

Amended Rezoning &  
Planned Unit Development  
("PUD") Application\*  
Date: March 20, 2017



Petitioner: Mensch Capital Partners, LLC  
Subject Property: 772 North Forest Road  
Project Proposal Name: Westwood

**TOWN OF AMHERST PLANNING DEPARTMENT**

***Application for Rezoning Review and, if required Comprehensive Plan Amendment***

For Official Use

File #: \_\_\_\_\_ Acreage See Below Fee \$ Previously paid

Total Property Acreage: 171.10 acres

Acreage to be Rezoned: 141.08 acres

Address Verified by  
Assessor's Office \_\_\_\_\_  
VERIFIED BY DATE

Materials Accepted by  
Town Clerk & Fee Paid \_\_\_\_\_  
ACCEPTED BY DATE

Materials Checked by  
Building Dept. \_\_\_\_\_  
RECEIVED BY DATE

Materials Received by  
Planning Dept. \_\_\_\_\_  
RECEIVED BY DATE

**Fill In  
Applicable Fees**

2 ACRES OR LESS	\$1,250	_____
2 – 20 ACRES \$1,250 + \$250/acres or fraction thereof over 2 acres		_____
20 – 30 ACRES \$5,700 + \$150/acre or fraction thereof over 20 acres		_____
OVER 30 ACRES \$6,900 + \$75/acre or fraction thereof over 30 acres		\$15,625.50 Previously paid
Request for Relief of/Change to Conditions of Zoning Approval	\$ 1,200	_____
AFFIDAVIT FEE FOR PUBLIC HEARING	\$ 15.00	\$15.00
<b>TOTAL FEE:</b>	<b>\$ 15,640.50</b>	<b>Previously paid</b>

\* Please find attached to this Application Exhibit "A"- Exhibit Listing, which will provide a full list and description of all additional Exhibits incorporated into and referenced within this Amended Rezoning Application.

**TO BE COMPLETED BY APPLICANT**

1. **Petitioner:** Name: Mensch Capital Partners, LLC  
Address: 5477 Main Street  
Williamsville NY 14221  
City State Zip Code  
Phone: 716.362.7880 Fax: 716.580.3137  
E Mail andrew.shaevel@bobalew.com

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

Please refer to Exhibit "C" - Boundary Survey of Area Proposed to be Rezoned

- A. From Recreation Conservation District ("RC") To Traditional Neighborhood Development District ("TND"), 131.71 acres
- B. From Recreation Conservation District ("RC") To Multifamily Residential District Seven ("MFR-7"), 13.59 acres
- C. From Recreation Conservation District ("RC") To General Business District ("GB"), 1.40 acres

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

772 North Forest Road; 375, 385 & 391 Maple Road  
Williamsville, NY 14221

SBL #: 68.01-1-1; 55.18-4-8; 55.18-4-9; 55.18-4-10

4. **Area of land to be rezoned (in acres):** 141.08 acres\*

Please refer to Exhibit "C" - Boundary Survey of Area Proposed to be Rezoned  
5. **Owner of Land:**

Name: Mensch Capital Partners, LLC (Managing Partner- Andrew Shaevel)  
Address: 5477 Main Street, Williamsville, NY 14221  
Telephone: 716.362.7880

6. **Representative** (Architect, Engineer, Landscape Architect, Surveyor or Attorney): Please refer to Exhibit "B" - Project Representatives for a complete list of project consultants/representatives

Name: Sean Hopkins Esq., of Hopkins, Sorgi & Romanowski PLLC  
Address: 5500 Main Street, Suite 343  
Williamsville, NY 14221  
Tel: 510-4338 - E-mail: shopkins@hsr-legal.com  
City State Zip Code

**7. Petitioner's interest in property**  
 Option to purchase (375 Maple Road Only)  
 Owner  
\_\_\_\_ Other (explain) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**8. The following are all others having an interest in this application and join herein with the petitioner named above: (describe extent of interest; attach sheets as needed)**  
Not Applicable.  
\_\_\_\_\_  
\_\_\_\_\_

**9. Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor.** Survey attached as Exhibit "C" and legal descriptions attached as Exhibits "D-1", "D-2", "D-3" and "D-4"

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

**11. Information on proposed project:** The responses to Question 11, Parts A & B have been attached to this Application as Exhibit "E"

A. Description of the character of the proposed development:  
Please refer to attached Exhibit "E"  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Rationale for rezoning request:  
1. Why was this site chosen? \_\_\_\_\_  
Please refer to attached Exhibit "E"  
\_\_\_\_\_  
\_\_\_\_\_

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

Please refer to attached Exhibit "E"

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. How will this rezoning impact surrounding properties?

Please refer to attached Exhibit "E"

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. How will this rezoning impact the school system?

Please refer to attached Exhibit "E"

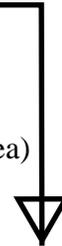
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**12. Quantitative Data:**

- A. Total # of dwelling units 950 Dwelling Units (Anticipated as per Attached
- B. Distribution of dwelling units by type Conceptual Master Plan)
- C. Gross Residential Density per acre 5.55 +/- units/acre
- D. Total amount of Open Space 83.3 acres +/- (48.7% of site area)
- E. Proposed Non-Residential Floor Area 404,200 +/- square feet



**Distribution of Dwelling Units by Type**

Single Family:	124 Units
Upper Dwelling Unit Multifamily:	212 Units
Attached Multifamily:	180 Units
Attached Townhome:	130 Units
Senior Living (Independent):	104 Units
Senior Living (Assisted):	200 Units
<b>Total Dwelling Units:</b>	<b>950 Units</b>

**13. Development Schedule:**

\*The project will utilize a Draft Generic Environmental Impact Statement ("DGEIS") and as such the development schedule will be subject to market demand and tenant requirements over time.

- Start January 2018\*
- Finish January 2028\*
- Stages (# of) Multiple

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

Mensch Capital Partners LLC will be responsible for the Rezoning and Planned Unit Development ("PUD") approval processes for the Westwood neighborhood. Following the approval process, portions of the Project Site may be sold and/or leased subject to the conditions imposed during the project review and approval process.

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

The Petitioner will establish Community Associations to provide for the ownership and management of Open Space provided within the Westwood neighborhood. Additionally, the Open Space areas will be subject to the requirements and restrictions of the Planned Unit Development Process (Section 6-9).

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

The responses to Question 16, Parts A-E have been attached to this Amended Application as Exhibit "F"

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

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

\_\_\_\_\_  
Please refer to attached Exhibit "F"  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

\_\_\_\_\_  
Please refer to attached Exhibit "F"  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Please refer to attached Exhibit "F"  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

- 1. Sanitary Sewer Please refer to attached Exhibit "F"  
\_\_\_\_\_
- 2. Storm Sewer/Drainage Please refer to attached Exhibit "F"  
\_\_\_\_\_
- 3. Water Please refer to attached Exhibit "F"  
\_\_\_\_\_
- 4. Other Please refer to attached Exhibit "F"  
\_\_\_\_\_

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

\_\_\_\_\_  
Please refer to attached Exhibit "F"  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Please refer to attached Exhibit "F"  
\_\_\_\_\_

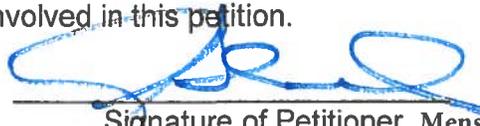
**E. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:**

\_\_\_\_\_  
Please refer to attached Exhibit "F"  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Previously paid

17. The petitioner encloses herewith the sum of \$15,640.50 to pay the fee, and consents to the placement of a sign(s) at the described location identifying this request for a period of time to be determined by the Town Clerk.
18. The undersigned certifies that all information required to be disclosed pursuant to Section 809 of the General Municipal Law (see below) is as follows:

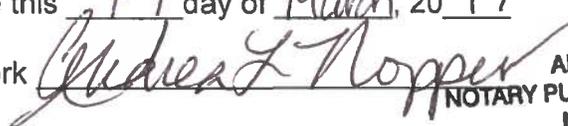
The undersigned swears or affirms that all statements made herein are true, that all drawings submitted correctly show the situation involved in this petition.



Signature of Petitioner, Mensch Capital Partners, LLC

Subscribed and sworn to before me this 17 day of March, 20 17

Notary Public, Erie County, New York



ANDREA L NOPPER  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01NO6074044  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES MAY 6, 2018

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

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

2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them
  - (a) is the applicant, or
  - (b) is an officer, director, partner or employee of the applicant, or
  - (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
  - (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such applicant, petition or request.
3. In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party Officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four or section two of the election law.
4. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

## Rezoning Application Requirements and Checklist

The following checklist outlines the information required by the Town of Amherst to accept a Rezoning application. *It is strongly recommended that you make an appointment with Planning Staff to discuss what information will be needed to address the items shown on the checklist.*

Item No.	Item	Submitted	Official use
<b>I Application Information</b>			
1.0	<b>Town of Amherst Rezoning / Comprehensive Plan Amendment Application Form (available from Planning Department)</b>	✓	
1.1	Name, address, and contact information of the petitioner	✓	
1.2	Name and address of property owners(s) – if different than petitioner	✓	
1.3	If petitioner is different than property owner, provide statement describing interest in property and a letter from the property owner authorizing the application	✓	
1.4	Identify existing and proposed zoning and acreage of area proposed to be rezoned	✓	
1.5	Parcel addresses and Section, Block, and Lot (SBL) numbers of all properties proposed to be rezoned. Indicate if a portion of any parcel is involved, if applicable	✓	
1.6	Statement of planning objectives to be achieved by the proposed rezoning, including the following: <ul style="list-style-type: none"> <li>• How the proposed zoning and development plan meets the objectives of the Comprehensive Plan</li> <li>• A description of the character of the proposed development</li> <li>• The rationale behind the assumptions that are presented</li> </ul>	✓	
1.7	Cite specific maps and / or figures in the Comprehensive Plan that must be amended to support the proposed zoning and provide suggested amendments	✓	
1.8	A general statement about how any proposed open space will be maintained (if applicable)	✓	
1.9	A development schedule indicating the approximate date when construction is expected to begin and be completed. Identify schedule of any proposed phasing of the development (attach pages as necessary)	✓	
1.10	A statement of the petitioner's intentions regarding future sale or leasing of all or portions of the proposed development	✓	
<b>II Survey and Legal Description</b>			
1.0	<b>Complete boundary survey that includes all existing structures, acreage, legal description, and easements plotted to scale by a NYS licensed land surveyor</b>	✓ Exhibit "C"	
1.1	Raised/wet seal and signature of licensed surveyor	✓	
1.2	Clear delineation and acreage of area to be rezoned if different than property boundary	✓	
2.0	<b>Legal Description of the total area proposed to be rezoned. (must be consistent with area shown to be rezoned on boundary survey)</b>	✓ Exhibit "D"	

\*

\*

Item No.	Item	Submitted	Official use
<b>III Concept Plan (if required by the Planning Board)</b>			
1.0	Conceptual development plan drawn to scale (no larger than 24" x 36" format and folded into 8 1/2" x 11" size)	✓ Exhibit "G"	
1.1	North arrow	✓	
1.2	Scale of drawing	✓	
1.3	Property lines (existing and proposed)	✓	
1.4	Unique natural features and tree cover	✓	
1.5	Information on land controlled by the applicant located within 500 feet of the perimeter of the area proposed to be rezoned	✓	
1.6	Location of all proposed structures and other improvements	✓	
1.7	Number and type of dwelling units (if applicable)	✓	
1.8	Gross square feet of commercial space (if applicable)	✓	
1.9	Maximum structure heights	✓	
1.10	Architectural sketches	Exhibit "I" ✓	
1.11	Existing and proposed contours	✓	
1.12	Existing utility systems (sanitary sewers, water, storm drainage)	✓	
1.13	Location of proposed storm water detention or retention facilities	✓	
1.14	Proposed land use arrangement	✓	
1.15	Location of all parking, loading, stacking and interior circulation drives	✓	
1.16	Location of proposed curb cuts	✓	
1.17	Location of cross access drives to adjacent parcels	✓	
1.18	Pedestrian circulation system	✓	
1.19	Location of NYSDEC wetlands (including buffer area) and/or federal wetlands; indicate jurisdictional status	Exhibit "J" ✓	
1.20	Location of floodway and 100-year floodplain (if applicable)	Exhibit "K" ✓	
1.21	Location and purpose of any proposed easements	✓	
1.22	Location and proposed development of all open spaces, including parks, playgrounds, conservation areas, and dedicated open space; indicate intended ownership of such areas	✓	
1.23	Additional data as required by the Planning Board	✓	
<b>V Other Required Information</b>			
1.0	Completed and signed Environmental Assessment Form	Exhibit "L" ✓	
1.1	Soil boring report and geotechnical report prepared by a qualified Professional Engineer (if applicable)	✓ "DGEIS"	
1.2	Traffic impact study (if applicable)	✓ "DGEIS"	
1.3	Archaeological assessment (if applicable)	✓ "DGEIS"	
1.4	Wetland Delineation report (if applicable)	✓ "DGEIS"	
2.0	8 1/2" X 11" reduction of concept plan drawing (see appendix B)	✓ Exhibit "H"	
3.0	A CD containing a PDF of the complete submittal package, including all drawings.	✓	

Rev. 07/02/08, 10/24/08, 11/4/13