

Rezoning &
Planned Unit Development
("PUD") Application*



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 \$ 15,900.00

Total Property Acreage: 170.54 acres

Acreage to be Rezoned: 146.70 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 \$15,675.00

Request for Relief of/Change to Conditions
of Zoning Approval
\$ 1,200 _____

AFFIDAVIT FEE FOR PUBLIC HEARING
\$ 15.00 \$15.00

TOTAL FEE: \$ 15,900.00
PREVIOUS PAYMENT: \$ 15,615.00 (Received July 2014)
TOTAL AMOUNT DUE: \$ 285.00

* 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 Rezoning Application. The Petitioner has additionally completed a Draft Generic Environmental Impact Statement ("DGEIS") in association with this Rezoning Application and incorporates into this Application by reference all of the content, figures, exhibits, and appendices contained within the DGEIS.

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
Williamsville, NY 14221
SBL #: 68.01-1-1

4. **Area of land to be rezoned (in acres):** 146.70 acres*
5. Please refer to Exhibit "C" - Boundary Survey of Area Proposed to be Rezoned
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: _____
26 Mississippi Street (Tel: 716.714.5699)
Buffalo NY 14203
City State Zip Code

7. Petitioner's interest in property

_____ Option to purchase
 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)

N/A

9. Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor. Survey attached as Exhibit "C"

Legal Descriptions attached as Exhibit "D-1" , "D-2" , "D-3" , & "D-4"

10. Said property has the following deed restrictions or Covenants: (attach copy) N/A

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?

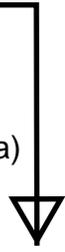
Please refer to attached Exhibit "E"

4. How will this rezoning impact the school system?

Please refer to attached Exhibit "E"

12. Quantitative Data:

- A. Total # of dwelling units 985 Dwelling Units (Anticipated as per Preliminary
- B. Distribution of dwelling units by type Conceptual Master Plan)
- C. Gross Residential Density per acre 5.78 +/- units/acre
- D. Total amount of Open Space 64 acres +/- (38% of site area)
- E. Proposed Non-Residential Floor Area 315,000 +/- square feet



Distribution of Dwelling Units by Type

Single Family:	160 Units
Attached Condominium:	84 Units
Upper Dwelling Unit Multifamily:	280 Units
Attached Multifamily:	72 Units
Attached Townhome:	93 Units
Senior Living (Independent):	96 Units
Senior Living (Assisted):	200 Units
Total Dwelling Units:	985 Units

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 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). 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"

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.

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"

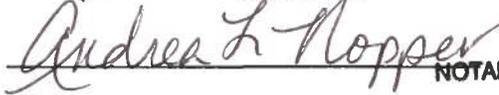
- 17. The petitioner encloses herewith the sum of \$ 285.00 to pay the fee, and consents to the placement of a sign(s) at the described location identifying this request for a period of time to be determined by the Town Clerk.
- 18. The undersigned certifies that all information required to be disclosed pursuant to Section 809 of the General Municipal Law (see below) is as follows:

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


Signature of Petitioner, Mensch Capital Partners, LLC

Subscribed and sworn to before me this 6 day of October, 2016

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.

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
I Application Information			
1.0	Town of Amherst Rezoning / Comprehensive Plan Amendment Application Form (available from Planning Department)	✓	
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"> • How the proposed zoning and development plan meets the objectives of the Comprehensive Plan • A description of the character of the proposed development • The rationale behind the assumptions that are presented 	✓	
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	✓	
II Survey and Legal Description			
1.0	Complete boundary survey that includes all existing structures, acreage, legal description, and easements plotted to scale by a NYS licensed land surveyor	✓ 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	Legal Description of the total area proposed to be rezoned. (must be consistent with area shown to be rezoned on boundary survey)	✓ Exhibit "D"	

*

*

Item No.	Item	Submitted	Official use
III Concept Plan (if required by the Planning Board)			
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 "L"	
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	✓	
V Other Required Information			
1.0	Completed and signed Environmental Assessment Form	✓ Exhibit "M"	
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