



May 29, 2024

Scott A. Marshall, Principal Planner
Town of Amherst Planning Department
5583 Main Street
Williamsville, New York 14221

Re: Rezoning of 3880 & 3910 East Robinson Road from GB to MFR-7 [Z-2024-02]
Applicant/Project Sponsor: MJ Peterson Corp. c/o Rainbow Racquet Club
File No. 10005.8

Dear Scott:

This letter is being submitted on behalf of the Project Sponsor for the purpose of responding to the six (6) comments in your letter dated May 17, 2024.

For purpose of convenience, each of the six (6) comments in your letter have been reproduced below in *italics* followed by the Project Sponsor's responses.

Comment No. 1: *The concept plan provided as part of the application is being used for informational purposes only. This departments review is not to be construed as endorsement or approval of the concept plan or that it complies with the requirements of §203 or §204 of Town Code.*

Response to Comment No. 1: The Project Sponsor acknowledges that the Concept Site Plan prepared by Christopher Wood, P.E. of Carmina Wood Design [Drawing C-100- Date: 4/24/24] is not meant to constitute a final Site Plan for the proposed senior housing project. A reduced-size copy of the Concept Site Plan is also attached as Exhibit "1". However, the Concept Site Plan was not submitted for informational purposes only since it was prepared to allow the Town Board to properly consider the potential adverse environmental impacts pursuant to the State Environmental Quality Review Act ("SEQRA") and the merits of the requested rezoning of the Project Site from GB to MFR-7.

Comment No. 2: *The following items on the Environmental Assessment Form should be corrected or completed:*

- *B.a. check the yes box*
- *B.h. check the yes box for wetland jurisdiction.*
- *C.2.a. correct the answer to yes.*
- *C.2.b. correct the answer to no.*
- *C.3.c.i. provide answer for proposed zoning district.*
- *C.4.a. provide answer.*
- *C.4.b. provide answer.*
- *D.2.b. potential federal wetlands on the property, check yes and answer remaining questions if applicable in this section.*

HOPKINS SORGI & MCCARTHY PLLC

Attorneys at Law

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Direct: 716-510-4338 • E-mail: shopkins@hsmlegal.com • www.hsmlegal.com

Response to Comment No. 2: Enclosed is an Amended Part 1 of the Full Environmental Assessment Form dated May 19, 2024 with Page 5[a] and Attachment “1”. Please note that the box for Question B.h remains answered as No since it is the professional opinion of Davey Resources Group per its Wetland Delineation Report dated May 10, 2024 that the 0.66 acre wetland area on the Project Site is not jurisdictional due to it being isolated within the area and not connecting to other waters of the United States. Consistent with the above, the box for Question D.2.b also remains answered as No.

Comment No. 3: *The subject site is located within an archaeologically sensitive area. An archaeological assessment will be required prior to the Planning Board making a SEQRA determination.*

Response to Comment No. 3: Powers Archaeology LLC has been retained by the Project Sponsor to conduct an archaeological assessment of the Project Site and a copy of the Phase I (IA and IB) Cultural Resource Investigation Report will be submitted to the Planning Department and SHPO upon its completion. It is important to mention that the Town Board and not the Planning Board will be the designated lead agency pursuant to SEQRA.

Comment No. 4: *A jurisdictional determination based upon the Wetland Report received on May 14, 2024 must be provided prior to any future site disturbance or construction.*

Response to Comment No. 4: Davey Resources Group has submitted a copy of its Wetland Delineation Report dated May 10, 2024 to the United States Army Corps of Engineers for the purpose of requesting a Jurisdictional Determination. It is the professional opinion of Davey Resources Group per its Wetland Delineation Report dated May 10, 2024 that the 0.66 acre wetland area on the Project Site is not jurisdictional due to it being isolated within the area and not connecting to other waters of the United States.

Comment No. 5: *Note that any other SEQRA-related issues raised during the review process for this rezoning must be addressed prior to action by the Planning Board.*

Response to Comment No. 5: The Project Sponsor acknowledges that SEQRA related issues will need to be addressed prior to the Town Board issuing a SEQRA determination.

Comment No. 6: *Provide an 8½ " x 11" reduction of any revised concept plan and an electronic version of any revised plans or information submitted for review.*

Response to Comment No. 6: *A reduced-size copy of the Concept Site Plan is also attached as Exhibit “1” and full-size copies and electronic copy have previously been submitted to the Planning Department..*

Correspondence to Scott A. Marshall, Principal Planner

May 29, 2024

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Conclusion:

If you have any questions regarding this letter, the enclosed project documentation, or the status of proposed senior housing project, please feel free to contact me at 510-4338 or via e-mail at shopkins@hsmlegal.com.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC



Sean W. Hopkins, Esq.

Enc.

cc: Victor L. Peterson III, President/CEO, M.J. Peterson Corp.
Christopher Wood, P.E., Carmina Wood Design
Donald Wilson, Davey Resources Group
Paul Powers, Powers Archaeology LLC

Exhibit 1

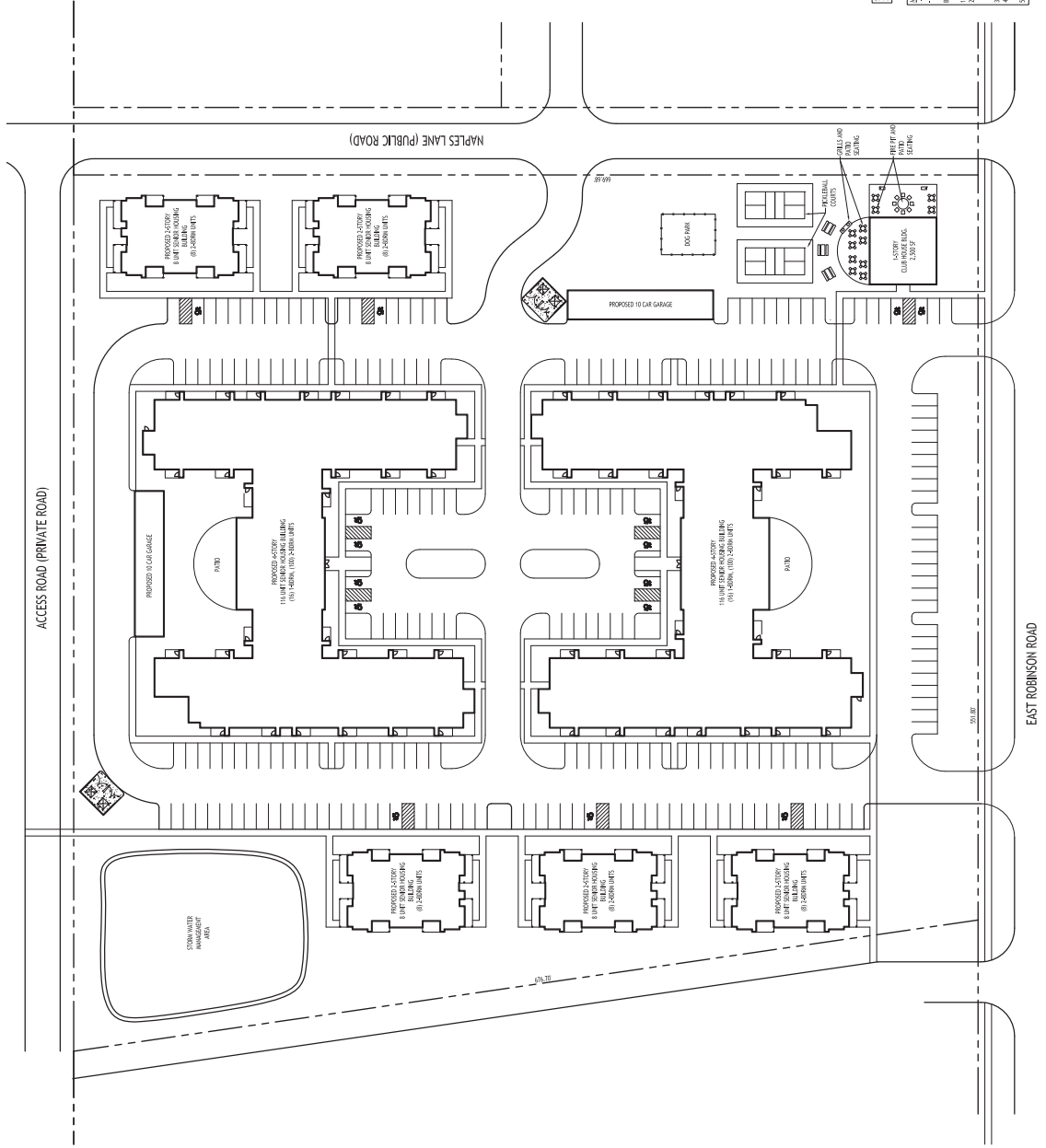
NO.	DESCRIPTION	DATE

PRELIMINARY
NOT FOR CONSTRUCTION

DRAWING NAME:
Site Plan
Concept
MFR-7 Zoning

DATE: 04.14.24
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN

DRAWING NO.:
C-100
PROJECT NO.: 23-4117



PERMITTED USES:
MFR-7 ZONING

PERMITTED BUILDINGS:
1. ONE- AND TWO-FAMILY RESIDENTIAL BUILDINGS
2. ONE- AND TWO-FAMILY RESIDENTIAL GARAGES
3. ONE- AND TWO-FAMILY RESIDENTIAL SWIMMING POOLS
4. ONE- AND TWO-FAMILY RESIDENTIAL PORCHES
5. ONE- AND TWO-FAMILY RESIDENTIAL PATIOS
6. ONE- AND TWO-FAMILY RESIDENTIAL DECKS
7. ONE- AND TWO-FAMILY RESIDENTIAL STAIRS
8. ONE- AND TWO-FAMILY RESIDENTIAL BALCONIES
9. ONE- AND TWO-FAMILY RESIDENTIAL TERRACES
10. ONE- AND TWO-FAMILY RESIDENTIAL PORCHES
11. ONE- AND TWO-FAMILY RESIDENTIAL PATIOS
12. ONE- AND TWO-FAMILY RESIDENTIAL DECKS
13. ONE- AND TWO-FAMILY RESIDENTIAL STAIRS
14. ONE- AND TWO-FAMILY RESIDENTIAL BALCONIES
15. ONE- AND TWO-FAMILY RESIDENTIAL TERRACES

PERMITTED USES	PERMITTED BUILDINGS
RESIDENTIAL	RESIDENTIAL
MAX. HEIGHT (FT.)	MAX. HEIGHT (FT.)
35 FT.	35 FT.
MAX. AREA (SQ. FT.)	MAX. AREA (SQ. FT.)
10,000 SQ. FT.	10,000 SQ. FT.
MAX. SETBACK (FT.)	MAX. SETBACK (FT.)
10 FT.	10 FT.
MAX. LOT COVERAGE (%)	MAX. LOT COVERAGE (%)
30%	30%

PERMITTED USES:
MFR-7 ZONING

PERMITTED BUILDINGS:
1. ONE- AND TWO-FAMILY RESIDENTIAL BUILDINGS
2. ONE- AND TWO-FAMILY RESIDENTIAL GARAGES
3. ONE- AND TWO-FAMILY RESIDENTIAL SWIMMING POOLS
4. ONE- AND TWO-FAMILY RESIDENTIAL PORCHES
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15. ONE- AND TWO-FAMILY RESIDENTIAL TERRACES



Site Plan
SCALE: 1"=40'