Silty Clay (moist, GC-GM)	RUN #1: 22.0' - 27.0' REC = 66% RQD = 21%
25						Brown SHALE Rock, medium hard, sound, laminated to thickly bedded, both natural and mechanical fractures	
							RUN #2: 27.0' - 31.0' REC = 90% RQD = 85%
30							
						Boring Complete at 31.0'	No Free Standing Water encountered before coring
35							Free Standing Water recorded at 1' after coring
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. KOSKE
DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

DATE:
START 7/24/2020
FINISH 7/24/2020
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-5
SURF. ELEV 582.0'
G.W. DEPTH See Notes

PROJECT: PROPOSED ELYSIUM APARTMENT COMPLEX
PROJ. NO.: BE-20-105
LOCATION: 2160 NORTH FOREST ROAD
AMHERST, NY

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	1	4			TOPSOIL	Driller noted topsoil at the surface
		7	10		11	Brown Silty CLAY, some fine Gravel, little f-c Sand, tr.organics (moist-wet, FILL)	
	2	8	9				
		10	12		19	Brown-Black ASPHALT fragments, little Silty Clay, little fine Gravel, tr.sand (moist, FILL)	
5	3	7	10				
		15	16		25	Contains some fine Gravel, little f-c Sand, tr.silty clay tr.organics	
	4	5	5				
		6	6		11	Dark Brown Silty CLAY, tr.sand, tr.organics (moist, stiff, CL)	
	5	1	2			Contains little f-m Sand (moist-wet, medium)	Sample #5: Contains wood
10		2	2		4		
	6	1	1			Brown-Gray f-m SAND, little Silty Clay, tr.organics (moist-wet, v.loose, SC-SM)	Samples #6 & #7: Contains wood
		2	1		3		
	7	1	2			Contains tr.gravel, tr.shells	
15		2	3		4		
						Boring Complete at 15.0'	No Free Standing Water recorded at boring completion
20							
25							
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: R. STEINER
DRILL RIG TYPE : CME-550X
METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

APPENDIX B

SUBSURFACE EXPLORATION LOGS

Previously Completed Test Borings
February 2020 (B-1)
June 2014 (B-1)

DATE:
START 2/20/2020
FINISH 2/20/2020
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-1
SURF. ELEV 580.0'
G.W. DEPTH See Notes

PROJECT: PROPOSED NEW HOME
PROJ. NO.: BE-20-010
LOCATION: 2160-2170 NORTH FOREST
AMHERST, NY

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	WOH	2			TOPSOIL	Driller noted Topsoil at the surface
		3	5		5	Brown Silty CLAY, tr.sand, tr.organics (moist, FILL)	
	2	6	3			Becomes Dark Brown to Brown, Contains tr.asphalt, tr.brick	
		2	3		5		
5	3	2	2			Brown Silty CLAY, tr.gravel, tr.sand (moist-wet, FILL)	
		3	3		5		
	4	4	4			Brown Silty CLAY, tr.gravel, tr.sand, tr.organics	
		3	3		7	(moist-wet, medium, CL / Possible FILL)	
	5	1	1			Dark Brown Silty CLAY, tr.sand, tr.organics	
10		1	1		2	(moist, v.soft, CL)	
	6	WOH	WOH			Becomes Dark Brown to Dark Gray, occasional moist-wet partings	WOH = Weight of Hammer and Rods
		WOH	WOH		WOH		
	7	WOH	WOH			Red Brown Silty CLAY, some f-c Sand	
		WOH	WOH		WOH	(moist-wet, v.soft, CL)	
15	8	WOH	WOH			Contains some f-c Gravel	
		2	3		2		
	9	7	8			Contains little f-c Gravel (v.stiff)	
		8	8		16		
	10	8	12			Contains some f-c Gravel (moist)	
20		12	13		24		
	11	15	24			Contains little f-c Sand (hard)	
		17	19		41		
							REF = Sample Spoon Refusal
25							
	12	27	50/0.4		REF	Brown f-c SAND, some Silt, little f-c Gravel (moist, v.compact, SM)	Sample #13: Poor Recovery, possible weathered bedrock
	13	50/0.2			REF	Brown fine GRAVEL, tr.sand (moist, v.compact, GP)	
30						Boring Complete with Auger Refusal at 27.7'	No Free Standing Water encountered at boring completion
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: S. WOLKIEWICZ JR.

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

DATE
START 6/30/2014
FINISH 6/30/2014
SHEET 1 OF 1

SJB SERVICES, INC.
SUBSURFACE LOG

HOLE NO. B-1
SURF. ELEV 581' +/-
G.W. DEPTH See Notes

PROJECT: PROPOSED RESIDENTIAL HOME
PROJ. NO.: BE-14-109
LOCATION: 2160 NORTH FOREST ROAD
AMHERST, NY

DEPTH FT.	SMPL NO.	BLOWS ON SAMPLER 0/6	6/12	12/18	N	SOIL OR ROCK CLASSIFICATION	NOTES
	1	3	4			TOPSOIL	Driller notes approx. 6" Topsoil
		5	7		9	Red-Brown and Black Silty CLAY, tr.sand, tr.gravel (moist, FILL)	
	2	5	8				
		7	10		15	Brown-Gray and Black f-m SAND, some Silt, tr.gravel (moist, FILL)	
5	3	3	3				
		4	4		7	Black Organic Clayey SILT, little f-c Sand (moist, FILL)	
	4	2	2			Gray and Black Organic Silty CLAY, tr.peat (moist, medium, OL-CL)	
		3	4		5		
	5	2	3				
10		3	3		6		
	6	2	2				
		2	2		4		
	7	3	2				
		3	4		5		
15	8	WOH/1.5				Becomes Red-Brown (wet, v.soft)	WOH = Weight of Hammer and Rods
			1		WOH		
	9	1	1				
		1	1		2	Contains little f-c Sand, tr.gravel	REF = Sample Spoon Refusal
	10	31	50/0.3		REF	Red-Brown f-m SAND and Silt, tr.gravel (moist, SM)	
20							
	11	19	23				
		21	22		44	(compact)	
25							
	12	19	50/0.4		REF		
						Boring Complete with Sample Spoon Refusal at 25.9' and Auger Refusal at 26.0'	No Free Standing Water encountered at Boring Completion
30							
35							
40							

N = NO. BLOWS TO DRIVE 2-INCH SPOON 12-INCHES WITH A 140 LB. PIN WT. FALLING 30-INCHES PER BLOW

CLASSIFIED BY: Geologist

DRILLER: A. JAKUBCZAK

DRILL RIG TYPE : CME-550X

METHOD OF INVESTIGATION ASTM D-1586 USING HOLLOW STEM AUGERS

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

APPENDIX C

FILL MATERIAL AND EARTHWORK RECOMMENDATIONS

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

APPENDIX C

FILL MATERIAL AND EARTHWORK RECOMMENDATIONS

I. Material Recommendations

A. Structural Fill

Structural Fill should consist of a crusher run stone, free of clay, organics and friable or deleterious particles. As a minimum, the crusher run stone should meet the requirements of New York State Department of Transportation, Standard Specifications, Item 304.12 – Type 2 Subbase, with the following gradation requirements.

Sieve Size Distribution	Percent Finer by Weight
2 inch	100
¼ inch	25-60
No. 40	5-40
No. 200	0-10

B. Subbase Stone

The subbase stone course placed as the aggregate course beneath slab-on-grade and pavement construction should conform to the same material requirements as Structural Fill as stated above.

C. Suitable Granular Fill

Suitable soil material, well graded from coarse to fine and classified as GW, GP, GM, SW, SP or SM type soil using the Unified Soil Classification System (ASTM D-2487) and having no more than 85 percent by weight material passing the No. 4 sieve, no more than 20 percent by weight material passing the No. 200 sieve and which is generally free of particles greater than 6 inches, will be acceptable as Suitable Granular Fill. It should also be free of topsoil, asphalt, concrete rubble, wood, debris, clay and other deleterious materials.

Suitable Granular Fill can be used as foundation backfill and as subgrade fill to raise site grades beneath slab-on-grade and pavement construction. Material meeting the requirements of New York State Department of Transportation, Standard Specifications, Item 203.07 – Select Granular Fill, or Item 203.20 Select Granular Subgrade is acceptable for use as Suitable Granular Fill.

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

II. Placement and Compaction Requirements

All controlled fill placed beneath foundations, slab-on-grade construction and pavement construction should be compacted to a minimum of 95 percent of the maximum dry density as measured by the modified Proctor test (ASTM D1557). Fill placed in non-loaded grass areas can be compacted to a minimum of 90 percent of the maximum dry density (ASTM D1557).

Placement of fill should not exceed a maximum loose lift thickness of 6 to 9 inches with the exception of subbase courses beneath slab on grade and pavement construction, which can be placed in a single lift not exceeding 15 inches. The loose lift thickness should be reduced in conjunction with the compaction equipment used so that the required density is attained.

Fill should have a moisture content within two percent of the optimum moisture content at the time of compaction. Subgrades should be properly drained and protected from moisture and frost. Placement of fill on frozen subgrades is not acceptable. It is recommended that all fill placement and compaction be monitored and tested on a full-time basis by a representative of Empire Geo-Services, Inc.

III. Quality Assurance Testing

The following minimum laboratory and field quality assurance testing frequencies are recommended to confirm fill material quality and post placement and compaction conditions. These minimum frequencies are based on generally uniform material properties and placement conditions. Should material properties vary or conditions at the time of placement vary (i.e. moisture content, placement and compaction, procedures or equipment, etc.) Then additional testing is recommended. Additional testing, which may be necessary, should be determined by qualified geotechnical personnel, based on evaluation of the actual fill material and construction conditions.

A. Laboratory Testing of Material Properties

- Moisture content (ASTM D-2216) - 1 test per 4,000 cubic yards or no less than 2 tests per each material type.
- Grain Size Analysis (ASTM D-422) - 1 test per 4,000 cubic yards or no less than 2 tests per each material type.
- Liquid and Plastic Limits (ASTM D-4318) 1 test per 4,000 cubic yards or no less than 2 tests per each material type. Liquid and Plastic Limit testing is necessary only if appropriate, based on material composition (i.e. clayey or silty soils).

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

- Modified Proctor Moisture Density Relationship (ASTM D-1557) 1 test per 4,000 cubic yards or no less than 1 test per each material type. A maximum/minimum density relationship (ASTM D-4253 and ASTM D-4254) may be an appropriate substitute for ASTM D-1557 depending on material gradation.

B. Field In-Place Moisture/Density Testing (ASTM D-3017 and ASTM D-2922)

- Backfilling along trenches and foundation walls - 1 test per 50 lineal feet per lift.
- Backfilling Isolated Excavations (i.e. column foundations, manholes, etc.) 1 test per lift.
- Filling in open areas for slab-on-grade construction - 1 test per 2,500 square feet per lift.

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

APPENDIX D

GEOTECHNICAL REPORT LIMITATIONS

GEOTECHNICAL REPORT LIMITATIONS

WMA Engineering DPC / DBA Empire Geotechnical Engineering Services (Empire) has endeavored to meet the generally accepted standard of care for the services completed, and in doing so is obliged to advise the geotechnical report user of our report limitations. Empire believes that providing information about the report preparation and limitations is essential to help the user reduce geotechnical-related delays, cost over-runs, and other problems that can develop during the design and construction process. Empire would be pleased to answer any questions regarding the following limitations and use of our report to assist the user in assessing risks and planning for site development and construction.

PROJECT SPECIFIC FACTORS: The conclusions and recommendations provided in our geotechnical report were prepared based on project specific factors described in the report, such as size, loading, and intended use of structures; general configuration of structures, roadways, and parking lots; existing and proposed site grading; and any other pertinent project information. Changes to the project details may alter the factors considered in development of the report conclusions and recommendations. *Accordingly, Empire cannot accept responsibility for problems which may develop if we are not consulted regarding any changes to the project specific factors that were assumed during the report preparation.*

SUBSURFACE CONDITIONS: The site exploration investigated subsurface conditions only at discrete test locations. Empire has used judgement to infer subsurface conditions between the discrete test locations, and on this basis the conclusions and recommendations in our geotechnical report were developed. It should be understood that the overall subsurface conditions inferred by Empire may vary from those revealed during construction, and these variations may impact on the assumptions made in developing the report conclusions and recommendations. *For this reason, Empire should be retained during construction to confirm that conditions are as expected, and to refine our conclusions and recommendations in the event that conditions are encountered that were not disclosed during the site exploration program.*

USE OF GEOTECHNICAL REPORT: Unless indicated otherwise, our geotechnical report has been prepared for the use of our client for specific application to the site and project conditions described in the report. *Without consulting with Empire, our geotechnical report should not be applied by any party to other sites or for any uses other than those originally intended.*

CHANGES IN SITE CONDITIONS: Surface and subsurface conditions are subject to change at a project site subsequent to preparation of the geotechnical report. Changes may include, but are not limited to, floods, earthquakes, groundwater fluctuations, and construction activities at the site and/or adjoining properties. *Empire should be informed of any such changes to determine if additional investigative and/or evaluation work is warranted.*

MISINTERPRETATION OF REPORT: The conclusions and recommendations contained in our geotechnical report are subject to misinterpretation. *To limit this possibility, Empire should review project plans and specifications relative to geotechnical issues to confirm that the recommendations contained in our report have been properly interpreted and applied.*

Subsurface exploration logs and other report data are also subject to misinterpretation by others if they are separated from the geotechnical report. This often occurs when copies of logs are given to contractors during the bid preparation process. *To minimize the potential for misinterpretation, the subsurface logs should not be separated from our geotechnical report and the use of excerpted or incomplete portions of the report should be avoided.*

OTHER LIMITATIONS: Geotechnical engineering is less exact than other design disciplines, as it is based partly on judgement and opinion. For this reason, our geotechnical report may include clauses that identify the limits of Empire's responsibility, or that may describe other limitations specific to a project. These clauses are intended to help all parties recognize their responsibilities and to assist them in assessing risks and decision making. Empire would be pleased to discuss these clauses and to answer any questions that may arise.

Attachment: GeoTech report_2160 & 2170 N For (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon Development Plan)

March 3, 2021

Brian J. Kulpa, Supervisor
Town of Amherst Town Board
5583 Main Street
Williamsville, NY 14221

Re: Application to Reclassify 2160 and 2170 North Forest Road from
NCD-SA to NCD-ND and to Amend the Audubon Development Plan [Z-2020-06]
Applicant/Project Sponsor: Coromandel Estates Amherst LLC
File 10181.1

Dear Supervisor Kulpa and Councilmembers:

This letter is being submitted on behalf of Applicant for the purpose of submitting an updated Concept Site Plan incorporating modifications to the project layout made based on input received during the public hearing held by the Town Board on February 22nd as well as additional modifications made for the purpose of improving the layout of the proposed residential project.

Attached as Exhibit "1" is the updated Concept Site Plan [Drawing AS-101 – Date: 03/01/21] prepared by Christina Barmosz of Silvestri Architects PC incorporating the following modifications to the project layout:

1. The previously proposed stormwater basin on the western portion of the Project Site adjacent to the property at 2180 North Forest Road has been eliminated;

2. The dumpster enclosure has been relocated from the western portion of the Project Site to the eastern portion of Project Site. Additionally, screening has been added on the exterior edges of the dumpster enclosure;

3. The previously proposed two-story eight-unit building has been replaced with 2 two-story four-unit buildings;

4. The proposed covered patio with a fire pit has been relocated so that it will between the 2 two-story four-unit buildings;

5. Landscaping and a fence has been added along the western boundary of the Project that is contiguous to 2180 North Forest Road;

6. Landscaping has been added along the North Forest Road frontage of the Project Site;

7. The parking to be provided on the Project Site has been increased from 17 spaces to 23 spaces (2.88 parking spaces per unit) consistent with the zoning condition recommended by the Planning Board on January 21st in connection with its issuance of a favorable

Attachment: Kulpa-Ltr-Updated Concept Site Plan-03-03-21 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon

recommendation to the Town Board stating: "That the petitioner include additional parking spaces beyond the 17 spaces shown on the concept plan at the site plan stage.[1]"

Attached as Exhibit "2" are copies of the project update letters to interested property owners dated March 2nd that included an 11" x 17" size copy of the updated Concept Site Plan. The updated Concept Plan demonstrates the concerted effort that has been made by the project team to incorporate input received from the public during the public hearing held on February 22nd.

The Town Board will be holding continuation of the virtual public hearing in connection with the pending request to reclassify the Project Site from NCD-SA to NCD-ND and to amend the Audubon Development Plan during its meeting on Monday, March 8th at 7:00 p.m. The Applicant is requesting that the Town Board adopt a resolution during its upcoming meeting for the purpose of issuing a negative declaration pursuant to the State Environmental Quality Review Act ("SEQRA") and approving the requested reclassification of the Project Site from NCD-SA to NCD-ND and an amendment of the Audubon New Community Development Plan.

If you have any questions regarding this letter or the attached documentation, please feel free to contact me at 510-4338 or via e-mail at shopkins@hsr-legal.com.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

cc: Jacqualine Berger, Deputy Supervisor
Deborah Bruch Bucki RN PhD, Councilmember
Shawn Lavin, Councilmember
Michael Szukala, Councilmember
Francina J. Spoth, Town Clerk
Kathy Cooper, Deputy Town Clerk
Stanley J. Sliwa, Esq., Town Attorney
Ellen Kost, AICP, Assistant Planning Director
Thiru Vikram, Coromandel Estates Amherst LLC
Christina Barmosz, Silvestri Architects PC
Christopher Wood, P.E., Carmina Wood Morris DPC

[1] During its meeting on January 21st, the Planning Board adopted a resolution by a unanimous 7-0 vote recommending that the Town Board: 1. Issue a negative declaration pursuant to SEQRA; 2. Approve the reclassification of the Project Site from NCD-SA to NCD-ND; and, 3. Approve Amendment #73 to the Audubon New Community District Development Plan. The Planning Board findings in support of its favorable recommendation were as follows: A. The proposed Revision to the Development Plan meets the intent and objectives of a New Community District as expressed in Subsection 1-1.1; B. The proposed Revision to the Development Plan meets all the requirements of Section 5-2-3 through 5-2-6; C. The proposed Revision to the Development Plan is conceptually sound in that it meets present and future community needs; D. There are or will be adequate services and utilities available or proposed to be made available in the construction of the development; and, E. The proposed Amendment to the Development Plan is consistent with the Town Comprehensive Plan.

Attachment: Kulpa-Ltr-Updated Concept Site Plan-03-03-21 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon

Exhibit 1 – Updated Concept Site Plan [Drawing AS-101 – Date: 03/01/21] Prepared by Christina Barmosz of Silvestri Architects PC

Attachment: Kulpa-Ltr-Updated Concept Site Plan-03-03-21 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon



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NORTH FOREST APARTMENTS

2160-2170 North Forest Rd
Amherst, ny

ISSUE:

SA PROJECT TEAM: PRINCIPAL P.Silvestri
PROJ. ARCH. S. Hunt DRAFTER W. Manhardt
JOB CAPT. _____ INTERIORS K. Hamann

SEAL:

TITLE:

CONCEPT SITE PLAN

SILVESTRI
ARCHITECTS · PC
1321 MILLERSPORT HWY PH. 716.691.0900
AMHERST, NY 14221 FAX. 716.691.4773

SA JOB #: 20060.02
DATE: 03/01/21

DRAWING #: AS-101

Attachment: Kulpa-Ltr-Updated Concept Site Plan-03-03-21 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon

Exhibit 2 – Project Update Letters to Residents dated March 2, 2021

Attachment: Kulpa-Ltr-Updated Concept Site Plan-03-03-21 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon

HSM

March 2, 2021

Joan Amico
1936 North Forest Road
Williamsville, NY 14221

Re: Application to Reclassify 2160 and 2170 North Forest Road from NCD-SA to NCD-ND and to Amend the Audubon Development Plan [Z-2020-06]
Applicant/Project Sponsor: Coromandel Estates Amherst LLC
File 10181.1

Dear Ms. Amico:

This letter is being sent to you to provide you with a project update. Based on the input received during the virtual public hearing held by the Town Board on February 22nd, the layout of the proposed project has been updated.

An 11" x 17" size copy of the updated Concept Site Plan [Drawing AS-101 – Date: 03/01/21] is enclosed depicting the following modifications to the project layout:

1. The previously proposed stormwater basin on the western portion of the Project Site adjacent to the property at 2180 North Forest Road has been eliminated;

2. The dumpster enclosure has been relocated from the western portion of the Project Site to the eastern portion of Project Site. Additionally, screening has been added on the exterior edges of the dumpster enclosure;

3. The previously proposed two-story eight-unit building has been replaced with 2 two-story four-unit buildings;

4. The proposed covered patio with a fire pit has been relocated so that it will between the 2 two-story four-unit buildings;

5. Landscaping and a fence has been added along the western boundary of the Project that is contiguous to 2180 North Forest Road; and

6. Landscaping has been added along the North Forest Road frontage of the Project Site.

The Town Board will be holding continuation of the virtual public hearing in connection with the pending request to reclassify the Project Site from NCD-SA to NCD-ND and to amend the Audubon Development Plan during its meeting on **Monday, March 8th at 7:00 p.m.**

If the Town Board approves the pending application, then the next step in the project review process will be to seek Site Plan approval from the Planning Board once the fully engineered plans

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.hsr-legal.com

Attachment: Kulpa-Ltr-Updated Concept Site Plan-03-03-21 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon

and related technical documentation have been prepared by Carmina Wood Morris DPC, the project engineering firm.

Please feel free to contact me with any questions at 510-4338 or via e-mail at shopkins@hsr-legal.com if you have any questions regarding this letter or the enclosed updated Concept Site Plan.

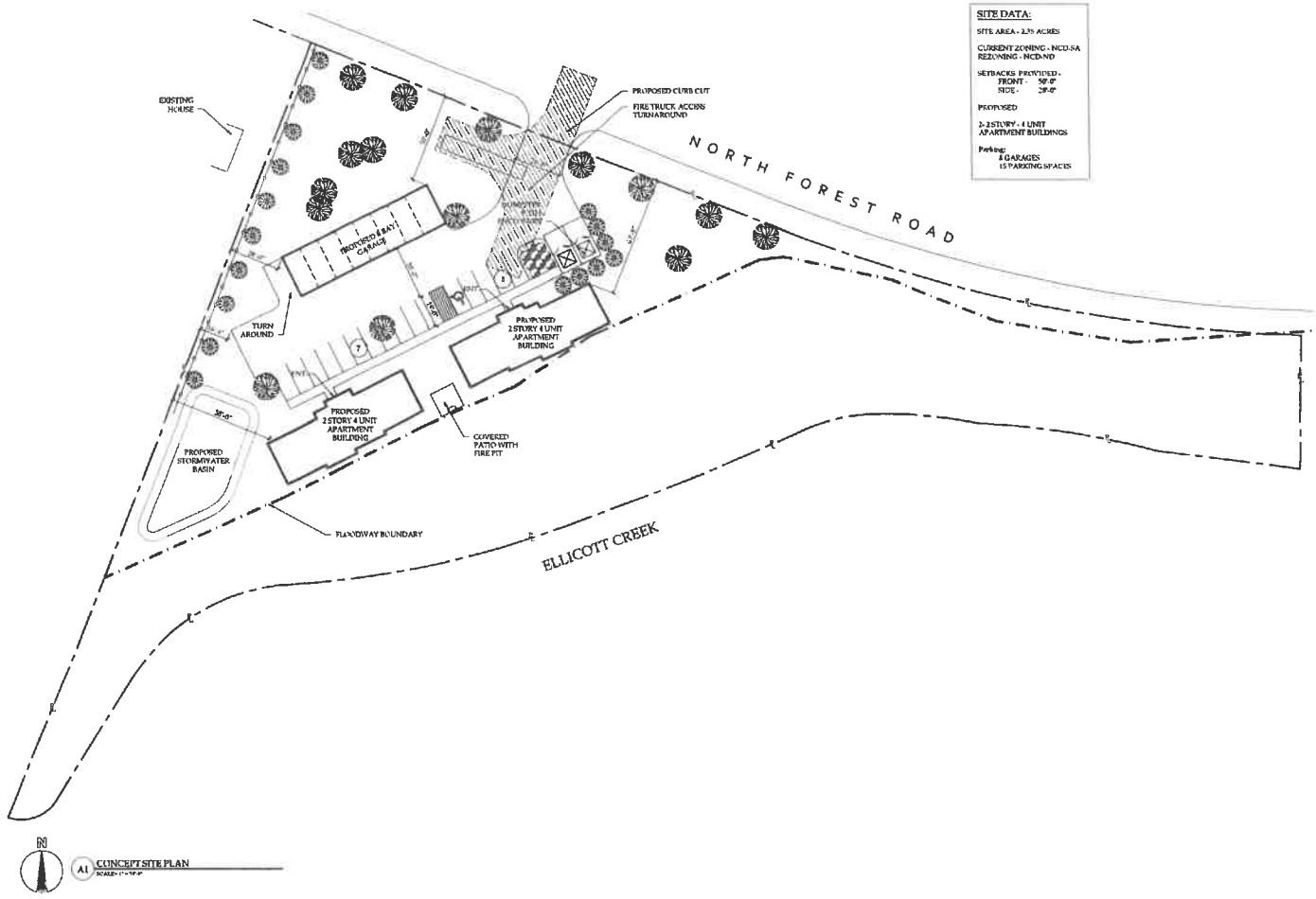
Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

Enc. 11" x 17" copy updated Concept Site Plan [Drawing AS-101 – Date: 03/01/21]

Attachment: Kulpa-Ltr-Updated Concept Site Plan-03-03-21 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon



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NORTH FOREST APARTMENTS

2160-2170 North Forest Rd
Amherst, ny

ISSUE

SA PROJECT TEAM: PRINCIPAL P.Silvestri
PROJ. ARCH. S.Hurd DRAFTER W.Masharoff
FOR CAPT. _____ INTERIORS K.Hansen

SEAL:

TITLE:

CONCEPT SITE PLAN

SILVESTRI
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1291 MILITARY RD PH. 716.691.0900
AMHERST NY 14221 FAX 716.691.4773

SA JOB #: 20060.02
DATE: 03/01/21
DRAWING #: AS-101

HSM

March 2, 2021

Joseph Hausbeck
2180 North Forest Road
Williamsville, NY 14221

Re: Application to Reclassify 2160 and 2170 North Forest Road from NCD-SA to NCD-ND and to Amend the Audubon Development Plan [Z-2020-06]
Applicant/Project Sponsor: Coromandel Estates Amherst LLC
File 10181.1

Dear Mr. Hausbeck:

This letter is being sent to you to provide you with a project update. Based on the input received during the virtual public hearing held by the Town Board on February 22nd, the layout of the proposed project has been updated.

An 11" x 17" size copy of the updated Concept Site Plan [Drawing AS-101 – Date: 03/01/21] is enclosed depicting the following modifications to the project layout:

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3. The previously proposed two-story eight-unit building has been replaced with 2 two-story four-unit buildings;

4. The proposed covered patio with a fire pit has been relocated so that it will between the 2 two-story four-unit buildings;

5. Landscaping and a fence has been added along the western boundary of the Project that is contiguous to 2180 North Forest Road; and

6. Landscaping has been added along the North Forest Road frontage of the Project Site.

The Town Board will be holding continuation of the virtual public hearing in connection with the pending request to reclassify the Project Site from NCD-SA to NCD-ND and to amend the Audubon Development Plan during its meeting on **Monday, March 8th at 7:00 p.m.**

If the Town Board approves the pending application, then the next step in the project review process will be to seek Site Plan approval from the Planning Board once the fully engineered plans

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.hsr-legal.com

Attachment: Kulpa-Ltr-Updated Concept Site Plan-03-03-21 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon

and related technical documentation have been prepared by Carmina Wood Morris DPC, the project engineering firm.

Please feel free to contact me with any questions at 510-4338 or via e-mail at shopkins@hsr-legal.com if you have any questions regarding this letter or the enclosed updated Concept Site Plan.

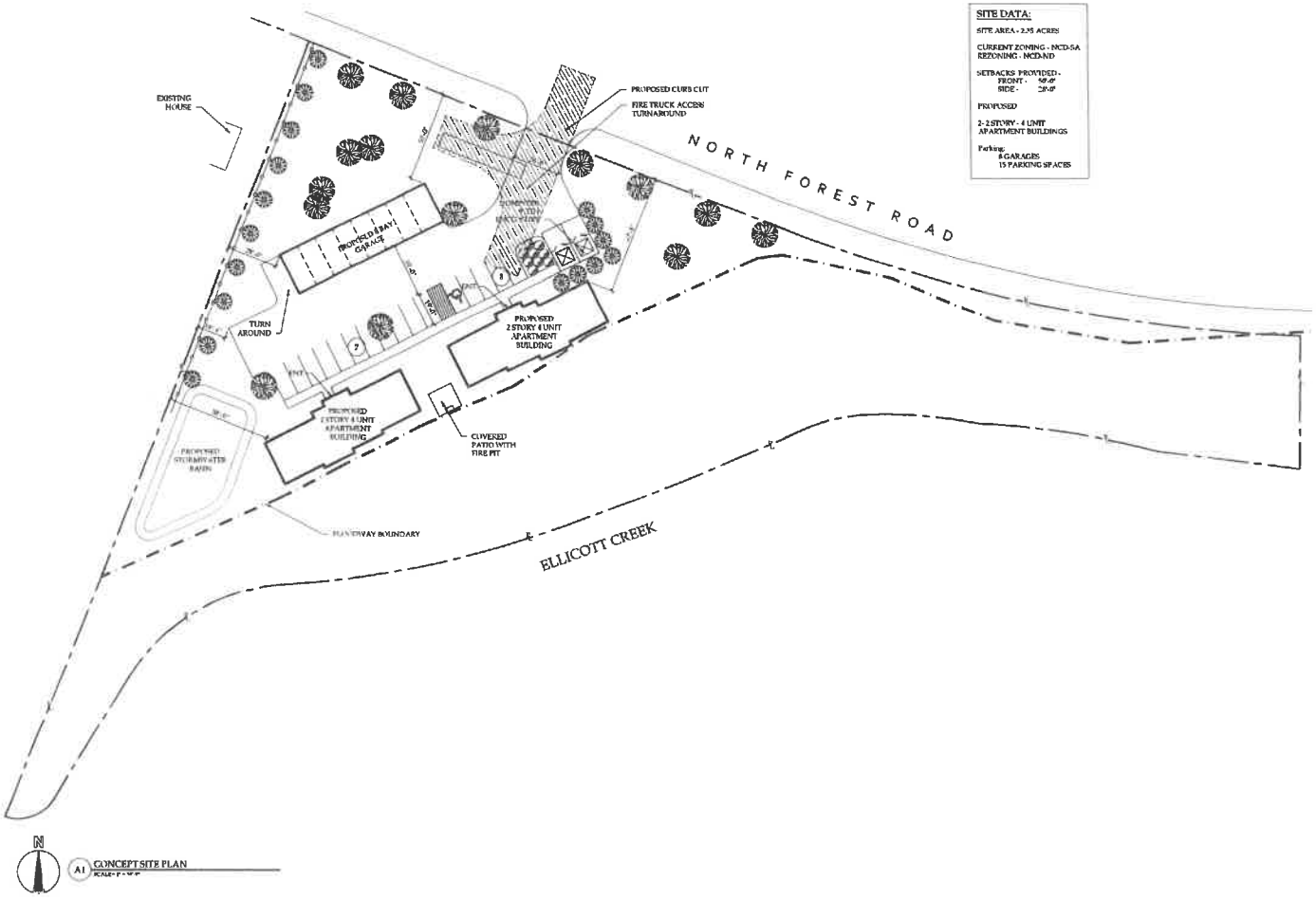
Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

Enc. 11" x 17" copy updated Concept Site Plan [Drawing AS-101 – Date: 03/01/21]

Attachment: Kulpa-Ltr-Updated Concept Site Plan-03-03-21 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon



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2160-2170 North Forest Rd
Amherst, ny

ISSUE:

SA PROJECT TEAM: PRINCIPAL P.Silvestri
PROJ. ARCH. S.Hunt DRAFTER W.Manhardt
JOB CAPT. INTERIORS K.Hermann

SEAL:

TITLE:

CONCEPT SITE PLAN

SILVESTRI
ARCHITECTS · PC
1301 MILLERSPORT HWY PH. 716.691.0800
AMHERST NY 14221 FAX 716.691.4773

SA JOB #: 20060.02
DATE: 03/01/21
DRAWING #: AS-101

HSM

March 2, 2021

Fran Cummings
2200 North Forest Road
Williamsville, NY 14221

Re: Application to Reclassify 2160 and 2170 North Forest Road from NCD-SA to NCD-ND and to Amend the Audubon Development Plan [Z-2020-06]
Applicant/Project Sponsor: Coromandel Estates Amherst LLC
File 10181.1

Dear Ms. Cummings:

This letter is being sent to you to provide you with a project update. Based on the input received during the virtual public hearing held by the Town Board on February 22nd, the layout of the proposed project has been updated.

An 11" x 17" size copy of the updated Concept Site Plan [Drawing AS-101 – Date: 03/01/21] is enclosed depicting the following modifications to the project layout:

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4. The proposed covered patio with a fire pit has been relocated so that it will between the 2 two-story four-unit buildings;

5. Landscaping and a fence has been added along the western boundary of the Project that is contiguous to 2180 North Forest Road; and

6. Landscaping has been added along the North Forest Road frontage of the Project Site.

The Town Board will be holding continuation of the virtual public hearing in connection with the pending request to reclassify the Project Site from NCD-SA to NCD-ND and to amend the Audubon Development Plan during its meeting on **Monday, March 8th at 7:00 p.m.**

If the Town Board approves the pending application, then the next step in the project review process will be to seek Site Plan approval from the Planning Board once the fully engineered plans

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.hsr-legal.com

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and related technical documentation have been prepared by Carmina Wood Morris DPC, the project engineering firm.

Please feel free to contact me with any questions at 510-4338 or via e-mail at shopkins@hsr-legal.com if you have any questions regarding this letter or the enclosed updated Concept Site Plan.

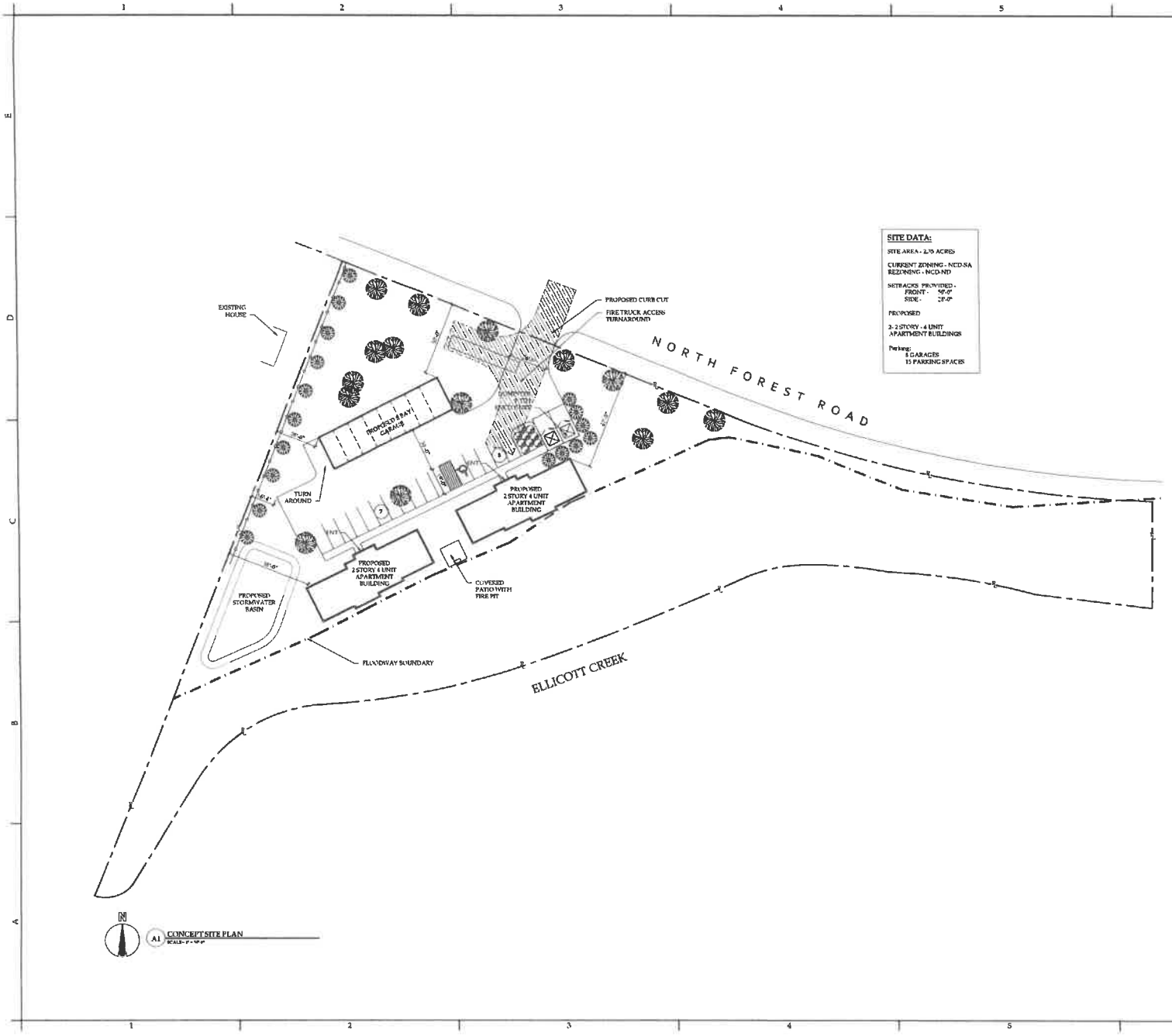
Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

Enc. 11" x 17" copy updated Concept Site Plan [Drawing AS-101 – Date: 03/01/21]

Attachment: Kulpa-Ltr-Updated Concept Site Plan-03-03-21 (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon



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NORTH FOREST APARTMENTS

2160-2170 North Forest Rd
Amherst, ny

ISSUE:

SA PROJECT TEAM: PRINCIPAL P.Silvestri
PROJ. ARCH. S. Hunt DRAFTER W. Manhardt
JOB CAPT. _____ INTERIORS K. Hamann

SEAL:

TITLE:

CONCEPT SITE PLAN

SILVESTRI
ARCHITECTS · PC
1324 MILITARY/SPORT HWY PH. 716.691.0800
AMHERST NY 14221 FAX 716.691.4773

SA JOB #: 20060.02
DATE: 03/01/21
DRAWING #: AS-101

HSM

March 2, 2021

Karen Macris
2230 North Forest Road
Williamsville, NY 14221

Re: Application to Reclassify 2160 and 2170 North Forest Road from NCD-SA to NCD-ND and to Amend the Audubon Development Plan [Z-2020-06]
Applicant/Project Sponsor: Coromandel Estates Amherst LLC
File 10181.1

Dear Karen:

This letter is being sent to you to provide you with a project update. Based on the input received during the virtual public hearing held by the Town Board on February 22nd, the layout of the proposed project has been updated.

An 11" x 17" size copy of the updated Concept Site Plan [Drawing AS-101 – Date: 03/01/21] is enclosed depicting the following modifications to the project layout:

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6. Landscaping has been added along the North Forest Road frontage of the Project Site.

The Town Board will be holding continuation of the virtual public hearing in connection with the pending request to reclassify the Project Site from NCD-SA to NCD-ND and to amend the Audubon Development Plan during its meeting on **Monday, March 8th at 7:00 p.m.**

If the Town Board approves the pending application, then the next step in the project review process will be to seek Site Plan approval from the Planning Board once the fully engineered plans

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and related technical documentation have been prepared by Carmina Wood Morris DPC, the project engineering firm.

Please feel free to contact me with any questions at 510-4338 or via e-mail at shopkins@hsr-legal.com if you have any questions regarding this letter or the enclosed updated Concept Site Plan.

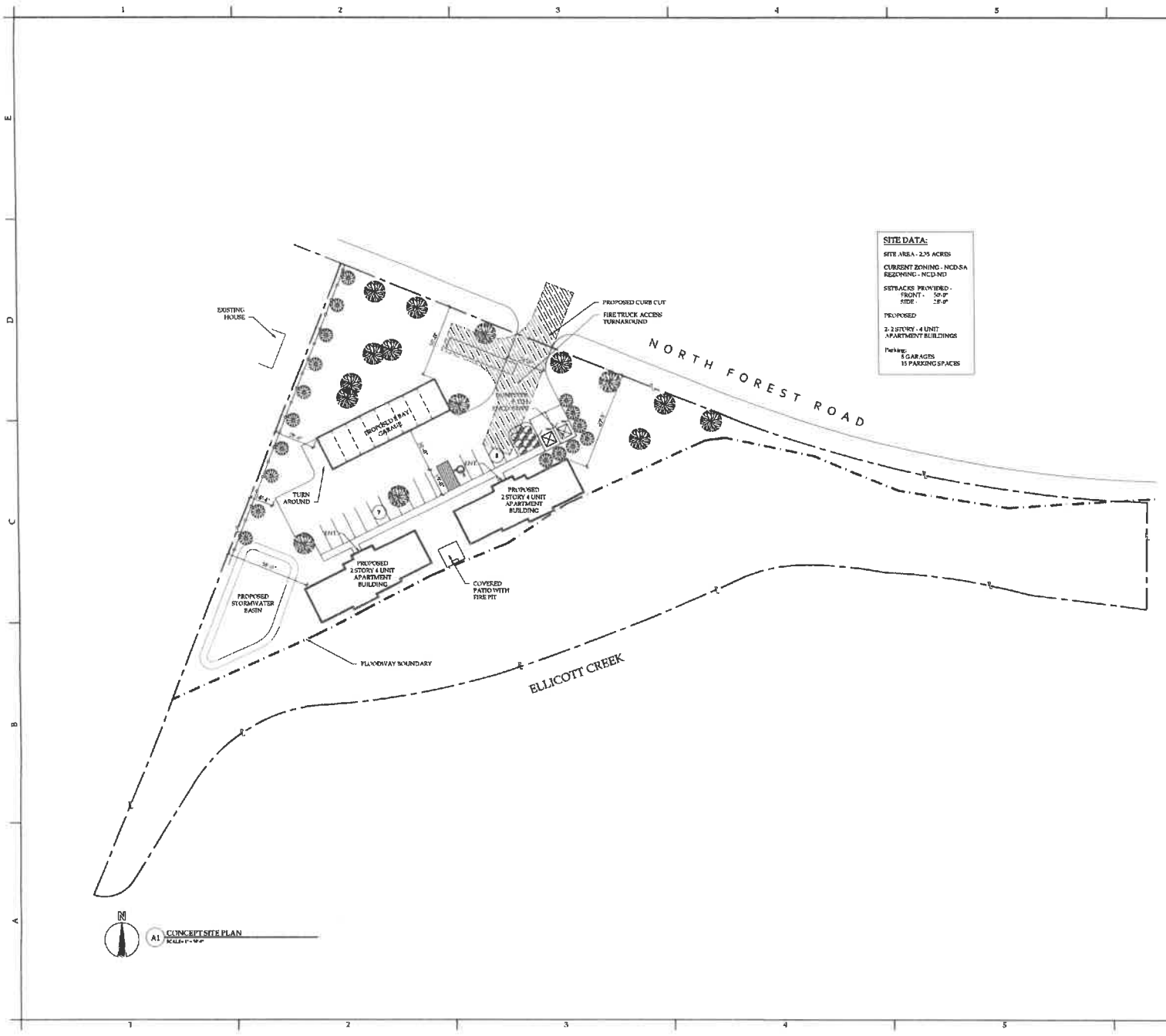
Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

Enc. 11" x 17" copy updated Concept Site Plan [Drawing AS-101 – Date: 03/01/21]

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NORTH FOREST APARTMENTS

2160-2170 North Forest Rd
Amherst, ny

ISSUE:

SA PROJECT TEAM: PRINCIPAL P. Silvestri
PROJ. ARCH. S. Hynd DRAFTER W. Manhardt
JOB CAPT. _____ INTERIORS K. Hamann

SEAL:

TITLE:

CONCEPT SITE PLAN

SILVESTRI
ARCHITECTS - PC
1321 AIRLEFSPORT HWY PH. 716.691.0000
AMHERST NY 14221 FAX 716.691.4773

SA JOB #: 20060.02
DATE: 03/01/21
DRAWING #: AS-101

Attachment: PP Presentation-2160 & 2170 N Forest-Town Board-05-03-21 (RES-2021-153 :

Public Hearing – Town of Amherst Town Board

Request to Approve Amendment #73 of the Audubon New Community Development Plan to Reclassify 2.35 acres of Land from NCD-SA to NCD-ND

Address: 2160 & 2170 North French Road

Petitioner: Coromandel Estates Amherst, LLC

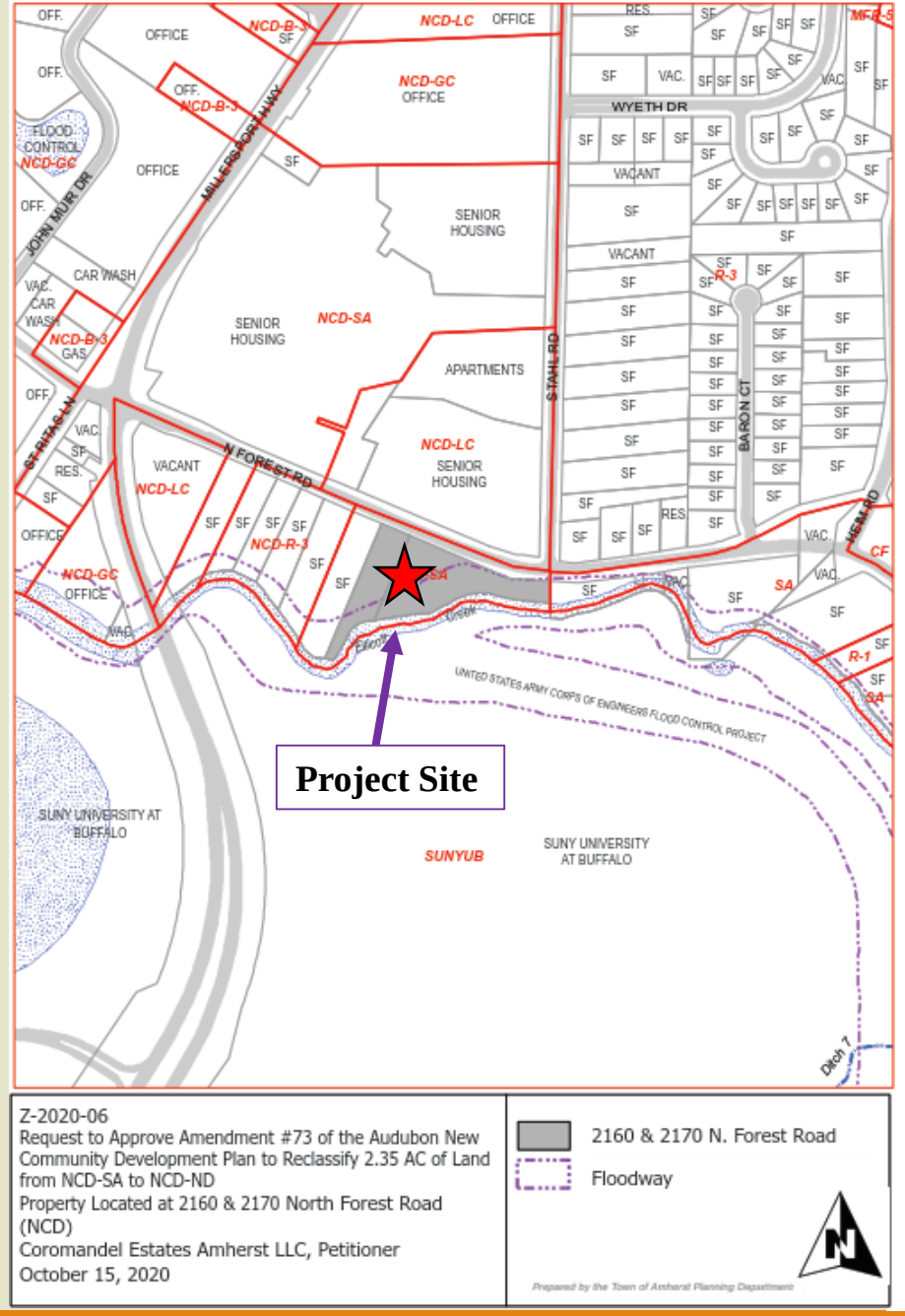
(Z-2020-06)

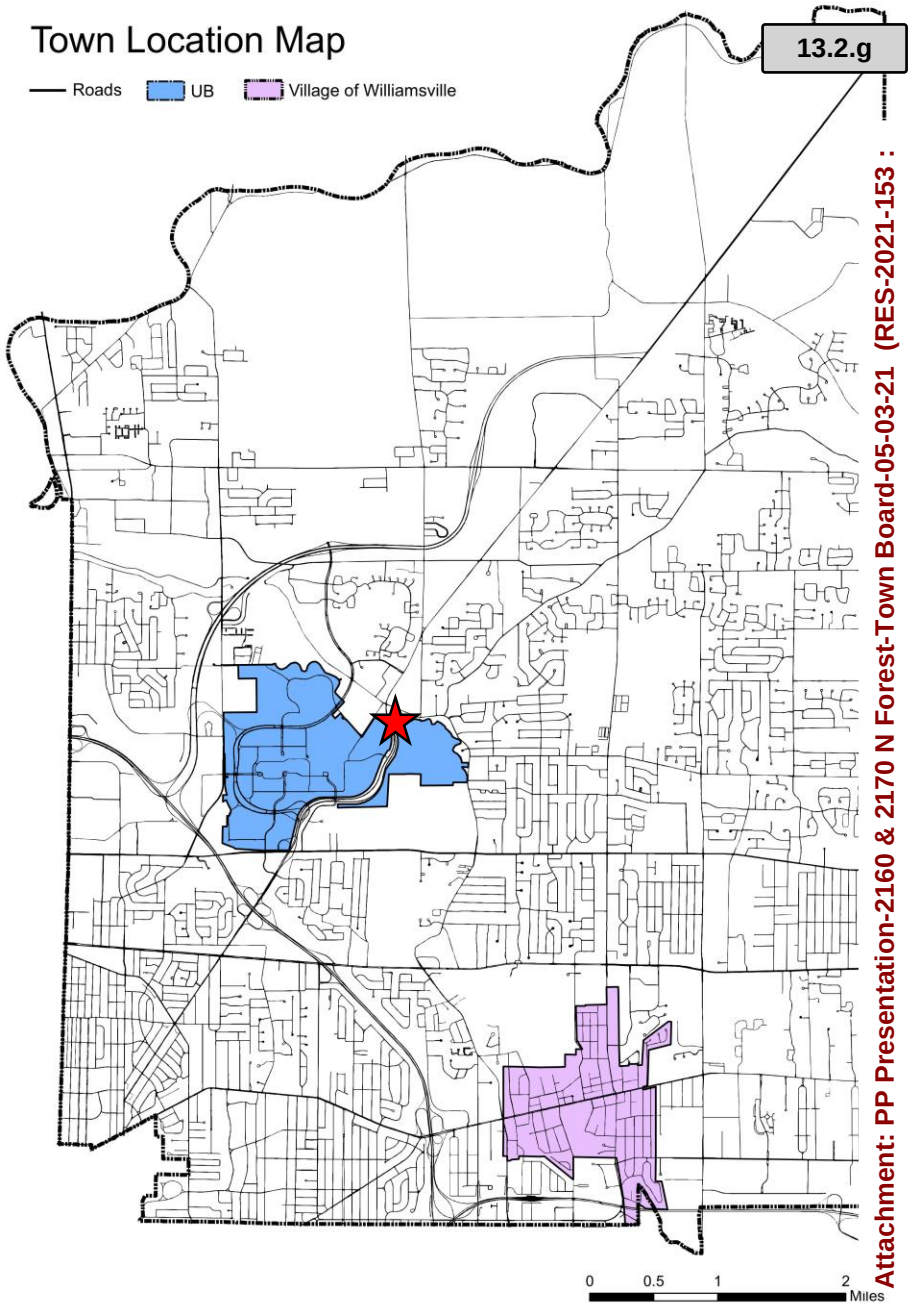
Location:

- South side of N Forest Road, approximately 900± feet southeast of the intersection of Millersport Hwy and N Forest Road; and located at the southwest corner of Stahl Road and N Forest Road intersection

Zoning: New Community District – Suburban Agriculture ("NCD-SA")

Proposed Reclassification: New Community District – Neighborhood District ("NCD-ND"





13.2.g

Attachment: PP Presentation-2160 & 2170 N Forest-Town Board-05-03-21 (RES-2021-153 :)

Continuation of the Public Hearings held on February 22nd and April 5th [Not requesting issuance of a decision this evening]

Parcel Size:
2.35± acres

Neighboring Uses:

- Vacant land zoned NCD-SA adjacent to the east
- Single Family residential zoned NCD-R3 to the west and north east
- Asbury Pointe Retirement Community – Zoned NCD-LC to the North
- Vacant land owned by SUNY to the south on the opposite side of Ellicott Creek



Attachment: PP Presentation-2160 & 2170 N Forest-Town Board-05-03-21 (RES-2021-153 :

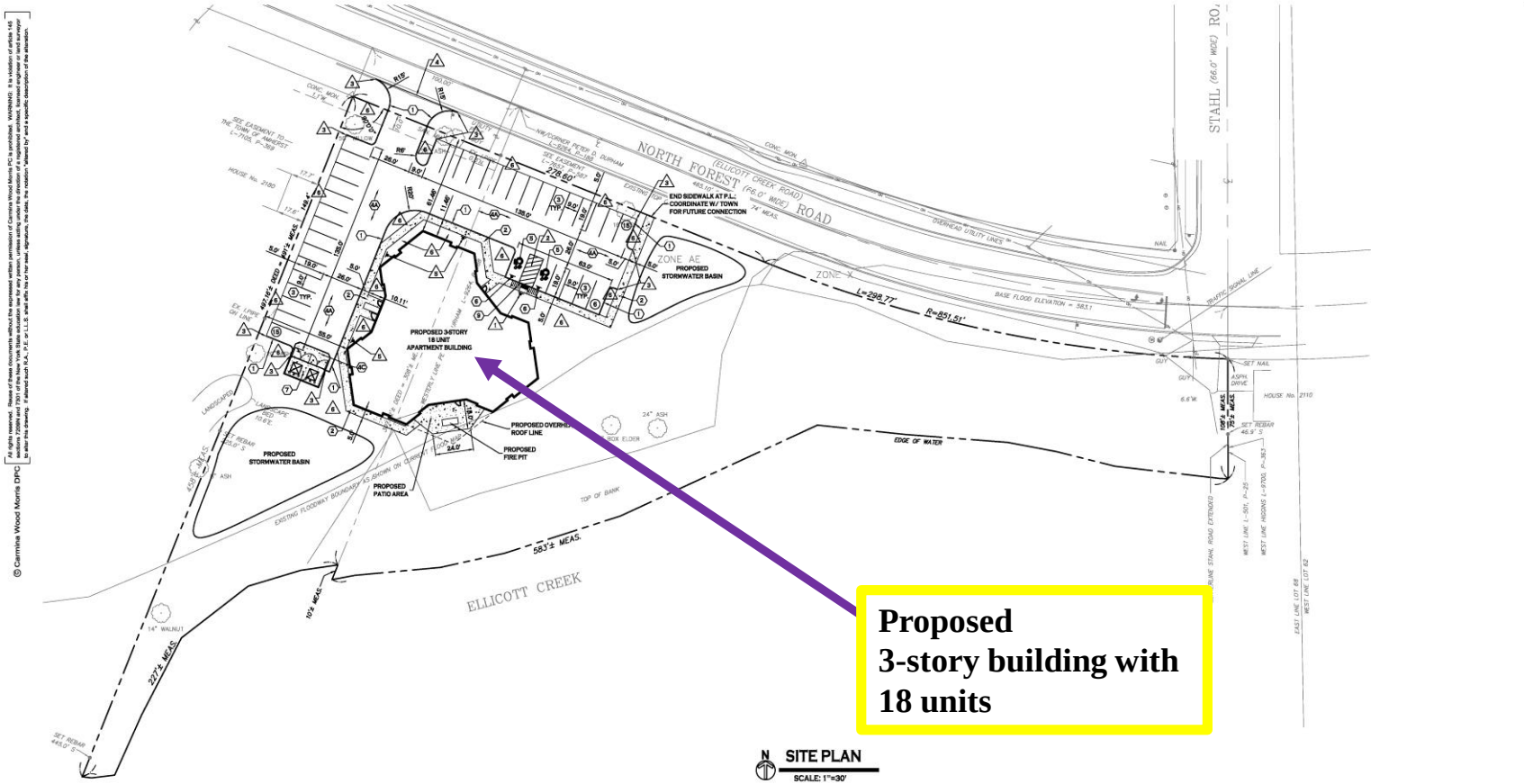
Project Description:

- Request to reclassify 2.35 acres of land from NCD-SA to NCD-ND, and a request to approve Amendment #73 of the Audubon New Community Development Plan
- Two 2-story multi-family building consisting of 8 attached residential units for lease and related site improvements.
- One driveway onto North Forest Road, access aisles, water and sanitary sewer lines and other necessary utility connections are included on the updated Concept Plan.
- The project is a Type I Action due to the proximity of the project site to Ellicott Creek, which is a flowing watercourse-any project within 100 ft. of a flowing watercourse is to be classified as Type I action per Town Local Law adopted in 1982.
- Letters with updated copy of the Concept Plan send to the individuals who spoke during the virtual public hearing held by the Town Board on February 22nd.

Attachment: PP Presentation-2160 & 2170 N Forest-Town Board-05-03-21 (RES-2021-153 :

Original Concept Plan:

- 3-story building with 18 units and 36 parking spaces
- The originally proposed project layout updated based on input received regarding the original Concept Plan



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GENERAL NOTES:

1. INSTALL ALL MATERIALS TO MANUFACTURER'S RECOMMENDATIONS AND BEST STANDARDS OF TRADE INVOLVED.
2. SUBSTITUTIONS SHALL BE MADE ONLY WITH OWNER'S APPROVAL AND BE OF EQUIVALENT QUALITY TO WHAT IS SPECIFIED.
3. WORK SHALL BE COMPLETED IN STRICT ACCORDANCE WITH ALL LOCAL CODES AND OSHA SAFETY RULES AND REGULATIONS.
4. VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS AT THE SITE. NOTIFY OWNER & ENGINEER OF DISCREPANCIES IN CONDITIONS SHOWN ON DRAWINGS PRIOR TO PROCEEDING WITH THE WORK.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF ANY EXISTING STRUCTURES TO REMAIN AND ANY FINISH MATERIAL INSTALLED WHILE WORKING ON OTHER COMPONENTS.
6. CONTRACTOR SHALL KEEP JOB FREE OF DEBRIS AND MAKE FINAL CLEANUP TO SATISFACTION OF OWNER.
7. CONTRACTOR SHALL ASCERTAIN THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION SO THAT THIS WORK WILL NOT DISTURB EXISTING LINES AND/OR INSTALLATIONS. COORDINATE ALL WORK WITH THE APPLICABLE UTILITY COMPANIES.
8. ALL OTHER PERMITS REQUIRED BY STATE OF NEW YORK, COUNTY OF ERIE, AND TOWN OF AMHERST ARE THE RESPONSIBILITY OF THE CONTRACTOR/DEVELOPER/OWNER.

SITE NOTES:

1. ALL RADII SHALL BE 3'-0" UNLESS OTHERWISE NOTED.
2. ALL DISTURBED AREAS SHALL HAVE 4" MIN. OF TOPSOIL AND SEED.
3. ALL DIMENSIONS FROM PROPERTY LINES SHALL BE MEASURED PERPENDICULAR TO THE PROPERTY LINE.
4. CENTER ENTRANCE SIDEWALKS ON DOOR OPENINGS.
5. BUILDING DIMENSIONS ARE APPROXIMATE, REFER TO ARCHITECTURAL DRAWINGS FOR LAYOUT DIMENSIONS.

DETAIL LEGEND SEE SITE DETAIL SHEET

1. CONCRETE CURB
2. CONCRETE SIDEWALK, 5' WIDE UNLESS OTHERWISE NOTED
3. 90° PARKING STALL
4A. STANDARD DUTY ASPHALT
4C. EXTERIOR CONCRETE SLAB ON GRADE
5. HANDICAP PAVEMENT MARKINGS
6. HANDICAPPED PARKING SIGN
7. DUMPSTER ENCLOSURE
8. LIGHT POLE FOUNDATION
9. HANDICAP PAVEMENT RAMP

NOTE LEGEND

1. INSTALL "NO PARKING" SIGN, M.U.T.C.D. SIGN NO. R7-1C
2. 4" WIDE YELLOW PAINT STRIPE @ 45° & 2' O.C., INFILL AREA AS SHOWN
3. RUNOUT CURB IN 2' OR MATCH EXISTING CURB
4. MATCH EX. EDGE OF PAVEMENT, SAWCUT AS REQ'D TO ACHIEVE SQUARE EDGE TO MATCH
5. INSTALL "NO PARKING - FIRE LANE" SIGN, M.U.T.C.D. SIGN NO. R8-3
6. LANDSCAPED AREA - SEE LANDSCAPE PLAN, IF NO PLANTINGS, INSTALL TOPSOIL & SEED

SITE DATA

TOTAL SITE: 2.35 ACRES
ZONED: NC/HA-1(CURRENT) TO BE REZONED TO NC/ND
USE: PROPOSED 3-STORY 18 UNIT APARTMENT BUILDING

PARKING REQ'D: 2 SPACE PER UNIT,
18 UNITS x2 = 36 SPACES REQ'D,
36 SPACES PROVIDED.

SITE LEGEND

- PROPERTY LINE
- PROPOSED CONCRETE CURB
- PROPOSED CONCRETE SIDEWALK
- PROPOSED ASPHALT PAVEMENT
- PROPOSED SIGN
- PROPOSED PARKING NUMBER (37)
- PROPOSED LIGHT POLE
- PROPOSED WALL MOUNTED LIGHT

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

30' 30 0 30 60FT.

Carmina Wood Morris DPC
487 Main Street Suite 800
Buffalo, New York 14203
P 716.842.3155
F 716.842.0263

REVISIONS:
No. Description Date

PROJECT NAME:
Site Development Plans for:
Proposed 3-Story Apartment bldg
2160 - 2170 North Forest Road
Amherst, New York

Date: 08/2020
Drawn by: C. Wood
Scale: As Noted

DRAWING NAME:
Concept
Site Plan

DRAWING NO.
C-100
Project no.: 20.143

Attachment: PP Presentation-2160 & 2170 N Forest-Town Board-05-03-21 (RES-2021-153 : Original Concept Plan)

Concept Plan Presented on February 22nd:

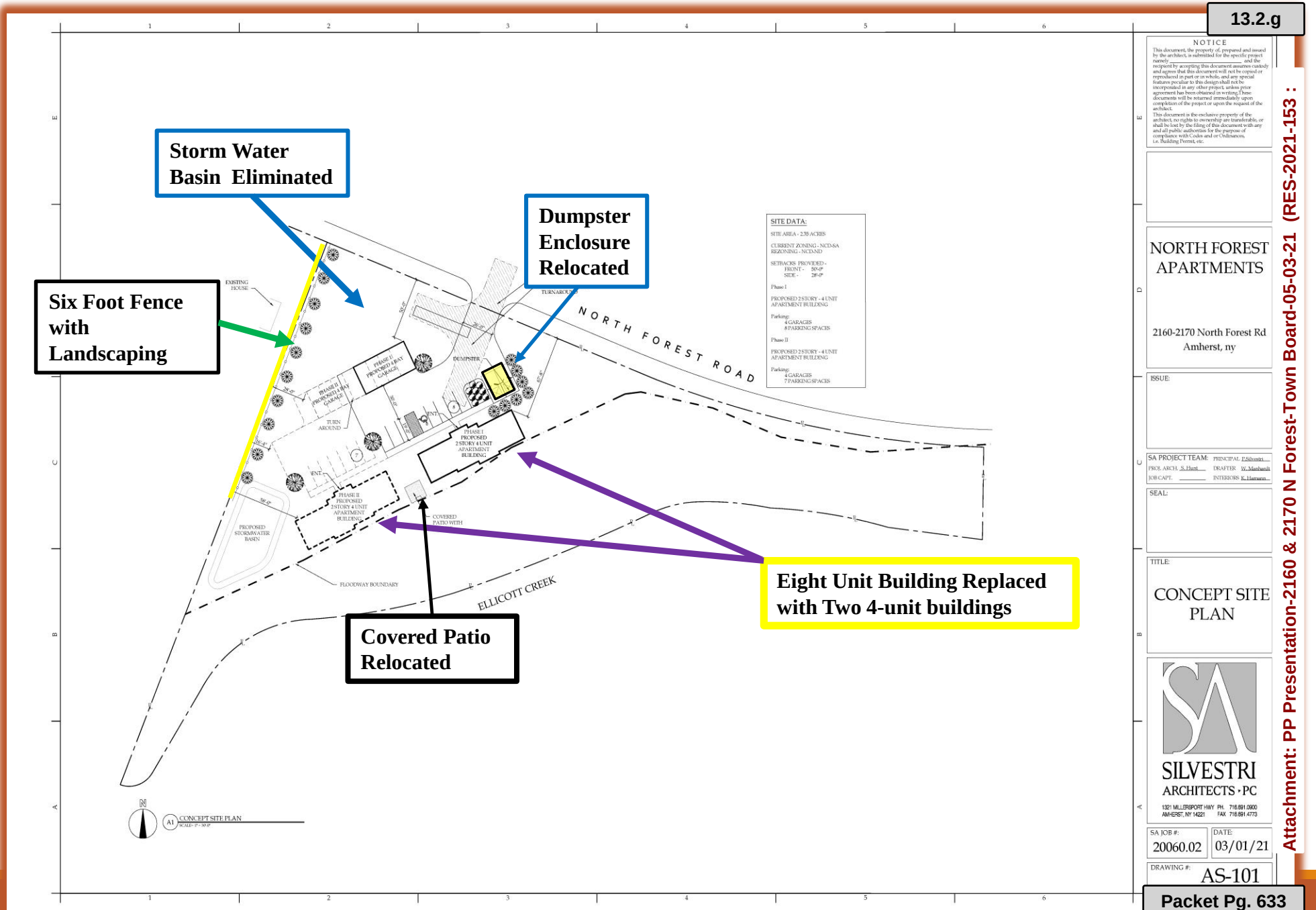
- Project layout had been updated based on input received regarding the original Concept Plan
- 2-story building with 8 units and 16 parking spaces [Density reduced by 56%]
- Low Density: 3.4 units per acre
- No impact to the regulated floodway



Attachment: PP Presentation-2160 & 2170 N Forest-Town Board-05-03-21 (RES-2021-153 :

Updated Concept Plan presented during the Public Hearing on April 5th:

- Two 2-story buildings with 23 parking spaces [8 garage spaces] – 2.87 spaces per unit
- Stormwater basin eliminated along North Forest Road frontage
- Covered patio relocated
- Dumpster enclosure relocated
- 6 foot fence with landscaping added along property line with 2180 North Forest Road
- No impact on the regulated floodway



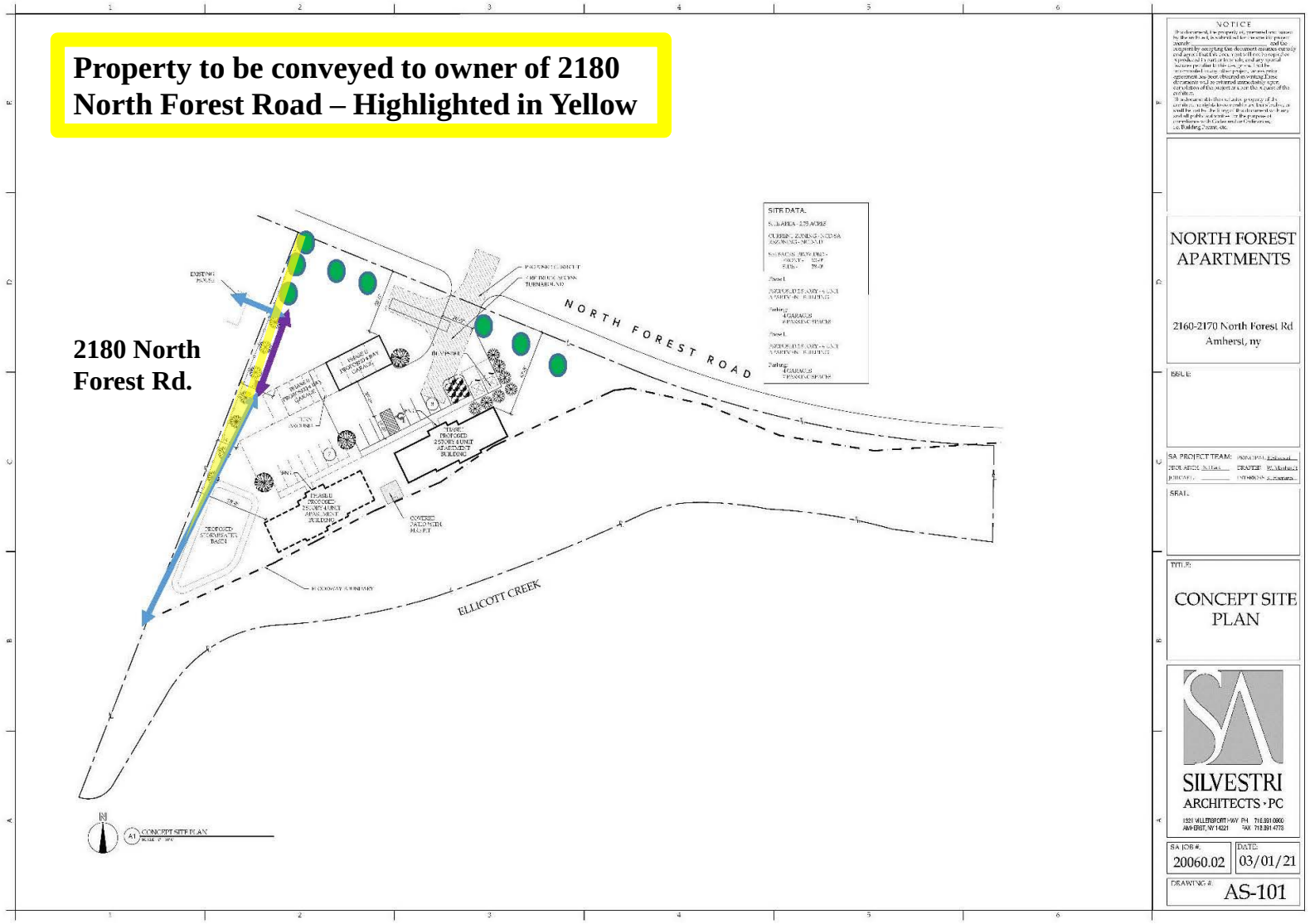
Updated Concept Plan:

Green: Landscaping along frontage of shared property line with 2180 North Forest Road and along North Forest Road frontage of the Project Site

Purple: 6 ft. fence beginning at front of home on 2180 North Forest Road located 15 ft. from existing property line

Blue: Ranch style open fence with height of approx. 3 ft. [same fence to be attached to existing home on adjacent property]

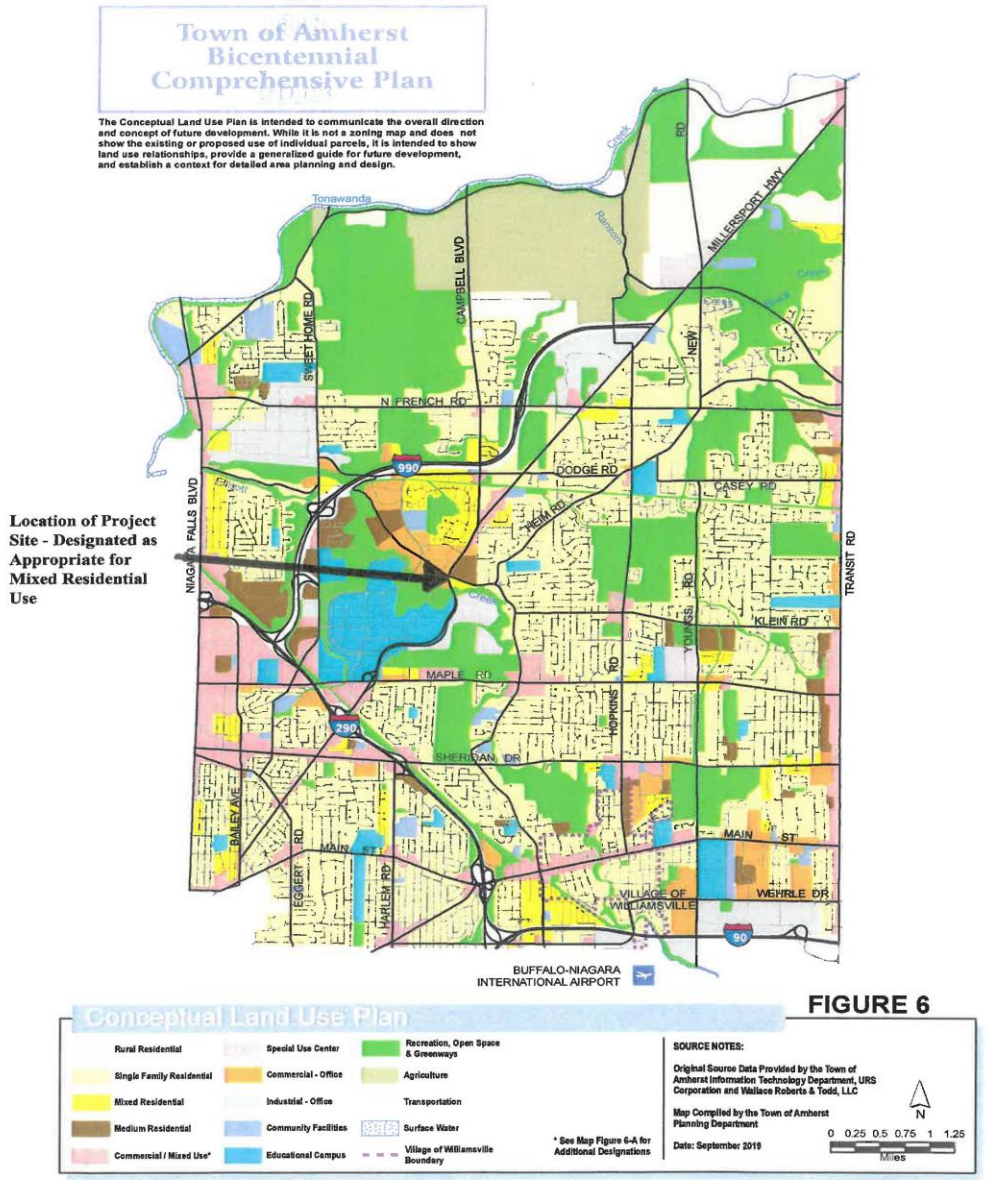
Yellow: 15 ft. of property to be conveyed to owner of 2180 North Forest Road upon the Applicant obtaining site plan approval and closing on the purchase of the Project Site.



Attachment: PP Presentation-2160 & 2170 N Forest-Town Board-05-03-21 (RES-2021-153 :

Reclassification of Project Site from NCD-SA to NCD-ND:

- Recommended land use per Figure 6 of the Comprehensive Plan is Mixed Residential Use
- Mixed-Residential land use category is described in Chapter 3 of the Comprehensive Plan as being appropriate for a residential density of 4-12 units per acre - The density of the proposed project is only 3.4 units per acre.
- "Although longstanding policy has tended to favor low-density, single-family residential use, recent development trends have seen a substantial increase in the amount of new multi-family housing. The need for higher density housing will grow along with the component of the population that will increasingly choose smaller housing types, including retirees, empty nesters, singles, and other smaller household types."
- Current NCD-SA zoning is not consistent with the adopted Comprehensive Plan
- NCD-SA zoning only allow for agricultural uses and single-family dwellings on large lots.



Attachment: PP Presentation-2160 & 2170 N Forest-Town Board-05-03-21 (RES-2021-153 :

State Environmental Quality Review Act ("SEQRA"):

- SEQRA's substantive requirements:
  - Identify the potential environmental impacts,
  - Hard Look at the identified impacts, and
  - Issue SEQRA determination supported by a reasoned elaboration
- Type I action due to proximity to Ellicott Creek
- Density reduced from 18 unit to 8 units [3.4 unit per acre – Density of 3.5 units per acre allowed in the R-3 zoning district]
- **No development in the regulated floodway – A floodplain development permit will be required from the Building Department**
- **No lighting spillover onto adjacent properties [Photometric Plan will be submitted with the Site Plan Application]**
- **The project is not a student housing project nor a short-term rental project**
- No wetlands per the Wetland Investigation Letter of Scott Livingstone of Earth Dimensions dated July 7, 2020
- Traffic: Single driveway onto North Forest Road - The trip generation rate for the peak weekday hour for the 8 proposed apartments per the ITE Trip Generation Report is 4.48 trips

Attachment: PP Presentation-2160 & 2170 N Forest-Town Board-05-03-21 (RES-2021-153 :

State Environmental Quality Review Act ("SEQRA"):

- No impact determination letter issued by the NYS Office of Parks, Recreation and Historic Preservation on October 30, 2020
- On-site stormwater management system will comply with the stringent stormwater water quality and quantity standards of the New York State Dept. of Environmental Conservation including handling of a 100 yr. storm event
- Fully engineered plans, Engineer's Report and SWPPP will be required with future submission of a Site Plan Application
- Geotechnical Report prepared by Empire Geo Engineering Services dated September 17, 2020 – foundation design and site improvement based on soil conditions per NYS Building Code requirements

Approximate Depth and Elevation of Top of Bedrock

Test Boring	Approximate GroundSurface Elevation (feet)	Depth / Elevation ofTop of Bedrock (feet)
B-1	582.3	25.2 / 557.1 (C)
B-2	581.1	26.0 / 555.1 (AR)
B-3	579.5	26.5 / 553.0 (AR)
B-4	578.1	24.4 / 553.7 (C)
B-1 (2014)	581 +/-	26.0 / 555.0 (AR)
B-1 (Feb. 2020)	580.0	27.7 / 552.3 (AR)

WMA ENGINEERING DPC|DBA
EMPIRE GEO TECHNICAL ENGINEERING SERVICES

CORPORATE/ BUFFALO OFFICE
5167 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051

ALBANY OFFICE
PO Box 2199
Ballston Spa, NY 12020

5 Knabner Road
Mechanicville, NY 12118
Phone: (518) 899-7491
Fax: (518) 899-7496

CORTLAND OFFICE
60 Miller Street
Cortland, NY 13045
Phone: (607) 758-7182
Fax: (607) 758-7188

ROCHESTER OFFICE
535 Summit Point Drive
Henrietta, NY 14467
Phone: (585) 359-2730
Fax: (585) 359-9668

September 17, 2020
Project No. WB-20-105
(SJB Project No. BE-20-105)

Postwork Capital
c/o Buffalo Automation
10236 Transit Road
East Amherst, New York
14051

Attn. Mr. Thiru Vikram, CEO

Re: Geotechnical Engineering Report
Proposed Elysium Apartment Complex
2160 North Forest Road
Town of Amherst, New York

Dear Mr. Vikram:

WMA Engineering DPC, dba Empire Geotechnical Engineering Services (Empire), is pleased to submit the enclosed Geotechnical Engineering Report for the above referenced project. We have also e-mailed you an electronic copy (pdf file format) of this report, for your use and for distribution. Please contact me should you have any questions or wish to discuss this report. Thank you for considering Empire for this work and we look forward to working with you through the completion of this project.

Sincerely,

WMA Engineering DPC, dba
Empire Geotechnical Engineering Services

Thomas R. Seider, P.E.
Geotechnical Engineer

Enc.: Geotechnical Engineering Report

A Woman Owned Firm

Attachment: PP Presentation-2160 & 2170 N Forest-Town Board-05-03-21 (RES-2021-153 :

Planning Board's Recommendation:

- Planning Board held a public hearing on January 21st
- The Planning Board adopted a resolution by a unanimous 7-0 vote recommending that the Town Board:
  - Issue a negative declaration pursuant to SEQRA,
  - Approve the reclassification of the Project Site from NCD-SA to NCD-ND, and
  - Approve Amendment #73 to the Audubon New Community District Development Plan
- The Planning Board recommended the following condition: "That the petition include additional parking spaces beyond the 17 spaces shown on the concept plan at the site plan stage."
- Planning Board's findings in support of its favorable recommendation were as follows:
  - A. The proposed Revision to the Development Plan meets the intent and objectives of a New Community District as expressed in Subsection 1-1.1.
  - B. The proposed Revision to the Development Plan meets all the requirements of Section 5-2-3 through 5-2-6.
  - C. The proposed Revision to the Development Plan is conceptually sound in that it meets present and future community needs.
  - D. There are or will be adequate services and utilities available or proposed to be made available in the construction of the development.
  - E. **The proposed Amendment to the Development Plan <u>is consistent</u> with the Town Comprehensive Plan.**

Attachment: PP Presentation-2160 & 2170 N Forest-Town Board-05-03-21 (RES-2021-153 :

Conclusion:

- Requesting that the Town Board:
  - 1. Issue a negative declaration pursuant to SEQRA,
  - 2. Approve the reclassification of the Project Site from NCD-SA to NCD-ND subject to appropriate conditions, and
  - 3. Approve Amendment #73 to the Audubon New Community District Development Plan subject to the condition recommended by the Planning Board as follows: “That the petition include additional parking spaces beyond the 17 spaces shown on the concept plan at the site plan stage.” [The updated Concept Plan depicts 23 parking spaces]
- Questions…

Attachment: PP Presentation-2160 & 2170 N Forest-Town Board-05-03-21 (RES-2021-153 :

3 May 2021

Francina J. Spoth, Town Clerk
Town of Amherst
5583 Main Street
Williamsville, New York 14221

Via email to: fspoth@amherst.ny.us

Re: Public Hearing of the Town Board held on May 3, 2021
Request to Amend the Land Use Classification of 2160 and 2170 North Forest Road

To: MEMBERS of the TOWN BOARD:

Kindly accept my apology for my inability to communicate via zoom last evening. I was able to hear portions of the proceedings, but whether "muted" or "unmuted", was simply unable to be heard. This particular problem was a first for me and was extremely frustrating. I did hear that the hearing was being closed, but I ask your indulgence in considering the following comments I intended to make last evening.

I did meet at the property with Mr. Hopkins to discuss some issues my wife and I had specific to our ownership of the adjoining property. Mr. Hopkins was extremely professional and concessions were made regarding those issues. However, the resolution of the matter was complicated further by the Petitioner's new proposal to do the development in phases. We strongly object to that process. The dust, dirt, noise and inconvenience of construction would be unbearable if it had to be endured twice. I note that the developer wishes to avail itself of all hours of construction operations allowable under law, including Sundays, if needed. Under the circumstances, two phases of construction would be one too many. It should also be noted that the Petitioner's prior concept plans for more units did not require more than one phase. Why two phases should be necessary for a smaller project is perplexing.

That being said, my neighbors and I remain opposed to this project as it is simply too big and the intended use is simply incompatible with the character of the neighborhood as a single family development. I believe we have provided ample justification for this Board to deny the proposed petition. Please consider the following points:

- This is an apartment complex which belongs on the West side of Millersport Highway – not the East side. The West side is inundated with similar projects. The East side is fully developed with single family homes, with the sole exception of this one vacant parcel which sits in the middle of single family homes.

- A similar proposal for the corner of North Forest and Millersport (a commercial highway) was not approved. It is inconsistent to allow the same type of project further up North Forest.

Attachment: Town of AMHERST BOARD LTR - Hausbeck (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon

- The majority of the site (more than 50%) is in a floodway and cannot be developed even if the petition was to be approved.

- If 8 units were to be approved for the remaining 1.1 acres, the project would have a de facto density of 7.3, well in excess of the maximum density of 5 allowable under the Town Zoning Ordinance 5-2-6.

- The Petitioner's repeated assertion that the proposal is "consistent" with the Town's Comprehensive Plan is simply **not** binding on this Board. The Plan clearly states that it is intended to be **"flexible".** The Plan is **not** a zoning map and it is **not** meant to dictate land use.

In addition to the above, we have raised a number of issues about whether the site itself is suitable for this type of development due to documented flooding, documented erosion issues, and documented uncontrolled and un-engineered filling of portions of the site which were at one time part of Ellicott Creek.

The Board is certainly within its rights to reject the petition and I urge it to do so.

Thank you for your consideration.

Sincerely,

Joseph Hausbeck

Attachment: Town of AMHERST BOARD LTR - Hausbeck (RES-2021-153 : 2160 & 2170 Request to Rezone and Amend the Audubon

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

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Clerk
Initiated by: **Kathleen Cooper**
Co-Sponsored by:

DOC ID: 23525 **RESOLUTION 2021-678** **HEARING CLOSED**

10060 & 10090 Transit Road Rezoning

DRAFT RESOLUTION
(August 9, 2021)

Adoption of Local Law to Amend the Zoning Map
(10060 & 10090 Transit Road & Z-2019-06)

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

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of June 24, 2021 that the proposed Center 2.5 District (CTR-2.5), Multifamily Residential District Five (MFR-5) and Residential District Three (R-3) zoning at 10060 & 10090 Transit Road is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that to the extent the proposed zoning is not consistent with the adopted Comprehensive Plan, the plan is hereby amended to be consistent with the proposed zoning at this location, and be it further

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

1. An agricultural data statement be provided with any application for development as required by Erie County Department of Environment and Planning (ECDEP).

2. That the subject area be removed from Agricultural District 17 - Amherst prior to submittal of any application for site development as required by ECDEP.

3. As required by New York State Department of Transportation (NYSDOT) a revised Traffic Impact Study (TIS) be provided with any application for development.

4. That the Petitioner address concerns of the New York State Department of Transportation (NYSDOT) during future development review.

8/09/2021
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 5-0. The public hearing was opened at 7:16 PM.

Jeffery Palumbo, Esq. presented and answered questions from the Board.

The following speakers addressed the Town Board:
Matt Fitzgerald, Esq., Phillips Lytle LLP, spoke in opposition on behalf of the Ransom Oaks Community Corp. and their several concerns
Colleen Bogdan, 108 Summershade Ct. - Questioned detailed reports that are not included or signed off by Engineer; Spot rezoning; not consistent with neighborhood; the neighborhood is opposed
Steve Massaro, 1116 Smith Rd. - Flooding problems; grossly oversized project; traffic
William Klein, 28 Oak Hill Ct. - Water tables; traffic on Smith; cut through on Ruby Lane.; home values
Colleen Daumen, 418 Glen Oak Dr. - Additional stress of traffic, water, sewage & to fire departments
Rick Mullaney, 25 Honey Suckle Way - Voiced his concerns

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn the public hearing until Sept. 13th, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was adjourned at 8:04 PM.

9/13/2021
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was opened at 7:25 PM.

Jeffery Palumbo, Esq. presented and answered questions from the Board.

There were no speakers from the public, therefore Supervisor Kulpa moved to adjourn the public hearing and set a decision date for October 18th. The motion was seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was adjourned at 7:30 PM.

10/18/2021
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 5-0. The public hearing was opened at 7:03 PM.

Jeffery Palumbo, Esq. provided an update and answered questions from the Board.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the public hearing, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was closed at 7:05 PM.

RESULT:	**HEARING CLOSED**	**Next: 12/20/2021 7:00 PM**

D R A F T (August 9, 2021)

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency: Town of Amherst
Town Board

Project: Z-2019-06

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

Date:

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

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

Title of Action: Rezoning Request.

SEQR Status: Type I action.

Description of Action: Rezoning of 29.21± acres of land from Suburban Agriculture District (SA) and Motor Service District (MS) to 2.95± acres of Center 2.5 District (CTR-2.5), 12.73 ± acres of Multifamily Residential District Five (MFR-5) and 13.57 ± acres of Residential District Three (R-3) to allow for the future use and development of the site for, four mixed-use buildings fronting on Transit Road which would include 23,400± sq. ft. of commercial space in the proposed CTR-2.5 zoning district; 28 single family lots and 7 townhouse buildings in the proposed MFR-5 zoning district; and 26 single family lots in the proposed R-3 zoning district area.

Location: 10060 & 10090 Transit Road, Town of Amherst, Erie County, New York

Petitioner: Forbes Capretto Homes

Attachment: Z-2019-06_Draft Neg Dec_Transit 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Reasons Supporting This Determination

Based on information submitted by the applicant, including a Full Environmental Assessment Form (EAF) - Part 1, a complete rezoning application, and concept plan, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that the proposed rezoning of 29.21± acres of land from Suburban Agriculture District (SA) and Motor Service District (MS) to 2.95± acres of Center 2.5 District (CTR-2.5), 12.73 ± acres of Multifamily Residential District Five (MFR-5) and 13.57 ± acres of Residential District Three (R-3) to allow for the future use and development of the site for, four mixed-use buildings fronting on Transit Road which would include 23,400± sq. ft. of commercial space in the proposed CTR-2.5 zoning district; 28 single family lots and 7 townhouse buildings in the proposed MFR-5 zoning district; and 26 single family lots in the proposed R-3 zoning district area will not have a significant impact on the environment, as follows:

1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Town Engineering Department on April 20, 2021 reviewed the application and EAF submitted on March 31, 2021 and Stormwater Management System Summary Report received on March 9, 2021, and had no objection to or comments. The Engineering Department notes that upon subsequent development submissions for this development the petitioner will be required to expand the hydraulics modeling report to indicate similar analysis for Town ditch 26D1 from a point 2,000 feet upstream of the Transit Road culvert through the proposed development and downstream to its confluence with Black Creek on the proposed rezoning.

2. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. A Landscape/Tree preservation Plan shall be required of the applicant upon submittal of a site plan application for development of the site at which stage all landscape requirements of the Zoning Ordinance will be met.

3. The project is not expected to create any material conflict with the Town Comprehensive Plan. The project will comply with all regulations of the Town Zoning Ordinance before final site plan approval is granted. The Town Building Department on May 18, 2021 reviewed the application and EAF submitted on March 31, 2021 and has no objection or comments on the proposed rezoning.

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

Attachment: Z-2019-06_Draft Neg Dec_Transit 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The subject request is for rezoning from SA and MS to CTR-2.5, MFR-5 and R-3. Neighboring uses are residential and commercial and zoned SA, R-3 and General Business District (GB); therefore, the project is consistent with surrounding land use.

6. The proposed rezoning to CTR-2.5, MFR-5 and R-3 for the proposed four mixed-use buildings which would include 23,400± sq. ft. of commercial space, 54 single family lots and 7 townhouse buildings will not cause a major change in the use of either the quantity or type of energy.

7. The rezoning to CTR-2.5, MFR-5 and R-3 for the proposed four mixed-use buildings fronting on Transit Road which would include 23,400± sq. ft. of commercial space, 54 single family lots and 7 townhouse buildings will not create any hazard to human health.

8. The rezoning to CTR-2.5, MFR-5 and R-3 may cause a substantial change in the use, or intensity of use, of land particularly agricultural, land which is being actively used. However, the proposed four mixed-use buildings which would include 23,400± sq. ft. of commercial space, 54 single family lots and 7 townhouse buildings will be consistent with the scale of surrounding land uses.

9. The rezoning to CTR-2.5, MFR-5 and R-3 for the proposed four mixed-use buildings which would include 23,400± sq. ft. of commercial space, 54 single family lots and 7 townhouse buildings will increase the number of people using the site over its previous level of use.

10. The Town Traffic/Safety Board on May 12, 2021 reviewed the application and EAF submitted on March 31, 2021 and Traffic Impact Study received on March 9, 2021 and had no objection to and recommends that the internal street network be designed to calm and discourage cut-through traffic. The New York State Department of Transportation on May 24, 2019 commented that the proposed uses shown on the Concept Plan, with additional traffic generated by the proposed development may have a significant impact to traffic on the State Highway System, requiring a Traffic Impact Study to be prepared. Additionally, NYSDOT will allow only one curb cut/roadway to service this site along Transit Road and it should be located opposite Lapp Road. All indications are that through any mitigation required by the traffic study or implementation of NYSDOT requirements that significant negative traffic impacts are not expected to result from the proposed project.

11. Coordinated reviews of the project have been undertaken by Town Departments including Building on May 18, 2021, Engineering on April 20, 2021, Traffic/Safety Board on May 12, 2021, Assessor on April 5, 2021, Fire Chiefs' Council on April 7-2021, and Right-of-Way Agent on April 2, 2021 along with outside agencies including Erie County Department of Environment & Planning on May 24, 2019, and New York State

Attachment: Z-2019-06_Draft Neg Dec_Transit 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Department of Transportation on May 24, 2021. These reviews have not identified any significant environmental issues and indicate that the rezoning request will not have a significant damaging impact on the environment.

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

_____ _____
Signature & title of preparer date

_____ _____
Brian J. Kulpa, Supervisor date

BK/SM/ac

X:\Current_Planning\Files\Rezonings\2019\Z-2019-06_(10060_&_10090_Transit_Rd)_2019\Z-2019-06_Draft Neg Dec_080921.docx

cc: Amherst Town Clerk
Amherst Building Department
ECDEP
NYSDEC
NYSDOT
Forbes Capretto Homes, 470 Cayuga Rd., Cheektowaga, NY 14225
Jeffrey Palumbo, Esq, Barclay Damon, LLP, 9276 Main St., Ste. 3, Clarence, NY 14031

Attachment: Z-2019-06_Draft Neg Dec_Transit 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

LOCAL LAW NO. _____-202_

TOWN OF AMHERST
COUNTY OF ERIE, STATE OF NEW YORK

A LOCAL LAW AMENDING CHAPTER 203 OF THE TOWN OF AMHERST CODE, KNOWN AS THE ZONING ORDINANCE, TO REZONE 10060 TRANSIT ROAD and 10090 TRANSIT ROAD FROM SA/MS TO R3/MFR5/CTR-2.5 AND TO AMEND THE ZONING MAP ACCORDINGLY

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 the Zoning of 10060 Transit Road and 10090 Transit Road."

Section 2. Legislative Findings and Intent.

The Town Board of the Town of Amherst finds that an application to rezone 10060 Transit Road and 10090 Transit Road from SA – Suburban Agricultural / MS – Motor Services to R-3 Residential 3 / MFR-5 – Multifamily Residential District 5 / CTR-2.5 – Center 2.5 zoning has been filed and is in proper order. The Town Board further finds that the rezoning is consistent with the Comprehensive Plan.

Section 3. Amherst Zoning Map.

The Town Board hereby amends its zoning map which is incorporated by reference in the Town zoning code by amending from SA – Suburban Agricultural / MS – Motor Services to R-3 Residential 3 / MFR-5 – Multifamily Residential District 5 / CTR-2.5 – Center 2.5 the zoning of 10060 Transit Road and 10090 Transit Road, **subject to any conditions imposed by the authorizing resolution**; legally described as follows:

LANDS TO BE REZONED TO R-3

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 57 in Township 13 and Lot No. 102 in Township 12, Range 7 of the Holland Land Company's Survey and bounded and described as follows:

BEGINNING at a point in the northeasterly line of Smith Road being (66.0 feet wide) said point being the southwest corner of Sublot 2 as shown on a map filed in the Erie County Clerk's office

Attachment: LL for 10060 & 10090 -2 Transit Road (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

under Map cover 2044;

THENCE southeasterly along said northeasterly line of Smith Road a distance of 224.73 feet to an angle point;

THENCE southeasterly continuing along said northeasterly line of Smith Road a distance of 159.64 feet to the southwest corner of Sublot 5 as shown on said Map Cover 2044;

THENCE easterly on a line parallel with the north line of said Lot No. 102 a distance of 239.60 to a point in the centerline of a ditch;

THENCE southeasterly along the centerline of said ditch a distance of 468 feet more or less to a point;
THENCE through the property of lands conveyed to Herbert A. Lotter and Theresa P. Lotter by deed recorded in liber 11153 of deeds at page 5058 the following three (3) courses and distances:

1) Northeasterly along the centerline of a ditch more or less a distance of 284
   feet more or less to a point;
2) Northeasterly a distance of 197 feet more or less to a point;
3) Northerly 244 feet more or less to a point on a northerly line of said Lotter's
   land;

THENCE northerly on a line parallel with said west line of Transit Road a distance of 180.00 feet to a point;

THENCE westerly on a line parallel with the south line said Lot No. 57 a distance of 976.52 feet to the point;

THENCE southerly on a line forming an interior angle of 90%00' a distance of 208.92 feet to the point;

THENCE westerly on a line parallel with the south line said Lot No. 57 a distance of 250 feet to the point of BEGINNING.

LANDS TO BE REZONED TO MFR-5

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 57 in Township 13 and Lot No. 102 in Township 12, Range 7 of the Holland Land Company's Survey and bounded and described as follows:

COMMENCING at a point in the westerly line of Transit Road being (66.0 feet wide) said point being the southeast corner of Sublot 21 as shown on a Subdivision Map filed in the Erie County Clerk's office under Map cover 2044;

Attachment: LL for 10060 & 10090 -2 Transit Road (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

THENCE westerly on a line parallel with the south line said Lot No. 57 a distance of 205.12 feet to the point of BEGINNING.

THENCE southerly on a line parallel with said west line of Transit Road being 205.00 feet westerly at right angles from said west line a distance of 626.40 feet to a point;

THENCE westerly parallel with the north line of said Lot No. 102 a distance of 917 feet more or less the centerline of a ditch;

THENCE northerly along the centerline of said ditch a distance of 192 feet more or less to a point;

THENCE through the property of lands conveyed to Herbert A. Lotter and Theresa P. Lotter by deed recorded in liber 11153 of deeds at page 5058 the following three (3) courses and distances:

1) Northeasterly along the centerline of a ditch more or less a distance of 284 feet
   more or less to a point;
2) Northeasterly a distance of 197 feet more or less to a point;
3) Northerly 244 feet more or less to a northerly corner of said Lotter's land;

THENCE easterly on a line parallel with the south line said Lot No. 57 a distance of 460.00 feet to the point;

THENCE southerly on a line parallel with said west line of Transit Road a distance of 120.00 feet to a point;

THENCE easterly on a line parallel with the south line said Lot No. 57 a distance of 44.88 feet to the point of BEGINNING.

LANDS TO BE REZONED TO CTR-2.5

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 57 in Township 13 and Lot No. 102 in Township 12, Range 7 of the Holland Land Company's Survey and bounded and described as follows:

BEGINNING at a point in the westerly line of Transit Road being (66.0 feet wide) said point being the southeast corner of Sublot 21 as shown on a Subdivision Map filed in the Erie County Clerk's office under Map cover 2044;

THENCE southerly along said easterly line of Transit Road a distance of 626.40 feet to the southeast corner of Sublot 16 as shown on said Map cover 2044;

THENCE westerly parallel with the north line of said Lot No. 102 a distance of 205.12 feet to a point;

Attachment: LL for 10060 & 10090 -2 Transit Road (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

THENCE northerly on a line parallel with said west line of Transit Road being 205.00 feet westerly at right angles from said west line a distance of 626.40 feet to a point;

THENCE easterly on a line parallel with the south line of said Lot No. 57 a distance of 205.12 feet to the point of BEGINNING.

BEGINNING at a point in the northeasterly line of Smith Road being (66.0 feet wide) said point being the southwest corner of Sublot 2 as shown on a map filed in the Erie County Clerk's office under Map cover 2044;

THENCE through the property of lands conveyed to Herbert A. Lotter and

Section 4. Validity.

This Local Law is adopted under the authority granted to the Town Board of the Town of Amherst pursuant to §§10(1)(ii)(a)(12), 20 and 27 of the Municipal Home Rule Law and §265 of the Town Law of the State of New York.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 5. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and published pursuant to Sections 130 & 133 of the Town Law and Chapter 28 of the Code of the Town of Amherst.

Francina J. Spoth
Town Clerk
Town of Amherst
County of Erie, State of New York

Attachment: LL for 10060 & 10090 -2 Transit Road (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Amherst

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

Brian J. Kulpa
Supervisor

Daniel C. Howard, A
Planning Directo

Daniel J. Ulatowski, A
Assistant Planning Dir

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Town Board Agenda of August 9, 2021

July 30, 2021

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

Subject: Request to rezone 29.21± acres of land from Suburban Agriculture District (SA) and Motor Service District (MS) to Center 2.5 District (CTR-2.5), Multifamily Residential District Five (MFR-5) and Residential District Three (R-3); property located at 10060 & 10090 Transit Road. Forbes Capretto Homes, Petitioner. (Z-2019-06).

Honorable Members:

The subject properties comprise a 29.21± acre irregularly shaped area located on the west side of Transit Road, 1,370± ft. north of Smith Road opposite Lapp Road in the Town of Clarence. The subject properties have 626.4± ft. of frontage on Transit Road, 384.37± frontage on Smith Road and 50± ft. of frontage at the southern terminus of Ruby Lane. The requested CTR-2.5 zoned area is 2.95 ± acres, the MFR-5 zoned area is 12.73 ± acres, and the R-3 zoned area is 13.57 ± acres.

The site located at 10060 Transit Road is vacant land currently used for agricultural purposes with the southwest portion characterized by a successional wooded area. The site located at 10090 Transit Road is occupied by a 3 bedroom, 2,259 sq. ft. single-family residence, detached garage and small garage/storage building near Transit Road.

The parcel located at 10060 Transit Road is currently located in the Erie County Agricultural District.

Town Ditch #26D1 "*Hickory Creek*" crosses through the center and along the west sides of this property close to the Smith Road frontage. Town Ditch #26D1A which is an unnamed ditch from Clarence runs under Transit Road, enters the site in the southwest corner and intersects Town Ditch #26D1 in the western portion of the property.

Transit Road is a NYSDOT highway designated as a major arterial roadway; Smith Road is an Erie County highway designated as a collector roadway.

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

Honorable Town Board

Rezone land from SA & MS to CTR-2.5, MFR-5 & R-3
property located at 10060 & 10090 Transit Road
Agenda of August 9, 2021

Based upon the concept plan provided the purpose of this request is to allow for the future development of four mixed-use buildings fronting on Transit Road which would include 23,400± sq. ft. of commercial space in the proposed CTR-2.5 zoning district; 28 single family lots and 7 townhouse buildings in the proposed MFR-5 zoning district; and 26 single family lots in the proposed R-3 zoning district area. The proposed roadway network shows a central roadway connecting Transit Road to Smith Road, a private roadway/driveway servicing the town house portion of the proposed development that connects Transit Road to the proposed central roadway, and a connection from the central roadway to the existing terminus of Ruby Lane.

The subject properties were zoned Suburban Agriculture (SA) and Motor Service (MS) with adoption of the Town-wide zoning map and ordinance on January 19, 1976.

The Town Board on September 20, 2020 amended the Town of Amherst Bicentennial Comprehensive Plan to extend the commercial/mixed use designation from its terminus at the intersection of Smith and Transit Roads northerly to encompass the frontage of the subject parcels (BCPA-2019-01).

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

INTENT AND OBJECTIVES OF THE COMPREHENSIVE PLAN

The request is consistent with the Town of Amherst Bicentennial Comprehensive Plan's Conceptual Land Use Plan which projects single family residential development for the proposed subject R-3 zoned area and a portion of the proposed MFR-5 zoned area and mixed use development for the proposed CTR-2.5 zoned area.

INTENT AND OBJECTIVES OF THE ZONING ORDINANCE

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

CONSISTENCY/COMPATIBILITY WITH SURROUNDING DEVELOPMENT/ZONING

The subject property is surrounded by residential uses to the north, south and west that are zoned Suburban Agriculture District (SA) and Residential District Three (R-3). Since an extension of the mixed-use zoning would extend from the Swormville Center to the north along Transit Road, it is considered compatible with other similar uses along this corridor.

ADEQUATE SERVICES AND UTILITIES

All services and utilities necessary for the proposed rezoning are available and adequate at the subject location. This is a Type I action, and an environmental assessment consistent with SEQR has been prepared and the Town has been established as the Lead Agency for the subject

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Honorable Town Board

Rezone land from SA & MS to CTR-2.5, MFR-5 & R-3
property located at 10060 & 10090 Transit Road
Agenda of August 9, 2021

proposal. Pursuant to Local Law #3-82, as amended, the requirements of SEQR are complete and the proposal is not expected to have a significant adverse effect on the environment.

OTHER CONSIDERATIONS

To address issues and or concerns raised by the Erie County Department of Environment and Planning (ECDEP) and the New York State Department of Transportation (NYSDOT) as part of this rezoning request the following conditions should be incorporated into any approval of the rezoning action:

1. An agricultural data statement be provided with any application for development as required by Erie County Department of Environment and Planning (ECDEP).

2. That the subject area be removed from Agricultural District 17 – Amherst prior to submittal of any application for site development as required by ECDEP.

3. As required by New York State Department of Transportation (NYSDOT) a revised Traffic Impact Study (TIS) be provided with any application for development.

4. That the Petitioner address concerns of the New York State Department of Transportation (NYSDOT) during future development review.

RECOMMENDATION

The Planning Board recommends that your Honorable Body concur with the Planning Board's findings relative to SEQR and issue the attached Negative Declaration, and that the subject request be **approved** based on the attached resolution.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

DH/SM/ac
Att.
X:\Current_Planning\Files\Rezonings\2019\Z-2019-06_(10060_&_10090_Transit_Rd)_2019\Z-2019-06_Town_Bd_Letter_07302021.doc
cc: Stanley Sliwa, Town Attorney

Planning Board Approval June 24, 2021
Ayes 4; Noes 2 (Chmiel, Penberthy), Absent (Gelber)

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2019-06

PETITIONER

Forbes Capretto Homes
c/o Jeffery Palumbo
9276 Main Street, Suite 3
Clarence, NY 14031

PROPERTY LOCATION

10060 & 10090 Transit Rd.

WHEREAS the Town of Amherst Planning Board on Thursday, May 20, 2021 held a virtual public hearing on the proposed rezoning of 29.21± acres of land from Suburban Agriculture District (SA) and Motor Service District (MS) to Center 2.5 District (CTR-2.5), Multifamily Residential District Five (MFR-5) and Residential District Three (R-3), and

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

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

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

A. The proposed zoning and development plan is generally consistent with policies of the Comprehensive Plan and the Zoning Ordinance and is consistent with the Conceptual Land Use Plan which projects single family residential development for the proposed subject R-3 zoned area and a portion of the proposed MFR-5 zoned area and mixed use development for the proposed CTR-2.5 zoned area in this area of the Town.

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

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

D. The subject property is suitable or will be made for suitable for the 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 is required since hydric/potentially hydric soils have been identified on the parcel.

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2019-06

PETITIONER	PROPERTY LOCATION
Forbes Capretto Homes	10060 & 10090 Transit Rd.

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

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

The foregoing resolution was adopted by the Town of Amherst Planning Board, June 24, 2021; moved by - Giuliani; seconded by - Gilmour; ayes 4, noes 2 (Chmiel, Penberthy); absent 1 (Gelber).

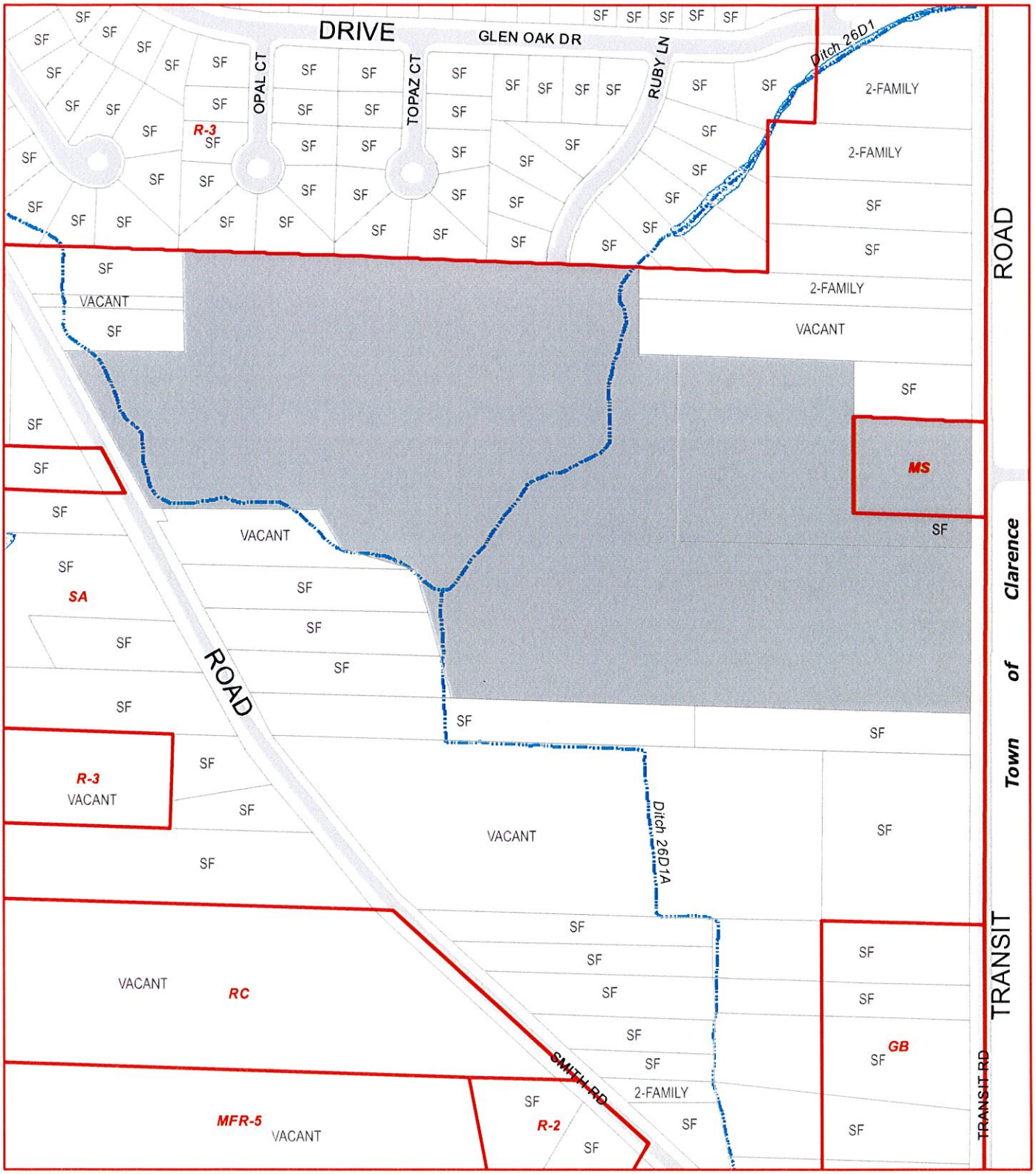
Robert J. Gilmour, Chair

7-1-21
Date

SM/bf
X:\Current_Planning\Files\Rezonings\2019\Z-2019-06_(10060_&_10090_Transit_Rd)_2019\Z-2019-06_Resolution_062421.doc
cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Traffic/Safety Coordinator
Jeff Palumbo, Barclay Damon, 9276 Main St., Suite 3, Clarence, NY 14031
Ken Zollitsch, Greenman-Pedersen, Inc., 4950 Genesee St., Suite 100, Buffalo, NY 14225

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

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Z-2019-06

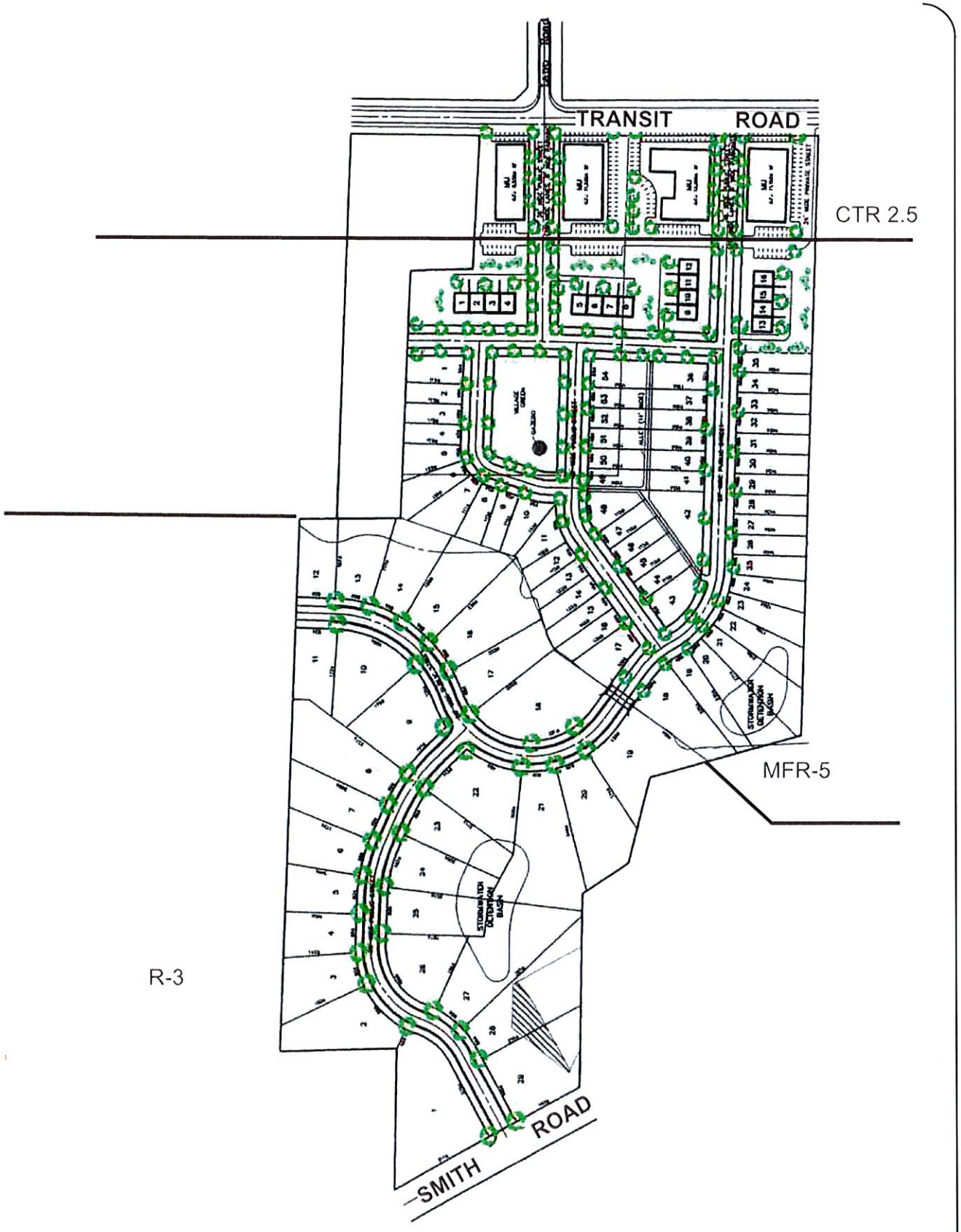
Request to Rezone 29.21+/- AC of Land from SA & MS to CTR-2.5, MFR-5, R-3
Property Located at 10060 & 10090 Transit Road

Forbes Capretto Homes, Petitioner
June 24, 2021

10060 & 10090 Transit Road

Prepared by the Town of Amherst Planning Department

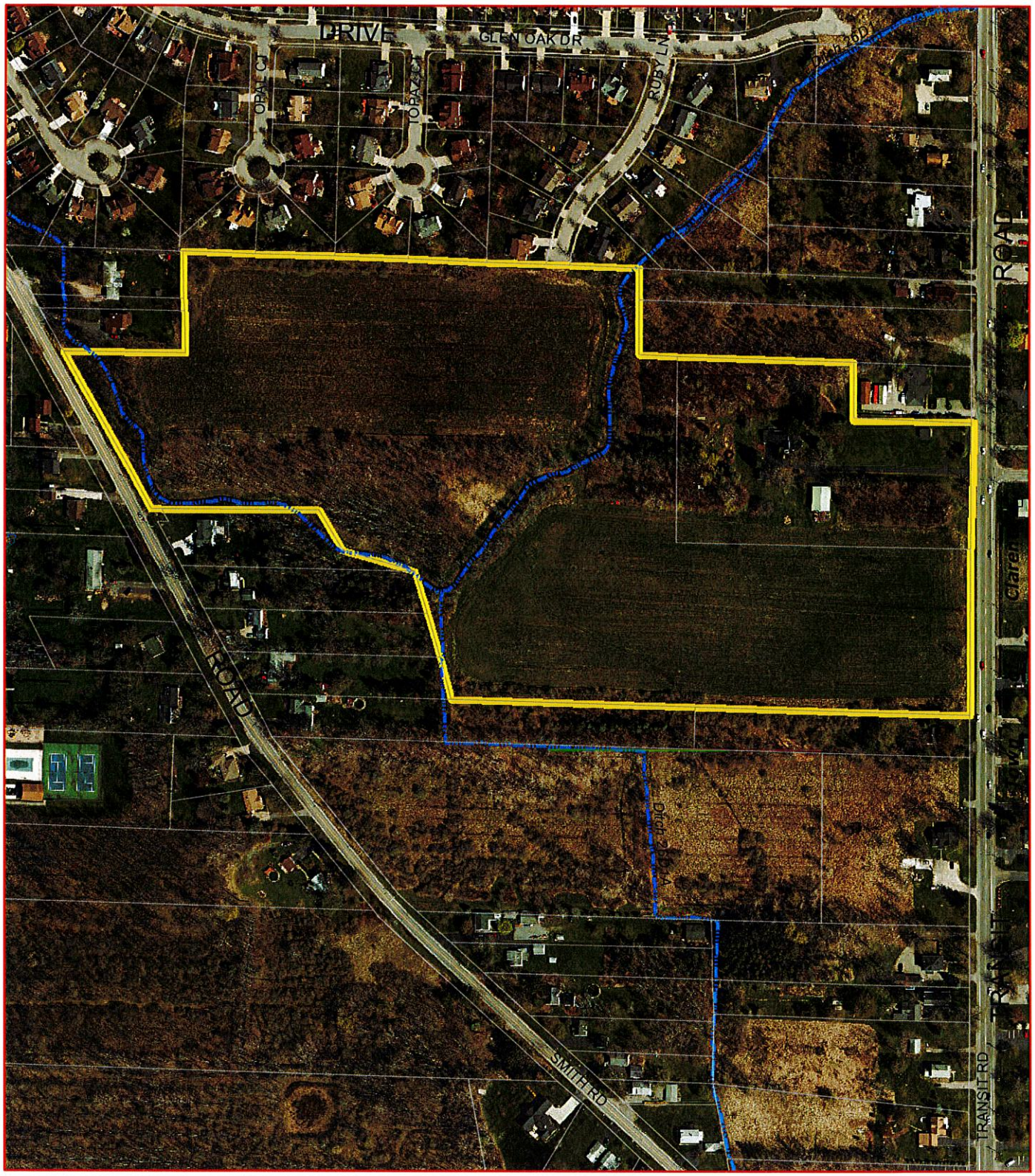
Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)



CONCEPT PLAN

Z-2019-06
10060 & 10090 Transit Road
Received: 5/13/2021

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)



Z-2019-06

Request to Rezone 29.21+/- AC of Land from SA & MS to CTR-2.5, MFR-5, R-3
Property Located at 10060 & 10090 Transit Road

Forbes Capretto Homes, Petitioner
June 24, 2021

10060 & 10090 Transit Road

Prepared by the Town of Amherst Planning Department

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

AMENDED APPLICATION 3-26-21

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning Review and, if required Comprehensive Plan Amendment

For Official Use

File #: Z-2019-06 **Acreage** 29.21 acres **Fee $** 7,215.00

Address Verified by Assessor's Office _____ VERIFIED BY DATE

Materials Accepted by Town Clerk & Fee Paid 4/17/19 ACCEPTED BY DATE

Materials Checked by Building Dept. _____ RECEIVED BY DATE

Materials Received by Planning Dept. 4/17/19 RECEIVED BY DATE

		Fill In Applicable Fees
2 ACRES OR LESS	**$1,250**	_____
2 – 20 ACRES **$1,250 + $250/acres or fraction thereof over 2 acres**		_____
20 – 30 ACRES **$5,700 + $150/acre or fraction thereof over 20 acres**		7,200
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:	$ 7,215	

REVISED
MAR 31 2021
TOWN OF AMHERST
PLANNING DEPT.

Town of Amherst Planning Department 5583 Main Street Williamsville New York 14221
(716) 631-7051 Fax (716) 631-7153 Web www.amherst.ny.us

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

TO BE COMPLETED BY APPLICANT

1. **Petitioner:** Name: Forbes Capretto Homes c/o Barclay Damon LLP

Address: 9276 Main Street, Suite 3

Clarence, New York 14031
City State Zip Code

Phone: 716-858-3728 Fax: 716-858-2728

E Mail JPALUMBO@BARCLAYDAMON.COM

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

From: SA/MS District

To: R3 / MFR5 / CTR-2.5 District

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

10060/10090 Transit Road, E. Amherst, NY 14051

SBL #: 29.01-2-5.1& 29.01-2-5.2

4. **Area of land to be rezoned** (in acres): 29.21 acres

5. **Owner of Land:**

Name: Fritz Lotter/The Estate of Theresa Lotter

Address: c/o John Robshaw, Attorney at Law

Telephone: 716-633-4030

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

Name: Jeffery D. Palumbo, Esq. of Barclay Damon, LLP

Address: SEE ABOVE

City State Zip Code

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

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

_____ Option to purchase

_____ Owner

X _____ Other (explain) Contract to purchase

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)

n/a

9. **Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor.**

10. **Said property has the following deed restrictions or Covenants:** (attach copy)

Liber _____ Page _____

11. **Information on proposed project:**

A. Description of the character of the proposed development:

Mixed use commercial/residential with variety of attached/ detached multi and single family housing proposed.

B. Rationale for rezoning request:

1. Why was this site chosen?

Location on major corridor. Access to desirable community services & facilities.

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

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

As the Comprehensive Plan designates this area for mixed-use development, it is evident that it is not attractive for large lot, single family development, the only residential development allowed in an SA zoning district. Its location on Transit Road and adjacent to the Swormville Village Center also makes it desirable for mixed-use development.See Comprehensive Plan 3.3.3/Exhibit A.

3. How will this rezoning impact surrounding properties?

It won't, as the parcel is adjacent to a large R-3 district to the north and west, and various MFR and GB districts exist to the north and south, particularly along Transit Rd (see Exhibit C).

4. How will this rezoning impact the school system?

As the proposed development includes a large residential component, it will expand the tax base with minimal impact on the school system.

12. Quantitative Data:

A. Total # of dwelling units 120

B. Distribution of dwelling units by type 52 single/68 multifamily

C. Gross Residential Density per acre MFR-5/R3: 3.6

D. Total amount of Open Space 2.0 acres

E. Proposed Non-Residential Floor Area +/- 23,400 SF

13. Development Schedule:

Start Fall 2021

Finish November 2025

Stages (# of) 2-3

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

Standard apartment/commercial leases.

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

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

n/a

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

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

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

Land is within the Mixed Use/Activity Center, which is designed to provide for added economic incentive and flexibility for reuse, offer higher density housing choices and a more compact livable and walkable environment. Section 3.3.3. The Town's comprehensive plan suggests that the "village center" attributes of Swormville should be reinforced through encouragement of compatible mixed and commercial uses, which the proposed project provides. The project, which proposes close to 150 residential units along with close to 50,000 sf of commercial space, is exactly the type of development that could reinvigorate the village potential of the Swormville area.

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.

Figure 6 should be amended to include the subject property, is now part of the identified Village Center. See Conceptual Land Use Map and identified mixed-use center attached hereto as Exhibit B.

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

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

Insures orderly and beneficial residential development. Proposal will provide adequate open space and promotes coordinated development in relation to the surrounding properties. Therefore, it is aesthetically harmonious with the surrounding areas and structures and will not negatively increase the intensity of uses in the area. Finally, it represents a higher density pedestrian friendly development that transitions to lower density in harmony with surrounding properties generally consistent with the policies of the comprehensive plan (see above).

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

1. Sanitary Sewer
Sewer service district 16
2. Storm Sewer/Drainage Storm sewer will be design within site and drain to adjacent existing storm sewers.
3. Water Water service available from Town of Amherst
4. Other

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

As indicated above and represented in attached zoning map, this parcel is surrounded by single family residential zoning in various densities, and is also located upon a major commercial corridor and adjacent to a proposed mixed-use center. Accordingly, the proposed zoning is compatible and in conformity with the present uses and character of the neighborhood.

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

As evidenced by the existing zoning in the area and objectives advanced in the comprehensive plan, the subject parcel is better suited for the proposed use.

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

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

Meets the ever-increasing demand for single-family homes in the Town and provides the mixed-use component desired for this area of the Town.

17. The petitioner encloses herewith the sum of $7,215.00 to pay the fee, and consents to the placement of a sign(s) at the described location identifying this request for a period of time to be determined by the Town Clerk.

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

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

Signature of Petitioner

Subscribed and sworn to before me this 26th day of March, 2021

Notary Public, Erie County, New York

TRACY A. MURRAY#01MU507729
Notary Public, State of New York
Qualified in Genesee County
My Commission Expires 05/05/

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-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit 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.

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

EXHIBIT A

Exhibit A

In 2016 the Town engaged the Code Studio Team to prepare an analysis of existing commercial and mixed use areas in the Comprehensive Plan with a particular focus on clarifying and improving the hierarchy of commercial centers and mixed use centers in the Town. As set forth in its May 17, 2016 Memorandum, the SA district is not appropriate in commercial centers of mixed use areas. Further, the Town's existing MFR and Commercial districts lack the density needed to generate housing projects that are conducive to walkability and compatible with adjacent mixed use. As a result, the Town, on or about September 3, 2019, adopted Section 5A, Mixed Use District.

On or about September 21, 2020 the Town Board amended the Town Comprehensive Plan to include the Transit Road frontage into the Mixed Use District.

Section 5A-3 of the Zoning Code provides for various "Retrofit Districts" that are intended for parcels of land that are designated commercial and mixed-use activity centers in the Town's 2018 Comprehensive Plan. The Center 2.5 District (CTR-2.5) is intended to create new walkable mixed-use places with human-scaled internal streets. Its residential uses include attached and multi-family dwelling, and commercial uses include office, personal service, restaurant and retail sales and service. (5.8). New development in the CTR-2.5 district can range from 1-2.5 stories in height and requires a minimum of 5% open space area.

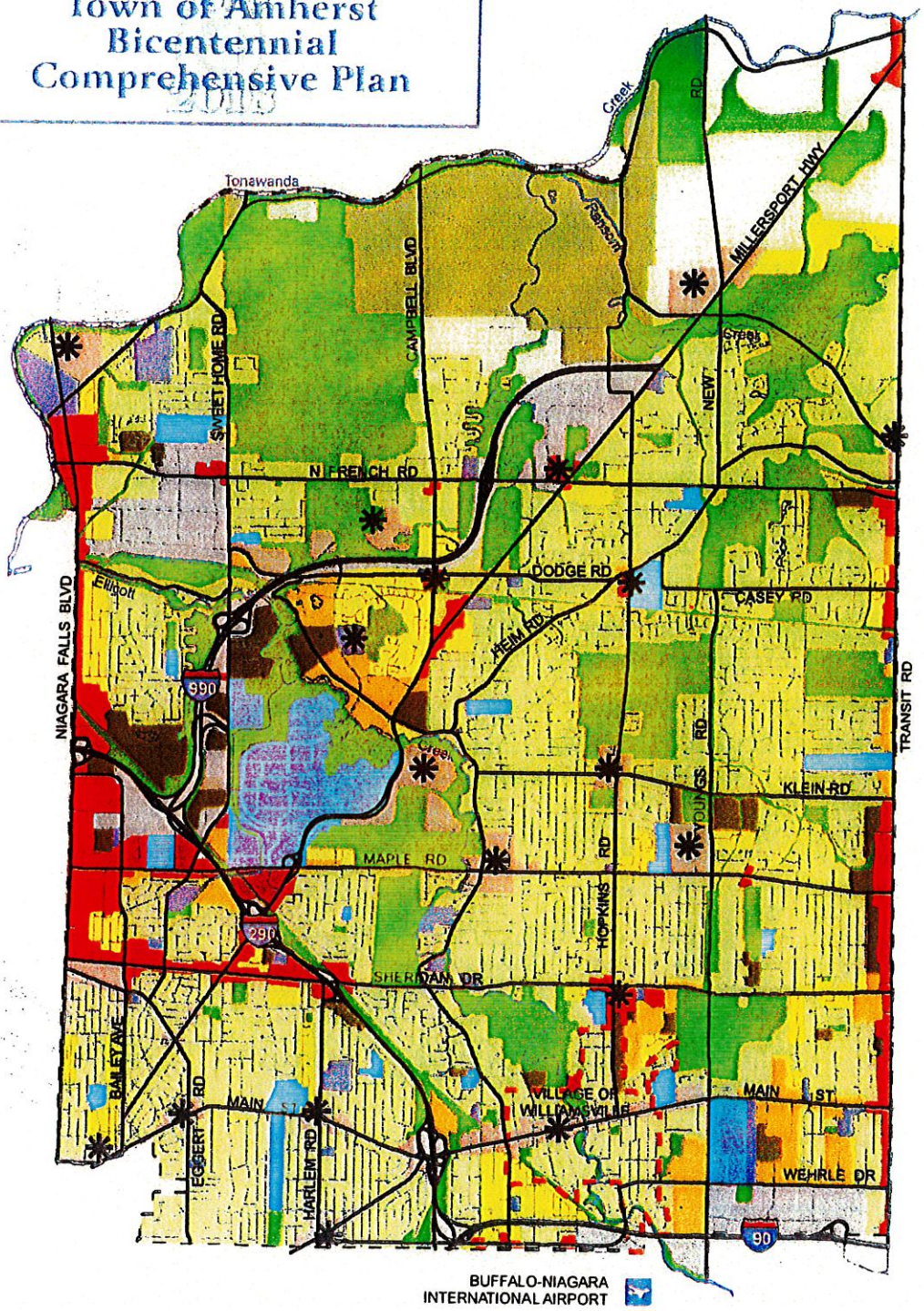
As set forth in the Town's 2018 Comprehensive Plan and Conceptual Land Use Plan, Swormville is considered a "Mixed Use" Center, for which higher density housing choices and a more compact livable and walkable environment is desired. The Comprehensive Plan suggests that the "village center" attributes of Swormville should be reinforced through encouragement of compatible mixed and commercial uses, which the proposed project provides. Zoning the proposed mixed-use portion of the property to CTR-2.5 and to be in accord with the Comprehensive Plan will achieve the objectives within the Comprehensive Plan while allowing the Town to better control development specifics to ensure consistency with its new development standards.

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

EXHIBIT B

Town of Amherst Bicentennial Comprehensive Plan



CONCEPTUAL LAND USE PLAN

FIGURE 6

- Rural Residential
- Single Family Residential
- Mixed Residential
- Medium Residential
- Commercial - Retail
- Commercial - Office
- Industrial - Office
- Mixed Use
- Community Facilities
- Educational Campus
- Recreation, Open Space & Greenways
- Agriculture
- Transportation
- Surface Water
- Mixed Use / Activity Centers
- Municipal Boundary
- Village of Williamsville Boundary

SOURCE NOTES:

Original Source Data Provided by the Town of Amherst Information Technology Department, UR8 Corporation and Wallace Roberts & Todd, LLC

Map Compiled by the Town of Amherst Planning Department

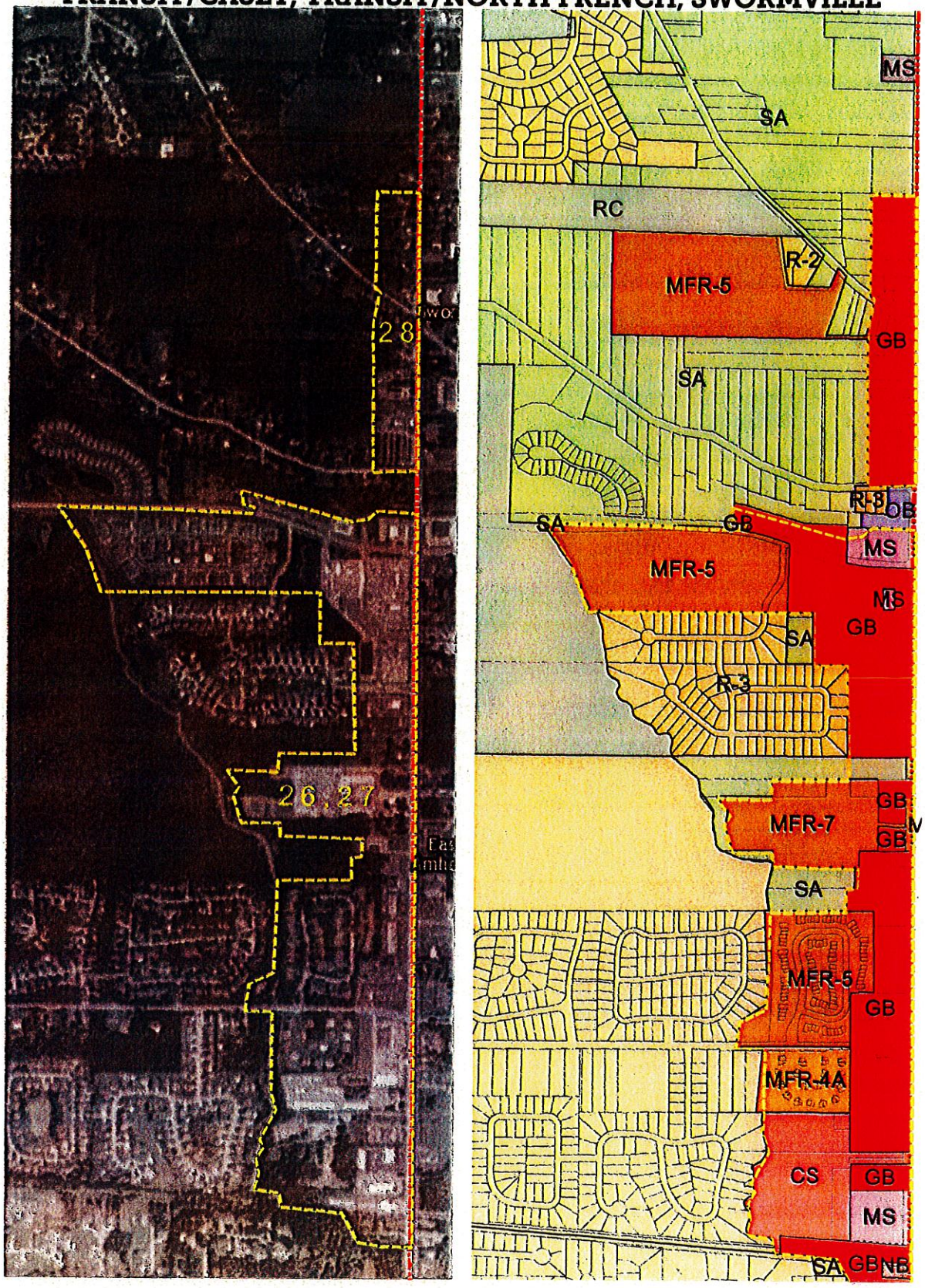
Date: March, 2009

N

0 0.25 0.5 0.75 1 1.25 Miles

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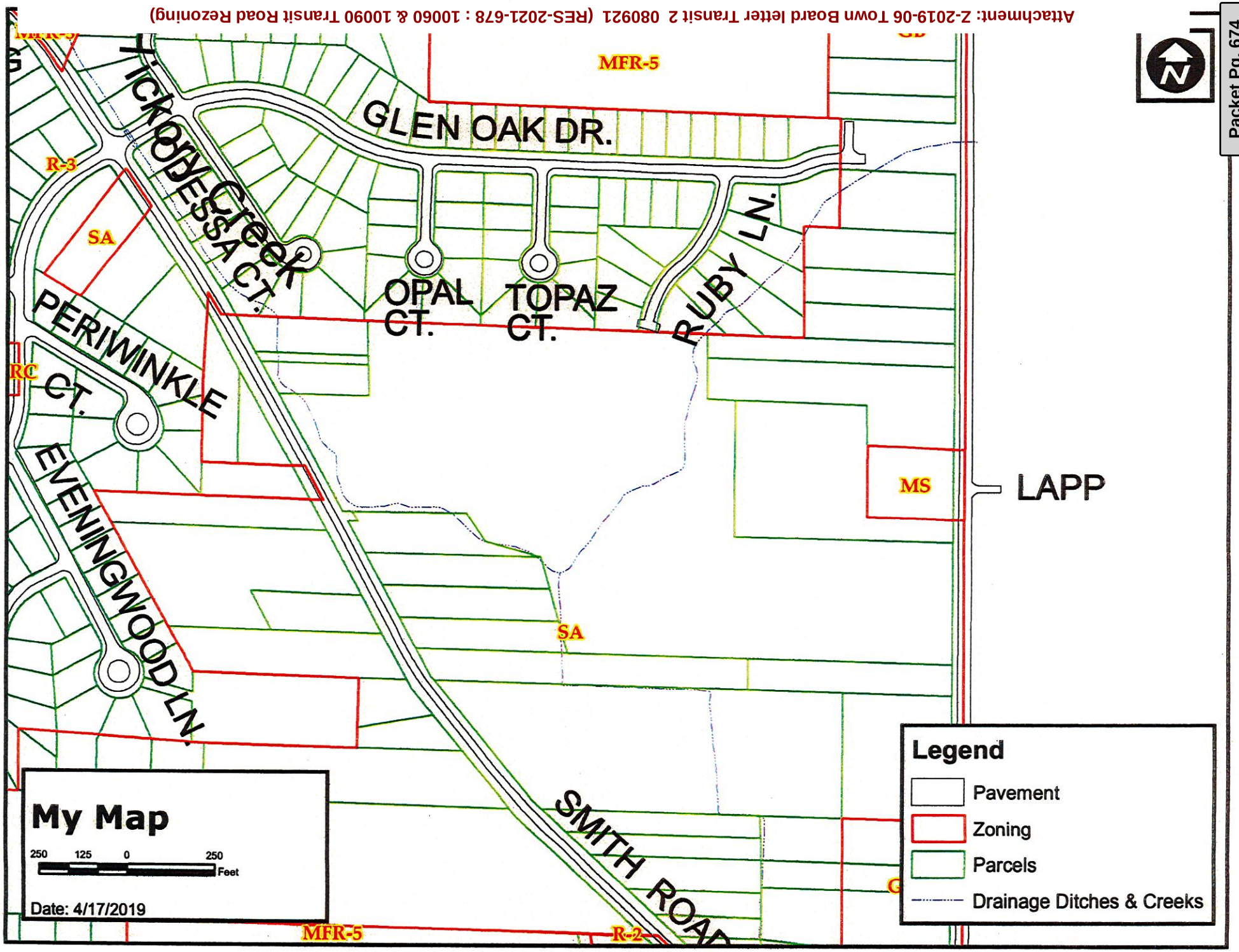
26, 27, 28
TRANSIT/CASEY, TRANSIT/NORTH FRENCH, SWORMVILLE



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EXHIBIT C


MFR-5
GLEN OAK DR.
TICKONDESSA CT.
Creek
R-3
SA
OPAL CT.
TOPAZ CT.
RUBY LN.
PERIWINKLE CT.
RC
EVENINGWOOD LN.
MS
LAPP
SA
SMITH ROAD
MFR-5
R-2
My Map
250 125 0 250
Feet
Date: 4/17/2019
Legend
Pavement
Zoning
Parcels
Drainage Ditches & Creeks

AUTHORIZATION

Fritz Lotter, record property owner of the property located at 10090 Transit Road and 50% record property owner of the property located at 10060 Transit Road in the Town of Amherst, New York (individually and collectively, the "Property"), hereby gratuitously authorizes the law firm of Barclay Damon, LLP to file a rezoning application for both Properties, along with any and all necessary supporting documentation, including any additional applications or submittals required, with the Town of Amherst, in connection with the approvals sought for the Property. Fritz Lotter shall in no way be responsible for any charges, costs, expenses, legal fees, filing fees, etc. associated with the above work, whether to Barclay Damon LLP, or anyone else, under any legal theory in law or equity. Nothing in this Authorization shall in any way imply or create any agreement, contract, option etc. regarding the property at 10090 Transit Road, Amherst, NY between Fritz Lotter and any other person, entity or party.

By: _____
Fritz Lotter

Dated: 4/15/19

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

AUTHORIZATION

The Executors of the Estate of Theresa Lotter, record property owner of 50% of the property located at 10060 Transit Road in the Town of Amherst, New York (the "Property"), hereby authorizes the law firm of Barclay Damon, LLP to file a rezoning application for the Property, along with any and all necessary supporting documentation, including any additional applications or submittals required, with the Town of Amherst, in connection with the approvals sought for the Property.

By: Heidi A Wieczorek
Heidi A. Wieczorek

Title: Co-Executor

Dated: 4-15-2019

18347390.1

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

AMENDED

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: Ashley Green		
Project Location (describe, and attach a general location map): 10060 (24.21 acres) & 10090 (5 acres) Transit Road		
Brief Description of Proposed Action (include purpose or need): Rezoning of two parcels (29.21 acres total) from SA/MS to R-3/MFR-5 (old code) / CTR-2.5 (new code) to accommodate proposed mixed use development with townhomes, single family lots and approximately 23,400 +/- sf of commercial space.		
Name of Applicant/Sponsor: Barclay Damon LLP on behalf of Forbes Capretto Homes	Telephone: 716-858-3878 E-Mail: jpalumbo@barclaydamon.com	
Address: 9276 Main Street		
City/PO: Clarence	State: NY	Zip Code: 14031
Project Contact (if not same as sponsor; give name and title/role): Jeffery D. Palumbo, Esq.	Telephone: E-Mail:	
Address: see above		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Mr. Fritz Lotter/The Estate of Theresa Lotter	Telephone: E-Mail:	
Address: c/o John Robshaw Attorney at Law		
City/PO:	State:	Zip Code:

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit 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. CityCounsel, TownBoard , or Village Board of Trustees ☑Yes ☐No	Town of Amherst Town Board - rezoning approval	4/15/19
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Town of Amherst Planning Board - rezoning recommendation	4/15/19
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☐Yes ☑No		
e. County agencies ☐Yes ☑No		
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	NYSDOT Permits, NYSDEC SWPPP and I/I Approval	
h. Federal agencies ☑Yes ☐No	Potential Army Corps Permit	

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-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit 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?
SA - suburban agriculture

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? R-3/MFR-5 / CTR-2.5

C.4. Existing community services.

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

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

c. Which fire protection and emergency medical services serve the project site?
Swormville

d. What parks serve the project site?
Dann Lake

D. Project Details

D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? 29.21 acres
b. Total acreage to be physically disturbed? +/- 27.21 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 29.21 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)
Single detached Family Residential
ii. Is a cluster/conservation layout proposed? ☐ Yes ☑ No
iii. Number of lots proposed? 52
iv. Minimum and maximum proposed lot sizes? Minimum 6,500 sq ft Maximum 42,000 sq ft

e. Will the proposed action be constructed in multiple phases? ☑ Yes ☐ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated 2-3
- Anticipated commencement date of phase 1 (including demolition) Sept month 2021 year
- Anticipated completion date of final phase Nov month 2025 year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

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

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	52			30
At completion of all phases	68			61

g. Does the proposed action include new non-residential construction (including expansions)? ☑ Yes ☐ No

If Yes,

i. Total number of structures 4

ii. Dimensions (in feet) of largest proposed structure: 35 +/- height; 65 +/- width; and 100 +/- length

iii. Approximate extent of building space to be heated or cooled: 23,400 +/- 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: Stormwater runoff associated with new impervious surfaces at the project site.

iii. If other than water, identify the type of impounded/contained liquids and their source.

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: 1.5± 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): Proposed stormwater facilities will be excavated from existing earth.

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☑ No

If Yes:

i. What is the purpose of the excavation or dredging?

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards):
- Over what duration of time?

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe.

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan:

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☑ Yes ☐ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Federal Wetland

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ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
Two of the proposed residential lots will encroach upon wetland/buffer. Permits will be obtained and appropriate measures will be employed to preserve existing wetland in accordance with permit conditions.

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: 48,900 ± 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: Amherst Water District
- Does the existing public water supply have capacity to serve the proposal? ☑Yes ☐No
- Is the project site in the existing district? ☑Yes ☐No
- Is expansion of the district needed? ☐Yes ☑No
- Do existing lines serve the project site? ☑Yes ☐No

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

- Describe extensions or capacity expansions proposed to serve this project:
  Extension of waterlines into site to service proposed single family homes and commercial buildings
- Source(s) of supply for the district: Erie County Water Authority

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: 32,600 ± 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: Amherst Wastewater Treatment Plant #16
- Name of district: Amherst Sewer District 16
- 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

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- 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: Extension of sanitary sewer into project site.

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 6.3 acres (impervious surface)

_____ Square feet or 29.2 acres (parcel size)

ii. Describe types of new point sources. Outlets from stormwater facilities

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)?

To be determined by final design, but expected to be directed to several on-site storm water management facilities before discharging to tributary to Black Creek

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

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

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

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☐No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☑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): GARBAGE COLLECTIONS, RETAIL DELIVERIES ESTIMATED AT 10-15/DAY JS

iii. Parking spaces: Existing 0 Proposed 150 Net increase/decrease INC. 150

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: Normal Residential and commercial space usage

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): National Fuel/National Gas

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: 7-5
- Saturday: 7-5
- Sunday: 7-5
- Holidays: 7-5

ii. During Operations:
- Monday - Friday: 8-8
- Saturday: 8-8
- Sunday: 8-8
- Holidays: 8-8

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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☑ No

If yes:

i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☑ No

Describe:

n. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Parking lot lighting, street lighting and fixtures on buildings. Parking lot lighting to be dark sky compliant.

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):

POSSIBLE PESTICIDE LAWN TREATMENT

JC

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:

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s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☑ Commercial ☑ Residential (suburban) ☑ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.2±	6.3±	+ 6.1±
• Forested	3.4±	1.0±	- 2.4±
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	23.5±	1.0±	- 22.5±
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.3±	1.2±	+ 0.9±
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Lawns and landscaping	1.8±	19.7±	+ 17.9±

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit 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:

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-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit 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? 5+ 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:

Cv - Cosad loamy fine sand	70 %
NfA - Niagara silt loam	28 %
Od - Odessa silt loam	2 %

d. What is the average depth to the water table on the project site? Average: 0.5-1.5 feet

e. Drainage status of project site soils:
☐ Well Drained: ____% of site
☐ Moderately Well Drained: ____% of site
☑ Poorly Drained ____% of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 100 % of site
☐ 10-15%: ____% of site
☐ 15% or greater: ____% of site

g. Are there any unique geologic features on the project site? ☐Yes ☑No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☑Yes ☐No

ii. Do any wetlands or other waterbodies adjoin the project site? ☑Yes ☐No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑Yes ☐No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 837-48 Classification C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☑Yes ☐No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____
Name - Pollutants - Uses:Ransom Creek, Lower, and tribs – Pathogens;D.O./Oxygen Demand – Recreation;Aquatic Life

i. Is the project site in a designated Floodway? ☐Yes ☑No

j. Is the project site in the 100-year Floodplain? ☑Yes ☐No

k. Is the project site in the 500-year Floodplain? ☑Yes ☐No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐Yes ☑No
If Yes:

i. Name of aquifer: _____

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

m. Identify the predominant wildlife species that occupy or use the project site:
Local Birds, Squirrels

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: AG DISTRICT V7

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☑No
i. If Yes: acreage(s) on project site? _____
ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☑No
If Yes:
i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☑No
If Yes:
i. CEA name: _____
ii. Basis for designation: _____
iii. Designating agency and date: _____

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MAY 20 2021
TOWN OF AMHERST
PLANNING DEPT.

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit 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 bythe 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 Barclay Damon LLP Date March 26, 2021

Signature _____ Title Attorney

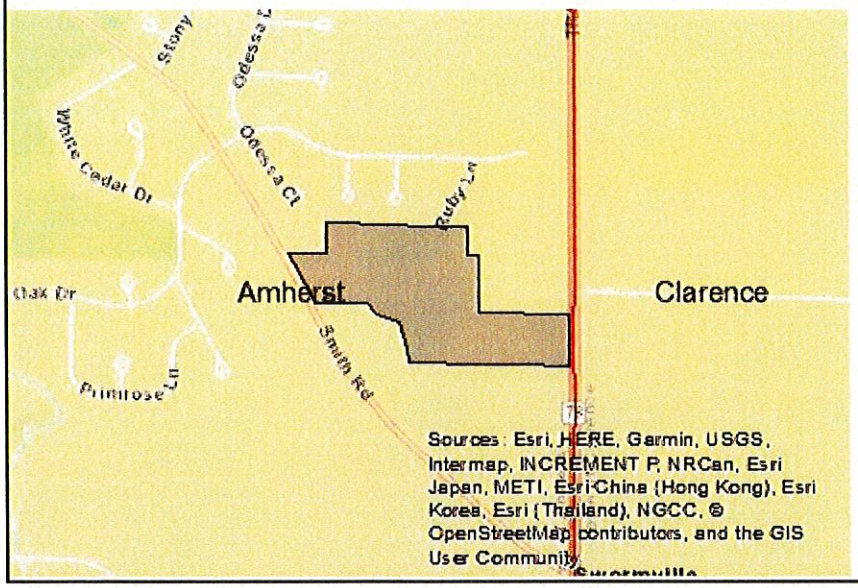
Jeffery D. Palumbo

PRINT FORM

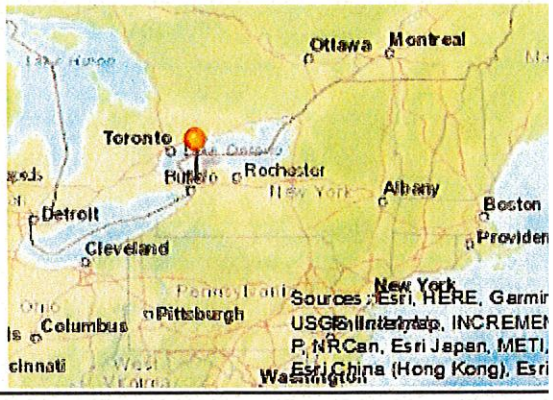
Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

EAF Mapper Summary Report

Sunday, April 14, 2019 6:36 PM



Disclaimer: The EAF Mapper is a screening tool intended to assis project sponsors and reviewing agencies in preparing an environment assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Althoug the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in ord to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	837-48
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Ransom Creek, Lower, and tribs – Pathogens;D.O./Oxygen Demand – Recreation;Aquatic Life

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit 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	Severe	Severe	Severe	Severe	Moderate
Niagara	Severe	Severe	Severe	Severe	Severe
Odessa	Severe	Severe	Severe	Severe	Severe

2. If the Soil survey indicates either "severe" or "moderate" suitability for the proposed types of construction, a geotechnical and hydrological analysis based on one test per 3.5 acres of project area must be provided (per Town Board resolution, 3/17/03, amended 6/16/03).

   _____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:
   Not Applicable.

6. Are you aware of current or future plans or intentions by others in the Town of Amherst to develop property within 1000± ft. of the present project request: ☐ Yes ☑ No

   Describe: **Not Applicable.**

   (Potential environmental impacts from adjacent or nearby projects undergoing the approval process will receive a coordinated environmental review to determine cumulative effects on common receivers (e.g. traffic and drainage corridors) and other relevant environmental concerns.)

7. Maximum number of vehicular trips to be generated per hour upon completion of project: **214 trips during weekday P.M. peak travel hour.**

   Source: ITE – TripGen 2013, see attached printout

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:

    31,750 gpd average flow 129,154 gpd 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-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Trip Generation Summary - Alternative 1
Average Weekday Driveway Volumes

Project: Ashley Green
Alternative: Alternative 1

Open Date: 4/16/2019
Analysis 4/16/2019

ITE	Land Use	Average Daily Trips Enter	Exit	Total	AM Peak Hour Adjacent Street Traffic Enter	Exit	Total	PM Peak Hour Adjacent Street Traffic Enter	Exit	Total
210	SFHOUSE 1	138	138	276	6	16	22	18	11	29
	29 Dwelling Units									
221	LRAPT 1	149	148	297	4	17	21	17	9	26
	45 Occupied Dwelling Units									
231	LRCONDO 1				3	8	11	7	5	12
	16 Dwelling Units									
233	LUXCONDO 1				7	23	30	19	11	30
	54 Occupied Dwelling Units									
826	CENTERSPECIALTY 1	953	953	1906				51	66	117
	43 Gross Leasable Area 1000 SF									
	Unadjusted Driveway Volume	1240	2193	3146	20	64	84	112	102	214
	Unadjusted Pass-By Trips	0	0	0	0	0	0	0	0	0
	Internal Capture Trips	0	0	0	0	0	0	44	44	88
	Adjusted Driveway Volume	1240	2193	3146	20	64	84	68	58	126
	Adjusted Pass-By Trips	0	0	0	0	0	0	0	0	0
	Adjusted Volume Added to Adjacent Streets	1240	2193	3146	20	64	84	68	58	126

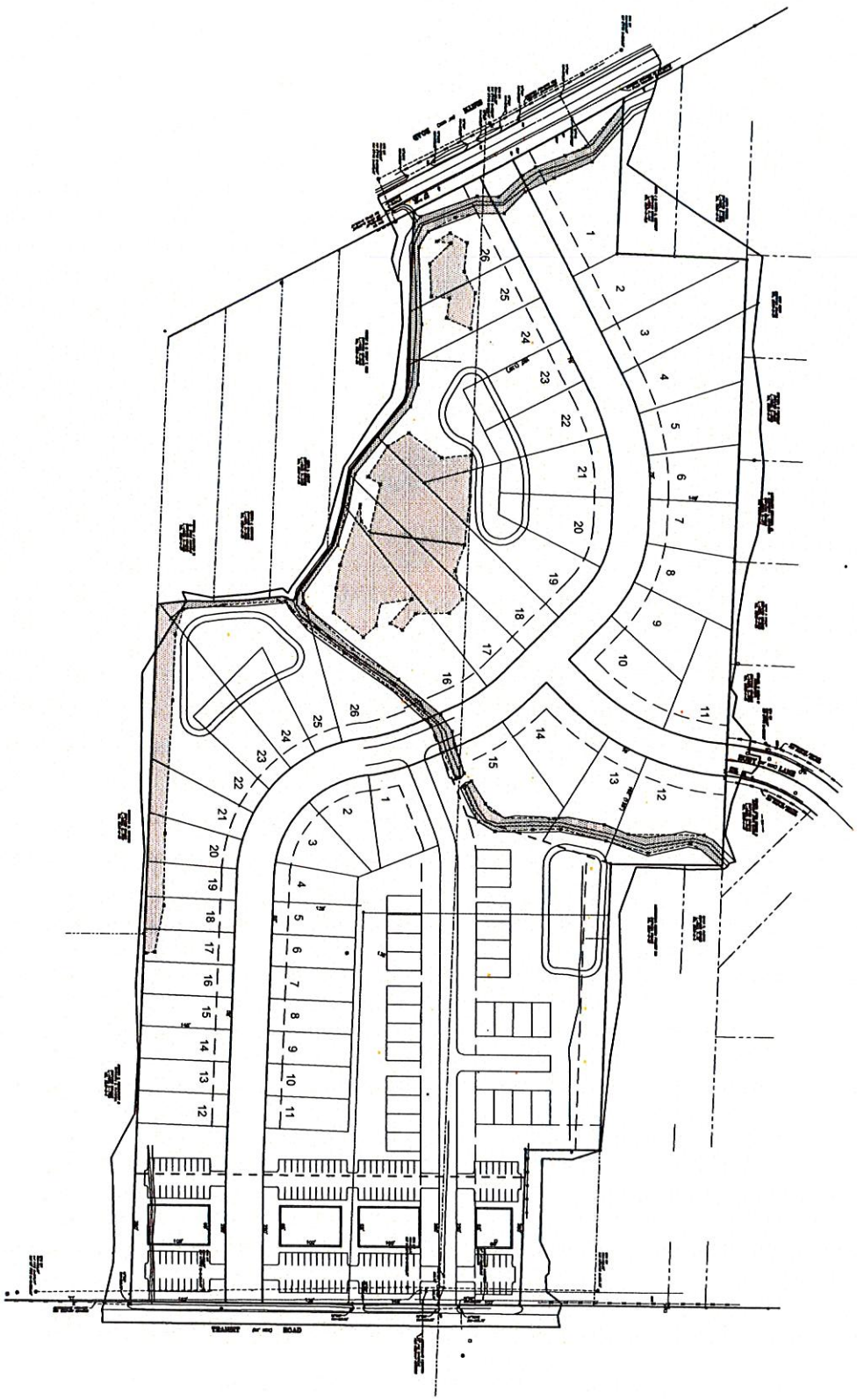
Total AM Peak Hour Internal Capture = 0 Percent

Total PM Peak Hour Internal Capture = 41 Percent

Source: Institute of Transportation Engineers, Trip Generation Manual 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)



SHEET NO. 1	CONCEPT PLAN	SCALE: 1"=80'	DRAWN BY: DRAWN	GPI	Greenman-Pedersen, Inc. Engineering and Construction Services
		DATE: OCTOBER 2020	CHECKED BY: CHECKED		In Western New York: BUFFALO (716) 633-4844 • ROCHESTER (585) 486-4859 • JAMESTOWN (716) 488-2803
	ASHLEY GREEN TOWN OF AMHERST	DWG NO.: DWGNO	JOB NO.: 2020096		
		NO.	REVISIONS:	BY	DATE

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

7485-B

APRIL 12, 2019

LANDS TO BE REZONED TO MFR-5
MULTIFAMILY RESIDENTIAL DISTRICT 5

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 57 in Township 13 and Lot No. 102 in Township 12, Range 7 of the Holland Land Company's Survey and bounded and described as follows:

COMMENCING at a point in the westerly line of Transit Road being (66.0 feet wide) said point being the southeast corner of Sublot 21 as shown on a Subdivision Map filed in the Erie County Clerk's office under Map cover 2044;

THENCE westerly on a line parallel with the south line said Lot No. 57 a distance of 205.12 feet to the point of BEGINNING.

THENCE southerly on a line parallel with said west line of Transit Road being 205.00 feet westerly at right angles from said west line a distance of 626.40 feet to a point;

THENCE westerly parallel with the north line of said Lot No. 102 a distance of 917 feet more or less the centerline of a ditch;

THENCE northerly along the centerline of said ditch a distance of 192 feet more or less to a point;

THENCE through the property of lands conveyed to Herbert A. Lotter and Theresa P. Lotter by deed recorded in liber 11153 of deeds at page 5058 the following three (3) courses and distances:

1) Northeasterly along the centerline of a ditch more or less a distance of 284 feet more or less to a point;
2) Northeasterly a distance of 197 feet more or less to a point;
3) Northerly 244 feet more or less to a northerly corner of said Lotter's land;

THENCE easterly on a line parallel with the south line said Lot No. 57 a distance of 460.00 feet to the point;

THENCE southerly on a line parallel with said west line of Transit Road a distance of 120.00 feet to a point;

THENCE easterly on a line parallel with the south line said Lot No. 57 a distance of 44.88 feet to the point of BEGINNING.

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

7485-C

APRIL 12, 2019

LANDS TO BE REZONED TO R-3
RESIDENTIAL DISTRICT 3

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 57 in Township 13 and Lot No. 102 in Township 12, Range 7 of the Holland Land Company's Survey and bounded and described as follows:

BEGINNING at a point in the northeasterly line of Smith Road being (66.0 feet wide) said point being the southwest corner of Sublot 2 as shown on a map filed in the Erie County Clerk's office under Map cover 2044;

THENCE southeasterly along said northeasterly line of Smith Road a distance of 224.73 feet to an angle point;

THENCE southeasterly continuing along said northeasterly line of Smith Road a distance of 159.64 feet to the southwest corner of Sublot 5 as shown on said Map Cover 2044;

THENCE easterly on a line parallel with the north line of said Lot No. 102 a distance of 239.60 to a point in the centerline of a ditch;

THENCE southeasterly along the centerline of said ditch a distance of 468 feet more or less to a point;

THENCE through the property of lands conveyed to Herbert A. Lotter and Theresa P. Lotter by deed recorded in liber 11153 of deeds at page 5058 the following three (3) courses and distances:

1) Northeasterly along the centerline of a ditch more or less a distance of 284 feet more or less to a point;
2) Northeasterly a distance of 197 feet more or less to a point;
3) Northerly 244 feet more or less to a point on a northerly line of said Lotter's land;

THENCE northerly on a line parallel with said west line of Transit Road a distance of 180.00 feet to a point;

THENCE westerly on a line parallel with the south line said Lot No. 57 a distance of 976.52 feet to the point;

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

THENCE southerly on a line forming an interior angle of 90°-00' a distance of 208.92 feet to the point;

THENCE westerly on a line parallel with the south line said Lot No. 57 a distance of 250 feet to the point of BEGINNING.

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, AIC
Planning Director
Ellen M. Kost, AICP
Assistant Planning Direct

RECEIVED
MAR 08 2021
TOWN OF AMHERST
PLANNING DEPT.

MEMORANDUM February 18, 2021

TO: Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Edward Rutkowski, SEQR Review Coordinator, NYSDOT
Garrett Hacker, Erie County DPW Highways Division

FROM: Planning Department, Ellen M. Kost, AICP, Assistant Planning Director EMK

SUBJECT: REQUEST TO REZONE 29.21± ACRES OF LAND FROM **SA & MS TO CTR-2.5, TR-3 & R-3, Z-2019-06**; PROPERTY LOCATED **10060 & 10080 TRANSIT ROAD**. FORBES CAPRETTO HOMES, PETITIONER

TRAFFIC IMPACT STUDY:
Received February 10, 2021

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: INTERNAL STREET NETWORK MUST BE CHANGED to DISCOURAGE CUT-THROUGH TRAFFIC (EG. ROUNDABOUT OR T-INTI

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 3/5/21

EK/ac
X:\Current_Planning\Files\Rezonings\2019\Z-2019-06_(10060_&_10090_Transit_Rd)_2019\Z-2019-06_TIS_Transmittal_021821.doc
cc: Scott A. Marshall, Principal Planner

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Amherst

Town of Amherst Planning Department *Erie County, New York*

RECEIVED
APR 08 2021
TOWN OF AMHERST
PLANNING DEPT.

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Ellen M. Kost, AICP
Assistant Planning Director

MEMORANDUM March 31, 2021

TO: Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Edward Rutkowski, SEQR Review Coordinator, NYSDOT
Williamsville School District

FROM: Planning Department, Ellen M. Kost, AICP, Assistant Planning Director EMK

SUBJECT: REQUEST TO REZONE 29.21± ACRES OF LAND FROM **SA & MS TO CTR-2.5, MFR-5 & R-3, Z-2019-06**; PROPERTY LOCATED **10060 & 10090 TRANSIT ROAD**. FORBES CAPRETTO HOMES C/O JEFFREY PALUMBO, PETITIONER.

REVISED APPLICATION AND ENVIRONMENTAL ASSESSMENT FORM
Received **March 31, 2021**

This rezoning application revises the zoning districts that were requested in a previous application received in April 2019 for the same property.

REVIEW:

Do you agree with all statements made? YES.

If you do not, briefly state why: _____

General comments relative to your agency interests: None @ This Time.

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) _____

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 4/7/21

C. Schregel

EK/bf
X:\Current_Planning\Files\Rezonings\2019\Z-2019-06_(10060_&_10090_Transit_Rd)_2019\Z-2019-06_Rev_Application_and_Environmental_Assessment_033121.doc
cc: Scott A. Marshall, Principal Planner

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Ellen M. Kost, AICP
Assistant Planning Director

RECEIVED
APR 05 2021
TOWN OF AMHERST
PLANNING DEPT.

RECEIVED
MAR 31 2021
TOWN ATTORNEY

MEMORANDUM March 31, 2021

FROM

TO:

TO: Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
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Stan Sliwa, Town Attorney (Local Law Only)
4/4/21 ✓ Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Edward Rutkowski, SEQR Review Coordinator, NYSDOT
Williamsville School District

FROM: Planning Department, Ellen M. Kost, AICP, Assistant Planning Director EMK

SUBJECT: REQUEST TO REZONE 29.21± ACRES OF LAND FROM **SA & MS TO CTR-2.5, MFR-5 & R-3, Z-2019-06**; PROPERTY LOCATED **10060 & 10090 TRANSIT ROAD**. FORBES CAPRETTO HOMES C/O JEFFREY PALUMBO, PETITIONER.

REVISED APPLICATION AND ENVIRONMENTAL ASSESSMENT FORM
Received **March 31, 2021**

This rezoning application revises the zoning districts that were requested in a previous application received in April 2019 for the same property.

REVIEW:

Do you agree with all statements made? yes, agree with all statements made.

If you do not, briefly state why: _____

General comments relative to your agency interests: N/A

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) N/A

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 4/4/21

EK/bf
X:\Current_Planning\Files\Rezonings\2019\Z-2019-06_(10060_&_10090_Transit_Rd)_2019\Z-2019-06_Rev_Application_and_Environmental_Assessment_033121.doc
cc: Scott A. Marshall, Principal Planner

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Amherst

Town of Amherst Planning Department — Erie County, New York

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Ellen M. Kost, AICP
Assistant Planning Director

RECEIVED
APR 01 2021
TOWN OF AMHERST
BUILDING DEPT

MEMORANDUM March 31, 2021

TO: Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
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Integrated Review Coordinator, ECDEP
Edward Rutkowski, SEQR Review Coordinator, NYSDOT
Williamsville School District

RECEIVED
APR 05 2021
TOWN OF AMHERST
PLANNING DEPT.

FROM: Planning Department, Ellen M. Kost, AICP, Assistant Planning Director EMK

SUBJECT: REQUEST TO REZONE 29.21± ACRES OF LAND FROM **SA & MS TO CTR-2.5, MFR-5 & R-3, Z-2019-06**; PROPERTY LOCATED **10060 & 10090 TRANSIT ROAD**. FORBES CAPRETTO HOMES C/O JEFFREY PALUMBO, PETITIONER.

REVISED APPLICATION AND ENVIRONMENTAL ASSESSMENT FORM
Received **March 31, 2021**

This rezoning application revises the zoning districts that were requested in a previous application received in April 2019 for the same property.

REVIEW:

Do you agree with all statements made? Yes.

If you do not, briefly state why: _____

General comments relative to your agency interests: Floodplain & Federal Wetlands on Parcels.

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) _____

Please call the Planning Department if additional information is required (631-7051).

Signature: Doug Gesel **Date:** 4-5-21

EK/bf
X:\Current_Planning\Files\Rezonings\2019\Z-2019-06_(10060_&_10090_Transit_Rd)_2019\Z-2019-06_Rev_Application_and_Environmental_Assessment_033121.doc
cc: Scott A. Marshall, Principal Planner

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Ellen M. Kost, AICP
Assistant Planning Director

MEMORANDUM March 31, 2021

TO: Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
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Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Edward Rutkowski, SEQR Review Coordinator, NYSDOT
Williamsville School District

4/4/21 E: Ellen Kost
From: Dave Marrano
cc: L. Walter
cc: CMC

FROM: Planning Department, Ellen M. Kost, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 29.21± ACRES OF LAND FROM **SA & MS TO CTR-2.5, MFR-5 & R-3, Z-2019-06**; PROPERTY LOCATED **10060 & 10090 TRANSIT ROAD**. FORBES CAPRETTO HOMES C/O JEFFREY PALUMBO, PETITIONER.

REVISED APPLICATION AND ENVIRONMENTAL ASSESSMENT FORM
Received **March 31, 2021**

This rezoning application revises the zoning districts that were requested in a previous application received in April 2019 for the same property.

REVIEW:

Do you agree with a l statements made? Yes w/ Comment below

If you do not, briefly state why: Assessor has No Issue EXCEPT if Re-Zone allows Third Residential Units with Condominium Tax Status can be sold.

General comments relative to your agency interests: _____

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) _____

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 4/4/21

EK/bf
X:\Current_Planning\Files\Rezonings\2019\Z-2019-06_(10060_&_10090_Transit_Rd)_2019\Z-2019-06_Rev_Application_and_Environmental_Assessment_033121.doc
cc: Scott A. Marshall, Principal Planner

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Ellen M. Kost, AICP
Assistant Planning Director

MEMORANDUM March 12, 2021

TO: Jeffrey Burroughs, Town Engineer
Vaishali Reberholt, PE, Stormwater Management Officer (Eng.)

FROM: Planning Department, Ellen M. Kost, AICP, Assistant Planning Director EMK

SUBJECT: REQUEST TO REZONE 29.21± ACRES OF LAND FROM **SA & MS TO CTR-2.5, TR-3 & R-3, Z-2019-06**; PROPERTY LOCATED **10060 & 10080 TRANSIT ROAD.** FORBES CAPRETTO HOMES, PETITIONER

HYDRAULIC SUMMARY REPORT/STORMWATER MANAGEMENT SYSTEM SUMMARY REPORT:
Received March 9, 2021

REVIEW:

Do you agree with all statements made? Yes.

If you do not, briefly state why: _____

_____.

General comments relative to your agency interests: Provide pretreatment before retention pond & Equipment access to post-construction measures for long term maintenance.

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) N/A

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 3/31/21

EK/ac
X:\Current_Planning\Files\Rezonings\2019\Z-2019-06_(10060_&_10090_Transit_Rd)_2019\Z-2019-06_SWPPP_Transmittal_031221.doc
cc: Scott A. Marshall, Principal Planner

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9
270 Michigan Avenue, Buffalo, NY 14203-2915
P: (716) 851-7165 | F: (716) 851-7168
www.dec.ny.gov

RECEIVED
MAY 28 2019
TOWN OF AMHERST
PLANNING DEPT.

May 23, 2019

Z-2019-06

Ms. Ellen Kost, Assistant Planning Director
Town of Amherst
5583 Main Street
Williamsville, New York 14221

Dear Ms. Kost:

SEQR Lead Agency Designation
Ashley Green Mixed-Use Development
10060 & 10090 Transit Road
Town of Amherst, Erie County

This is to acknowledge receipt of your April 26, 2019 notice which requested State Environmental Quality Review Act (SEQR) Lead Agency status for the above-noted project. The Department concurs that the Town of Amherst should act as SEQR Lead Agency since the environmental impacts of the proposal are primarily of local significance. However, please be advised of the following:

1. This proposed project requires a sanitary sewer connection that is designed to convey 2,500 gallons/day or more of municipal sewage and is therefore considered a sanitary sewer extension. The Erie County Health Department (503 Kensington Avenue, Buffalo, New York 14214, telephone: 716/961-6800), which acts as our agent, will be the approving agency.

   A detailed Downstream Sewer Capacity Analysis must be performed and submitted for the proposed project as part of the Project's Engineering Report. Recent wet weather flow monitoring data and proposed new development flow should be analyzed relative to theoretical capacity at key nodes in the downstream sewer system and at pump stations (if any) to determine if capacity exists.

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Recent wet weather system flow data can consist of:

- Comprehensive information from recent Sanitary Sewer System Evaluation Studies, or

- Wet weather data collected at (minimum of 3) key downstream nodes specified by the municipality.
    - This dated information can consist of instantaneous flow measurements, or continuous flow or sewer depth measurements obtained during significant wet weather events, preferably during high groundwater conditions. Peak sewer flow recording methods are an acceptable method to collect this information.
    - Depth or flow measurements should continue until a significant wet weather event occurs, but would not have to extend beyond three months. A significant wet weather event is considered to be a daily rainfall amount of ½" or greater.

The Downstream Sewer Capacity Analysis must also contain a narrative and a detailed map showing the downstream routing of sewers from the proposed project site to the Wastewater Treatment Plant. Line sizes, theoretical capacity, and pump stations must be identified and included in the analysis.

This Downstream Sewer Capacity Analysis, as well as any required infiltration and inflow (I/I) rehabilitation offset work at a 4:1 ratio, should be part of the Project's Engineering Report. These items must be received as part of a complete sanitary sewer extension plan submission. The Town of Amherst shall coordinate the information contained in this submission. If adequate capacity is not available, the sewer extension will not be approved until an acceptable remediation plan is developed.

As stated in the attached June 1, 2018 letter from this Department to both the Town of Amherst and ECSD#5, there are existing serious sewer capacity issues during peak storm flows in the sanitary sewers on Dodge and Transit Roads. There may be sanitary sewer capacity issues for large sewer extension projects planning to tie into these trunk sewers.

The above guidance will help in the preparation of a complete Sewer Extension submission, which will facilitate our review. If you have any questions or require additional information, please contact this Department's Division of Water (telephone: 716/851-7070), or the Erie County Health Department.

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

2. Since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-15-002, as well as the NOI form, is available on the Department's website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the Department's website at www.dec.ny.gov/chemical/8468.html.

   The Town of Amherst is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principle executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the NOI, to the Department at NOTICE OF INTENT, NYSDEC, Bureau of Water Permits, 625 Broadway,4th Floor, Albany, New York 12233-3505, telephone: 518/402-8111 to receive Department approval before construction commences.

3. Note that the United States Army Corps of Engineers (USACE) has authority under federal law to regulate waterbodies and wetlands. If the proposed project will impact the on-site tributary (Black Creek) or on-site federally regulated wetlands, the project sponsor should contact USACE (1776 Niagara Street, Buffalo, New York 14207, telephone: 716/879-4330) as early as possible in the planning process to determine if the project will require a USACE permit. Depending on federal permitting, a Water Quality Certification (WQC) may be required from this Department.

4. The project site includes 100-year floodplain based on the Federal Emergency Management Agency's (FEMA) Panel No. 3602260004D and Panel No. 3602260007E. It is recommended that the project be designed to comply with the relevant Town code pertaining to floodplains and floodways.

5. Please be aware that if asbestos exists in any building(s) to be demolished, the protection of workers is regulated by the New York State Department of Labor (716/847-7126) and Occupational Safety and Health Administration (OSHA)

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

716/684-3891. In addition, the disposal of friable (readily crumbled and brittle) asbestos is regulated by this Department under 6 NYCRR Part 360-2.17(p). For more information on the disposal of friable asbestos, please contact Mr. Peter Grasso (716/851-7220) at this Department.

The presence of elemental mercury and/or lead in any building(s) being demolished is also a concern of the Department. Mercury is found in many different common items such as fluorescent lights and electrical switches, while lead is mainly found in older paints (pre-1980). For guidance on the proper handling and disposal of mercury and/or lead, please contact our Region 9 Division of Environmental Remediation at 716/851-7220 or visit the Department's Mercury webpage at http://www.dec.ny.gov/chemical/285.html.

If you have any questions, please feel free to contact me or Michelle Woznick at 716/851-7165.

Sincerely,

David S. Denk
Regional Permit Administrator

Enclosure

MRW; ml

ecc: Mr. Jeffrey Palumbo, Barclay Damon LLP
Mr. Richard Rink, NYSDEC Division of Water
Ms. Molly De Tine, NYSDEC Division of Water
Ms. Rebecca Wightman, Erie County Department of Health
Mr. Jeffrey Burroughs, Town of Amherst

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Amherst

Town of Amherst Planning Department · *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Ellen M. Kost, AICP
Assistant Planning Director

April 29, 2019

Forbes Capretto Homes
c/o Barclay Damon LLP
9276 Main Street, Suite 3
Clarence, NY 14031

SUBJECT:	Comprehensive Plan Amendment:	**BCPA-2019-01**
	Rezoning Application Review:	**Z-2019-06**
	Proposed:	Mixed-Use Development
	Property located at:	**10060 & 10090 Transit Road**
	Application received:	April 17, 2019
	Representative:	Barclay Damon LLP

Dear Sir/Madam:

Please correct or complete the following items on the Full Environmental Assessment Form submitted with the application:

- Item D.2.e.iv: Please complete.
- Item D.2.j.ii & iii: Please complete.
- Item D.2.q: Indicate if pesticides will be used after construction for lawn maintenance.
- Item E.1.b: The change for lawns and landscaping should show as an increase of 13.5 acres.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

DH/EK/ac
X:\Current_Planning\Files\Bicentennail Comp Plan Amends\BCPA-2019-01 (10060_&_10090_Transit)\Planning Review_4.29.19.doc

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Region 9
270 Michigan Avenue, Buffalo, NY 14203-2915
P: (716) 851-7070 | F: (716) 851-7009
www.dec.ny.gov

June 1, 2018

Jeffrey Burroughs, P.E.
Town Engineer
1100 N. Forest Road
Amherst, New York 14221

Matt Salah, P.E.
Coordinator Sewer Construction Projects
Erie County Division of Sewage Management
95 Franklin Street
Buffalo, New York 14202

Dear Mr. Burroughs and Mr. Salah:

Sewer Extension Development
Tributary to Dodge Road Sewer
Town of Amherst and E.C.S.D. #5

On May 23, 2018 we received the downstream sewer capacity assessment (DSCA) for the proposed Fox Creek Phase III Development, located at 9540 Transit Road in Town of Amherst, NY. Although this project is in Erie County Sewer District #5 (ECSD#5), it is proposed to be sewered via all Town of Amherst (TOA) sewers. The flow monitoring for this project captured a 1.33 in. rain event on 4/16/18. On the previous two days, the rain totaled 0.82 in.

The installed flow meter on Dodge Road (Node 3 for this project) showed a peak surcharge condition of 91.75 inches. The surcharge condition above the 24" pipe was 67.75 in. or 5.67 ft. above the top of the pipe in the MH on Dodge Road. A similar surcharge condition was metered in the 8" pipe on Thornbury Drive (Node 2), just upstream of the Dodge Road location. After discussions with the consultants for the Fox Creek Project, and the company that provided the metering service, they affirmed their belief that the information provided was accurate and that the surcharge condition did exist at that approximate level.

This is a considerable surcharge condition that suggests significant I/I and the potential for overflows and basement backups. A better understanding of the peak wastewater flows in the Dodge Road Sewer is needed. After appropriate consideration, the Department has

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

determined that the Fox Creek Project, as well as other projects received for review prior to June 1, 2018, may move forward to gain necessary sewer extension approvals, provided that Erie County DSM and the TOA agree to perform additional flow monitoring and I/I identification and elimination as outlined below.

ECSD#5:

- Must install a flow meter at Dodge Road and Transit Road that accurately meters and records flows through the metering MH including the accurate recording of surcharges on at least a daily basis.

- Must agree to immediately initiate performing SSES/**Inflow** Investigative Work in ECSD#5 along with performing the necessary remediation identified by the investigative work.

Town of Amherst:

- Must also install metering on a temporary basis on Dodge Road for at least one year. This flowmeter must also accurately record surcharges on at least a daily basis.

- Must develop a long-term plan for conveying and/or reducing flow from this area to prevent surcharges, basement backups and potential overflows.

Please note that sewer extension projects received after June 1, 2018 in the area tributary to the Dodge Road Sewer may be reviewed but will not be considered for approval until the above flow monitoring is in place and programs are actively undertaken to identify and eliminate inflow sources in the areas tributary to the Dodge Road Sewer. A summary of the peak metering data along with a summary of the inflow investigative and remedial work must be submitted to the Department twice a year [June, December] by both the TOA and ECSD#5 for development to continue in this area.

If you have any questions regarding this letter or wish to meet to discuss it, please contact me.

Sincerely,

Richard A. Rink

Richard A. Rink, P.E.
Environmental Engineer 2

RAR/tml
cc: Mr. Jeffrey Konsella, NYSDEC, Regional Water Engineer
Ms. Rebecca Whiteman, ECHD
Ms. Jennifer Delaney, ECHD

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Marshall, Scott

BCPH -2019-01

From: Rutkowski, Edward (DOT) <Edward.Rutkowski@dot.ny.gov>
Sent: Friday, May 24, 2019 10:52 AM
To: Kost, Ellen
Cc: Marshall, Scott; Palumbo, Jeffery D.
Subject: RE: 10060 & 10090 Transit Rd, Proposed Amendment to Comp Plan ~ Residential, Office an Commercial Uses, Town of Amherst
Attachments: 10060-10090 Transit Rd.pdf

Ellen,

I have some additional comments on this project; although not necessarily an issue relative to approving the Amendment to the Comprehensive Plan, but NYSDOT will allow only one curb cut/roadway to service this site and it should be located opposite Lapp Road. Also, the Concept Plan shows parking spaces on Transit Road, partially within th Right-of-Way and it appears that access to these spaces would be directly from Transit Road. If that is the intent, NYSDOT would not permit parking with direct access from Transit Road and the parking spaces should be located entirely within the applicant's property. If the Amendment is approved, the Site Plans would need to be designed to reflect these comments.

If you have any questions, please feel free to contact me either by phone or email.

Sincerely,
Ed

From: Rutkowski, Edward (DOT)
Sent: Thursday, May 23, 2019 4:41 PM
To: Kost, Ellen <EKost@amherst.ny.us>
Cc: Marshall, Scott <SMarshall@amherst.ny.us>; Palumbo, Jeffery D. <jpalumbo@barclaydamon.com>
Subject: 10060 & 10090 Transit Rd, Proposed Amendment to Comp Plan ~ Residential, Office and Commercial Uses, Town of Amherst

Ellen,

New York State Department of Transportation (NYSDOT) reviewed the information submitted for the subject project an has the following comment:

- The EAF states that the action will not result in a substantial increase in traffic. Based on the proposed uses shown on the Concept Plan, the additional traffic generated by the proposed development may have a significant impact to traffic on the State Highway System and a Traffic Impact Study should be prepared for our review.

If you have any questions, please contact me either by email or phone.

Sincerely,
Ed Rutkowski

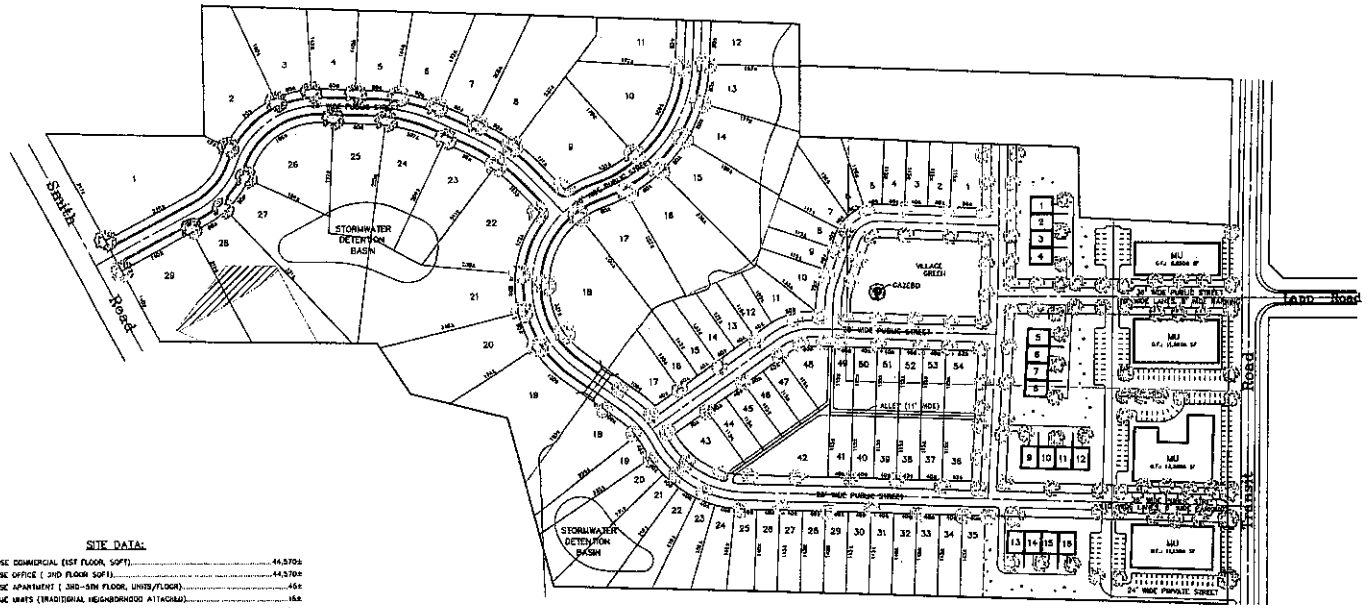
Edward S. Rutkowski, P. E.
SEQR/Site Plan Review Coordinator

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

NYSDOT - Region 5
100 Seneca Street
Buffalo, New York 14203
716-847-3575

NEW YORK STATE OF OPPORTUNITY | Department of Transportation

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)



SITE DATA:

MIXED USE COMMERCIAL (1ST FLOOR, SQFT)	44,570±
MIXED USE OFFICE (2ND FLOOR SQFT)	44,570±
MIXED USE APARTMENT (3RD-5TH FLOOR, UNITS/FLOOR)	45±
TOWNHOME UNITS (TRADITIONAL NEIGHBORHOOD ATTACHED)	15±
SINGLE FAMILY (TRADITIONAL NEIGHBORHOOD DETACHED)	54±
SINGLE FAMILY (R2)	29±
REQUIRED PARKING	0 MINIMUM
PROVIDED PARKING (ON-STREET, TRANSIT ROAD)	42±
PROVIDED PARKING (ON-STREET, NEIGHBORHOOD)	32±
PROVIDED PARKING (MU, REAR)	117±
PROVIDED PARKING (TOTAL)	191±

RECEIVED
APR 17 2019
TOWN OF AMHERST
PLANNING DEPT.

Community Design & Development

Town of Amherst
ERIE COUNTY, NEW YORK

Ashley Green
10060 & 10090 Transit Road, Amherst
ERIE COUNTY, NEW YORK STATE

CONCEPT PLAN

1 of 1

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

RECEIVED
MAY 24 2019
TOWN OF AMHERST
PLANNING DEPT.

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

May 22, 2019

Ellen M. Kost
Assistant Planning Director
Town of Amherst
5583 Main Street
Amherst, NY 14221

Re: **Rezoning for Subdivision – Lead Agency**

Location: **10060 & 10090 Transit Road**
Review No.: **ZR-19-279**

Dear Ms. Kost:

The County of Erie (the "County") has reviewed the above-referenced project (the "Project") referred to us by the Town o Amherst on April 26, 2019. The County offers the following comments based upon its review of the Project:

- The entire project site was included into Agricultural District 17 – Amherst during the 2016 Agricultural District Ope Enrollment period. Please amend the long form EAF to note this (section E.3.).
- Although the property is not currently in agricultural use, an agricultural data statement must be provided whe proposing subdivisions on property located within agricultural districts or within 500 feet of an active farmin operation within an agricultural district. In this case both are true. Copies of the agricultural data statement must b forwarded to the owners of identified farms, as well as the County Planning Division.
- Agricultural District 17 – Amherst is up for review in April 2023. At that time the Town or the property owner ca petition for the removal of these parcels.
- Erie County DEP has no issue with the Town of Amherst serving as Lead Agency in this matter.

This review pertains to the above-referenced municipal ordinance submitted to the Erie County Department of Environment an Planning. This letter should not be considered sufficient for any county approvals. The Town and/or developer must still obtai any other permits and regulatory approvals applicable to this Project.

Sincerely,

Elias Reden
Planner

Erie County | Environment & Planning
95 Franklin St., 1007 | Buffalo, NY 14202
P:(716) 858-1911 | F:(716) 858-7248

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Ellen M. Kost, AICP
Assistant Planning Director

MEMORANDUM May 13, 2021

RECEIVED
MAY 19 2021
TOWN OF AMHERST
PLANNING DEPT.

TO: Daniel Ulatowski, Zoning Enforcement Officer
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Francina Spoth, Town Clerk

FROM: Planning Department, Ellen M. Kost, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 29.21± ACRES OF LAND FROM **SA & MS TO CTR-2.5, MFR-5 & R-3, Z-2019-06**; PROPERTY LOCATED **10060 & 10080 TRANSIT ROAD**. FORBES CAPRETTO HOMES, PETITIONER.

REVISED SURVEY & LEGAL DESCRIPTION:
Received May 13, 2021

REVIEW:

Do you agree with all statements made? yes.

If you do not, briefly state why: _____

General comments relative to your agency interests: none at this time.

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: Douglas Gesel **Date:** 5/18/21

EK/SM/bf
X:\Current_Planning\Files\Rezonings\2019\Z-2019-06_(10060_&_10090_Transit_Rd)_2019\Z-2019-06_Rev_Transmittal_051321.doc
cc: Scott A. Marshall, Principal Planner
Jeff Palumbo, Barclay Damon, 9276 Main St., Suite 3, Clarence, NY 14031
Ken Zollitsch, Greenman-Pedersen, Inc., 4950 Genesee St., Suite 100, Buffalo, NY 14225

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Ellen M. Kost, AICP
Assistant Planning Director

MEMORANDUM May 13, 2021

TO: Daniel Ulatowski, Zoning Enforcement Officer
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Francina Spoth, Town Clerk

FROM: Planning Department, Ellen M. Kost, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 29.21± ACRES OF LAND FROM **SA & MS TO CTR-2.5, MFR-5 & R-3, Z-2019-06;** PROPERTY LOCATED **10060 & 10080 TRANSIT ROAD.** FORBES CAPRETTO HOMES, PETITIONER.

REVISED SURVEY & LEGAL DESCRIPTION:
Received May 13, 2021

REVIEW:

Do you agree with all statements made? SURVEY & LEGAL DESCRIPTIONS.

If you do not, briefly state why: CORRECTED AS REQUESTED

General comments relative to your agency interests: _____

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 5/24/2021

EK/SM/bf
X:\Current_Planning\Files\Rezonings\2019\Z-2019-06_(10060_&_10090_Transit_Rd)_2019\Z-2019-06_Rev_Transmittal_051321.doc

cc: Scott A. Marshall, Principal Planner
Jeff Palumbo, Barclay Damon, 9276 Main St., Suite 3, Clarence, NY 14031
Ken Zollitsch, Greenman-Pedersen, Inc., 4950 Genesee St., Suite 100, Buffalo, NY 14225

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Ellen M. Kost, AICP
Assistant Planning Director

MEMORANDUM March 31, 2021

TO: Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Edward Rutkowski, SEQR Review Coordinator, NYSDOT
Williamsville School District

FROM: Planning Department, Ellen M. Kost, AICP, Assistant Planning Director

SUBJECT: REQUEST TO REZONE 29.21± ACRES OF LAND FROM **SA & MS TO CTR-2.5, MFR-5 & R-3, Z-2019-06**; PROPERTY LOCATED **10060 & 10090 TRANSIT ROAD**. FORBES CAPRETTO HOMES, PETITIONER.

REVISED APPLICATION AND ENVIRONMENTAL ASSESSMENT FORM
Received **March 31, 2021**

This rezoning application revises the zoning districts that were requested in a previous application received in April 2019 for the same property.

REVIEW:

Do you agree with all statements made? Yes.

If you do not, briefly state why: Petitioner must correct the attached rezoning map exhibit to be consistent with his/her rezoning request.

General comments relative to your agency interests: Any rezoning approval should be conditioned on the protection of the existing forest community and the maintenance of the creek in its natural state.

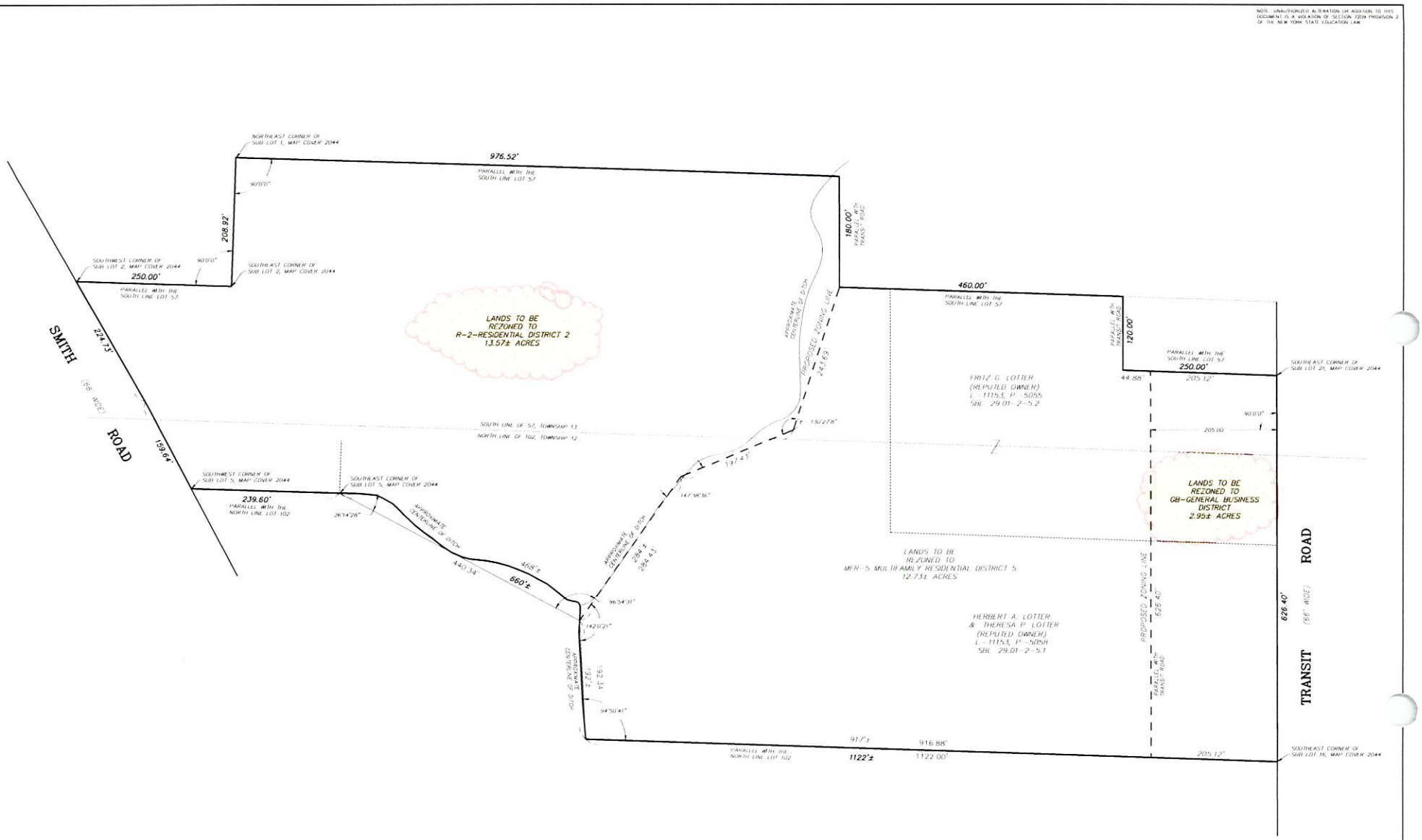
If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) _____

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 05/11/2021

EK/bf
X:\Current_Planning\Files\Rezonings\2019\Z-2019-06_(10060_&_10090_Transit_Rd)_2019\Z-2019-06_Rev_Application_and_Environmental_Assessment_033121.doc
cc: Scott A. Marshall, Principal Planner

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)



REFERENCES:

1) BOUNDARY SURVEY PREPARED BY BISSELL STONE ASSOCIATES ENGINEERING AND LAND SURVEYING P.C. JOB NO. 55124-1, DATED MAY 6, 2008 LAST REVISED MAY 21, 2008.

2) BOUNDARY SURVEY PREPARED BY BISSELL STONE ASSOCIATES ENGINEERING AND LAND SURVEYING P.C. JOB NO. 55124-2, DATED MAY 6, 2008 LAST REVISED MAY 21, 2008.

3) SUBDIVISION MAP COVER 2044

RE-ZONING MAP
PART OF LOT 57, TOWNSHIP 13, RANGE 7
AND PART OF LOT 102, TOWNSHIP 12, RANGE 7
HOLLAND LAND COMPANY
TOWN OF AMHERST, ERIE COUNTY, NEW YORK

GPI ENGINEERING, LANDSCAPE ARCHITECTURE SURVEYING, LLP
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE
4950 GENESEE STREET, SUITE 100
BUFFALO, NEW YORK 14225
(716) 633-4844 FAX 633-4940

Job No. 7485 Date: APRIL 12, 2019
Scale: 1" = 100' Tax No. 29.01-3-5.1 & 5.2

DATE	REVISION/TYPE

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Ellen M. Kost, AICP
Assistant Planning Director

MEMORANDUM February 18, 2021

TO: Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Edward Rutkowski, SEQR Review Coordinator, NYSDOT
Garrett Hacker, Erie County DPW Highways Division

FROM: Planning Department, Ellen M. Kost, AICP, Assistant Planning Director EMK

SUBJECT: REQUEST TO REZONE 29.21± ACRES OF LAND FROM **SA & MS TO CTR-2.5, TR-3 & R-3, Z-2019-06**; PROPERTY LOCATED **10060 & 10080 TRANSIT ROAD**. FORBES CAPRETTO HOMES, PETITIONER

TRAFFIC IMPACT STUDY:
Received February 10, 2021

REVIEW:

Do you agree with all statements made?
Yes. We have no traffic related comments to the TIS as presented.

If you do not, briefly state why: _____

General comments relative to your agency interests: We have no comments regarding this TIS as presented. However, if NYSDOT does not approve both access drives on Transit Road, we will need to see a revised TIS before we can give approval.

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

_____

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 4/21/21
ECDPW

EK/ac
X:\Current_Planning\Files\Rezonings\2019\Z-2019-06_(10060_&_10090_Transit_Rd)_2019\Z-2019-06_TIS_Transmittal_021821.doc
cc: Scott A. Marshall, Principal Planner

RECEIVED
APR 21 2021
TOWN OF AMHERST
PLANNING DEPT.

5583 Main Street • Williamsville • New York • 14221 • (716) 631-7051 • Fax (716) 631-7153

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

TOWN OF AMHERST

ENGINEERING DEPARTMENT
ERIE COUNTY – NEW YORK
JEFFREY S. BURROUGHS, P.E. – TOWN ENGINEER

DATE: April 20, 2021

TO: Ellen M. Kost, AICP – Assistant Planning Director

From: Brian J. Armstrong, EIT – Assistant Municipal Engineer

SUBJECT: Ashley Green Subdivision Request to Rezone 29.21 Acres of Land from SA & MS to CTR-2.5, MFR-5 & R-3, Z-2019-06
Town of Amherst Project No. 840127A

ADDRESS: 10060 & 10090 Transit Road

PETITIONER: Forbes Capretto Homes

Do you agree with all statements made: Yes

If you do not, briefly state why: N/A

General Comments relative to your agency interests: The petitioner's stormwater analysis and hydraulics report is very thorough and well-presented, clearly indicating that the proposed development-related improvements will have no significant impact on the Ransom Creek and Black Creek floodplains as per Town standards for floodplain developments. Upon subsequent development submissions for this development, the petitioner will however be required to expand the hydraulics modeling report to indicate similar analysis for Town Ditch 26D1 from a point 2,000 feet upstream of the Transit Road culvert, through the proposed development and downstream to its confluence with Black Creek. Assuming similar results, this ana ysis will then fully confirm that the proposed development will have no significant impacts on the entire watershed surrounding this development.

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc. N/A

Signature: _____ **Date:** 4/20/21

RECEIVED
APR 20 2021
TOWN OF AMHERST
PLANNING DEPT.

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Amherst

Town of Amherst Planning Department — Erie County, New York

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Ellen M. Kost, AICP
Assistant Planning Director

RECEIVED
Williamsville Central School District
APR 07 2021
Asst Superintendent for
Finance & Management Services

MEMORANDUM

March 31, 2021

RECEIVED
APR 14 2021
TOWN OF AMHERST
PLANNING DEPT.

TO: Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Edward Rutkowski, SEQR Review Coordinator, NYSDOT
Williamsville School District

FROM: Planning Department, Ellen M. Kost, AICP, Assistant Planning Director EMK

SUBJECT: REQUEST TO REZONE 29.21± ACRES OF LAND FROM **SA & MS TO CTR-2.5, MFR-5 & R-3, Z-2019-06**; PROPERTY LOCATED **10060 & 10090 TRANSIT ROAD**. FORBES CAPRETTO HOMES C/O JEFFREY PALUMBO, PETITIONER.

REVISED APPLICATION AND ENVIRONMENTAL ASSESSMENT FORM
Received **March 31, 2021**

This rezoning application revises the zoning districts that were requested in a previous application received in April 2019 for the same property.

REVIEW:

Do you agree with all statements made? No comments at this time.

If you do not, briefly state why: _____

General comments relative to your agency interests: _____

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) _____

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 4/9/21

EK/bf
X:\Current_Planning\Files\Rezonings\2019\Z-2019-06_(10060_&_10090_Transit_Rd)_2019\Z-2019-06_Rev_Application_and_Environmental_Assessment_033121.doc
cc: Scott A. Marshall, Principal Planner

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Amherst

Town of Amherst Planning Department *Erie County, New York*

RECEIVED
APR 09 2021
TOWN OF AMHERST
PLANNING DEPT.

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Ellen M. Kost, AICP
Assistant Planning Directo

MEMORANDUM March 31, 2021

TO: Daniel Ulatowski, Principal Planner
Dave Marrano, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
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Stan Sliwa, Town Attorney (Local Law Only)
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Integrated Review Coordinator, ECDEP
Edward Rutkowski, SEQR Review Coordinator, NYSDOT
Williamsville School District

FROM: Planning Department, Ellen M. Kost, AICP, Assistant Planning Director EMK

SUBJECT: REQUEST TO REZONE 29.21± ACRES OF LAND FROM **SA & MS TO CTR-2.5, MFR-5 & R-3, Z-2019-06**; PROPERTY LOCATED **10060 & 10090 TRANSIT ROAD**. FORBES CAPRETTO HOMES C/O JEFFREY PALUMBO, PETITIONER.

REVISED APPLICATION AND ENVIRONMENTAL ASSESSMENT FORM
Received **March 31, 2021**

This rezoning application revises the zoning districts that were requested in a previous application received in April 2019 for the same property.

REVIEW:

Do you agree with all statements made? N/A

If you do not, briefly state why: N/A

General comments relative to your agency interests: None at this time

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) _____

Please call the Planning Department if additional information is required (631-7051).

Signature: Stanley Sliwa **Date:** 4/8/21

EK/bf
X:\Current_Planning\Files\Rezonings\2019\Z-2019-06_(10060_&_10090_Transit_Rd)_2019\Z-2019-06_Rev_Application_and_Environmental_Assessment_033121.doc
cc: Scott A. Marshall, Principal Planner

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Z-2019-06
10060-1009
Transit

COMMUNICATION 2021-69
COMPLETED DOC ID: 23369

Daumen - Opposition to Forbes/Capretto Project

Email from Francis and Colleen Daumen voicing their concerns with respect to the Forbes/Capretto project planned on the parcel at 10600 Transit Road.

6/21/2021
Referred to Planning.

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Deborah Bruch Bucki, Councilmember
AYES:	Kulpa, Berger, Bucki, Lavin, Szukala

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Cooper, Kathy

Subject: FW: Forbes/ capretto project @10060 Transit Road

From: Colleen daumen <
Date: 6/6/21 8:56 PM (GMT-05:00)
To: "Kulpa, Brian J." <bkulpa@amherst.ny.us>, "Berger, Jacqualine" <jberger@amherst.ny.us>, "Bucki, Debbie" <dbucki@amherst.ny.us>, "Lavin, Shawn A." <slavin@amherst.ny.us>, "Szukala, Michael" <mszukala@amherst.ny.us>, "Lucey, Patrick G." <plucey@amherst.ny.us>
Subject: Forbes/ capretto project @10060 Transit Road

Attention:
Brian Kulpa
J Berger
D. Bucki
S. Lavin
M. Szukala
Forbes/ Capretto Homes

We are writing this letter to inform the Town of Amherst Supervisor, Town Board, Town planning board as well as Forbes Capretto
Builders that they will be held responsible for any and all traffic accidents, pedestrian injuries, basement and sewage backups that may occur as a result of them moving forward on an ill thought out and self serving project planned on parcel at 10060 Transit Road. The 1200+ families of Ransom Oaks's have seen numerous accidents as well as a pedestrian death on Smith road ...specifically Smith and Glen oak drive.. The current heavy traffic on the 2 lane Smith and Transit Roads will only worsen the congestion and potential incidents. Entrances on Transit and Smith as well as a planned intrusion from our development on Ruby lane will further endanger our community.
Moving on to the next concern, we have also had yard , basement and road flooding as well as sewage back up due to the already overwhelmed system. This has been exacerbated since the Dockside community was wedged into a shrinking available town land space. It is my understanding from the sewage plant that some codes may not have been followed there!
The Swormville fire Department is unable to service more than a 3 story structure as well due to the fact they have no appropriate ladder truck.
To conclude..
This is an election year and when the candidates speak of being there for Amherst residents, let's hope their actions meet their words. Our residents are prepared to sign petitions and rally if needed to stop the project. There is plenty of open land in other towns of Erie County. Please stop this over development.
Francis and Colleen Daumen

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

RECEIVED
MAY 10 2021
TOWN OF AMHERST
PLANNING DEPT.

Francis X. Daumen
418 Glen Oak Dr., East Amherst, NY 14051

Francis X. Daumen
Securities Registered Principal
Financial Advisor

Telephone: 716-689-4761
Fax: 716-689-4761
Cell: 716-983-5494
fdaumen@ae.cadaretgrant.com

May 5, 2021

Amherst Planning Board

5583 Main Street

Williamsville NY 14221

Dear Sir:

In response to your recent latter egarding the rezone and building plan for 10060 and 10090 Transit Road, I am sending you a list of questions and concerns for this project. As a side note, must every square inch of Amherst be built upon?

Question and concerns:

1. Flooding from the creek that runs from Transit behind Ransom Oaks and eventually along Smith Road through the golf course. It is constantly choked with weeds that you should clean annually. It is a major source of flooding and adding many new properties will only make the problem worse.
2. I was told by the head of the sewage treatment plant that there is a major issue with pumping new, large amounts of waste along Smith to the lift pump found on the corner of Smith and New. New increased volume would not be able to be handled. He also mentioned that the large Dockside development never completed the sewer line to handle their waste as promised and they have constant issues.
3. The traffic at Smith and Transit is a huge problem today. In the morning traffic is backed up several signal changes. There have been numerous accidents at that corner. Adding multiple homes would change a problem into a nightmare.
4. Has the core of engineers done a sewage study along with a water/ground study yet? Has anyone done a traffic assessment?

It is impossible to believe that the Planning Board cannot see the many problems this proposed plan brings to East Amherst.

Sincerely yours,

Francis X. Daumen

Securities are offered through Cadaret Grant & Co., Inc. member FINRA/SIPC
One Lincoln Center, Syracuse, NY 13202 315-471-2191
Francis X. Daumen and Cadaret Grant & Co., Inc. are separate entities

Attachment: Z-2019-06 Town Board letter Transit 2 080921 (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

RANSOM OAKS

Ransom Oaks Community Corporation 101 Ransom Oaks Drive East Amherst, NY 14051

Town of Amherst Town Board
Municipal Building (Town Hall)
5583 Main Street
Williamsville, NY 14221

August 6, 2021

Re: Forbes Capretto Rezoning Proposal

Dear Chairman Kulpa and Members of the Town Board:

We are writing to you on behalf of the Ransom Oaks Community Corporation (the "**Community**") located in the Town of Amherst (the "**Town**"). As you know, the Community consists of 1,130 residences, and is adjacent to the proposed Forbes Capretto Homes ("**Forbes Capretto**" or "**Applicant**") rezoning/redevelopment project site at 10060 and 10090 Transit Road, East Amherst, NY, 14051 ("**Rezoning Site**"). As you are aware, the Applicant has proposed to rezone certain property within the Town to construct a mixed-use commercial and residential development. The Community adamantly urges the Town to reject this proposal.

The Community has reviewed the rezoning request, which we understand consists of a proposal to: rezone 29.21 acres from S-A (Suburban Agricultural) and MS (Motor Service District) to R-3 (Residential District Three, 13.57 acres), MFR-5 (Multifamily Residential District Five, 12.73 acres, and CTR-2.5 (Retrofit Zoning District 2.95 acres), all for the currently-stated purpose of constructing a "mixed use commercial/ residential with [a] variety of attached/detached multi and single family housing" development (collectively, the "**Project**"). The Project would result in 120 new dwelling units (52 single family and 68 multifamily).[1]

First and foremost, we appreciate your time in reviewing and your consideration of the issues raised in this letter.

[1] We respectfully note that the Project application materials reviewed by the Planning Board contained a number of outdated documents and references, which make it unclear whether the Applicant is proposing 120 units or as many as 150.

Attachment: Ransom Oaks Opposition Letter (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Based on a review of: (i) documentation submitted by the Applicant to the Town Planning Board, including information presented at public hearings; (ii) materials provided by the Applicant to the Community's representatives; and (iii) relevant provisions of the Zoning Ordinance of the Town ("**Zoning Code**") and the Town's Bicentennial Comprehensive Plan, amended December 14, 2020 ("**Comprehensive Plan**"), the Community feels very strongly that an approval by the Town allowing the Applicant to continue forward with the Project would be devastating to the Community and its residents, both immediately and in the long-term. The Community's reasoning is set forth below.

I. The Proposed Project is Inconsistent with the Comprehensive Plan

Through its submissions, the Applicant asserts that the Project is consistent with the Comprehensive Plan. However, the documents submitted by the Applicant offer very little in terms of details, and instead rely on generalized statements and conclusory language in an attempt to establish this purported consistency.

For instance, the rezoning documentation submitted by the Applicant states that the Comprehensive Plan encourages (at the Rezoning Site) "compatible mixed and commercial uses, which the proposed project provides." However, the rezoning submission to the Planning Board seems to rely on an outdated version of the Comprehensive Plan's Conceptual Land Use Plan ("**Land Use Plan**"). The Applicant sites to the Town's 2018 version of the Comprehensive Plan and to the March 2009 version of the Land Use Plan (see Exhibits A and B of Applicant's Planning Board submission). As discussed further below, the vast majority of the Rezoning Site appears to be designated as single-family residential (and open/green space), and not mixed-use, as asserted in the rezoning application. The current Comprehensive Plan contains an updated Land Use Plan dated December 2020, and *the Applicant should not be able to rely on an inapplicable/outdated version of the Comprehensive Plan in attempting to establish the Project's consistency with the same.*

There are two key reasons why the Project is, in fact, inconsistent with the current Comprehensive Plan, and as such, should be rejected by the Town:

1) The Project calls for multi-family residential and commercial development in an area identified primarily for single-family residential development (see Comprehensive Plan Figure 6, Land Use Plan).

Attachment: Ransom Oaks Opposition Letter (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Contrary to the Applicant's assertions, the Rezoning Site is mostly within the single-family residential area on the Land Use Plan, with smaller portions of the Rezoning Site being within areas designated as (a) recreation, open space & greenways and (b) commercial/mixed use. The Community notes that the Applicant's submissions do not appear to identify any specific proposed recreation, open space or greenway areas or plans. Even more, the Comprehensive Plan recommends that "new infill development" in single-family residential areas should be "consistent with the established character of surrounding/connected neighborhoods." In this case, the Project is not consistent with the established (primarily) single-family residential nature of the Community, as it proposes both multi-family residential and commercial development. In fact, the Comprehensive Plan states (referring to an area slightly south of the Project):

> As an example, to the north of North French Road there exists a large area of large, deep frontage lots that reflects a rural development pattern. While this area is zoned for single-family development at higher densities, the pattern of land parcels does not lend itself to land assembly and efficient subdivision development. Therefore, in spite of the suburban zoning and the availability of utilities and public facilities, the area designated for single-family use north of North French Road should strive to retain much of its low-density rural pattern and character, avoiding long uninterrupted strips of housing.

While the lot referred to in the Comprehensive Plan is not the same as the Rezoning Site, the directive of the Comprehensive Plan remains the same - land development must reflect sensible, low-density, single-family residential development. The Project, by contrast, proposes a majority of multifamily units, and only 2 acres of open space.

> 2) The Project would disrupt the "neighborhood fabric and quality of life" by allowing undesired commercial intrusion into an area designated as single-family residential (see Comprehensive Plan section 3.3.1).

The rezoning documentation provides no discussion as to what types of commercial uses may accompany the Project, which understandably makes the Community apprehensive about a blanket approval for the desired rezoning. This is especially true because the CTR 2.5 district "is intended to provide for a variety of retail, service and commercial uses, as well as multi-family residences or offices."

Attachment: Ransom Oaks Opposition Letter (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

If the Project is approved, the Community believes it is important to point out each of the non-residential uses that are permitted by right in the CTR 2.5 district, thus, having the potential to be constructed as part of the Proposed Project[2]: (1) ambulance service; (2) business college, commercial school; (3) college, university; (4) day care*; (5) passenger station; (6) place of worship; (7) public utility service structure or facility*; (8) school, elementary/secondary; (9) utility, minor; (10) animal care*; (11) drive-through facility*; (12) lodging; (13) medical; (14) office; (15) personal service; (16) recreation, indoor; (17) restaurant; (18) restaurant with outdoor dining*; (19) retail sales and service; (20) vehicle sales, indoor; and (21) all uses and structures customarily incidental to a principal use.

Suffice it to say, approval of the Project opens the door to many potential uses that are not compatible with the character of the Community or surrounding areas. Even if the Applicant has no intention to develop any of the above commercial uses at the Rezoning Site, a future owner of the subject parcels could decide to establish one or more of these uses. At a minimum, the Town should, as a practice, consider rejecting rezoning petitions that do not clearly limit the types of commercial establishments that are proposed to be developed in largely residential areas.

Further, the development schedule provided for the Project suggests that development will span over four years. The fact that the rezoning of the Rezoning Site results in four years' worth of development activity immediately abutting residential neighborhoods is further evidence that the rezoning will impact the adjacent communities.

II. The Proposed Project is Not Consistent with the Intent and Objectives of the Zoning Code

Sections 1-2-1 and 1-2-2 of the Zoning Code set forth the purposes and objectives of the same in order to clearly identify the priorities of the Town as it pertains to land development and public health and safety, including the convenience, comfort, prosperity, and general welfare of its citizens. Although the Applicant asserts that the Proposed Project is consistent with the Zoning Code's intent and objectives, the Community quickly identified several objectives incompatible with the Proposed Project that should result in the Town rejecting the rezoning petition.

[2] A "*" denotes those uses which are permitted but subject to supplemental use standards.

Attachment: Ransom Oaks Opposition Letter (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

The following Zoning Code objectives (under section 1-2-2) are not supported by the Proposed Project:

- Subsection 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"

  Without outright rejecting or conditioning any potential approval of the Proposed Project, the rezoning will not ensure orderly and beneficial development nor will it protect the single-family residential values or character of the Community.

- Subsections C and D - "To prevent overcrowding of the land" and "To prevent excessive concentration of population and to prevent sparse and uncoordinated development"

  The Applicant is proposing to construct a mixed-use development that will likely consist of multi-family residential and commercial establishments in an area that is well established and designated primarily as single-family residential. The Proposed Project could very easily lead to overcrowding of the Community given the close proximity between the two, and due to the proposed connecting roads.

- Subsection 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"

  As discussed further below, the Proposed Project will create more street congestion and more instances of automobile/pedestrian interactions, thus, leading to streets that are less safe and less attractive to future potential Community residents.

- Subsection K - "To guide the future development of the town so as to bring about the gradual conformity of land, structures and uses generally consistent with the policies of the Comprehensive Plan"

Attachment: Ransom Oaks Opposition Letter (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

As discussed in detail above, the Proposed Project is not consistent with the policies of the Comprehensive Plan. For example, the Center 2.5 District "is intended to provide for a variety of retail, service and commercial uses, as well as multi-family residences or offices."

III. The Proposed Project Creates Traffic and Safety Issues

The Proposed Project intends to establish a new road that would connect directly from Transit Road, a high-traffic State Route, to Ruby Lane, a local road within the Community. This development would bring higher levels of traffic in an otherwise quiet and low-traffic, residential street, increasing the likelihood of dangerous pedestrian-automobile interactions. If approved, the Proposed Project would connect commercial establishments and multi-family residential homes to streets that have enjoyed the single-family residential nature of the community. As the new development would necessarily increase traffic flow through a residential street, Community residents would be faced with: (a) busier and noisier streets with higher levels of traffic originating from outside of the Community; and (b) streets that are undoubtedly more dangerous to children and other pedestrians.

IV. The Proposed Project Presents a Stormwater and Flooding Hazard

According to a Stormwater Management System Summary Report dated February 2021 and prepared by Greenman-Pederson, Inc. ("**Stormwater Report**"), the Project would increase impervious surface coverage of the Rezoning Site from 1.4% to 41.2%, a 29-fold increase. The Rezoning Site consists of wetlands, which act as a natural drainage area for rainwater, including from surface water runoff. However, if developed, detention ponds would need to be constructed (3 of them, according to the Stormwater Report) in order to collect and detain stormwater runoff generated from the Project. Even so, the Community (and Erie County in general) recently received near-record amounts of rainwater over the last month, and Community residents have reported valid concerns regarding any new development's impact on potential flooding issues.

Conclusion

In sum, the proposed Project would be a detriment to the Community, which is a long-established planned neighborhood of primarily single-family homes, and also patio homes, condos and town homes. Our Community markets itself as a peaceful, friendly, and private residential community ideal for relaxation and recreation for families,

Attachment: Ransom Oaks Opposition Letter (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

children and adults. The Community feels very strongly that the proposed redevelopment is premature and, if rushed through, will have lasting impacts on these important qualities, including negative impacts to aesthetics, property values, and residents' quality of life they currently enjoy as part of the Community.

Accordingly, we urge the Town to deny the rezoning petition as proposed in order to avoid potentially costly and long lasting harmful impacts to the Community.

Sincerely,

Christopher Bogdan
President, Ransom Oaks Community Corporation

Attachment: Ransom Oaks Opposition Letter (RES-2021-678 : 10060 & 10090 Transit Road Rezoning)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Councilmembers
DOC ID: 25029

COMMUNICATION 2021-110 **REFERRED**

Residents Concerns Regarding Ransom Oaks and Surrounding Area

Roads, parks, and facilities are concern of East Amherst Ransom Oaks residents.

11/22/2021
Referred to Highway, Engineering, Planning and Youth & Recreation.

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Jacqualine Berger, Deputy Supervisor
SECONDER:	Deborah Bruch Bucki, Councilmember
AYES:	Berger, Bucki, Lavin, Szukala
ABSENT:	Kulpa

Attachment: COMMUNICATION Ransom Oaks P Vitanza redacted 20211122 (COM-2021-110 : Residents Concerns Regarding Ransom Oaks and

-------- Original message --------
From: Patty Vitanza [redacted]
Date: 11/11/21 11:36 AM (GMT-05:00)
To: "Kulpa, Brian J." <bkulpa@amherst.ny.us>
Cc: "Bucki, Debbie" <dbucki@amherst.ny.us>, "Berger, Jacqualine" <jberger@amherst.ny.us>, "Szukala, Michael" <mszukala@amherst.ny.us>, "Lavin, Shawn A." <slavin@amherst.ny.us>
Subject: E. Amherst Fire Hall Meeting 10/27/2021 Comments

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

I apologize for the delay in my comments.

Just to remind you, I was and still am the lead person of the Ransom Oaks neighborhood campaign that communicated with many various departments by use of email, meetings and phone calls, one on one conversations with you, the Erie County Highway personnel and Mark Poloncarz. We were promised in writing that the New Road Reconstruction Project (NRRP) would be started Spring of 2021. The pandemic changed everyone's life and it went without saying that the NRRP was not going to happen in 2021. However, President Biden announced recently that his administration approved over 1 trillion dollars for infrastructure improvements, and we expect the NRRP to start Spring 2022.

You stated that the Town is willing to take over county roads located in the TOA once Erie County improves them. As our supervisor and head of our town board, is it not more beneficial to Amherst for you to lean heavily on EC to improve their roads so that the TOA can take them over and maintain them properly? Especially keeping in mind that there are 2 large developments within 1 ½ miles within each other, Natalie's development off New and Essex off Dodge and now the TOA board is considering a third off Dodge adding approximately 200 new homes, averaging 2 cars per home or 400 additional drivers, all without infrastructure improvements in the plan? Simple math, simple numbers. THEY DON'T EQUATE! How do you expect our current infrastructure to accommodate all this new building? And now, additional traffic for additional recreation facilities. We're all for recreation, green space, youth sport facilities and land improvements in general. However, without the surrounding logistics to support those improvements, again, the numbers do not add up.

Parks:

1. Approval to sell off youth recreation property and either purchase or lease new property to replace what the town already had without public input appeared underhanded to the TOA residents.
2. Current parks not being maintained properly. For example, the Lou Gehrig baseball/softball park is claimed by the TOA as one of their parks. However, we paid for my son and now he pays for his 3 children exorbitant fees to play baseball for Lou Gehrig. Town sports should be predominately funded & maintained by the town. These amenities are what used to be called "tax benefits". These organizations not only have to charge exorbitant fees but continually run fund raisers to keep their organizations going.
3. The Northtown ice skating complex is embarrassing when compared to most all other town complexes. We have traveled to many ice rinks in our time and still do with our grandchildren. We can name maybe 2 rinks in affluent WNY locations worse than the TOA. Jamestown & Lockport for example, have state of the art ice rinks. Both small towns, not affluent, bringing in big events.

4. Football fields being constructed at Jurek Post on Smith Road will increase traffic along with the developments mentioned above.
5. What's going to happen to the Post itself? Why was the post never a project for the town to consider reconstructing? Our veterans and their families deserve a beautiful place they can congregate to play pool, ping pong, throw darts, enjoy a drink with other veterans and hold special events. We believe a better VFW Post would increase veteran membership along with their families.
6. Remaining Jurek property:
   There are two baseball fields existing that were left to rot. One or both could possibly be restored by the town and be used by lower-level softball or TOA residents to enjoy with their families or the VFW.
7. What is plan for the NARC?
   I personally have never set foot in the place and find it sad that the TOA has such a monstrosity sitting empty along with a dilapidated sign on the corner of Millersport & New. If nothing else, turn it into a recreation facility for an indoor sport. Maybe volleyball, pickleball or basketball courts? The parking lot is sizeable enough that if the town plans it right, they could create additional parking along the Smith Road side for the previous Jurek park suggestions, football field suggestions, Jurek post itself & Narc by cutting a single roadway connecting them all.

We have many comments and suggestions for this part of E. Amherst and hope that showing our interests by attending your 10/27 forum and this email, we will be heard.

I would be happy to meet with you, the council members, whenever you're available. Preferably at the Jurek post location to review and discuss the above.

Sincerely,

Patricia Vitanza
[redacted]
E. Amherst, NY 14051
Email: [redacted]
Cell: [redacted]

Attachment: COMMUNICATION Ransom Oaks P Vitanza redacted 20211122 (COM-2021-110 : Residents Concerns Regarding Ransom Oaks and

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Clerk
DOC ID: 25063

COMMUNICATION 2021-111 **REFERRED**

Verified Petition: Frank Cascino, Mary and Thomas Dolata, Howard Litz and Judson Paige Vs. Town of Amherst Et Al.

11/22/2021
Referred to Town Attorney.

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Jacqualine Berger, Deputy Supervisor
SECONDER:	Deborah Bruch Bucki, Councilmember
AYES:	Berger, Bucki, Lavin, Szukala
ABSENT:	Kulpa

FILED: ERIE COUNTY CLERK 10/13/2021 05:59 PM INDEX NO. 814108/2021
NYSCEF DOC. NO. 1 RECEIVED NYSCEF: 10/13/2021

NOV 17 '21 PM

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the matter of the Application of FRANK CASCINO; MARY and THOMAS DOLATA; HOWARD LITZ; and JUDSON PAIGE,

Petitioners,

For a Judgment Pursuant to Article 78 of the New York Civil Practice Laws and Rules

-vs-

THE TOWN BOARD OF THE TOWN OF AMHERST; FORBES CAPRETTO HOMES; and LORI GRABENSTATTER,

Respondents.

Index No. _____

VERIFIED PETITION

Petitioners by their attorneys, LIPPES & LIPPES, Richard J. Lippes, of counsel, respectfully alleges as follows:

I. INTRODUCTION

1. This proceeding challenges the Town Board of the Town of Amherst's rezoning of property at 468 Harding Road in the Village of Williamsville, Town of Amherst, State of New York from R-3 to TR-3. Such rezoning was approved on behalf of Respondent Forbes Capretto Homes, who wishes to build ten (10) small patio homes on a 1.4 acre vacant lot at 468 Harding Road. It is alleged that such rezoning improperly constitutes spot zoning, and violates various New York State laws including the New York State

Attachment: DOC111721-11172021133706 (COM-2021-111 : Verified Petition: Cascino Vs TOA)

Environmental Quality Review Act; Environmental Conservation Law § 8-0101, et. seq. (hereinafter cited as "SEQRA") and § 239-m of the General Municipal Law, and § ___ of the Town Law.

2. Because of these violations, Petitioners request that the rezoning be voided and an injunction be entered until all laws of the State of New York be complied with.

II. PARTIES

3. Petitioner FRANK CASCINO own his home and resides at [redacted] in the Village of Williamsville and Town of Amherst close by the site of 468 Harding Road, where the patio homes are proposed to be built.

4. Petitioners MARY and THOMAS DOLATA own their home and reside at [redacted] in the Village of Williamsville and Town of Amherst close by the site of 468 Harding Road, where the patio homes are proposed to be built.

5. Petitioner HOWARD LITZ own his home and resides at [redacted] in the Village of Williamsville and Town of Amherst close by the site of 468 Harding Road, where the patio homes are proposed to be built.

6. Petitioner JUDSON PAIGE own his home and resides at [redacted] in the Village of Williamsville and Town of Amherst close by the site of 468 Harding Road, where the patio homes are proposed to be built.

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7. Each of the Petitioners, who resides close to the proposed site of the patio home project, are concerned that if such homes are built, it will cause significant adverse environmental consequences, including the construction of homes that are inconsistent with the existing neighborhood, including lot size and the size of the homes, and the increase of noise and traffic that will be created if such homes are built. The Petitioners also wish to assure that the environmental laws and planning laws of the State of New York are fully complied with.

8. Respondent TOWN BOARD OF THE TOWN OF AMHERST which is located at 5583 Main Street, in the Town of Amherst, Village of Williamsville, New York, is responsible for whether or not to rezone the land at 468 Harding Road. In considering such approval, the Town Board is responsible for assuring that the laws of the State of New York were fully complied with.

9. Respondent FORBES CAPRETTO HOMES, is the proposed developer of the patio home project, and is the contract owner of 468 Harding Road, whose headquarters are at 470 Cayuga Road, in the City of Cheektowaga, New York and is made a Respondent in the instant proceeding in order to effectuate the relief requested in this Petition.

10. Respondent LORI GRABENSTATTER, who resides at 469 Harding Road, Village of Williamsville, State of New York, is the owner of the property at

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468 Harding Road, and therefore, is made a Respondent in the proceeding in order to effectuate the relief requested in this Petition.

III. FACTS

11. As indicated by the Town of Amherst Planning Department, the property at issue is a 1.44 acre rectangular shape parcel located at the southern termini of McKinley Avenue and Harding Road, west of the intersection of Freeman Road and McKinley Avenue. The site is largely meadow with 10± mature deciduous trees scattered the along the periphery of the site. As previously indicated, the Respondent wishes to construct a ten (10) lot subdivision, with the internal 8 line lots being 40 feet in width by 138 feet in depth, and the two corner lots being 69 feet in width and 138 feet in depth.

12. The zoning classification prior to the instant rezoning, was R-3, which allowed for single family homes of much larger lot widths. However, the proposed small patio home project is not allowed under the R-3 zoning category. Therefore, Respondent Forbes Capretto Homes applied to have the zoning changed from R-3 to TR-3, which would allow for the much smaller patio homes on this property.

13. According to the Environmental Assessment Form prepared by the applicant, of the 1.44 acre lot, after construction there will 1.04 acres of green space/vacant lot, and .4 acres of impervious surface. (See Part I of the Environmental Assessment Form, at (E)(b) at p. 9 attached hereto as Exhibit "A").

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14. While no site plan has yet been submitted or approved by the Planning Board of the Town of Amherst, attached hereto as Exhibit "B" is the concept plan for the ten (10) lot subdivision with a patio home on each lot.

15. The Planning Board of the Town of Amherst recommended denial of the rezoning application.

16. First, they indicated in a letter to the Town Board of June 23, 2021, along with a resolution passed on May 27, 2021 that the proposed rezoning and patio home plan will be inconsistent with the Town of Amherst Comprehensive Plan and the intent and objectives of the Town of Amherst Zoning Ordinance. It will also be inconsistent and less compatible with the existing surrounding single family residential homes and lot sizes. Moreover, the Planning Board determined that 468 Harding Road is in fact compatible reuses permitted by the previous zoning category, and is further inconsistent with character of the surrounding neighborhood. (Attached hereto as Exhibit "C" are the June 23, 2021 letter and May 27, 2021 resolution of the Planning Board).

17. The Town of Amherst ignored both the information provided by their own Planning Department, and the resolution recommending the denial of the rezoning application.

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FILED: ERIE COUNTY CLERK 10/13/2021 05:59 PM INDEX NO. 814108/2021
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IV. ARGUMENTS

A. VIOLATION OF § 239-M OF THE GENERAL MUNICIPAL LAW

18. The Town of Amherst has violated § 239-m of the General Municipal Law.

19. All zoning actions and amendments effecting real property within 500 feet of the boundary of any city, village, town or existing or proposed county or state park or road, must be referred to the Erie County Planning Board for its review. (See General Municipal Law § 239-m[3][a][ii]; [3][b][i]). The reference to the County Planning Board is a jurisdictional requirement.

20. The referral to the County Planning Board must be made before the referring municipality takes final action on a zoning amendment. (See, GML § 239-m[2]). This section lists what documents must be provided to the County Planning Board, which includes, inter alia "a completed environmental assessment form" and further all documents that were before the Town Board when it made its decision to rezone or not.

21. Section 239-m subdivision (1)(c) indicates what is meant by a "full statement" when zoning laws are adopted or amendment:

> "The term "full statement of such proposed action" shall mean all materials required by and submitted to the referring body as an application on a proposed action, including a completed environmental assessment form and all other materials required by such referring body in order to make its determination of significance pursuant

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> to the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations. When the proposed action referred is the adoption or amendment of a zoning ordinance or local law, "full statement of such proposed action" shall also include the complete text of the proposed ordinance or local law as well as all existing provisions to be affected thereby, if any, if not already in the possession of the county planning agency or regional planning council. Notwithstanding the foregoing provisions of this paragraph, any referring body may agree with the county planning agency or regional planning council as to what shall constitute a "full statement" for any or all of those proposed actions which said referring body is authorized to act upon. (*Emphasis* added)

22. On January 26, 2021, the referral to the County Planning Board was made. (Attached hereto as Exhibit "D", please see a copy of the zoning referral to the County of Erie and reply to municipality).

23. However, it is clear that the "full statement" required by § 239-m(1)(c) as previously indicated was not sent to the County Planning Board since the Environmental Assessment Form was not prepared until April 16, 2021 and the letters from the Planning Board recommending denial of the rezoning was sent on June 23, 2021 and the Planning Board resolution on May 27, 2021.

24. Therefore, since the referral was on January 20, 2021 and the decision of the Town Board was made on September 13, 2021, it is clear that the Planning Board made their decision without having a "full record" before them. Since providing the full record along with the referral to the County Planning Board is

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jurisdictional, by not complying with the General Municipal Law requirements, the rezoning action is automatically void.

B. THE STATE ENVIRONMENTAL QUALITY REVIEW ACT HAS BEEN VIOLATED

25. SEQRA requires the preparation of an Environmental Impact Statement [hereinafter cited as "EIS"] whenever the project under consideration may have a significant adverse environmental effect.

26. The responsibilities of an agency pursuant to SEQRA are specified in the regulations promulgated pursuant to SEQRA, and are contained at 6 N.Y.C.R.R. § 617.

27. According to the regulations promulgated pursuant to SEQRA:

> The basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of state, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant impact on the environment and, if it is determined that the action may have a significant adverse impact, prepare or request an environmental impact statement.

6 NYCRR §617.1(c).

28. Further, the regulations indicate that:

> In adopting SEQR, it was the legislature's intention that all agencies conduct their affairs with an awareness that

Attachment: DOC111721-11172021133706 (COM-2021-111 : Verified Petition: Cascino Vs TOA)

> they are stewards of the air, water, land and living resources, and that they have an obligation to protect the environment for the use and enjoyment of this and all future generations.

6 NYCRR § 617.1(b)

29. The regulations contained at 6 NYCRR § 617.7 indicate that an EIS must be prepared if the proposed action "may include the potential for at least one significant adverse environmental impact." 6 NYCRR § 617.7(a)(1) [emphasis added].

30. Conversely, to determine that an EIS will not be required for an action, "the lead agency must determine either that there will be no adverse environmental impacts or that the identified adverse environmental impacts will not be significant." 6 NYCRR § 61.7.7(a)(2).

31. In determining whether there may be significant adverse environmental impacts, the regulations at 6 NYCRR § 617.7 list the following factors, among others, which if they exist, would require the preparation of an Environmental Impact Statement [hereinafter cited as "EIS"]:

> (iv) The creation of a material conflict with a community's current plans or goals as officially approved or adopted;
>
> (v) The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

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6 NYCRR § 617.7(c)(1).

32. As previously indicated, the Planning Board has determined that this project is both inconsistent with the Town of Amherst Comprehensive Plan, as well as inconsistent with the character of the surrounding neighborhood. These two factors alone would require the drafting of an EIS.

33. An EIS provides the lead agency with all of the appropriate information concerning the effects of the project. Moreover, in considering whether to prepare an EIS, the lead agency must consider not only issues involved with the specific action that the lead agency is being asked to take, but all potential significantly adverse consequences of the project including those issues or permits that may be issued by other agencies. Just as surely, the EIS provides the public with this information, allowing them to knowledgeably provide input and comment on the environmental review process.

34. The lead agency is required to apply a "hard look standard" in fulfilling its SEQRA responsibilities, which requires an agency to:

(1) Identify all areas of environmental concern; and

(2) Take a hard look at the environmental issues identified; and

(3) Provide a reasoned elaboration for the decisions that are made, including whether or not to do an environmental impact statement.

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35. In spite of the determination of the Planning Board, the Town Board of the Town of Amherst determined that there will be no significant adverse consequences caused by the project. Specifically, they determined that the project was in fact consistent with the Amherst Comprehensive Plan, and that it is consistent with the surrounding neighborhood. Therefore, they determined to issue a Negative Declaration, which is a document indicating that it is not necessary to prepare an Environmental Impact Statement.

36. However, in issuing a Negative Declaration, the hard look standard indicated in paragraph 34, requires that a written reasoned elaboration be prepared and adopted indicating the reasons why there will be no significant adverse environmental consequences, reviewing the various factors indicated in Part 617.7.

37. Petitioners could find no reasoned elaboration among the documents available to the public on the Town of Amherst website for the project, and therefore, on information and belief, the Town Board of the Town of Amherst has not adopted such a reasoned elaboration.

38. For all the foregoing reasons, the rezoning must be voided until such time as SEQRA has been fully complied with.

Attachment: DOC111721-11172021133706 (COM-2021-111 : Verified Petition: Cascino Vs TOA)

C. NON-COMPLIANCE WITH THE COMPREHENSIVE PLAN

39. The Town of Amherst has adopted an official Comprehensive Planning document. Zoning decisions must be consistent with the Comprehensive Planning document. Town Law § 263.

40. The Planning Department of the Town of Amherst has determined that the proposed project is in fact inconsistent with the Comprehensive Plan of the Town of Amherst. (See Exhibit "C").

41. Therefore, in rezoning 468 Harding Road, the Town of Amherst Town Board has violated § 263 of the Town Law, and for this reason, the rezoning of 468 Harding Road must be voided.

D. THE REZONING OF 468 HARDING ROAD CONSTITUTES IMPROPER SPOT ZONING

42. It is clear from the record and exhibits attached hereto, that the purpose of the rezoning of 468 Harding Road was done for the exclusive needs and use of the Respondent Forbes Capretto Homes.

43. The rezoning at issue is not applicable to any other area of the Town of Amherst other than 468 Harding Road.

44. The rezoning is in fact inconsistent with the character of the surrounding neighborhood.

Attachment: DOC111721-11172021133706 (COM-2021-111 : Verified Petition: Cascino Vs TOA)

45. For all of the foregoing reasons, the rezoning of 468 Harding Road constitutes improper spot zoning.

FOR A FIRST CAUSE OF ACTION:
VIOLATION OF SECTION 239-M OF THE NEW YORK STATE GENERAL MUNICIPAL LAW

46. Petitioners repeat, reallege and incorporate each paragraph hereinbefore mentioned.

47. The Town of Amherst Town Board was required to refer the rezoning action to the County of Erie Planning Board. The reference must include a full record of the proceedings before the Town Board.

48. While a reference was made to the County of Erie, a full record of the proceedings was not provided to them. Therefore, the Town of Amherst Town Board violated § 239-m of the General Municipal Law.

FOR A SECOND CAUSE OF ACTION:
VIOLATION OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

49. Petitioners repeat, reallege and incorporate each paragraph hereinbefore mentioned.

50. SEQRA required the Town of Amherst Town Board to have an Environmental Impact Statement prepared if there may be at least one significant adverse environmental consequence due to the rezoning for 468 Harding Road.

Attachment: DOC111721-11172021133706 (COM-2021-111 : Verified Petition: Cascino Vs TOA)

51. Since the Planning Board of the Town of Amherst determined that the proposed project for which the rezoning was approved is both inconsistent with the Town of Amherst's Comprehensive Plan, and is inconsistent with the character of the neighborhood, § 617.7 of the regulations promulgated pursuant to SEQRA, would require the drafting of an Environmental Impact Statement.

52. Since no Environmental Impact Statement was drafted, the Town Board of the Town of Amherst has violated the SEQRA regulations.

53. Moreover, the Town Board of the Town of Amherst also violated the hard look standard required for SEQRA compliance by not preparing and approving a written reasoned elaboration for their reason not to do an Environmental Impact Statement.

FOR A THIRD CAUSE OF ACTION:
REZONING IS INCONSISTENT WITH AMHERST COMPREHENSIVE PLANNING DOCUMENT

54. Petitioners repeat, reallege and incorporate each paragraph hereinbefore mentioned.

55. The Town of Amherst Planning Department has determined that the rezoning of 468 Harding Road would be inconsistent with the Town of Amherst Comprehensive Plan.

Attachment: DOC111721-11172021133706 (COM-2021-111 : Verified Petition: Cascino Vs TOA)

56. The Town Board of the Town of Amherst ignored the reasons why the rezoning of 468 Harding Street is inconsistent with the Town's Comprehensive Plan.

57. Therefore, in rezoning 468 Harding Road, the Town Board of the Town of Amherst has violated § 263of the Town Law.

FOR A FOURTH CAUSE OF ACTION:
THE REZONING OF 468 HARDING ROAD CONSTITUTES SPOT ZONING

58. Petitioners repeat, reallege and incorporate each paragraph hereinbefore mentioned.

59. Spot zoning, or zoning on behalf of a single individual with no applicability to the Town in general, constitutes spot zoning.

60. Since the rezoning of 468 Harding Road, was done exclusively for Forbes Capretto Homes, such rezoning constitutes improper spot zoning.

Attachment: DOC111721-11172021133706 (COM-2021-111 : Verified Petition: Cascino Vs TOA)

V. CONCLUSION

The rezoning of 468 Harding Road was done without compliance of § 239-m of the General Municipal Law, was done in violation the SEQRA regulations, it was inconsistent with the Town of Amherst Comprehensive Planning Document, and constituted spot zoning. As such, it is respectfully submitted that the rezoning of 468 Harding Road must be voided, and an injunction should enter enjoining any work at 468 Harding Road that is inconsistent with the previous zoning category of R-3, until such time as the Town Board of the Town of Amherst has fully complied with all of the laws of the State of New York.

DATED: Buffalo, New York
October 13, 2021

Yours etc.,

RICHARD J. LIPPES, ESQ.
LIPPES & LIPPES
1109 Delaware Avenue
Buffalo, New York 14209
Telephone: (716) 884-4800
Email: rlippes@lippeslaw.com
Attorneys for Petitioners

Attachment: DOC111721-11172021133706 (COM-2021-111 : Verified Petition: Cascino Vs TOA)

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Engineering
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 25044 **RESOLUTION 2021-1066** **ADOPTED**

PIP 3087 - the Preserve @ Glen Meadow - Sanitary Sewer

This is to certify that the referenced sanitary sewer construction has been completed in accordance with plans and specifications, and we recommend that the same be accepted.

A Maintenance Bond for a period of two (2) years in the amount of $35,433.75, representing 25% of the cost of construction has been forwarded to the Town Clerk.

11/22/2021
Consent

FINANCIAL IMPACT:

n/a

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jacqualine Berger, Deputy Supervisor
SECONDER:	Deborah Bruch Bucki, Councilmember
AYES:	Berger, Bucki, Lavin, Szukala
ABSENT:	Kulpa

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Engineering
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 25045 **RESOLUTION 2021-1067** **ADOPTED**

PIP 3088 - the Preserve @ Glen Meadow - Waterline

This is to certify that the referenced waterline construction has been completed in accordance with plans and specifications, and we recommend that the same be accepted.

A Maintenance Bond for a period of two (2) years in the amount of $34,887.25, representing 25% of the cost of construction has been forwarded to the Town Clerk.

11/22/2021
Consent

FINANCIAL IMPACT:

n/a

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jacqualine Berger, Deputy Supervisor
SECONDER:	Deborah Bruch Bucki, Councilmember
AYES:	Berger, Bucki, Lavin, Szukala
ABSENT:	Kulpa

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Engineering
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 25046 **RESOLUTION 2021-1068** **ADOPTED**

PIP 3089 - the Preserve @ Glen Meadow - Storm Sewer

This is to certify that the referenced storm sewer construction has been completed in accordance with plans and specifications, and we recommend that the same be accepted.

A Maintenance Bond for a period of two (2) years in the amount of $49,159.00, representing 25% of the cost of construction has been forwarded to the Town Clerk.

11/22/2021
Consent

FINANCIAL IMPACT:

n/a

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jacqualine Berger, Deputy Supervisor
SECONDER:	Deborah Bruch Bucki, Councilmember
AYES:	Berger, Bucki, Lavin, Szukala
ABSENT:	Kulpa

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Engineering
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 25047 **RESOLUTION 2021-1069** **ADOPTED**

PIP 3090 - the Preserve @ Glen Meadow - Paving & Curbing

This is to certify that the referenced paving and curbing construction has been completed in accordance with plans and specifications, and we recommend that the same be accepted.

A Maintenance Bond for a period of two (2) years in the amount of $118,984.75, representing 25% of the cost of construction has been forwarded to the Town Clerk.

11/22/2021
Consent

FINANCIAL IMPACT:

n/a

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jacqualine Berger, Deputy Supervisor
SECONDER:	Deborah Bruch Bucki, Councilmember
AYES:	Berger, Bucki, Lavin, Szukala
ABSENT:	Kulpa

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 11/22/21 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 25077 **RESOLUTION 2021-1070** **ADOPTED**

Approval of Extension of Special Use Permit for a Dormitory [Muir Woods Site B]

Suspension to Town Board Agenda Item November 22, 2021

TO: **Amherst Town Board**

FROM: **Sean W. Hopkins, Esq.**

DATE: **November 22, 2021**

RE: **Approval of Extension of Special Use Permit for a Dormitory [Muir Woods Site B]**

RESOLUTION 2021-__

SPECIAL USE PERMIT FOR A DORMITORY [MUIR WOODS SITE B]

WHEREAS, on November 12, 2019, the Town Board adopted Resolution 2019-1030 for the purpose of approving the issuance of a Special Use Permit for a Dormitory to be located on a portion of Site B of the overall Muir Woods property that consists of a portion of 1081 North French Road (the "Project"); and

WHEREAS, the Planning Board approved the Site Plan for the Project subject to conditions during its meeting on April 15, 2021; and

WHEREAS, since the date the Town Board issued a Special Use Permit, the Town and the Applicant have worked diligently to obtain the required approvals/permits for the Project from the New York State Department of Transportation for the northerly extension of John James Audubon Parkway as a public roadway to be dedicated to the Town; and

WHEREAS, pursuant to Section 8-6-11A of the Town Zoning Code, a Special Use Permit is valid for a period of twelve (12) months from the date on which it issued unless the Special Use has been established; and

BE IT RESOLVED, that the town board expresses it's interest in the project and will act expeditiously once the project is re-reviewed through the town process.

FURTHER BE IT RESOLVED, that the Town Supervisor is authorized to to issue a letter reflecting the Town Board's support of the project.

11/22/2021
A motion to approve was made by Deputy Supervisor Berger, seconded by Councilmember Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

n/a

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jacqualine Berger, Deputy Supervisor
SECONDER:	Shawn Lavin, Councilmember
AYES:	Berger, Bucki, Lavin, Szukala
ABSENT:	Kulpa

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

Jeffery C Zeplowitz
Town Clerk

Kathleen Cooper
Deputy Town Clerk

Timothy Koller
Asst. Deputy Town Clerk

CERTIFICATE OF TOWN CLERK

I, Jeffery C. Zeplowitz, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY, as follows:

That the attached Resolution 2019-1030, "Special Use Permit – 1121 N French Road, Dormitory" is a true and exact copy of the Resolution enacted by the Town Board at its meeting on November 12, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 21st day of November, 2019.

Jeffery C. Zeplowitz
Town Clerk
Town of Amherst, Erie County, NY

Sworn to before me
This 21st day of November, 2019

Notary Public

KATHLEEN M. COOPER
No. 01CO6003585
Notary Public, State of New York
Qualified in Erie County
My Commission Expires June 30, 20

Attachment: SUSPENSION Attach Resolution 2019-1030-Certified Original-11-12-19 20211122 (RES-2021-1070 : Approval of Extension of

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Jeffery C. Zeplowitz
Town Clerk

Meeting: 11/12/19 07:00 PM
Department: Town Clerk
Initiated by: **Kathleen Cooper**
Co-Sponsored by:

DOC ID: 20895 **RESOLUTION 2019-1030** **ADOPTED AS AMENDED**

Special Use Permit - 1121 N French Road, Dormitory

Approval of Special Use Permit for a Dormitory
[1121 North French Road (Muir Woods Site B)]

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR have been completed, and be it further

RESOLVED, that proposed Special Use Permit for a dormitory is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that in accordance with Town Zoning Code Sections 5-2-5(A)(3) and 5-2-7K, the Town Board issues a Special Use Permit for a dormitory at 1121 North French Road subject to the following conditions:

1. The maximum density of the portion of the student housing project to be located on the northwest portion of Site "B" of the Muir Woods Project Site as depicted on the color Concept Plan dated November 8, 2019 shall be twelve (12) units and no more than two (2) buildings consisting of (4) units shall be permitted on the northwest portion of Site "B".

2. The minimum building setback of the buildings on the northwest portion of Site "B" of the Muir Woods Project Site as measured from the western boundary of the northwest portion of Site "B" shall be ninety five feet (95').

3. There shall be thirty feet (30') of Permanent Open Space on the westernmost and northernmost portions of the northwest portion of Site "B" of the Muir Woods Project Site as depicted on the color Concept Plan dated November 8, 2019. The thirty feet (30') of Permanent Open Space is labeled as "30'0" PERMANENT OPEN SPACE (EXISTING VEGETATION TO REMAIN)" on the updated color Concept Plan dated November 8, 2019. The existing trees and vegetation within the thirty feet (30') of Permanent Open Space shall remain for the purpose of providing a buffer for the benefit of the residents of the Bucyrus Heights Subdivision.

4. The Site Plan for Phase 1 of the student housing project to be submitted in the future with a Site Plan Application for the student housing project shall demonstrate compliance with Conditions Number 1, 2 and 3.

9/16/2019
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 5-0. The public hearing was opened at 7:27 PM.

Sean W. Hopkins, Esq., Hopkins Romanowski & Sorgi PLLC, presented and answered

Attachment: SUSPENSION Attach Resolution 2019-1030-Certified Original-11-12-19 20211122 (RES-2021-1070 : Approval of Extension of

Attachment: SUSPENSION Attach Resolution 2019-1030-Certified Original-11-12-19 20211122 (RES-2021-1070 : Approval of Extension of

questions.

The following speakers addressed the Town Board:
David Young, 45 Woodshire N. - Questioned height of structure
Judy Colton, Sunshine Dr. - Voiced her opposition
Kathleen Weber, Bucyrus Dr. - Swamped by renters; residences are being squeezed out by UB
Mr. Spacone, 106 Brittney - Questioned location of parcel

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the public hearing, seconded by Deputy Supervisor Spoth and unanimously approved 5-0. The public hearing was closed at 7:59 PM.

A motion to set a Decision Date for October 7th was made by Supervisor Kulpa, seconded by Deputy Supervisor Spoth and unanimously approved 5-0.

10/07/2019
A motion to adjourn the Decision Date to October 21st was made by Supervisor Kulpa, seconded by Deputy Supervisor Spoth and unanimously approved 5-0.

10/21/2019
A motion to adjourn the Decision Date to October 28th was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0.

10/28/2019
A motion to adjourn the Decision Date to November 12th was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0.

11/12/2019
A motion to approve was made by Supervisor Kulpa and seconded by Deputy Supervisor Spoth. A motion was then made by Supervisor Kulpa to amend, seconded by Councilmember Berger and unanimously approved 5-0. Amendment adds conditions (above) to the resolution.

A motion to approve as amended was made by Supervisor Kulpa, seconded by Deputy Supervisor Spoth and approved via Roll Call vote 4-1 (nay, Bucki).

FINANCIAL IMPACT:

N/A

RESULT:	**ADOPTED AS AMENDED [4 TO 1]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Francina Spoth, Deputy Supervisor
AYES:	Kulpa, Spoth, Berger, Lavin
NAYS:	Bucki