



December 19, 2016

Eric W. Gillert, AICP, Planning Director  
Town of Amherst Planning Department  
5583 Main Street  
Williamsville, NY 14221

**Re: Amended Rezoning & Planned Unit Development Application**  
**Project Name: Westwood Neighborhood**  
**Project Site: 772 North Forest Road, 375, 385 & 391 Maple Road**  
**Applicant/Project Sponsor: Mensch Capital Partners, LLC**

Dear Mr. Gillert:

Enclosed is an original and twenty (24) copies of the Amended Rezoning and Planned Unit Development Application and supporting documentation (“Amended Rezoning Application”) being submitted on behalf of Mensch Capital Partners, LLC (“Project Sponsor”) in connection with the proposed Westwood Neighborhood (“Westwood”) project. The Amended Rezoning Application includes the updated Conceptual Master Plan for the proposed mixed use redevelopment project prepared by Wendel Companies dated December 19<sup>th</sup> and detailed supporting documentation. A summary of the modifications to the previous Conceptual Master Plan is provided below in Part II of this letter. A complete listing of the exhibits to the Amended Rezoning Application is provided at Exhibit “A” (“Exhibit Listing”).

The Amended Rezoning Application reflects project modifications that have been made in response to the comments received during the public hearing held by the Planning Board on November 17<sup>th</sup>, 2016 as well as input from Town Departments and Committees and the public. The Planning Board left the public hearing open during its meeting on November 17<sup>th</sup> and the public hearing will continue during the next meeting of the Planning Board on January 19<sup>th</sup>, 2017.

Part IV to VII of this letter consist of the Project Sponsor’s responses to written comments received to date from the interested agencies, specifically those comments issued by the Amherst Traffic Safety Board, the Amherst Conservation Advisory Council, the Planning Department and the Engineering Department. For your convenience, each of the written comments are listed in *italics* in Parts IV to VII followed by the Project Sponsor’s responses.

**I. Overview of Proposed Mixed Use Redevelopment Project:**

The Project Sponsor proposes to redevelop the Project Site as a traditional mixed use neighborhood with a pedestrian friendly design based on the mixed use and redevelopment planning goals and objectives contained in the Town’s adopted Bicentennial Comprehensive Plan (“Comprehensive Plan”).

The proposed mixed use redevelopment project will provide a new pedestrian friendly and sustainable traditional neighborhood in the heart of Amherst featuring a variety of residential uses, an appropriately sized and scaled neighborhood center and numerous publicly accessible amenities such as an approximately 39.4 acre public park (enlarged from the previously proposed 23 acres), including an approximately 6.5 acre lake adjacent to the Ellicott Creek corridor, several miles of pedestrian and bike trails, and designated areas for social gathering and events. Approximately 81.6 acres (an increase from the previously proposed 64 acres) of the Project Site will consist of permanent open space, including a substantial buffer area along the western and northern perimeter of the Project Site that will include berms and extensive landscaping.

A full size color of the updated Preliminary Conceptual Master Plan for the mixed use redevelopment project is provided at Exhibit “G” of the Amended Rezoning Application. The proposed mixed use project is predominantly residential and includes a broad range of residential uses (single-family residences, patio homes, townhomes, upscale apartments and mixed use buildings with residences on the upper floors); senior living components (assisted and independent living apartments); as well as a mixture of commercial uses including a four-story hotel, neighborhood businesses (shops, restaurants and service businesses), professional offices and a newly proposed community facility building and outdoor amphitheater.

## **II. Revised Conceptual Master Plan:**

Based on the input received to date, the Conceptual Master Plan for the mixed use redevelopment project has been modified and a full size copy of the revised Conceptual Master Plan prepared by Wendel Companies is provided at Exhibit “G” of the Amended Rezoning Application.

The following is a summary of the modifications to the Conceptual Master Plan that was included with the Amended Rezoning Application filed on October 10, 2016:

- **Increase of Permanent Open Space and Trail Networks:** The size of the permanent open space has been substantially increased. The Conceptual Master Plan presented during the public hearing held by the Planning Board on November 17<sup>th</sup> provided 64 acres of permanent open space (38% of the Project Site). The revised Conceptual Master Plan depicts 81.6 acres of permanent open space (approximately 47% of the Project Site).

In addition to the substantial increase in the amount of permanent open space, the revised Conceptual Master Plan greatly expands and enhances the pedestrian and bicycle trail network throughout the Project Site. Adjacent to the proposed 39.4-acre publicly accessible park area, the Project Sponsor has proposed public and shared parking areas to accommodate public use of the on-site trail network. The trails also include connections for crossing Maple Road and Sheridan Drive in an effort to accommodate connections to the existing and future trail network in the Town of Amherst. In addition, designated areas for social gathering and events have been added to the revised Conceptual Master Plan consisting of a Focal “Green” centered in the neighborhood center and an outdoor amphitheater fronting the large lake.

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- Neighborhood Center Amenities: In an effort to provide a more pedestrian friendly and neighborhood scaled project, the neighborhood center has been redesigned. As shown on the revised Conceptual Master Plan, the new neighborhood center incorporates shorter blocks with substantially more greenspace. Within the center of the neighborhood center, a Focal “Green” consisting of 2 acres within the center of mixed use buildings has been added. The revised Conceptual Master Plan provides a new office/community facility that links the Focal Green to the increased sized lake (increased from 5 acres to 6.5 acres) with an outdoor amphitheater in an effort to provide the residents of the Town of Amherst with additional gathering spaces.
- Preserve Existing Wooded Areas: In response to a comment from the Town of Amherst Conservation Advisory Council (“ACAC”), the Conceptual Master Plan has been modified based on a concerted effort to preserve several existing wooded areas on the Project Site. These include the existing wooded area on the northwest portion of the site as identified by the ACAC, as well as another existing wooded area in the center of the site. The effort that has been made to preserve existing wooded areas on the Project Site reflects the effort that has been made to incorporate these areas into the project layout as part of the effort to increase the amount of permanent open space and preserve the more environmentally sensitive portions of the Project Site. Within the proposed residential subdivisions consisting of patio homes and single-family homes to be located on the northern portion of the Project Site, the existing ponds will be enhanced and expanded.
- New East-West Connection from North Forest to Frankhauser Road: As part of the preparation of the revised Conceptual Master Plan, an effort was made to give appropriate consideration to potential traffic impacts. Input received regarding potential traffic impacts included a possible connection to North Forest Road and a connection from Frankhauser Road to Project Site as well as the possible elimination of the existing traffic signal at the intersection of Sheridan Drive and Frankhauser Road. Based on the input received regarding potential traffic impacts, a roundabout has been proposed on North Forest Road near the existing driveway to the site. The Project Sponsor believes the proposed roundabout, which would eliminate the sharp curve on North Forest Road, along with improvements to the Sheridan Drive/North Forest Road intersection will improve existing traffic conditions. In addition, the revised Conceptual Master Plan provides a one-way in-only roadway connection to the Project Site from Frankhauser Road, which would allow the existing traffic signal at the intersection of Sheridan Drive and Frankhauser Road to be eliminated. The proposed one-way in only connection from Frankhauser Road will enable drivers to make a left turn heading eastbound on Sheridan Drive at the new signalized intersection during peak hours, while also preventing cut through traffic from the Project Site through the Fairways neighborhood.
- Relocation of Roundabout in Center of Site: In an effort to add traffic calming to the new North/South road through the site, the previously proposed roundabout has been moved closer to the center of the site and the neighborhood center. This focal roundabout will connect the multi-family community to the single-family home neighborhood.

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- Multi-Family Community: In the revised Conceptual Master Plan, we have proposed a new condominium/apartment community in the center of the site, adjacent to the Town Park and the 6.5-acre lake. This community consists of 15 buildings, each containing 12 condominiums or apartments per building, and also includes a community clubhouse with a large community pool that fronts the lake.
- Townhomes: Within the western portion of the neighborhood center, we are proposing 40 townhomes that would be centered around two pocket parks adjacent to Frankhauser Road. The townhomes were relocated to this location in an effort to provide a buffer for the existing homes on Frankhauser Road from the parking areas for the neighborhood center. At two-to-three-stories, the attached townhomes will be compatible with the scale and size of the existing single family homes. Within the townhome community, a trail connection will be provided at the intersection of Fairways Boulevard and Frankhauser Road.
- Relocate Senior Living Development: The two-story assisted and independent living senior care facility has been relocated from the western portion of the Project Site to the southeast corner of the Project Site, adjacent to the North Forest Road/Sheridan Drive intersection. This modification was made based on input from homeowners on Fairways Boulevard. The senior facility, which would consist of 200 assisted living units and up to 104 independent living units, has been redesigned to consolidate parking around the building, and may also include garages for the independent living units.
- Elimination of Synagogue: We have recently learned that the prospective user who was interested in occupying the previously proposed synagogue has decided not to relocate to the Project Site. As a result, the previously proposed synagogue has been removed and replaced with detached patio homes.
- New Fire Substation for Snyder Fire Department: The boundary of the Snyder Fire Department extends to Maple Road, and with only one fire station located on Main Street to service the entire district, the Project Sponsor has been advised that a small substation on the Project Site would improve response times in the Sheridan Drive/North Forest Road neighborhood, as any fire trucks responding from the station on Main Street would have to travel down Harlem Road, which is heavily traveled during peak travel periods. As a result, we are proposing a small fire substation similar in size to the existing one located on Sheridan Drive near Youngs Road. This substation is located in the southwest corner of the site, with access to both the new proposed North/South road as well as Sheridan Drive through Frankhauser Road. In an effort to enable this substation to blend into the neighborhood, we are proposing a pocket park next to the substation with landscaped berms on Sheridan Drive.
- Sanitary Sewer Capacity: Downstream sanitary sewer capacity concerns have been raised in connection with the environmental review of the project pursuant to SEQRA. While the existing sanitary sewer infrastructure can accommodate the projected sanitary sewer flows from the mixed use redevelopment project, there are downstream capacity issues during wet weather conditions attributable to inflow and infiltration. The Project Sponsor

recognizes that the existing capacity within the sanitary sewer system along Sheridan Drive is a constraint, and has worked with Wendel Companies to prepare a Downstream Sanitary Sewer Capacity Analysis for the project. This analysis is included as Exhibit “T” of the Amended Rezoning Application. The analysis conducted by Wendel Companies determined that there will be sufficient capacity for the project with the installation of a new dedicated force main along Maple Road that would connect to the existing lines along Amherst Manor Drive.

- Residential Demand Concerns: During the public hearing held by the Planning Board on November 17<sup>th</sup>, a comment was received from the Planning Board regarding whether there is demand for the proposed residential and senior components of the mixed use redevelopment project. Included with the Amended Rezoning Application is a Summary Analysis Report prepared by Donald Griebner of Real Property Services LLC. This analysis demonstrates there is sufficient demand for the residential homes (patio and single family) as well as the proposed apartments. In addition, the Summary Analysis examined the demand for assisted living facilities in the Town of Amherst. It is important to mention that the assisted living and independent living facility proposed as part of the project contain a high level of care for their inhabitants. This level of care is different than that of the senior housing facilities that were examined in Market Demand for Senior Rental Housing in Erie County dated September 2012 that was prepared by the University at Buffalo Regional Institute and the Urban Design Project, which only examined independent living apartment communities designated for residents over 55 years of age.

### **III. Requested Rezoning Description:**

In order to accommodate the mixed use project as depicted on the revised Conceptual Master Plan, the Project Sponsor is requesting that the zoning classification of portions of the Project Site be amended as follows:

- 136.89± acres from Recreation Conservation District (“RC”) to Traditional Neighborhood Development District (“TND”);
- 6.39± acres from Recreation Conservation District (“RC”) to Multifamily Residential District Seven (“MFR-7”); and
- 1.16± acres from Recreation Conservation District (“RC”) to General Business District (“GB”)

It is important to mention that the proposed mixed use redevelopment project is subject to the Town’s Planned Unit Development (“PUD”) review process since the size of the Project Site is greater than 30 acres. The Project Sponsor has thoroughly considered the PUD performance standards in connection with the revised Conceptual Master Plan and Exhibit “M” of the Amended Rezoning Application provides a detailed narrative prepared for the purpose of describing the manner by which the Project Sponsor intends to comply with the applicable PUD performance standards. Additionally, Exhibit “N” consists of a draft of the proposed Planned Unit Development Agreement (“PUD Development Agreement”), which is intended to define and stipulate the conditions and restrictions that shall be considered as conditions precedent to the issuance of

building permits and certificates of occupancy for the buildings to be in connection with the proposed mixed use project.

The conditions and restrictions as defined within the draft PUD Development Agreement are further detailed within the Westwood Design Standards (“Standards”) attached at Exhibit “O” of the Amended Rezoning Application. The Standards provide a framework of desired characteristics for the development of the mixed-use neighborhood and include design considerations for architectural features, materials, building massing, vehicular circulation, parking, pedestrian access, site landscaping, lighting and signage. The Standards are meant to provide a manual which establishes the design criteria that will be implemented to ensure the mixed use project will be in compliance with the PUD objectives.

**IV. Responses to Memorandum of the Town of Amherst Traffic Safety Board Dated March 8, 2016:**

The Memorandum issued by the Town’s Traffic Safety Board based on its review of the previous Conceptual Master Plan contained thirty (30) comments. The input from the Traffic Safety Board has been considered in connection with the preparation of the revised Conceptual Master Plan. An updated Traffic Impact Study (“TIS”) will be prepared by SRF Associates for the mixed use redevelopment project for inclusion in the Final Generic Environmental Impact Statement (“FGEIS”) and copies will be provided to the Traffic Safety Board for its review.

1. *“Looking at the overall development it would be advisable to have more than two (2) ingress/egress points for a development of this size (170 acres). Review additional ingress/egress points for the development for easier access and emergency response vehicles. Possible locations are the existing driveway to North Forest or possibly an access point to Frankhauser/Fairway Boulevard, especially in the commercial end of the proposed development.”*

**Response:** As part of the preparation of the Revised Conceptual Master Plan, this comment and Comment No. 2 below with regards to the elimination of the existing Frankhauser/Sheridan traffic signal have been thoroughly evaluated. After considering this comment and a similar comment from the Engineering Department, the Conceptual Master Plan has been updated to provide vehicle access to the Project Site through two new points as follows: (1) a proposed roundabout on North Forest Road; and (2) a one-way in-only connection from Frankhauser Road.

2. *“It is strongly recommended that the petitioner pursue a solution that eliminates the Frankhauser/Sheridan traffic signal by connecting the Frankhauser/Fairways subdivision into the Westwood Development to make use of the proposed signal.”*

**Response:** The Project Sponsor has proposed the elimination of the Frankhauser/Sheridan traffic signal and a connection from Frankhauser Road to the Project Site that will one-way in only. It is important to mention that the existing signal at the intersection of Sheridan Drive and Frankhauser Road does not satisfy the applicable warrants for a traffic signal.

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3. *“Proposed signals should be installed with the first phases of the main north/south roadway development.”*

**Response:** Our current plan for the phasing of the construction of the project envisions the installation of the main/north south roadway, including the proposed traffic signals, as part of the first phase of construction. Please note that Sheridan Drive is a NYSDOT road, and NYSDOT will not allow a new traffic signal to be installed until the warrants are met based on actual conditions after the construction of the proposed project.

4. *“Traffic Impact Study indicates an exclusive right turn lane would be difficult to construct on Maple Road without impacting existing property owners. However, given the lower volume of right turning traffic (54 AM and 53 PM) during the peak hours it would not be necessary.”*

**Response:** No response necessary.

5. *“Sheridan Drive at Fenwick Road/New Proposed Roadway – The right turn lane should be constructed to accommodate peak traffic and to current design standards. The existing two-way left turn lane should be reconfigured to accommodate a left turn storage lane at the new proposed roadway.”*

**Response:** No response necessary.

6. *“Given the commercial and retail uses at the south end of the development, it may be necessary to lengthen the throat length longer than the recommended 200 feet. The length should be calculated based on the peak hour volume while making sure that the queues will not back up past the first access entrance for the proposed parking lots.”*

**Response:** The throat length was determined by SRF Associates using peak hour volumes and the 95th percentile queues for the southbound approach. If practicable, the driveway throat length can be increased to accommodate additional storage.

7. *“The proposed roadway between Maple to Sheridan Drive, at all the juncture points (internal intersecting roadways) should have left turn storage lanes except for where the round-about is proposed.”*

**Response:** We will examine the inclusion of left turn storage lanes for the proposed North/South roadway, but have reservations about including this in the northern residential portion of the project that will serve the single family homes and townhomes.

8. *“Eliminate all proposed perpendicular or angled parking shown on the proposed public roadways. ATSB is not in favor of parked vehicles having to back into oncoming traffic.”*

**Response:** Within the Neighborhood Center, the previously proposed perpendicular or angled parking on the main north/south roadway has been removed as requested by the Traffic Safety Board. In keeping with the design intent of the Neighborhood Center, the revised Conceptual

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Master Plan depicts parallel parking in front of certain portions of the proposed buildings along the main north/south roadway.

9. *“Page 7, third paragraph, in the TIS indicates that bicycle signage along the north/south internal road can be used to increase driver’s awareness as well as encourage bicycle ridership. To further promote a multi-modal community, add designated bike lanes on the new proposed roadway from Sheridan Drive to Maple Road.”*

**Response:** We will consider the inclusion of designated bike lanes on the new proposed roadway. Please note that as part of the project, we had proposed that internal paved recreational paths would be designed and installed to encourage bicycle use. In addition, these paths would also connect to the North to the existing sidewalks on Maple Road and then to the existing trailhead at North Forest Park, and to the south to the existing sidewalks on Sheridan Drive.

10. *“ATSB supports the use of Transportation Demand Management (TDM) throughout the development.”*

**Response:** As noted in the Draft Generic Environmental Impact Statement (“DGEIS”), as part of the traffic mitigation measures, we envision that Transportation Demand Management strategies should be considered and implemented when practicable to reduce off-site vehicle trips.

11. *“ATSB does not agree that parking spaces should be reduced based on the multi-use nature of the development.”*

**Response:** Given the variety of the land uses proposed as depicted on the revised Conceptual Master Plan, the Project Sponsor believes that providing the precise number of parking spaces that would be required if each project component was evaluated independently would result in excessive parking spaces at the expense of permanent open space. The Project Sponsor recognizes the need to provide adequate parking on the Project Site and this topic will be discussed further with the Traffic Safety Board as the review process progresses.

12. *“Page 16, Sheridan Drive at Frankhauser Road – Report indicates and overall LOS of “E” when it is actually LOS “A”.”*

**Response:** No response necessary.

13. *“Page 2, fourth paragraph, N. Forest Road is posted 35 mph, not 30 mph as the study indicates.”*

**Response:** The analysis in the Traffic Impact Study (“TIS”) uses the posted 35 MPH, despite the report indicating 30 MPH. This will be corrected in the updated TIS to be prepared by SRF Associates.

14. *“Page 2, under planned/programmed highway improvements, add that the Town of Amherst is replacing the traffic signal equipment at the intersection of Maple Road and Maplemere Road in Spring/Summer of 2016.”*

**Response:** We will consult with SRF Associates to determine if this materially impacts the Traffic Impact Study.

15. *“Confusion on the data presented for the Maple Road/N. Forest Road intersection. Are the reported Delay and Accidents before, during, after the County’s reconstruction project?”*

**Response:** The report delay is after the completion of Erie County’s reconstruction of the intersection. The report accidents are from before, during, and after the County’s reconstruction; a three-year period from March 2010 through February 2013.

16. *“On Figures 7C and 7D, explain how several of the entering trips indicate a negative value at several intersections.”*

**Response:** The negative value represents pass-by trips associated with the retail component of the Project. This will be properly labeled on future revisions.

17. *“The TIS is missing a figure showing the Trip Distribution by percentage for all combined site generated traffic.”*

**Response:** Because there are multiple varying uses proposed in connection with the proposed mixed use redevelopment project, (e.g., residential, commercial and a hotel), SRF Associates determined it was more appropriate to designate each use with its own Trip Distribution percentage. An additional figure based on the Site Generated Trips for All Uses (Figure 7D) can be developed and included as part of the updated TIS to be prepared by SRF Associates.

18. *“Page 22, Planning Dept. comment bullet 1, traffic data on Maple Road appears dated 2010. Traffic counts should be updated. Furthermore, do the counts take into consideration the recent development at the once vacant plaza on the southwest corner of N. Forest/Maple?”*

**Response:** All traffic counts along Maple Road were collected in 2012, and thus, do not include the recent development of the plaza on the southwest corner of North Forest Road/Maple Road. Please note that, as part of the FGEIS, an updated TIS will be prepared by SRF Associates and it will include updated traffic count data.

19. *“The multi-use and pass-by trip reduction percentages that were chosen by the traffic engineer are on the high side. Provide back-up materials that support the percentages in the report given the nature and type of commercial development is unknown at this time. The ATSB recommends the TIS use a more conservative, lower percentage value assigned to these variables.”*

**Response:** The percentages used were based on ITE Trip Generation Handbook internal rates and methodologies for residential, office, retail, and hotel uses. The intention of the Project Sponsor is to create a neighborhood environment whereby the land uses complement one another. Each land use is connected through a network of roadways, sidewalks and walking paths. The Project Sponsor will develop the Project Site in a manner that is walkable, bikeable, transit friendly, and

creates a community where residents and users can live, work, and play. Thus, it is the professional opinion of SRF Associates that the rates used in the TIS are appropriate.

20. *“Does the petitioner have a desired speed limit of the proposed north/south roadway?”*

**Response:** 30 MPH. The goal is for the public north/south roadway to accommodate traffic at a speed that will not result in safety issues and thus the Project Sponsor believes that 30 MPH is the appropriate speed limit.

21. *“TIS indicates synchronization of Sheridan Signals. Is there a possibility and benefit to synchronizing Maple Signals as well?”*

**Response:** Synchronizing traffic signals can provide measurable traffic flow benefits along corridors, such as Sheridan Drive. SRF Associates will consult with the Erie County Department of Public Works (“ECDPW”) to determine the feasibility of signal synchronization along Maple Road. At a recent meeting with the ECDPW that was attended by Christopher Schregel, the Town’s Traffic Safety Coordinator, SRF was advised that the existing traffic signal at Maple Road and North Forest Road and the proposed signal on Maple Road as part of the proposed project are not close enough to allow benefits to be realized from synchronization of signals on Maple Road.

22. *“General concern over the proximity of the proposed Sheridan Drive Signal during the peak travel hours. Traffic is currently backed up on Sheridan Drive past Frankhauser Road. Unsure how a new signal isn’t failing during the peak hours if a back-up is occurring now.”*

**Response:** The NYSDOT is currently installing an arterial management project along Sheridan Drive. SRF Associates has followed up with NYSDOT about this project to determine its status and obtain any relevant information (i.e., traffic models, reports). The results in the TIS under full development conditions depict a coordinated corridor with signal timing modifications to account for the new traffic signal. NYSDOT will fit the installation of the new traffic signal in with the coordination of existing arterial signals. The signals will be programmed to provide optimum traffic progression along Sheridan Drive and mitigate delay and queuing, to the extent practicable.

23. *“Question the distribution percentages of outbound trips using the I-290 eastbound versus I-290 westbound. The distribution split should favor I-290 eastbound to a greater degree.”*

**Response:** The movements favor I-290 westbound (versus I-290 eastbound) based on the traffic movements at the ramps and the overall trip distribution of the study area network.

24. *“The section of Sheridan Drive between Harlem Road and the I-290 west ramp has failing level of services and vehicles are often observed queued into the I-290 ramp intersection. TIS does not provide mitigation and has traffic adding to this pre-existing problem area. Report does not provide any recommendation or conclusion at this location.”*

**Response:** These intersections are included in the NYSDOT arterial management project. Additionally, signal timing modifications are proposed to reduce delay and queuing.

25. *“A Traffic Safety Board member is skeptical on the overall Level of Service at the Sheridan Drive/Harlem Road during the peak proposed hour with mitigation.”*

**Response:** This comment is acknowledged. Refer to the response to Comment No. 24 above.

26. *“Provide additional information on how public transportation will be scheduled at this location.”*

**Response:** Because the build-out of the mixed use redevelopment project will be phased over time, it is difficult to predict how public transportation will precisely be incorporated into the project. The Project Sponsor has met with the Niagara Frontier Transportation Authority (“NFTA”) to discuss an extension of the Route #49 – Millard Suburban public bus line into the Westwood Neighborhood to provide both residents and visitors with ease of access to and from the Project Site. The Project Sponsor will continue to coordinate with the NFTA throughout the project review process to maximize the likelihood of this public transportation option being realized at the time of the development of the project.

27. *“Provide further information and projections on how many vehicles are expected to cut-through the development and removed from N. Forest Road.”*

**Response:** The TIS noted that this condition may occur, especially as drivers become more accustomed to this new public roadway. A review of the traffic movements at Sheridan Drive/North Forest Road and Maple Road/North Forest Road showed that there may be potential for traffic diversion of approximately five to 10 percent. However, no adjustments were made to provide for a more conservative analysis of the Project.

28. *“Is there a plan in place for public school transportation?”*

**Response:** The new North/South roadway will be dedicated to the Town of Amherst as a public roadway after it has been constructed. It is likely that the proposed road from the roundabout on North Forest may also be dedicated to the Town of Amherst so that buses will be able to pick up students on these streets.

29. *“Table IV in the TIS indicates a ‘Northbound Left/Thru/Right’ movement at the Sheridan Drive / I-290 WB (S) intersection. It is unclear as to what this movement is referring to as there is no Thru movement allowed at this intersection leg.”*

**Response:** This statement will be revised in the updated TIS to be prepared by SRF Associates to say “Northbound Left/Right”.

30. *“The plan shows a Synagogue with assumed trips during the weekend. Question if other activities of events would be scheduled during the week that would add to the number of weekday generated trips. If so, adjust analysis accordingly.”*

**Response:** When the synagogue was included in the previous plan, no additional events were anticipated during the week, particularly during the peak hours of study. The previously proposed synagogue has been eliminated.

**V. Responses to Comments Received from Town of Amherst Conservation Advisory Council dated July 18, 2016:**

The Memorandum issued by the Town's Conservation Advisory Council based on its review of the previous Conceptual Master Plan contained twenty-three (23) comments. The input from the Conservation Advisory Council has been considered in connection with the preparation of the revised Conceptual Master Plan.

*1. Can this project be down sized? The project is way too large and creates an enormous footprint.*

**Response:** The Project Sponsor prepared the Draft Generic Environmental Impact Statement ("DGEIS") in order to fully evaluate a wide range of identified potential environmental impacts as well as to determine which alternatives for the redevelopment of the Project Site are feasible based on the physical characteristics of the Project Site and underlying market conditions.

As fully detailed and described within Section 3 of the DGEIS, the project layout as depicted on the Preliminary Conceptual Master Plan, which has been revised based on input received to date, is the preferred redevelopment strategy for the Project Site and was selected after fully evaluating eight (8) alternatives. The alternative analysis section includes a number of less dense alternatives with a description of the challenges and disadvantages that make those alternatives less attractive or not feasible for redevelopment of the Project Site. In addition, based on the input received during the public hearing held by the Planning Board on November 17<sup>th</sup>, the Project Sponsor has revised the Conceptual Master Plan to increase the amount of permanent open space proposed from approximately 38% of the Project Site (64 acres) to approximately 47% of the Project Site (81 acres). In terms of development footprint and overall density associated with the revised Preliminary Conceptual Master Plan, it is important to note that the Project Sponsor very carefully and deliberately planned the Project with consideration for the Town of Amherst Bicentennial Comprehensive Plan ("Plan"). As fully detailed within Section 5.4.2 of the DGEIS, the redevelopment project is consistent with the goals and objectives of the Plan in providing an infill project focused around mixed uses and integration of the project components with the surrounding community.

*2. The stand of hardwood trees located at Wetland #5 has existed since 1927 and can be seen on p. 28, Attachment #13. Hardwood swamp is of a greatest priority to be preserved and this stand probably wouldn't be contaminated as it wasn't used as a green on the course. Could this stand of trees and wetland be preserved? (Appendix 1- p.148 Wetlands).*

**Response:** As shown on revised Conceptual Master Plan provided at Exhibit "G" the project layout has been modified as suggested by the Conservation Advisory Council to maintain the wooded area referenced in the comment above. The revised Conceptual Master Plan has been

deliberately developed with consideration for preservation of existing vegetative features, which will be incorporated into the redevelopment project.

3. *How effective will the pumps be that are proposed to drain the north area into the lake and subsequently into Ellicott Creek? (ref- "natural water courses" - ES. p.12 Stormwater Runoff).*

**Response:** As detailed within Appendix V of the DGEIS ("Revised Preliminary Drainage Analysis Report" or "Report"), based on the proposed elevations of three (3) stormwater management ponds which are designed to ultimately discharge into the large stormwater management lake, it is possible that a stormwater pump station will be necessary to convey stormwater from the ponds at a maximum discharge rate of 15 cubic feet per second ("CFS"). The Project Sponsor's team is currently evaluating whether or not any pumps will be necessary to convey stormwater into the larger pond. The Project Sponsor's intent is to eliminate the proposed stormwater pump station, if this is practicable. If the pump station is determined to be necessary, it will be designed by a licensed professional engineer and will be subject to the review and approval of the Town of Amherst Engineering Department and the New York State Department of Environmental Conservation ("NYSDEC"), as required for permitting through the Phase II State Pollution Elimination System ("SPDES") and in conformance with the New York State Stormwater Management Design Manual. The pump station will need to be engineered to have sufficient volume and flow capacity to convey the anticipated peak stormwater generation and will also require both redundant backup pumps as well as a generator power back-up system to ensure proper function and performance in the event of a power outage during a storm event. The stormwater volume and flow calculations as well as the mechanical assembly and specifications of the pump system will be subject to the review and approval of the Town's Engineering Department.

4. *What will be the capacity of the ponds in case of a heavy rain or snowmelt event?*

**Response:** As detailed within Appendix V of the DGEIS ("Revised Preliminary Drainage Analysis Report" or "Report"), the stormwater management ponds as designed and specified within the proposed stormwater management plan must be designed and engineered so as to meet the stringent requirements of the Phase II State Pollution Elimination System ("SPDES") and the New York State Stormwater Management Design Manual. Additionally, the Town of Amherst has specifically adopted more restrictive stormwater management policies which require that the 10-year storm pre developed condition stormwater discharge value is utilized as the maximum allowable discharge value for the calculation of the 25-year storm post development condition stormwater discharge. The above cited standard means the stormwater discharge volume from the Project Site during a 25-year six-hour storm after full development cannot exceed the calculation and discharge value of the 10-year six-hour storm applicable to the pre developed condition of the Project Site. As such, the Project Sponsor will be required to provide sufficient stormwater management pond capacity on the site to detain stormwater runoff such that the total discharge volume during a 25-year storm post development condition does not exceed the total discharge volume of a 10-year storm event prior to site development. Additionally, the stormwater management plan must demonstrate that the stormwater management system as designed will have sufficient capacity to retain the anticipated total stormwater runoff volume during 1 year, 10 year and 100 year twenty four hour storm events.

As detailed within Section 4.4 of Appendix V, the preliminary stormwater management plan includes the design of ponds sufficiently sized to properly manage the anticipated volume of stormwater runoff that would be necessary for a maximum 100 year six hour storm event.

In simpler terms, the stringent applicable storm water management standards mandate that the Project Sponsor provide sufficient stormwater management measures on the Project Site so as to maintain current discharge volumes under the pre-developed conditions and additionally provide evidence of sufficient storm water capacity to detain stormwater during a storm event so as to limit total discharge per the applicable stringent standards.

5. *Are the medians, private green space, and buffers included in the 64 acres of green space described in the Executive Summary?*

**Response:** Open space calculations were prepared by Wendel Companies for the layout depicted on the revised Conceptual Master Plan based on the definition contained in Section 2-4 of the Zoning Code and the Planned Unit Development Process regulations regarding open space [See Section 6-9 of Zoning Code - Planned Unit Development Process (PUD)]. The definition states that Open Space includes uncovered and unpaved lands or water areas in *public, common or private ownership*, except lots under single family ownership; lands covered by structures or other improvements may also be deemed to constitute open space under the limited conditions specified in this Section; large areas of land in a natural state; areas for active and passive recreation; parks and large landscaped or wooded areas; drainage, runoff areas and flood plain areas and areas for stormwater storage and protection of water quality; connectors between major open space areas; pedestrian and bicycle circulation systems; areas for preservation of wildlife, woodlands, wetlands and outstanding natural features, including geologic and topographic; areas for public or private recreation, public education, community and cultural facilities when approved by the Town Board; conservation facilities and areas.

Consistent with the above cited definition, the approximate 81 acres of open space as depicted on the revised Conceptual Master Plan includes open space and buffer areas that would be privately owned but does not include smaller areas of open space/greenspace such as landscaped islands in parking fields, walkways in front of buildings, right-of-way medians, yards on individual lots, etc. It is also important to note that while the buffer and open space areas outside of the proposed Westwood Park are technically planned to be privately owned, it is the intent of the Project Sponsor to utilize an association to be reviewed and approved by NYS Attorney General's Office to acquire ownership of these areas and certain portions will include provisions allowing for public access in appropriate areas. Therefore, these areas would be considered to have "common" ownership and may include provisions for public access.

6. *How accurate is the drainage analysis and how were the results achieved?*

**Response:** The Revised Preliminary Drainage Analysis Report ("Report"), Appendix V of the DGEIS, was prepared by Professional Civil Engineering, LLC, a New York State licensed professional engineering firm. In terms of the findings and recommendations regarding the proposed stormwater management plan, the complete narrative and all calculations are contained

within the Report. The on-site drainage improvements and more detailed analysis that will be required in connection with the site plan and subdivision review processes for components of the mixed use redevelopment project will be subject to the review and approval of the Town's Engineering Department.

7. *Please clarify "detention pond" vs. "retention pond". They are referred to in different parts of the DGEIS as one or the other. The difference would have a large impact on the area in terms of pest insects and possible overflow during heavy rain or snow melt events. What provisions have been made to control these potential issues?*

**Response:** It is true that technically speaking there is a functional difference between a detention pond and retention pond. A detention pond, sometimes referred to as a dry pond, is typically dry except during or after a storm event and their primary purpose is to slow water flow and detain stormwater discharges over a relatively short period of time. A retention pond, sometimes referred to as a wet pond, is typically wet and designed to contain higher volumes of stormwater for longer periods of time. Retention ponds are designed to have a permanent pool of water to discourage resuspension and maintain deposits at the bottom of the basin. Unlike detention ponds, retention ponds are not designed with an orifice (outfall or discharge) at the bottom of the basin, instead, the outfall is positioned at a higher point to retain a permanent pool of water. At this point in time and based on the conceptual plans as stated within the Revised Preliminary Drainage Analysis Report, the primary stormwater ponds as detailed within the Report are intended to be designed as retention ponds, meaning they will have a constant static water level. However, it should be noted that the final Stormwater Management Plan may detail the inclusion and construction of smaller detention areas as needed to temporarily manage runoff as per future individual site plan review and approval processes. As it relates to concerns caused by "pest insects", the Project Sponsor will follow involved agency requirements and protocol as it relates to managing mosquito habitats. In terms of ensuring the stormwater management plan for the Project Site is sufficient for potential overflow during heavy rain or snow melt events, please refer to the response provided to Question No. 4 above.

8. *Will the water from the retention/detention ponds pass through a filtering device to remove fertilizers and other pollutants prior to discharge into Ellicott Creek?*

**Response:** The New York State Stormwater Management Design Manual ("Manual") provides civil engineers with a general overview on how to size, design, select, and locate stormwater management practices to comply with the stringent New York State Department of Environmental Conservation ("NYSDEC") stormwater performance standards. The Manual is a key component of the Phase II State Pollution Discharge Elimination System ("SPDES") general permit for stormwater runoff from construction activities from all sizes of disturbance. The SPDES program was implemented to protect and maintain the quality of water resources consistent with public health, public enjoyment, protection of fish and wildlife and industrial development throughout the state. The State's SPDES program has been approved by the United States Environmental Protection Agency ("EPA") for the control of surface wastewater and stormwater discharges in accordance with the Clean Water Act. However, the State's SPDES program is broader in scope than required by the Federal Clean Water Act as it regulates point source discharges to ground waters as well as surface waters. Chapter Six of the Manual provides the performance criteria that

are necessary to meet water quality treatment goals prior to discharge to existing surface waters and stormwater conveyance channels. The criteria include specific design measures which include consideration for pond construction, infiltration management practices, filtering systems and open channel construction practices. The Project Sponsor will be required to submit a Stormwater Management Plan (“Plan”) prepared by a New York State licensed engineering firm for the review and approval of the Town of Amherst and the NYSDEC, which demonstrates compliance with the design criteria as identified within the Manual. The primary retention pond as detailed within the Plan will be specifically engineered and designed so as to provide for sedimentation and contamination capture and control through the use of stormwater inflow forebays and outfall micro pools. Additionally, the ponds will include specific plantings and vegetation that have purifying capabilities which pre-treat and remove contaminants prior to discharge to existing surface waters. The stormwater management system will be further enhanced through the use of bio-retention measures within the parking and street landscaping islands and surface ditch systems which convey collected runoff from the developed site to the primary retention ponds. The final Stormwater Management Plan may also include sediment/contaminant collection and pre-treatment chambers within the initial catch basins and receivers for stormwater runoff pre-treatment within parking fields prior to discharge to retention areas.

9. *In a heavy rain or snowmelt event, what provisions have been made to accommodate the increased runoff from the parking lots, other impervious surfaces and/or gutter discharge?*

**Response:** Please refer to the response provided at Comment No. 4 above.

10. *At full development, how will the ponds be filled and how will they be drained for periodic maintenance?*

**Response:** As mentioned above, the primary ponds as shown on the revised Conceptual Master Plan and detailed within the Preliminary Stormwater Management Plan are intended to be constructed as retention ponds. As such the outfall or discharge point for these ponds will be positioned at a higher point to retain a permanent pool and balance of water. In terms of maintenance considerations to manage potential sedimentation and siltation issues, as mentioned within the response to Comment No. 8 above, in accordance with the stringent standards of the New York State Stormwater Management Design Manual, the retention ponds will be designed with consideration for sufficient pre-treatment and screening measures as per current best management practices. The Project Sponsor will be required to provide for sediment containment chambers and/or forebays within the ponds to sufficiently trap and contain sediments/contaminants prior to discharge to retention areas. This practice allows for future maintenance of these areas through simply evacuating and removing trapped sediments from pre-treatment chambers and excavating/re-stabilizing the shallow forebays that are adjacent to the primary retention ponds. Further measures can be undertaken to prevent future maintenance issues within the retention ponds by excavating basin depths beyond the necessary stormwater storage volume to ensure additional capacity is reserved within the pond system for future loss of storage through possible sedimentation and siltation of the basin.

11. *What is the level of the water table?*

**Response:** As detailed within Appendix D of the DGEIS (“Empire GEO Services- Geotechnical Evaluation Report”), the borings and groundwater monitoring wells indicate a permanent groundwater table may be present at elevations in the range of about Elevation 580 feet to Elevation 589 feet. Given the size of the site and fluctuation of ground level elevation throughout, it is difficult to provide a precise indication of groundwater depth on the Project Site, but the geotechnical analysis indicates the typical depth to the permanent groundwater table fluctuates between 10 feet and 20 feet below ground surface [please refer to Section 5.50 (page 10) of Appendix D of the DGEIS].

*12. Are the ponds perched?*

**Response:** The Project Sponsor is not certain as to the intent or meaning of this question. If the question is meant to inquire as to whether the primary retention ponds are intended to be engineered at a higher elevation than the prevailing grade of the site, meaning they would be “perched” relative to prevailing grade, the answer would be no. The intent of the Stormwater Management Plan is to engineer the ponds so as to accommodate existing site grades and to facilitate a gravity based drainage system where ever feasible. Dependent on the final design and construction requirements as per regulatory agencies, the ponds may be engineered with considerations for embankments or berms along the bank to create overflow and spillway capacity which may provide for the appearance of a “perched” pond bank.

*13. Given the clay soils in the area, how long would it take for the ponds to drain after a heavy rain event or in the case of a heavy snowmelt in the spring? Would the ponds hold water for an extended time leading to a stagnant situation?*

**Response:** The primary retention ponds will be engineered with inflow and outfall elevations so they naturally retain and discharge stormwater as required in accordance with the stormwater management plan. As a result, the ponds will not rely upon the infiltration rate and capacity of the largely clay soils which are native to the Project Site. The basin floor of the pond will be specifically engineered to limit infiltration so as to maintain a sufficient balance of water within the pond. This consideration will be critical to ensure that proper water balance is maintained to support the chosen aquatic bench planting method long term. In terms of preventing stagnation and undesirable algae growth, in accordance with the New York State Stormwater Management Design Manual, the Project Sponsor will be required to implement select vegetation and plantings within the aquatic bench of the primary ponds which support the desired balance of oxygen and carbon dioxide within the stored water to support healthy plant growth, reduce algae development and support the natural cleansing/removal of potential contaminants within stormwater and site runoff.

*14. What potential adverse effects will the altered flood-plain elevation and redirected surface water have on the surrounding residential areas?*

**Response:** As described within Section 6.2.3 of the DGEIS, the Project Sponsor will be required to utilize a licensed engineering firm to conduct additional hydraulic/drainage investigations and to prepare a detailed analysis and engineered plans for the proposed floodplain modifications.

Because of the proposed impacts to a portion of the 100 year floodplain on the Project Site, the Project Sponsor will be required to seek and obtain a Letter of Map Revision (“LOMR”) from the Federal Emergency Management Agency (“FEMA”) in order to alter the boundary of the 100 year floodplain on the Project Site associated with Ellicott Creek. This process will require clear documentation of all project related topographic changes and calculating the flood storage capacity to be provided by the proposed lake and adjacent on-site retention pond system. The issuance of a Conditional Letter of Map Revision (“CLOMR”) by FEMA would ultimately remove portions of the Project Site from the 100-year floodplain (also designated as a Special Flood Hazard Area) upon documented completion. In addition, the Project Sponsor will be required to obtain a Floodplain Development Permit from the Town’s Floodplain Administrator for Flood Hazard Reduction. Since Ellicott Creek is a jurisdictional waterway that is subject to the jurisdiction of the United State Army Corps of Engineers (“USACE”), the Project Sponsor will also be required to provide sufficient data and modeling utilizing the HEC-RAS (Hydrologic Engineering Center-River Analysis System) analysis to demonstrate that the anticipated topographic changes do not result in an increase to the flood plain water surface profile and level that is beyond current flood stage levels within Ellicott Creek. The complete LOMR report must also demonstrate that any decrease in floodplain storage capacity resulting from development/grading of the Project Site will need to be reconstituted elsewhere on the Project Site by the Stormwater Management Plan through new floodplain alleviation areas or within floodwater storage structures. Ultimately, the USACE, FEMA and Town of Amherst Engineering Department/Floodplain Administrator will all be responsible for reviewing and approving the proposed modification to the existing floodplain boundary and the Project Sponsor will be required to address any concerns of the involved agencies prior to securing permits for the performance of this work. Ultimately any redirected surface water will be managed on the Project Site so as to not adversely impact adjacent properties.

*15. Given the multi-year construction period of the project, soils on a majority of the project site will be disturbed due to vegetation clearing, topsoil removal, site grading and excavation. These activities will have the potential to cause erosion and sedimentation impacts, particularly into Ellicott Creek. Specifically, what precautions, besides the usual plastic barrier and straw bales, will be taken to avoid sediment runoff to Ellicott Creek and bank erosion from happening?*

**Response:** As described within Section 6.2.1 of the DGEIS, the Project Sponsor will be required to submit a Stormwater Pollution Prevention Plan (“SWPPP”) prepared by a licensed engineer pursuant to the applicable stringent standards of the NYSDEC as identified within the New York State Stormwater Management Design Manual. The SWPPP will need to identify sufficient measures to manage/control runoff, spill prevention, sedimentation and erosion. The NYSDEC updated New York State Standards and Specifications for Erosion and Sediment Control (“Blue Book”), dated July, 2016 is the current standard for erosion and sedimentation control of construction sites. The Blue book provides standards and specifications for the selection, design and implementation of erosion and sediment control practices for the development of Erosion and Sediment Control Plans for the SPDES General Permit for Stormwater Discharges from Construction Activity. Typical methods utilized to comply with requirements for the management of runoff from construction activities pre the NYSDEC’s stringent standards as identified within the Blue Book include the following:

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Erosion & Sediment Control: Dependent on the extent and depth of excavation or soils disturbance, the Project Sponsor may be required to implement a check dam to effectively block surface runoff from excavated areas to discharge points and quickly collect surface water prior to excessive sedimentation. Diversion dikes are another measure which can intentionally divert runoff from active construction sites to a controlled management and storage area. Active de-watering throughout construction and stabilization of areas that may require prolonged excavation periods are also measures that help to prevent the point source of sedimentation and siltation issues within stormwater runoff.

Bank Erosion & Resource Protection Measures: Fiber rolls, silt socks, sand bags and temporary berms are all surface water detainment and runoff protection methods that can be employed to ensure surface discharges to Ellicott Creek are limited and properly managed throughout construction.

Long Term Sediment & Siltation Measures: Please refer to the response provided at Question No. 10 above which includes a discussion regarding long term sedimentation control measures that will need to be incorporated into the Stormwater Management Plan at the Project Site.

The SWPPP for construction and permanent operation at the Project Site will be subject to the review and approval of the NYSDEC and the Town's Engineering Department. Additionally, throughout construction, the development site will be subject to regular inspections and oversight of representatives of the Town's Engineering Department and the NYSDEC. The Project Sponsor will also be responsible for hiring a third party construction monitoring and administration consultant ("CA"). The CA scope of work will include SWPPP control methods and measures monitoring and enforcement and also preparation of required inspection reports.

*16. Will the area be sprayed for mosquitos?*

**Response:** The Town's Highway Department had instituted an effective and proactive approach to managing the local mosquito population through the Mosquito Control Division. The typical application cycle begins in March with early larvicide treatment and is sustained throughout the season in response to resident complaints and regular monitoring/treatment of storm sewer receivers and structures. The Mosquito Control Division works with the NYSDEC, USACE and NYSDOH to ensure the products being utilized for treatment meet the regulatory guidelines and specifications for both human health and wildlife. The Project Sponsor is amenable to treatment for mosquitos at the Project Site should a nuisance develop or at the request of the Town of Amherst Mosquito Control Division.

*17. Regarding Parking- Have you considered and would you consider using a stacked parking structure with a ground floor and 1 or 2 additional floors to eliminate impervious materials and lessen the giant footprint of this project?*

**Response:** The Project Sponsor has explored the consideration of structured parking and has decided against this option at the Project Site as construction is typically cost prohibitive and historically the residential neighbors of projects have been opposed to the proposed use of structured parking. The footprint of the proposed mixed use neighborhood is not excessively large

if properly viewed in the context of the size of the Project Site and the Project Sponsor's proposal to permanently preserve approximately 81 acres or 47% of the 170-acre Project Site. Ultimately, the Project Site represents an opportunity to redevelop an existing an abandoned golf course that is contaminated. While the Project Sponsor recognizes that the size and extent of the property is large by comparison to smaller scale developments, there has been an intentional effort to propose development densities and building types that are consistent with the goals and objectives of the Town of Amherst Bicentennial Comprehensive Plan while at the same time providing a financially viable redevelopment of the Project Site.

*18. Could the sidewalks and other pathways be constructed using pervious materials so the project can be more environmentally friendly?*

**Response:** While the Project Sponsor is amenable to exploring green infrastructure standards such as pervious walkways, it is important to note that the native soils of the Project Site are typically composed of clay compositional soils that have a low to medium low permeability rate. The lower permeability rate will lessen the ability of the prevailing soils to allow for infiltration of stormwater and surface runoff. Additionally, given the regular fluctuation and typical cold temperatures of the Western New York region, unfortunately conventional pervious materials often require constant maintenance and replacement because of material flex and deterioration due to seasonal freeze/thaw cycles. Additionally, many pervious materials are not well suited for typical maintenance and clearing practices required for snow collection and removal. All that said, if pervious material selections are determined to be feasible and practicable, the Project Sponsor will certainly be willing to consider their use.

*19. Have you considered or would you consider installation of "electric charging stations" for residents? Hybrid vehicles are becoming more popular and these stations are becoming more common.*

**Response:** Including electric vehicle charging stations within the public parking areas is an amenity and energy efficiency initiative that the Project Sponsor is willing to consider in connection with the redevelopment of the Project Site.

*20. Could part of the property become a public area for open space and passive uses?*

**Response:** Providing publicly accessible and well integrated open space and park areas was a key planning objective in the design of the Preliminary Conceptual Master Plan.

Section 6.5 of the DGEIS includes a summary of the Recreation and Visual Resource Mitigation Measures that are intended to be implemented in connection with the redevelopment of the Project Site. While the overall development strategy as depicted on the revised Conceptual Master Plan includes the permanent conservation of approximately 81 acres of open space (47% of the Project Site), a significant portion of that open space area will be concentrated within a new public park area which features the approximate 6.5 acre stormwater retention lake. This public park space has been designed so as to incorporate the natural riparian corridor of Ellicott Creek, recreational opportunities associated with the lake and opportunities for visitors and residents to have access to the adjacent neighborhood center development which features mixed use and retail amenities.

Additionally, the entire Project Site and all associated open space areas are planned to be interconnected through a publicly accessible bike path and trail system. Finally, we part of the revised Conceptual Master Plan, public parking and shared parking areas to provide access to the proposed park have been provided.

*21. Could “garden roofs” be used for some structures as part of energy conservation? (garden roofs have been shown to aid in cooling a structure.)*

**Response:** The Project Sponsor is familiar with LEED green building standards and has previously implemented green roof systems into building designs and is willing to consider their application within the proposed mixed use neighborhood center.

*22. The base rock for the project is limestone which maintains a constant temperature of about 57 degrees F. Has the use of geo-thermal heating and cooling been discussed for any of the structures, and if not, would you consider altering your plans for some of the structure to include this alternative energy source? Grants are available to help offset the cost of this process. Over the long run, geo-thermal energy is very cost effective.*

**Response:** The Project Sponsor recognizes that geo-thermal technologies within building mechanical systems are becoming a more widely used application. The Project Sponsor is willing to consider their application at the Project Site.

*23. What is the updated plan for brownfield cleanup and how will future drainage of chemicals into Ellicott Creek be addressed?*

**Response:** As detailed within Section 6.1 of the DGEIS, the NYSDEC BCP has a very specific and carefully monitored site investigation, remediation and long term management plan for the assessment and restoration of contaminated properties. The complete BCP process is described in Section 6.1 of the DGEIS. At this point, the Project Sponsor has been accepted into the BCP and has in place a fully executed Brownfield Cleanup Agreement with the NYSDEC for investigation and remediation of the Project Site. The Project Sponsor is currently in the process of undertaking a Pilot Study applicable to a portion of the Project Site in an effort to better characterize the nature and extent of contamination throughout the site and also to establish the specific protocols and standards that will be necessary to fully investigate the balance of the Project Site prior to selecting the preferred remediation strategy. In terms of preventing further migration or runoff of existing contamination into Ellicott Creek in the future, it is the intent of the Project Sponsor to employ an unrestricted level of cleanup at the site that will sufficiently remove all surficial contaminants to permanently prevent the possible opportunity for migration of contaminants towards Ellicott Creek.

It is also important to note that based on the environmental evaluations that have been performed to date of creek water, bottom sediments within the creek and prevailing groundwater at the Project Site, there is no indication that the contaminants of concern have in fact found a transmission path or exposure to the creek or groundwater. Additionally, the initial source of contamination by way of the application of pesticides, herbicides and fungicides at the property containing certain metal

compounds of concern in connection with the operations of the former golf course, has been previously discontinued.

**VI. Responses to Comments Received from Town of Amherst Planning Department dated November 10, 2016:**

The Memorandum issued by the Town's Planning Department based on its review of the previous Conceptual Master Plan contained several categories comments. The input from the Planning Department has been considered in connection with the preparation of the revised Conceptual Master Plan provided at Exhibit "G" of the Amended Rezoning Application.

**Consistency with Comprehensive Plan:**

1. *Policy 3-9: "Redevelopment of large tracts of former recreational land such as golf courses or playing fields requires careful master planning that maintains the essential character of the site while accommodating significant changes in use and density." Master planning for redevelopment of this RC-zoned site should maintain as much as possible the essential character of the site which is open/recreational space. The proposed density and land use do not maintain the essential character of the site or the surrounding neighborhood.*

**Response:** While the Project Site is currently zoned Recreation Conservation District ("RC"), based on the former site consisting of a former private country club, access by the public was not allowed and the only permitted access was limited to members and guests of the club. The public did not have access to the Project Site during the many decades it was owned and operated as a private country club. With the revised Conceptual Master Plan for the project, we have proposed that 47% of the property, or over 81 acres, will consist of permanent open space including on-site amenities that will be accessible to the public consisting of the large park area, trails, and the approximately 6.5 acre lake. In addition, Policy 3-9 calls for the redevelopment of larger tracts of land of former recreational land to accommodate significant changes in use and density. We believe that is precisely what we are proposing as part of the redevelopment of the former private country club site.

*"New development should complement the surrounding neighborhood and existing land uses in terms of scale, form, and character." The current proposal is far denser than the surrounding residential neighborhood and does not complement it. The office, commercial, and hotel uses are inappropriate at the scale they are proposed."*

**Response:** We believe that the revised Conceptual Master Plan will complement the surrounding neighborhood. The revised Conceptual Master Plan includes a large residential component as part of the proposed mixed use project as well 81 acres of permanent open space. The proposed neighborhood center includes buildings will complement the residential components. It is also important to note that a mixed use neighborhood center unlike anything previously constructed in the Town is being proposed. Neighborhoods similar to the one proposed have been constructed in numerous locations throughout the country, and we believe that the Westwood redevelopment will be a long-term asset to the Town of Amherst.

*“New development should positively address design issues identified in Policy 3-5, as well as take into account the criteria recommended in Section 3.3 of the Plan.” The preferred concept plan does not take into account some of the design standards in Policy 3-5 especially regarding screening, placement of buildings and parking, and scale.”*

**Response:** The modifications to the project layout that have been incorporated into the revised Conceptual Master Plan are intended to be consistent with both the design standards in the Comprehensive Plan as well as the Westwood Design Standards. These modifications include the placement of townhomes opposite the existing single-family homes on the west side of Frankhauser Road, the use of extensive berms and landscape screening along Fairways Boulevard, and the sizing of the neighborhood center so that no building will be taller than four stories.

*“New land uses should not result in service requirements exceeding available infrastructure capacities unless mitigation measures are provided with the project or programmed through public sources.” There are issues with the capacity for sanitary sewer and stormwater management for this project that the petitioner has not addressed.”*

**Response:** As noted in our responses to the comments received from the Engineering Department included below in Part VII of this letter, a Downstream Sanitary Sewer Capacity Analysis prepared by Wendel Companies has been provided as part of the Amended Rezoning Application at Exhibit T, which proposes a new sanitary sewer line for the project along Maple Road.

*“Site design should adequately address any issues that may arise with a change in the use of the property, such as changes to circulation or parking.” The site should have connections to North Forest Road and Frankhauser Road in order to allow better traffic flow and circulation.”*

**Response:** The revised Conceptual Master Plan proposes new connections to North Forest Road consisting of a roundabout as well as a one way in-only connection to Frankhauser Road. The connection to Frankhauser Road was also noted in the comments by the Amherst Traffic Safety Board and the Engineering Department.

- 2. Policy 3-14: “Encourage conservation development with incentives for the dedication of open space in private developments.” While an effort has been made to preserve open space by maintaining 64 acres as undeveloped, the overall result is a series of disconnected open areas that will not serve the general public. A greater effort could be made to group roads and buildings closer together in compact development patterns to preserve valuable open space. A more cohesive system of open space with local trail connections to the recommended extension of the Ellicott Creek Trailway would be more appropriate.”*

**Response:** The revised Conceptual Master Plan includes a substantial increase in the amount of permanent open space, which has been increased to encompass approximately 81 acres of the Project Site. A large portion of the permanent open space is located on the portion of the Project Site adjacent to Ellicott Creek. In addition, we have also incorporated an extensive system of paths as well as public and shared parking in an effort to make the park areas and trail network readily

accessible to the public. In an effort to accommodate a future trail connection to the Ellicott Creek Trailway, we have proposed pedestrian and bicycle crossings on Maple Road and Sheridan Drive. The extensive amount of trails and greenspace is highlighted in the Greenspace and Trail Map prepared by Wendel Companies provided at Exhibit “V” of the Amended Rezoning Application.

3. *Section 3.3.2: Regional Centers. None of the four road frontages of this project are located adjacent to commercial uses, which significantly reduces this project’s appropriateness for development as a regional center. There should be minimal encroachment by new commercial development in this area, and if any, it should be consistent with the surrounding neighborhood in keeping with a neighborhood or community center. The southern portion of the site includes regional-scale uses (hotel, larger office buildings), which this section of the Comprehensive Plan does not recommend for this area.*

**Response:** The revised Conceptual Master Plan provides a mixed use neighborhood center that will be compatible with other project components and the surrounding vicinity. In addition, we believe that the scale of the proposed Neighborhood Center is consistent with the Comprehensive Plan, particularly the proposing of no building taller than four stories and the proposed focal green to be located in the center of the neighborhood center. We believe that the neighborhood center will be an active and vibrant location for the Town’s residents including the surrounding neighborhood.

4. *Section 3.3.3: Mixed-Use Patterns. Seventeen activity centers are depicted on the Conceptual Land Use Plan as the primary locations for mixed uses in the Town. In addition, several other areas are designated for mixed uses as components of commercial centers. This area is not called out in the Plan to become a mixed use center and does not meet mixed-use criteria as described in the Comprehensive Plan:*

- *no designated central public space, with the possible exception of the existing club house.*
- *pedestrian trails do not connect to the major roadways, existing trails or adjacent neighborhoods; also no linkages or parking for surrounding neighbors to access open space areas.*
- *commercial and office areas of the site are designed in typical suburban style with large expanses of surface parking; this does not create a walkable, pedestrian-friendly center with a sense of place.*

**Response:** The revised Conceptual Master Plan includes several central public spaces for gatherings, including the large proposed publicly accessible new park area adjacent to Ellicott Creek, the outdoor amphitheater facing the new large lake, and the focal green located within the center of the neighborhood center. The revised Conceptual Master Plan also incorporates an extensive trails that both connect to adjacent roadways and existing neighborhoods, and also includes public and shared parking for access to the trails and parks. Finally, the proposed mix of commercial uses within the neighborhood center, many of which include mixed-use buildings with retail uses on the first floor and residential uses above, are intended to create a walkable, pedestrian friendly neighborhood center.

5. *Policy 7-3: "Give priority to repairs to existing infrastructure systems, rather than extensions to serve new greenfield development." This site, although located in the center of Town, is considered "greenfield" development since the only existing utilities required/provided on site were those for the existing club house. The proposed density and intensity of land uses on this site pose issues with the capacity of sanitary sewer and stormwater management. During wet weather periods, the existing system is not adequate to handle project flows. The project may require a lift station in order to adequately discharge the existing stormwater system. This approach, if acceptable to NYSDEC, may not be acceptable to the Town due to unacceptable long-term operation and maintenance cost.*

**Response:** As part of the Amended Rezoning Application, we have included a Downstream Sanitary Sewer Capacity Analysis prepared by Wendel Companies to determine what improvements will be necessary to demonstrate that the sanitary sewer system will have adequate capacity to accommodate the project. With regards to the stormwater lift station, we plan on preparing a hydraulic analysis in the future after the review of the revised Conceptual Master Plan, and our intent is to attempt to eliminate the proposed stormwater pump station if this is practicable.

**Consistency with Zoning Ordinance:**

1. *A Development Agreement, a required part of the Planned Unit Development process, was included in the rezoning application (Exhibit Q). The purpose of such an Agreement is to identify conditions and restrictions to be placed on the future development. Such restrictions could include maximum height, density or setbacks. The Agreement provided does not include specific area or bulk requirements to govern the development of the project.*

**Response:** As part of the Amended Rezoning Application, we have included a PUD Development Agreement. The final PUD Development Agreement will include exhibits that include the Design Standards for the project, the approved Conceptual Master Plan, and a Declaration of Restrictions to be recorded in the Erie County Clerk's Office. We envision that maximum height, density and setbacks standards will be incorporated into the final PUD Development Agreement.

2. *TND is an appropriate district for this project, as it satisfies the Comprehensive Plan recommendation for master planned redevelopment of Community Facilities. However, the proposal is inconsistent with Section 5-6, "Traditional Neighborhood Development District (TND)" as follows:*

- *"Traditional neighborhood business districts have identifiable centers and edges that are consistent in scale and context with the surrounding neighborhood." The scale of the proposed 'neighborhood center' is not consistent with the character of the surrounding residential neighborhood."*

**Response:** The proposed mixed use redevelopment project includes a neighborhood center that has a clearly identifiable center with the focal green at its center. With the revised Conceptual Master Plan, we have included patio homes and single family homes along the northern portion of

the site so that the existing neighbors along Fairways Boulevard will be opposite single family homes and patio homes. In addition, we have located attached townhomes opposite the existing homes on Frankhauser Road in an effort to design the proposed project to be consistent with the character of the surrounding residential neighborhood while also accommodating the new neighborhood center.

- *“Density is highest in the center of the district and decreases with distance from the center.” The highest density of residential development is not at the center of the project, but at its southern extremity along Sheridan Drive and along Frankhauser/Fairways. There should be a transition from the existing adjacent lower intensity development to the project site. Large parking fields along Frankhauser Road and Sheridan Drive should be minimized. The proposed senior living facility should be centrally located within the site. The existing view to the clubhouse from the Sheridan/North Forest intersection is an important open space component for the community and should be kept open.”*

**Response:** The proposed redevelopment includes a neighborhood center on the southern portion of the site because that portion of the site does not front existing homes and is the wider part of the site. We believe that with the revised Conceptual Master Plan, we have designed the uses to transition from the lower intensity development of the townhomes on the west side of the site (near Frankhauser Road) and the senior living development near North Forest Road to the denser portion of the development in the neighborhood center. The senior living development is ideally situated for the corner of Sheridan Drive and North Forest Road. In addition, we have incorporated an extensive amount of landscaping in the form of landscaped berms along the west and south borders of the site.

- *“Streets are interconnected and blocks are small.” Although streets are interconnected within the proposed development, they lack connections with the existing community street system (Frankhauser Road and North Forest Road). Blocks in the proposed residential section of the development appear to be typical of most subdivisions and do not comply with the unique TND criterion.*

**Response:** The revised Conceptual Master Plan includes smaller blocks to address this comment. In addition, we have incorporated new proposed connections to Frankhauser Road (one-way in-only) and North Forest Road to connect to the existing community street system.

- *“The proposed hotel and related GB zone are not consistent with the concept of the TND.”*

**Response:** We believe that the proposed hotel, which will be limited to four stories, will be consistent with the architecture and scale of the proposed neighborhood center. In addition, the revised Conceptual Master Plan proposes the hotel in the center of the site so that it is setback as far as possible from existing residential homes.

**Consistency/compatibility with surrounding development zoning:**

*The proposed rezoning to TND is appropriate for the subject site given its size and proposed mixed-use nature. However, a TND is designed to fit in and be consistent with the character of the surrounding neighborhood, which this proposal does not do. The predominant zoning on land surrounding this site – found on all four sides -- is R-3. The only other zoning designations abutting this site are CF for the Town Highway Department and RC for the Town's Par 3 golf course. There are no commercial uses in the vicinity. Introducing a commercial component into the area, while permissible in a TND, should be done in a way that preserves the existing neighborhood character. In this case, low-intensity commercial/office uses would be appropriate but not those of the scale proposed with this project.*

**Response:** There are commercial uses in the vicinity of the Project Site to the west and east of the project site on Sheridan Drive and Maple Road. Additionally, the land to the north of the site on the opposite side of Maple Road is zoned General Business District. We believe that the neighborhood center as depicted on the revised Conceptual Master Plan will be consistent with existing neighborhood character and the scale of the overall redevelopment project, which is predominantly residential with substantial permanent open space.

*The MFR-7 zoning for the proposed senior living facility is not inconsistent, since it would allow a specialized type of residential use, but it should be relocated within the development to a central part of the site to minimize negative impacts to residential neighbors.*

**Response:** The senior living center has been relocated as suggested from the western side of the Project Site to the corner of North Forest Road and Sheridan Drive. This modification was made so that the senior living will be part of the Neighborhood Center. The relocation of the senior living center will allow the future senior residents to have direct access to the on-site amenities.

*The proposed GB zoning, as the most intense commercial district available in the Town, is not appropriate to the site or consistent with surrounding development/zoning.*

**Response:** The proposed hotel, which will be limited to four stories, will be consistent with the architecture and scale of the proposed Neighborhood Center. In addition, the revised Conceptual Master Plan depicts the hotel in the center of the site so that it is setback as far as possible from existing residential homes.

**DGEIS Comments:**

1. Alternatives

*All alternatives except #1 (RC Plan) show vehicular connection to Frankhauser Road, and all alternatives except #1 and #2 show connection to North Forest Road. The preferred concept plan shows neither connection. Including these connections only in the alternatives could be interpreted as an attempt to increase the appeal of the preferred plan.*

**Response:** The revised Conceptual Master Plan incorporates vehicular connections to both North Forest Road, consisting of a roundabout, as well as a proposed one-way in-only connection to Frankhauser Road. These connections were made in response to this comment as well as a similar comment from the Traffic Safety Board.

*The discussions of the alternatives tend to focus mainly on the negative aspects that may occur from that alternative while overlooking some of the positive elements it could contribute.*

**Response:** We believe that the preferred concept plan, as depicted on the revised Conceptual Master Plan, is the most appropriate alternative for redevelopment of the Project Site.

*There is no reference to Figure 6, Conceptual Land Use Plan, which shows the Westwood Country Club property as “recreation, open space, and greenways” – it does not show it as a future developed area.*

**Response:** Figure 6 shows the property as open space because, at the time the Comprehensive Plan was prepared, the Project Site consisted of private golf course. We believe we have a proposed an attractive and innovative reuse of the former golf course that is a contaminated brownfield that is consistent with the redevelopment objectives for obsolescent community facilities contained in the Comprehensive Plan.

*The DGEIS seems to claim that the Preferred Action will improve existing traffic problems with the addition of a new north-south road, but the project will also add significant additional traffic in this area.*

**Response:** The DGEIS was accepted as adequate for public review by the Town Board on December 28, 2015 after numerous updates over an eighteen-month period. The new north-south roadway and other transportation related improvements as depicted on the revised Conceptual Master Plan reflect the effort that has been made to provide traffic mitigation measures to reduce potential adverse traffic impacts to the maximum extent practicable.

*Alternative Sites. p. 18: Existing Infrastructure: Comment that “the existing public sanitary sewer can accommodate” the proposed project conflicts with statement on pg. 16 that “a surcharging issue has been identified” within the existing system.*

**Response:** The DGEIS was accepted as adequate for public review by the Town Board on December 28, 2015 after numerous updates over an eighteen-month period. As mentioned previously, the Amended Rezoning Application includes a downstream sanitary sewer capacity analysis prepared by Wendel Companies based on identified capacity issues in the downstream system during wet weather conditions.

*Alternative Plan No. 3 – R-3 Zoning. p. 44: The use of a condominium form of ownership should be minimized in all alternatives.*

**Response:** No response required. The DGEIS was accepted as adequate for public review by the Town Board on December 28, 2015 after numerous updates over an eighteen-month period.

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*Alternative Plan No. 4 - TND Zoning. pp. 56-57: Traffic Impacts: Section discusses trips generated from the office and commercial space, but does not mention traffic produced by the largely residential sections of the site – these will generate as much if not more traffic at peak AM and PM hours as people go to and come home from work. Overall, there is more traffic generation than other alternatives on a more regular basis, but this is not mentioned.*

**Response:** The Traffic Impact Study prepared by SRF Associates included in the DGEIS provides a comprehensive analysis of the potential traffic impacts of all of the components of the mixed use redevelopment project. As mentioned previously, the DGEIS was accepted as adequate for public review by the Town Board on December 28, 2015 after numerous updates over an eighteen-month period.

*Alternative Plan No. 5 – GB Zoning. NB zoning district could be used instead of GB, as it allows many of the same uses (except hotel), but is more geared towards neighborhood context. It also allows for commercial use closer to the street with parking in back and better pedestrian networks for walkability.*

**Response:** As mentioned previously, the DGEIS was accepted as adequate for public review by the Town Board on December 28, 2015 after numerous updates over an eighteen-month period. GB zoning is being sought for a small portion of the Project Site to accommodate the proposed hotel as part of the neighborhood center. The hotel has been located such that it will be part of a pedestrian friendly neighborhood center with easy access to on-site amenities.

2. Existing Environmental Setting

*Municipal Revenues. Assessor's review of revenue assumptions is pending. To make this section more readable, revenue table should be amended to include projected property tax revenue, not just the rate (data is located in subsequent sections and the Appendix). Update data in DGEIS for most recent year, as available.*

**Response:** No response required. The DGEIS was accepted as adequate for public review by the Town Board on December 28, 2015 after numerous updates over an eighteen-month period.

*Cost of Community Services. Projected cost to town, county, and school district (Williamsville) based on projected number of units/population should be included. Update data in DGEIS for most recent year, as available on single- family real estate data.*

**Response:** No response required. The DGEIS was accepted as adequate for public review by the Town Board on December 28, 2015 after numerous updates over an eighteen-month period.

3. Evaluation of Potential Adverse Environmental Impacts

*This section makes no mention of the proposed Westwood project creating an undesirable precedent for mid-block development elsewhere in the Town.*

**Response:** No response required. The DGEIS was accepted as adequate for public review by the Town Board on December 28, 2015 after numerous updates over an eighteen-month period. It is also important to mention that the Project Sponsor does not believe the proposed redevelopment

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of the contaminated former private country club that is a contaminated brownfield as a mixed use neighborhood will establish a negative precedent for future projects given that the project will have overall positive impacts.

*Recreational and Visual Resources. The main thoroughfare through the development should be designed using Complete Street principles to facilitate safe and direct bicycle and pedestrian transportation from Maple Road to the intersection of Sheridan Drive and North Forest Road. Any multi-use trail included as part of the roadway design should be separated from the roadway and be consistently located on only one side of the roadway to prevent bicycles and pedestrians from having to cross vehicle travel lanes.*

**Response:** We believe that as part of the revised Conceptual Master Plan, we have proposed a transportation network that is consistent with Complete Street principles. The revised plan includes a multi-use trail connecting Sheridan Drive to Maple Road and is located on one side of the street.

*All privately owned open spaces and trails should be designated as common area to be maintained by a property owners' association. The Town will inspect said open spaces and trails annually to insure that they are properly maintained for public safety purposes.*

**Response:** The details for the ownership and maintenance of the substantial amount of permanent open space have not finalized. The portions of the permanent open space consisting of the large publicly accessible park area could be privately owned or owned by the Town. A homeowners association will own and maintain the permanent open space that is not dedicated to the Town.

*The proposed park area should include a public access easement if it is to be privately owned and maintained. The developer should prepare a plan to operate and maintain the park and provide it to the Town so that the Town can insure proper maintenance for public safety purposes. If the Town is considering public ownership of the proposed park, the property should be donated to the Town (after all trails and other improvements have been constructed) at no cost to the Town, and all Recreation and Open Space fees resulting from development of the property should be deposited into a Trust Account specifically dedicated to the operations and maintenance of that park. The Town shall develop a management plan for the park, identify anticipated costs and allocate sufficient resources annually to operate and maintain the park.*

**Response:** The details for the ownership and maintenance of the substantial amount of permanent open space have not finalized. The portions of the permanent open space consisting of the large publicly accessible park area could be privately owned or owned by the Town. This comment will be discussed further with the Planning Department in greater detail as part of the ongoing project review process.

*Municipal Revenues (Taxes). DGEIS provides little substantive analysis on ability of the market to absorb the proposed retail space without cannibalizing or destabilizing commercial centers, other than the Village of Williamsville.*

**Response:** We believe that we have proposed an appropriate amount of retail space as part of the proposed the neighborhood center. Delta Associates recently completed a Town of Amherst

Economic Study dated November 9, 2016 for the Town of Amherst Planning Department. Within the Planning Analysis Area 3, the study notes that there is an expected need for commercial space, and it notes in the presentation that there is “demand for up to 446,000 square feet of commercial space, mainly retail”.

*Cost of Community Services. The impact of projected new students on the Williamsville School District for the most recent year, as available, should be updated. Include a discussion on redistricting existing schools.*

**Response:** The analysis of project fiscal impacts of the projected new students was based on the most recent available data. Any redistricting of the boundaries of school districts would need to be determined by the school districts.

4. Appendix W – Traffic Impact Study

*The data collected and/or cited in the Traffic Impact Study (TIS) is dated, some are over 6 years old. More recent data are available from the GBNRTC Transportation Data Management System (TDMS). At some locations traffic volumes have increased, and at others it has declined. While general impacts associated with the proposed development may be identified with these older data, any conclusions about traffic safety or highway/intersection improvements should result from recently collected data.*

**Response:** An updated TIS will be prepared by SRF Associates for inclusion in the FGEIS and it will include updated traffic count data.

*The TIS recommends the addition of a fifth traffic signal between Harlem Road and North Forest Road. The TIS notes that the NYSDOT was conducting an Arterial Management Study to recommend signal coordination measures. If the NYSDOT has not completed this study and addressed this issue in their comments, recommend the Petitioner update its recommendation to include these measures as appropriate.*

**Response:** The NYSDOT’s Arterial Management Study has not yet been finalized based on input received during a recent meeting with NYSDOT. If this Study is finalized by NYSDOT prior to the preparation of the updated TIS, relevant information will be considered and incorporated into the updated TIS.

*The number of traffic accidents at six intersections including Sheridan Drive and Mill Street exceeds the State average. At Sheridan and Mill the intersection capacity analysis also projects degraded Level of Service and longer delays (particularly westbound) following development. With longer delays how will the potential for more accidents along Sheridan Drive change, and how can it be mitigated?*

**Response:** This comment will be evaluated by SRF Associates in connection with its preparation of an updated TIS for inclusion in the FGEIS.

*The TIS recommends the inclusion of bicycle facilities into the proposed road serving the project. It is not clear where cyclists exiting the development will go once they get to Maple*

*Road or Sheridan Drive as there are no bicycle facilities on either arterial. The TIS should address this and make recommendations for connecting to surrounding bicycle facilities/multi-use trails.*

**Response:** As part of the revised Conceptual Master Plan, we have proposed an extensive trail network for pedestrians and bicycles. With the revised plan, we have proposed crossings on Maple Road to enable bicyclists to connect to the North Forest Park trail network to the north. In addition, we have also proposed crossings at the North Forest Road/Sheridan Drive intersection to enable connections to the sidewalks to the south.

*The new north/south corridor through the development will include sidewalks. The TIS should address who will clear and maintain sidewalks/pedestrian trails along common areas and housing with side and reverse frontage.*

**Response:** The revised Conceptual Master Plan eliminates the housing with frontage along the sidewalk/trails on the new north/south road. As a result, we envision that these sidewalks/trails will be maintained by the homeowner's association.

*The existing traffic signal at Sheridan & Frankhauser should be eliminated and replaced with a signal where Sheridan intersects with the proposed main spine road. This would allow for a more direct north/south link between Maple and Sheridan and may deter cut-throughs down Frankhauser and Fairways Boulevard.*

**Response:** This comment is similar to one provided by the Amherst Traffic Safety Board. The revised Conceptual Master Plan proposes to eliminate the existing signal at Sheridan Drive/Frankhauser Road. The new plan also proposes a one-way in-only connection from Frankhauser Road to the neighborhood center.

**VII. Responses to Comments Received from Town of Amherst Engineering Department dated November 11, 2016:**

The Memorandum issued by the Town's Engineering Department based on its review of the previous Conceptual Master Plan contained eight (8) comments. The input from the Engineering Department has been considered in connection with the preparation of the revised Conceptual Master Plan.

- 1. It is important to note that this is no available capacity in the Sheridan Drive trunk sewer which is the planned location for the sanitary sewage flows produced by the proposed development. During wet weather events, wastewater surcharges to an elevation of 586 feet within the Sheridan Drive trunk sewer. Noting that these surcharge conditions exist, and upon review of the (preliminary) elevations of the sanitary system as proposed in the DGEIS, the proposed onsite sewer would also surcharge to similar elevations leading to poor hydraulic conditions within the proposed development. Given these conditions, the Town of Amherst Engineering Department will not grant downstream capacity approval for this development's tie in to the Sheridan Drive trunk sewer.*

**Response:** As we understand that there is no available capacity in the Sheridan Drive trunk sewer, we have been exploring other routing options for the sanitary sewer service for the project. As part of this Amended Rezoning Application, we have included a Downstream Sanitary Sewer Capacity Analysis prepared by Wendel Companies. This capacity analysis explores the conveyance of sanitary sewer flows through a new force main along Maple Road that ties into Town sewer system in the Amherst Manor and Maple Road area. The existing 15” diameter gravity sewer running along Amherst Manor was shown to be under capacity during the sanitary sewer flow monitoring, but the proposed new flows would exceed the capacity of the sewer. Therefore, the existing gravity sewer along Amherst Manor will need to be upsized with a new 21” diameter gravity sewer, which would then tie into the existing 24” gravity sewer in the area of Augspurgen Drive. The existing sewer system then shows adequate capacity to convey the proposed sanitary sewage flows.

- 2. The Town of Amherst Engineering Department disagrees with the petitioner’s statement in Section 6.12.1 of the DGEIS that “...the project sponsor will be required to provide for approximately 1,962,240 gallons of I&I reduction with the Town’s sanitary system.” It is the Town of Amherst Engineering Department’s understanding of the NYSDEC’s I&I offset requirement that the project sponsors must provide I&I reductions of 4 times the peak flow, which for this development would be 3,997,600 gallons per day (999,400 gallons per day X 4).*

**Response:** We concur with the calculation for the required number of gallons of required I&I reduction and are currently exploring options to address this reduction. The Downstream Sanitary Sewer Capacity Analysis proposes strategies to provide I&I reductions for the 3,997,600 gallons per day without onsite peak flow equalization and 1,998,800 gallons per day with onsite peak flow equalization.

- 3. Two of the three I&I reduction strategies proposed by the petitioner in Section 6.12.1 of the revised DGEIS such as sanitary retention facilities and oversized SSO relief sewers are unacceptable and will not be approved for I&I offset credits within the Town of Amherst. These strategies are peak flow mitigation strategies but do not reduce any existing in-system I&I.*

**Response:** As part of the Downstream Sanitary Sewer Capacity Analysis, we have provided conceptual strategies for I&I reduction which include replacing several laterals in the Town of Amherst, lining existing sanitary sewer lines, or a combination of the two. As we work to prepare the Preliminary Basis of Design Engineering Report, we will work with the NYSDEC and the Town of Amherst Engineering Department for the specific scope of the I&I reduction.

- 4. As noted within the Amended Rezoning Application (Exhibit F) and Section 6.12.1 of the revised DGEIS, sanitary flow monitoring completed by the petitioner confirms that “during storm events that generate greater than a half inch of daily rainfall, there is a surcharge within the downstream sanitary system”. The petitioner also notes that within this section that a full Downstream Sanitary Sewer Capacity Analysis (DSCA) will be required to be completed and approved by numerous regulatory agencies. Further noted by the petitioner within the current revisions are the potentially environmentally significant measures that may need to be employed to address the noted surcharging and to also meet the requirements of the NYSDEC policy requiring that developments proposing to convey more than 2,500 gallons per day are*

*also required to also provide a mandatory I&I flow offset mitigation plan. While one of the three proposed methods may be acceptable to the Town (targeted sanitary system improvements), the petitioner has provided no comments by any regulatory agencies regarding their potential acceptability of these significant measures if they were to be proposed by the petitioner. It is important to note that substantial on and off-site capital improvements will be required to address the existing lack of downstream sanitary sewer capacity to accommodate this development and to address the mandatory requirements for I&I flow offsets.*

**Response:** As noted in the responses above, as part of the Downstream Sanitary Sewer Capacity Analysis, the existing 15” diameter gravity sewer along Amherst Manor Drive is proposed to be upgraded to a 21” diameter gravity sewer to address the lack of downstream sanitary sewer capacity to accommodate the proposed mixed use redevelopment project and other possible off-site future projects. In addition, as part of the I&I abatement strategy, conceptual I&I reduction measures which include replacing several laterals in the Town of Amherst, lining existing sanitary sewer lines, or a combination of the two have been proposed. As we work to prepare the Basis of Design Engineering Report, we will work with the NYSDEC and the Engineering Department for the purpose of determining the specific scope of the I&I reduction.

5. *Exhibit F of the Amended Rezoning Application is devoid of any information relative to the required detailed hydraulic analysis that must be provided to the Town’s Floodplain Administrator and also submitted to the Federal Emergency Management Agency (“FEMA”) for review and approval. This analysis is required due to the proposed placement of earthen fill within the 100-year floodplain of Ellicott Creek and requires a Letter of Map Revision Based on Fill (“LOMR-F”) to be obtained from FEMA. The LOMR-F is a revision and modification of the effective Flood Insurance Rate Map (“FIRM”) as the result of fill placement within the floodplain of Ellicott Creek. The LOMR-F process requires that a detailed hydraulic analysis prepared by a licensed engineer be completed and submitted for review and approval. The detailed hydraulic analysis will determine any base flood elevation impacts associated with filling within the 100-year floodplain area as proposed and will also be used to analyze and establish limits of fill to mitigate any of these potential impacts.*

**Response:** We understand that a detailed hydraulic analysis will need to be prepared and approved for the project in order to obtain a LOMR-F to enable us to fill in the floodplain. We plan on preparing the detailed hydraulic analysis during the site plan/subdivision review stage of the project, as this will be appropriate once the Conceptual Master Plan has been finalized.

6. *It is important to note that the proposed incorporation of fill into a portion of the 100-year floodplain will ultimately remove the filled portion(s) of the project site from the 100-year floodplain and without the submission of this detailed analysis, the impacts to the balance of Ellicott Creek floodplain are impossible to determine.*

**Response:** As noted in response to Comment No. 5 above, we understand that a detailed hydraulic analysis will need to be prepared and approved for the project in order to obtain a LOMR-F to enable us to fill in the floodplain.

7. *Stormwater sections of the Amended Rezoning Application and revised DGEIS continue to present the likely requirement for a Stormwater pump station to be employed due to “preliminary assessment of existing site topography, storage capacity requirements and the flood elevations within Ellicott Creek”. As also noted further, “as the detailed stormwater management elements of the proposed project evolve and are further evaluated, analyzed and designed the Project Sponsor will evaluate the avoidance of utilizing a stormwater station in favor of a traditional gravity stormwater management system”. We continue to note that if a new stormwater pump station is ultimately proposed by the petitioner that it would be required to be owned, operated and maintained by the petitioner or contractual third-party. Further, please note that this arrangement would also dictate other ownership and maintenance responsibilities as no public stormwater can be tributary to a private pump station.*

**Response:** We acknowledge the concern regarding a new stormwater pump station. An effort will be made to eliminate the proposed stormwater pump station if practicable and this is being evaluated by C&S Engineers.

8. *The Town of Amherst Engineering Department strongly objects to the addition of another traffic signal within the heavily traveled corridor of Sheridan Drive/North Forest/I290. It is this department’s opinion that other site configurations must be considered to minimize the traffic impact on the aforementioned corridor.*

**Response:** This comment is similar to one that has been submitted by the Amherst Traffic Safety Board. In response to those comments, as part of this Amended Rezoning Application, we have submitted a revised Conceptual Master Plan that proposes to eliminate the Sheridan Drive/Frankhauser signal. The revised Conceptual Master Plan proposes a new signal at the intersection of Sheridan Drive and Fenwick Road and also includes a one-way in access from Frankhauser Road for the residents of that neighborhood for motorists traveling south on Frankhauser Road to enable left hand turns onto Sheridan Drive during peak travel periods.

### **VIII. Conclusion:**

The Project Sponsor has worked diligently in collaboration with locally and nationally respected consultants to design and propose the new Westwood Neighborhood as a mixed use development that is purposefully aligned with the development and planning goals and objectives outlined in the Town’s Comprehensive Plan. We believe that the proposal contained in this Amended Rezoning Application will generate significant social, environmental and economic benefits for the Town and its residents, and will further support and enhance the quality of life and livability in the Town of Amherst.

If you have any questions regarding the enclosed Amended Rezoning Application or the proposed mixed use redevelopment project as depicted on the revised Conceptual Master Plan, please feel free to contact Andrew Shaevel at 362-7880 or via e-mail at andy@menshcapitalpartners.com, Matt Roland at 839-400 or via e-mail at mroland@hamistergroup.com, or Sean Hopkins at 510-4338 or via e-mail at shopkins@hsr-legal.com.

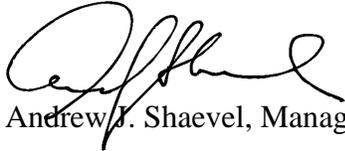
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Sincerely,

**MENSCH CAPITAL PARTNERS LLC**



Andrew J. Shaevel, Managing Partner

Enc.

cc: Dr. Barry A. Weinstein, Supervisor  
Steven D. Sanders, Deputy Supervisor  
Ramona D. Popowich, Councilmember  
Dr. Deborah Bruch Bucki, Councilmember  
Francina J. Spoth, Councilmember  
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