

EXHIBIT “F”

Application Question #16- Basis For Findings

(Section 8-3-5 of the Town Zoning Code)

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.

Starting in September of 2000, the Town began the process of preparing the Town of Amherst Bicentennial Comprehensive Plan (“Comprehensive Plan”) as the official document that serves as a guide to the long-range physical development of the community.¹ The process utilized by the Town to prepare the Comprehensive Plan involved an extensive and lengthy planning effort led by Wallace Roberts & Todd, LLC, a reputable planning firm, that was retained by the Town Board to assist in the preparation of the Comprehensive Plan² and involved extensive input and participation by numerous stakeholders including the Comprehensive Plan Advisory Committee³, the Planning Board and the Town Board as well as the Town’s residents.

¹ On September 18, 2000, the Town Board adopted a resolution by a unanimous vote for the purpose of creating a Comprehensive Plan Advisory Committee to prepare an official comprehensive plan for the Town of Amherst pursuant to Town Law §272-a.

² Wallace Roberts & Todd, LLC has won numerous awards for its work in connection with municipal planning projects.

³ The Comprehensive Plan Advisory Committee was created by the Town Board pursuant to Town Law §272-a(4) for the purpose of creating a “special board” responsible for preparing a proposed Comprehensive Plan for consideration by the Town Board. The Comprehensive Advisory Plan Committee consisted of the seven (7) members of the Town’s Planning Board as well as twenty-one (21) individuals with a broad range of community perspectives. Public meetings and workshops were held by the Comprehensive Plan Advisory Committee including those held starting on December 5, 2000 and ending on November 14, 2002.

Pursuant to Town Law §272-a(6)(b), the Comprehensive Plan Advisory Committee held public hearings on its proposed Comprehensive Plan on September 24, 2002 and October 22, 2002. On November 14, 2002, more than two (2) years after being formed by the Town Board, the Comprehensive Plan Advisory Committee adopted a resolution recommending adoption of the draft Comprehensive Plan it had prepared by the Town Board.

The Town Board held public hearings on the draft Comprehensive Plan as recommended by the Comprehensive Plan Advisory Committee during its meetings on March 3, 2003, March 17, 2003 and April 7, 2003. On February 23, 2004, the Town Board voted to “accept” the Comprehensive Plan as the Town’s official comprehensive plan pursuant to Town Law §272-a.

Subsequently, on January 2, 2007, the Town Board voted unanimously to “adopt” the Comprehensive Plan pursuant to Town Law §272-a as the official comprehensive plan of the Town of Amherst. The decision of the Town Board to “adopt” the Comprehensive Plan was important since pursuant to Town Law §272-a(11), “All town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this section and shall take such plan into consideration.”

The adopted Comprehensive Plan is organized into a series of “Plan Elements” that cover community functions as follows:

- Land Use and Development;
- Natural and Cultural Resources;
- Economic Development;
- Transportation;
- Infrastructure;
- Housing and Neighborhoods; and

- Community Facilities

Each element describes a set of goals, objectives, and policies that are designed to achieve that aspect of the Comprehensive Plan Vision Statement.

In connection with the review of the Project Sponsor's request to amend the zoning classification of portions of the Project Site to accommodate the proposed Westwood Neighborhood, the Town will evaluate the proposed integrated mixed use project for consistency with the adopted Comprehensive Plan.

The Westwood Country Club ("WCC") was a long standing private golf course and country club prior to its closure at the end of 2014. However, due to shifting demographics and increased competition from both public and private golf courses in close proximity to the WCC, the club membership increasingly found itself in a financially challenged and difficult position. After more than a decade of financial challenges and failed attempts to reinvigorate the club's membership, the Board of Directors decided to avert insolvency and concluded it was necessary to solicit bids to sell the property and operations. Prior to considering the purchase of the golf course and country club, Mensch Capital Partners LLC ("Project Sponsor") carefully evaluated both the physical attributes and development potential of the approximately 170 acre site ("Project Site"). This analysis indicated the Project Site offered exceptional size, location, infrastructure access, and environmental features that would position the property very well for mixed use redevelopment. While the physical characteristics of the Project Site proved ideal for redevelopment, the Project Sponsor recognized that the long term planning objectives and development goals of the community were also a significant consideration beyond the physical attributes of the property.

The Project Sponsor recognized the WCC as a site that was economically distressed given its function as a golf course and social club but also realized the incredible locational and infrastructure attributes the site offers. Therefore, the Project Sponsor carefully considered redevelopment options that would take advantage of the physical characteristics of the site while respecting existing environmental features. Early in the redevelopment planning process and prior to purchase, it was clear that the Project Site provided an exceptional opportunity for infill redevelopment of underutilized and obsolescent land within the Town of Amherst.

Recognizing the significance of redeveloping a Project Site of this nature and size within the Town, prior to purchasing the site the Project Sponsor carefully evaluated the Comprehensive Plan to understand the long term desires of the community as it relates to future land development and project planning. Fortunately, the Comprehensive Plan provides a very clear and thorough description of new land development strategies that prioritize “infill” development opportunities utilizing a mixed use development platform that is integrated into the surrounding community. In fact, a Key Initiative of the Comprehensive Plan as identified in Section 2.3 is to focus on revitalization efforts by “rezoning and/or providing incentives for reuse of underutilized/obsolescent land for economically viable uses.”⁴ This Key Initiative of the Comprehensive Plan speaks directly in support of a mixed use infill project such as the Westwood Neighborhood.

It is important to recognize that the proposed Westwood Neighborhood represents an opportunity to realize high quality, carefully balanced and economically viable infill development

⁴ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page 2-6).

within the Town. The Comprehensive Plan defines Infill Development as “development of vacant or underutilized properties within a predominantly built-up neighborhood or commercial area.”⁵ It is clear the Project Site exactly meets the defined criteria of infill development as per the Comprehensive Plan. The Project Site is centered within the core of a developed neighborhood that includes a concentration of single family housing (i.e. Fairways Boulevard, Sandhurst Lane, Brookedge Drive, Morgan Parkway, Fenwick Road, etc.), public and private recreational spaces (nearly 700 acres of open space and parkland within a 1 mile proximity including the Audubon Golf courses, Park Country Club, Amherst State Park, State University of New York at Buffalo North Campus (“UB North Campus”) and the Northtown Center at Amherst), UB North Campus as a major regional educational and employment center and direct access to both major regional vehicular transportation networks (including the I-290 and the I-990) and local transportation networks [including Maple Road (County Road 192) and Sheridan Drive (State Route 324)]. In addition, the Project Site has direct access to primary public infrastructure including sanitary sewers, potable water supply, and the Ellicott Creek corridor as a stormwater conveyance channel. The Westwood Neighborhood presents the community with an opportunity to utilize existing public and private investments to facilitate new and significant sources of tax revenue that is complimentary to the existing development in the surrounding vicinity in a manner that is directly aligned with the objectives, goals, and initiatives of the Comprehensive Plan.

Prior to acquiring the Project Site, the Project Sponsor carefully reviewed the Comprehensive Plan in an effort to establish the preferred redevelopment strategy for the Project

⁵ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page A-7)

Site. While the Comprehensive Plan generally provides a broad analysis of the community and specific implementation strategies for multiple planning principles established to guide future development in the Town, the following is a careful examination of the Comprehensive Plan and identification of the Sections that are directly applicable to the Project and its consistency with the Comprehensive Plan. The outline below has been organized to follow the order and structure of the table of contents of the Comprehensive Plan:

I. Comprehensive Plan Summary:

A. Vision Statement:

The Vision Statement for the Town defines community values and aspirations and provides the benchmarks to measure progress in implementing the Comprehensive Plan vis-a-vis three (3) fundamental attributes as discussed below that are intended to sustain the exceptional quality of life for local residents in the Town of Amherst.⁶

- ***Livability*** is identified as one such fundamental attribute. The Comprehensive Plan identifies a range of lifestyle options within pedestrian friendly mixed use development patterns as a critical component of providing a livable neighborhood. The Westwood Neighborhood responds to this desire by providing a mixed use development with a traditional neighborhood center featuring a mixture of single family, rental, condominium and senior housing options.

⁶ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page 2-3).

- **Community Character** is identified as a fundamental attribute defined by the protection of open space and natural scenic resources, respect for history and heritage and support of visual character through enhanced landscaping measures and the protection of woodlands. The proposed mixed use project proposal responds to this principle through expanding recreational options for local residents, preserving and enhancing approximately 64 acres of the Project Site as permanent open space areas and incorporating the original WCC Clubhouse into the redevelopment of the site as a historic resource. The Project will facilitate the conversion of existing private open space resources into fully accessible open space areas that are available for recreation, public gathering, and socialization.
- **Shared Direction** is identified as a fundamental attribute and includes intergovernmental cooperation, diversified economies providing a strong tax base, and coordination with the State University of New York at Buffalo (“UB”) and other educational institutions. The Project proposal respects this goal by providing a mixed use development that includes a diversified commercial component including neighborhood business and office, medical and professional office parks, and senior care facilities; supporting a diversified economic platform that strengthens and reinforces the local tax base.

II. Plan Elements:

The Comprehensive Plan includes specific policies, strategies, and actions that can be undertaken with respect to the different elements of land development and community planning that will ultimately work to implement the overall Vision Statement of the Comprehensive Plan. The following is an assessment of the Comprehensive Plan elements as identified and the means by which the Westwood Neighborhood has been designed to realize the Vision Statement as it relates to the individual elements.

A. Land Use and Development:

According to the Comprehensive Plan, the Land Use and Development Element is designed to guide new development, redevelopment, and preservation activities within the Town to achieve:

- Revitalized older neighborhoods and commercial corridors.
- Quality new development.
- A network of parks, open spaces, and greenways throughout the community.⁷

As indicated above, the Comprehensive Plan identifies the revitalization of older neighborhoods through quality new development that includes a network of parks, open spaces, and greenways as a primary focus of land use within the community. According to the Comprehensive Plan, policies should be adopted which support compact, pedestrian-friendly development forms focused on mixed use. The Comprehensive Plan places a priority on redevelopment and reinvestment as opposed to greenfield development. The Westwood Neighborhood directly addresses these objectives by providing a compact, pedestrian-friendly mixed use development positioned directly adjacent to older single family residential developments within the community. In addition, the Project represents an infill development opportunity that takes advantage of existing public and private investments as opposed to a greenfield development approach that requires the extension of physical infrastructure and districts to accommodate new development. The infill approach to land development ensures the most efficient and effective utilization of tax dollars by realizing full utilization of existing infrastructure investments.

B. Natural and Cultural Resources:

The Comprehensive Plan recognizes the preservation and enhancement of the Town’s rich natural and cultural resources for the future as a critical concern within the community. The creation and preservation of open space areas that establish a town-wide system of greenways is

⁷ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page ii).

identified as a goal of the Comprehensive Plan. The Project Sponsor has designed the Westwood Neighborhood in consideration of this goal through incorporating open space areas, preserving existing environmental features and sustaining historical elements. The Westwood Project will include the preservation and permanent protection of approximately 64 acres of open space area, encompassing 38% of the Project Site. In addition, the design of the integrated mixed use project reflects the effort made by the Project Sponsor and its consultants to carefully maintain existing areas of significant woodland and tree growth. The Ellicott Creek corridor, a jurisdictional federal wetland that includes an associated floodway, will remain entirely undisturbed and be complimented by the inclusion of a directly adjacent approximately twenty three acre park area (“Westwood Park”) including an approximately five acre lake that will be utilized for detention purposes as part of the stormwater management system for the Project. Lastly, the Project Sponsor recognized the existing Westwood Clubhouse as a potentially significant historical resource both in terms of its architectural styling and cultural background. Based on the recognition of the potential significance of the Clubhouse, the Westwood Project will sustain the original Clubhouse structure and incorporate the building into the overall development as an integral component of the Neighborhood Center that includes an approximate 1.2 acre public gathering and event space associated with the original Clubhouse.

C. Economic Development:

According to the Comprehensive Plan, the Economic Development Element sets forth policies to promote sustainable, quality economic development and redevelopment that respects the character and quality of life of Amherst’s residential communities as follows:

- Promoting a healthy tax and employment base.
- Increasing economic development partnerships with governmental agencies and private businesses and institutions, particularly UB.
- Preventing adverse commercial development impacts on community character and quality of life.
- Working to promote regional economic development.⁸

Consistent with the above, the Comprehensive Plan sets forth policies to promote sustainable, quality economic development and redevelopment that respects the character and quality of life of the Town's residential communities. The policies focus on promoting a healthy tax and employment base, increasing economic development partnership with governmental agencies, preventing adverse commercial development impacts on community character and quality of life, and promoting regional economic development. The Westwood Neighborhood will advance these defined economic development goals by contributing to the Town's existing healthy tax and employment base.

The Project Sponsor utilized the services of the Center for Governmental Research Inc. ("CGR"), a local government management and fiscal planning consulting firm, to perform a Fiscal Impact Analysis of the proposed Westwood Neighborhood. Based on a ten year projection of full-build out revenues, their findings concluded that the Project is anticipated to provide for \$52 to \$63 million in additional property tax revenue, a figure that more than offsets the anticipated \$27 million increase in the cost of government services. The ten year projection additionally anticipates approximately \$15 million in increased sales tax revenue and \$10 million in additional State of New York income tax revenue. In terms of job creation, the report estimates that 2,200

⁸ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page iii).

temporary construction jobs and 300 permanent jobs will be created as a result of the full build-out of the Westwood Neighborhood. As demonstrated by the projections contained in the report prepared by CGR, the Project will clearly help to sustain a healthy tax and employment base while protecting the quality of life and character of the surrounding residences.

D. Transportation:

According to the Comprehensive Plan, the Transportation Element is intended to encourage a more balanced, multi-modal transportation system that emphasizes alternative means of travel, including walking, biking, and public transportation. Specific policies address the following:

- Targeted capital and operational improvements to the road network to increase mobility and address severe congestion problems.
- Investments in creating a town-wide bicycle/pedestrian network comprised of on-street and off-street facilities.
- Improved transit service linked to mixed use activity centers proposed in the Land Use and Development Element.⁹

The Comprehensive Plan recognizes a need to encourage a more balanced, multi-modal transportation system that emphasizes alternative means of travel, including walking, biking, and public transportation. There are targeted examples provided to accomplish this task such as capital and operational improvements to the road network to increase mobility and address congestion problems, the creation of town-wide bicycle and pedestrian networks, and the expansion of transit service into mixed use centers to provide ease of access for residents and shoppers to public transit options.

⁹ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page iv).

The Westwood Neighborhood directly accomplishes all of the transportation initiatives described above. The Project provides a new north-south public roadway connection extending from Sheridan Drive to Maple Road. This neighborhood design feature represents a major capital improvement to the Town's road network that will help to potentially alleviate congestion at intersections along adjacent north/south connectors in the immediate area. The proposed mixed use project also integrates a mix of multi-modal transit options including vehicular, pedestrian, bicycle and public transit. The neighborhood will include a complete sidewalk network extending throughout the mixed-use components in addition to a separate bike path and trail network that will terminate at existing sidewalks and paths adjacent to the Project Site. Additionally, 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 mixed-use project.

E. Infrastructure:

According to the Comprehensive Plan, the Infrastructure Element is designed to ensure the Town is provided with well-maintained and cost-effective public water, sewer, stormwater, and other utility infrastructure systems that support other Comprehensive Plan elements. The specific Infrastructure Element policies are as follows:

- The policies for stormwater management call for the Town to develop a comprehensive program integrating measures to address flooding problems with standards and techniques to reduce water quality impacts from existing and new development.

- The sanitary sewer policies emphasize maintaining and upgrading infrastructure that serve existing development rather than extending new lines to currently undeveloped areas.¹⁰

As indicated above, the infrastructure policies focus primarily on issues related to stormwater management and sanitary sewer. Specifically, the Comprehensive Plan calls for the Town to address flooding problems by implementing standards and techniques to reduce water quality impacts from existing and new development. The sanitary sewer policy emphasizes maintaining and upgrading existing infrastructure to service development rather than extending new lines to currently undeveloped areas. The Westwood Project has specifically been designed to align with both policies relative to stormwater and sanitary sewer systems management.

The Project Sponsor utilized the services of Professional Civil Engineering, LLC (“PCE”) to develop a Preliminary Stormwater Management Plan and Drainage Analysis Report (“Stormwater Management Plan”). The Stormwater Management Plan was specifically designed to work in unison with the existing site topography and includes the establishment of a primary stormwater detention lake in the center of the Project Site, as the existing topography is generally flat with a slight pitch towards the center of the site. The Stormwater Management Plan and analysis includes specific calculations and findings that indicate the mixed-use layout depicted on the Conceptual Master Plan will provide for sufficient storage of stormwater as per the stringent stormwater quantity standards of the New York State Department of Environmental Conservation (“NYSDEC”) and the Town of Amherst. The Stormwater Management Plan has been designed with consideration of Best Management Practices (“BMPs”). These provisions include integrating

¹⁰ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page iv).

sediment control measures during construction, limiting impervious surfaces, incorporating open space into development plans as areas for stormwater permeation and run-off limitation, and including areas of bio-retention as a component of the stormwater management plan to efficiently cleanse and remove sediments prior to discharge from the Project Site. In addition, the layout for the mixed use project as depicted on the Conceptual Master Plan completely preserves the Ellicott Creek corridor and associated Floodway while also limiting development within the 100 Year Floodplain.

The Project Sponsor also retained the services of Nussbaumer & Clarke, Inc. (“Nussbaumer”) to perform a Preliminary Engineers Report that identifies the preferred routing and existing capacity within the sanitary sewer and potable water system adjacent to the Project Site. The Preliminary Engineers Report identified that sufficient capacity exists within the surrounding public networks to service the Project and that major public capital improvements or system extensions will not be required. As an infill project, the Westwood Neighborhood has been designed to utilize existing infrastructure improvements; maximizing previous investments in the public network and avoiding costly system extensions and improvements to accommodate new development.

F. Housing and Neighborhoods:

The Comprehensive Plan directly supports the development of quality affordable housing that strengthens healthy and diverse neighborhoods for all of the Town’s residents. Policies for housing diversity are designed to encourage a variety of housing types, including higher density residential uses in locations such as mixed use developments. The Westwood Neighborhood directly responds to the Housing and Neighborhoods Element by providing a mix of housing types

with higher density options surrounding the mixed use core of the Project Site. Throughout the proposed mixed use project, the layout provides for single-family detached (at a variety of lot sizes), townhouses, condominiums, apartments, and both assisted and independent living senior units at a mix of price levels and construction types.

G. Community Facilities and Services:

According to the Comprehensive Plan, the Community Facilities and Services Element seeks to maintain the excellence and contributions of Amherst’s community facilities and services to quality of life in a fiscally responsible manner. The specific Community Facilities and Services are as follows:

- Establishing an on-going system to objectively identify community facility and service needs for use in planning and programming by town providers.
- Identifying opportunities to locate community facilities to achieve Comprehensive Plan objectives, for example strengthening neighborhoods or reinforcing mixed use activity centers.
- Pursuing a variety of strategies to ensure that community facility and service costs are reconciled with the fiscal capability of the Town.¹¹

As indicated above, maintaining the excellence of the Town’s community facilities and services to quality of life in a fiscally responsible manner is identified as a critical goal of the Comprehensive Plan. Specifically, the Comprehensive Plan suggests that the community should identify opportunities to locate community facilities that will strengthen neighborhoods or reinforce mixed use development. Additionally, the Comprehensive Plan indicates that strategies should be adopted which ensure that community facility and service costs are reconciled with the

¹¹ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page v).

fiscal capability of the Town. The Project Sponsor specifically pursued the Westwood Project Site because it is physically located to have a synergistic relationship with directly adjacent existing community service points. In terms of active recreational and open space, the Project Site borders the Audubon 3-hole golf course and the Audubon 18 hole golf course is located in close proximity on the north side of Maple Road directly opposite the Project Site. In addition, the Northtown Center at Amherst is located within approximately one-half mile of the Project Site and provides multiple recreational amenities for the Town's residents such as ice hockey and skating, roller skating, community meeting rooms, health and fitness center, youth activity center as well as numerous outdoor athletic fields for baseball, softball, soccer and football. The Project Sponsor envisions these existing community facilities as major assets to the Westwood Neighborhood that will strengthen the integration of the mixed use project into the community and provide future residents of the Project with a diverse range of recreational opportunities within walkable distances of the Project Site.

Additionally, the Westwood Neighborhood will provide new recreationally based community facilities by way of open space integration and trail network development. The Project will include an approximately 23 acre publicly accessible park area that will include an approximately 5 acre lake that contiguous to the Ellicott Creek corridor. The Westwood Neighborhood will also provide for the installation of over 2 miles of pedestrian and bike path trails connected to a network of approximately 64 acres of permanent open space area dispersed throughout the Project Site.

In combination with the development of new community facilities associated with the Project, the findings of the CGR Fiscal Impact Analysis report suggest that the Westwood

Neighborhood will help contribute toward ensuring that community facilities and service costs are reconciled with the fiscal capability of the Town by providing substantial tax revenues beyond additional governmental service costs associated with the Project. Specifically, based on a ten year projection of full build-out revenues, the CGR findings concluded that the Westwood Neighborhood is anticipated to provide for \$52 to \$63 million in additional property tax revenue, a figure that more than offsets the anticipated \$27 million increase in the cost of government services provided for the Project.

III. Analysis of Specific Sections of the Comprehensive Plan:

The following sections of this narrative regarding the consistency of the proposed mixed use project with the adopted Comprehensive Plan evaluate specific sections of the Comprehensive Plan in the content of the proposed mixed use project as depicted on the Conceptual Master Plan.

A. Land Use and Development (Section 3):

- **Expand provisions and incentives for mixed use development in designated Activity Centers (Part 3.1):**

According to the Comprehensive Plan, an “Activity Center” is identified as an area that provides a focus for surrounding neighborhoods while promoting land use objectives such as compact, pedestrian-friendly development. By definition, such Activity Centers are higher in density and incorporate a wider range of uses than the lower density, predominantly residential areas surrounding them. The Conceptual Land Use Plan for the proposed mixed use project looks to integrate the development of mixed use Activity Centers in two contexts as follows: 1.) within established centers of community activity; and 2.) in appropriate locations where centers of community activity currently do not exist. Specifically, the Comprehensive Plan recommends

locating such centers approximately one mile apart.¹²

The Project Site provides a unique and exciting opportunity to establish a mixed use development at a location currently surrounded by predominantly residential areas that can provide a compact and pedestrian friendly traditional neighborhood center for existing and new residents. Furthermore, per the Conceptual Land Use Plan, the Project Site is ideally located more than 1 mile from any existing or planned Activity Center within the Town.

- **Encourage compact, pedestrian-friendly development through Planned Residential options, including but not limited to neo-traditional design (Part 3-2):**

The Comprehensive Plan recognizes that the predominant pattern of new residential development in the Town is one of automobile-oriented subdivisions that are typically isolated both from each other and other uses. Developments that provide compact, interconnected, pedestrian-friendly neighborhoods are identified as the preferred alternative to the typical isolated homogenous single-family subdivisions. The Comprehensive Plan suggested the creation of a separate zoning designation known as Traditional Neighborhood Development District (“TND”) that would facilitate developments which feature interconnected, pedestrian-oriented streets systems with a mixture of land uses that are coordinated with transit service. In response to this recommendation of the Comprehensive Plan and in an effort to facilitate new mixed use development within the community, the Town Board amended the Zoning Code by creating the Traditional Neighborhood Development District in May of 2006. The Westwood Neighborhood has been specifically designed in accordance with TND principles. The Project Sponsor is seeking to rezone a majority of the Project Site to TND to accommodate the proposed mixed use project.

¹² Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page 3-32).

Therefore, the Project will further a specific goal of the Comprehensive Plan by facilitating mixed use development within the community that is integrated into a pedestrian friendly, interconnected and compact neighborhood model.

- **Employ design standards to enhance community appearance and sense of place (Part 3-5):**

Design standards are effective tools to guide and shape new development and revitalization initiatives and are important in addressing such issues as impacts on the visual character of public roadways and on adjacent residential areas. Specifically, the Comprehensive Plan calls for the consideration of design standards on a per project basis that address landscaping and lighting, screening of visually obtrusive elements, placement of buildings and parking areas, general building design, scale, access and connectivity, public safety and signage. The Project Sponsor recognized the consideration of design standards as an integral part of the planning process and carefully reviewed the Zoning Code to ensure the Westwood Neighborhood has been designed in conformance with the intent, objectives, and performance standards in the Zoning Code. Since the Project involves the development and rezoning of a site larger than 30 acres, the Project Sponsor will be required to meet the standards and design guidelines as identified Section 6-9 of the Zoning Code (titled “Planned Unit Development Process (“PUD”)). For a complete description of conformance with the PUD standards, please refer to the Planned Unit Development Process Assessment, attached as Exhibit “P” of this Rezoning Application. Additionally, for a complete description of the design standards that have been planned to guide the development of the Westwood Neighborhood, please refer to the Westwood Design Standards, attached as Exhibit “Q” of this Rezoning Application.

- **Protect and retain the identity of special places through design guidelines (Part 3-7):**

Certain places within the Town have a special identity defined by factors such as historic character, geographic location, or presence of an important community resource such as a major park, public or private buildings or open space or an educational campus. The Comprehensive Plan calls for the establishment of design guidelines that are sensitive to the context and needs of any surrounding special places that should be sustained or celebrated by adjacent development. In evaluating redevelopment options for the Project Site, the Project Sponsor recognized the Ellicott Creek corridor as a critical natural community resource in need of being protected and also celebrated as a visual amenity within the Project. Toward that end, the Westwood Design Standards provided at Exhibit “Q” of this Rezoning Application establish the Ellicott Creek corridor as a preserved environmental feature of the Project and the Project Sponsor has prioritized the importance of the creek corridor by positioning a proposed approximately twenty three acre park area adjacent to the creek. Most importantly, the Project Sponsor envisions the Westwood Neighborhood as an opportunity to create a new “special place” within the community, therefore the established design standards are intended to sustain the neighborhood intent and objectives for the benefit of generations to come. In addition, the Project Sponsor recognizes the historic Westwood Clubhouse as a building that is unique to the Project Site and has elected to utilize an adaptive reuse approach to incorporate the original historic structure into the layout of the Westwood Neighborhood. The Clubhouse will be repurposed as a facility for public events and gatherings with an accompanying adjacent 1.2 acre open space area. This effort will sustain the Clubhouse as a special place in the community and strengthen the neighborhood by providing a landmark destination for residents and visitors.

- **Advance the redevelopment and revitalization of underutilized, obsolete, and vacant properties for economically viable uses (Part 3-9):**

The Comprehensive Plan acknowledges that as the Town continues to mature and market conditions evolve, some developed properties may no longer be economically viable as a result of changing economic conditions. The Comprehensive Plan recognizes that existing public and semi-public land uses, such as schools, churches, golf courses and other recreational facilities, may require revitalization in the event that their continued operation becomes difficult due to changing demographic, economic, or social trends. The redevelopment of these areas is identified as requiring careful master planning that maintains the essential character of the site while accommodating significant changes in use and density. The Project Sponsor has engaged in a very thorough review of the existing site and potential options for redevelopment given the financial insolvency of continuing operation of the Project Site as a golf course and country club. Effectively, the Westwood Country Club consists of two primary components, one being the historic clubhouse structure itself as a social gathering area and the other consisting of the 18-hole golf course. The Comprehensive Plan identifies three (3) primary obsolete site revitalization techniques that are described as follows:

- **Reinvestment:** Existing buildings are updated or improved and continue to accommodate existing or similar land uses.
- **Adaptive reuse:** Existing buildings are retained but are converted or adapted for new uses. This approach has the potential benefit of retaining buildings with an established neighborhood presence or that are historic and valued assets within the neighborhood.
- **Partial to full redevelopment:** Existing buildings and land uses are either partially or fully replaced; this may also involve changes to the layout of the site. New uses may also be accommodated on the redeveloped site.¹³

¹³ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page 3-14).

It is the intent of the Project Sponsor to utilize an Adaptive Reuse approach to revitalize the existing Westwood clubhouse, making facility upgrades and improvements to repurpose the building as a general public facility operated in a commercial capacity for events related to the Westwood neighborhood. In terms of the former 18 hole golf course, the Comprehensive Plan specifically acknowledges the following, “In addition to commercial and residential land uses, public and semi-public land uses, such as school, churches, *golf courses* and other recreational facilities, may require revitalization in the event that their continued operation becomes difficult due to changing demographic, economic, or social trends.”¹⁴ The Westwood Country Club is a specific example of an existing private recreational facility that has failed to remain economically viable due to changing demographic, economic and social trends. Therefore, it is the intent of the Project Sponsor to utilize a Partial to Full Redevelopment strategy in revitalizing the existing Westwood Country Club golf course site. Toward that end, the Comprehensive Plan identifies specific principles by which redevelopment of a site should be evaluated:

- **New development should complement the surrounding neighborhood:**

The Westwood Neighborhood has been carefully designed to be appropriately scaled to match the character of the surrounding residential and community facility developments. Please refer to the Westwood Design Standards for a complete description, attached to this Application as Exhibit “Q”.

- **New development should employ design standards to enhance community appearance and sense of place as well as incorporate the suggestions of the Conceptual Land Use Plan:**

¹⁴ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page 3-15).

The Project Sponsor has developed specific neighborhood design standards to ensure the Project provides for quality, consistent and sustainable site development. In terms of place making, places for public gathering, social engagement, and recreational pursuits have been directly integrated into the site layout and were critical components of the Project planning process. Please refer to the Westwood Design Standards for a complete description of the neighborhood design approach and standards, attached to this Rezoning Application as Exhibit “Q”. In terms of the Conceptual Land Use Plan, as depicted in Section 3.3 of the Comprehensive Plan, the Project Site is designated as Recreation, Open Space & Greenways. It is important to note that the Comprehensive Plan expressly indicates as follows: “The Conceptual Land Use Plan is neither a zoning map nor is it meant to show the existing or proposed use of individual parcels of land. It is not meant to dictate land use, nor is it meant to show any phasing or timing of development. The Comprehensive Plan is intended to communicate the overall direction and concept of future development.”¹⁵ That being said, while the Project Site was historically operated as a golf course and country club that provided for a recreational and open space resource within the community, it is important to note that the facility was private and only accessible to those limited number of members who paid a substantial sum to gain access to the site and its existing facilities. Furthermore, given the current state of the Project Site as a privately owned vacant and environmentally contaminated brownfield site, there is no opportunity for the property in its current condition to be utilized as a recreational and open space resource within the community. In contrast, the proposed Westwood Neighborhood will provide free access to the Project Site for

¹⁵ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page 3-28).

the general public and residents to enjoy the amenities to be provided in connection with the integrated mixed use project.

Furthermore, in terms of open space vistas, the Project Site is not visible from Maple Road and is additionally screened by a substantial berm along Sheridan Drive, which reduces the value of the Project Site to the community as an open space resource. The Project Sponsor is proposing a Partial to Full Redevelopment revitalization strategy that will provide for substantial new tax revenue and the creation of several publicly accessible open space and recreational areas. The Westwood Neighborhood includes an approximately twenty three acre park featuring an approximately five acre lake, public event and gathering space contiguous to the Clubhouse, a neighborhood center, and an integrated and well-planned network of pedestrian and bike trails throughout the Project Site. All these open space areas are intended to be interconnected by the trail system and integrated into the surrounding community. This development approach will ensure the long-term use of the Project Site will include the permanent preservation of a substantial portion of the Project Site as an open space and recreational resource in a manner that is consistent with the Conceptual Land Use Plan designation.

- **New development should support adopted redevelopment and reinvestment policies and be consistent with relevant area plans or adopted regional plans:**

The Framework for Regional Growth (“Framework”) is a document prepared and supported by Erie and Niagara Counties. It is recognized as a blueprint to support the actions of county and regional agencies relating to the area’s physical development. It is also utilized to inform state and local governments, private developers, and non-profit organizations about the process and actions County government could undertake when making decisions affecting the region’s development. The Framework grew out of a formal agreement entered into by the counties

in the Fall of 2002. The Framework is designed to help County and regional leaders make better policy and investment decisions, more effectively leverage limited resources, and provide more consistent direction and useful support to municipalities.¹⁶

The Framework divides the region into multiple categories classified as either Developed, Developing or Rural Areas. This approach is intended to provide the overall direction for the Framework, defining in broad terms where County policies encourage development and public investment, where development and public investment may be appropriate subject to careful evaluation, and where conservation strategies generally take precedence over plans for development and public investment. The Developed Area extends outward from the cities of Buffalo, Niagara Falls, and Lockport and includes contiguous blocks of urban and suburban development served with public sewer, water and transportation infrastructure. Please refer to Figure 1 on page 27 for a depiction of the Planning Policy Areas and their relationship to the physical setting of the region.

The Project Site is located within the Developed Area as per the Framework. In addition, the Framework generally identifies Regional Centers, Growth Corridors, and Rural Centers throughout the region. These places are considered sub areas that are most favored for future development and public investment. For these areas, county planning and growth management strategies are designed to promote appropriate reinvestment, redevelopment, conservation, adaptive reuse, and infill development.¹⁷ The Project Site is located at the convergence of the Millersport Road (NYS Route 263) Growth Corridor, UB North Area Regional Center, and ECC

¹⁶ Framework for Regional Growth, Erie and Niagara Counties, New York, Final Report, October 2006 (page 4).

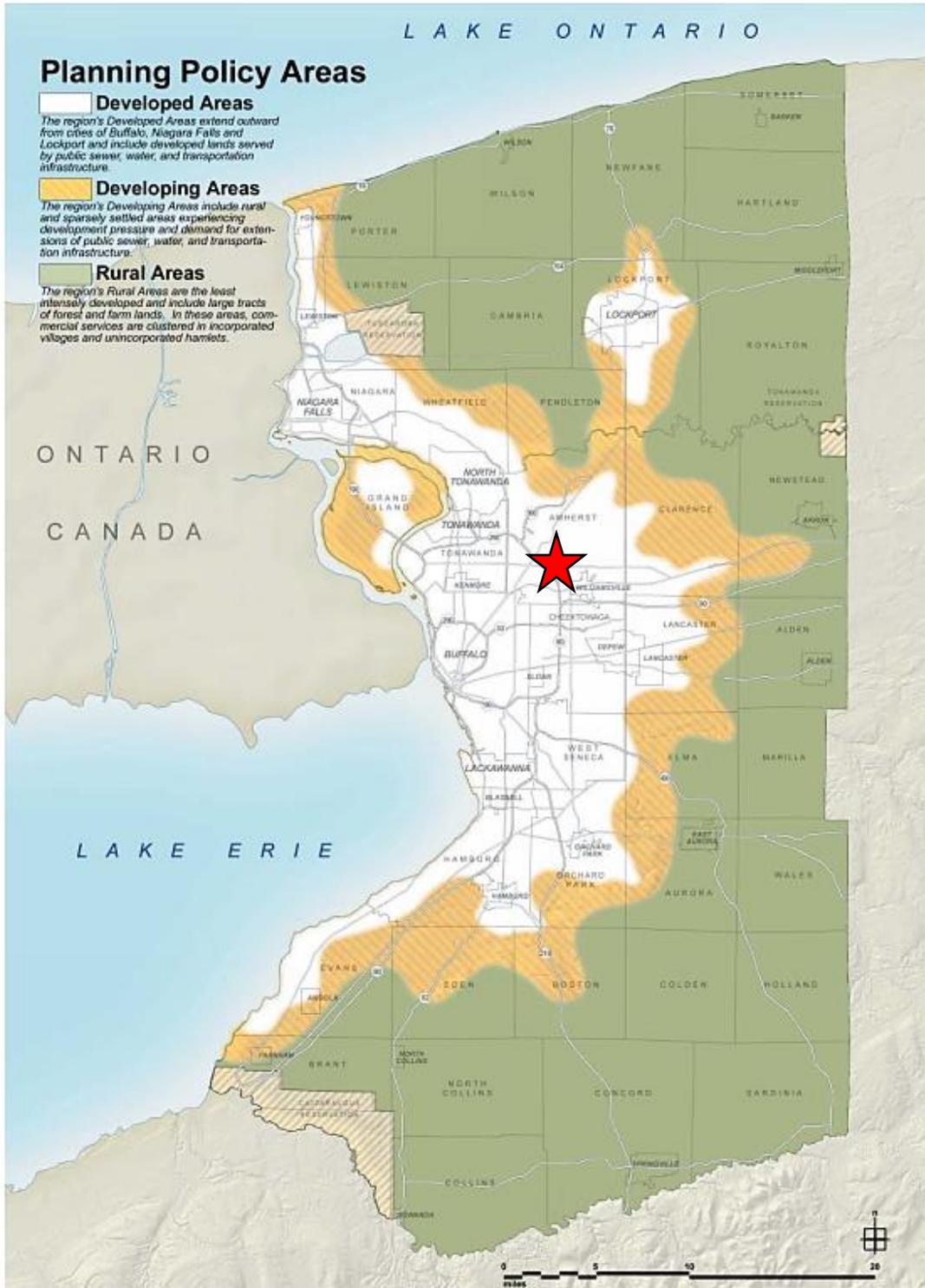
¹⁷ Framework for Regional Growth, Erie and Niagara Counties, New York, Final Report, October 2006 (page 35).

North Area Regional Center. The Framework acknowledges that these regional center areas are recognized for their existing and potential economic vitality, diverse mix of land uses, concentrations of public facilities and services, and potential as locations for higher intensity, mixed use development and enhanced public transportation service. Please refer to Figure 2 on page 28 for a depiction of the Framework Centers & Corridors and their relationship to the physical setting of the region. Given the location of the Westwood neighborhood site within the Developed Area and strategic proximity to major Regional Centers and Growth Corridors, it is clear that as per the Framework, the Project Site is considered most favored for future development and public investment.

- **New land uses should not result in service requirements exceeding available infrastructure capacities unless mitigation measures are provided within the project or programmed through public sources:**

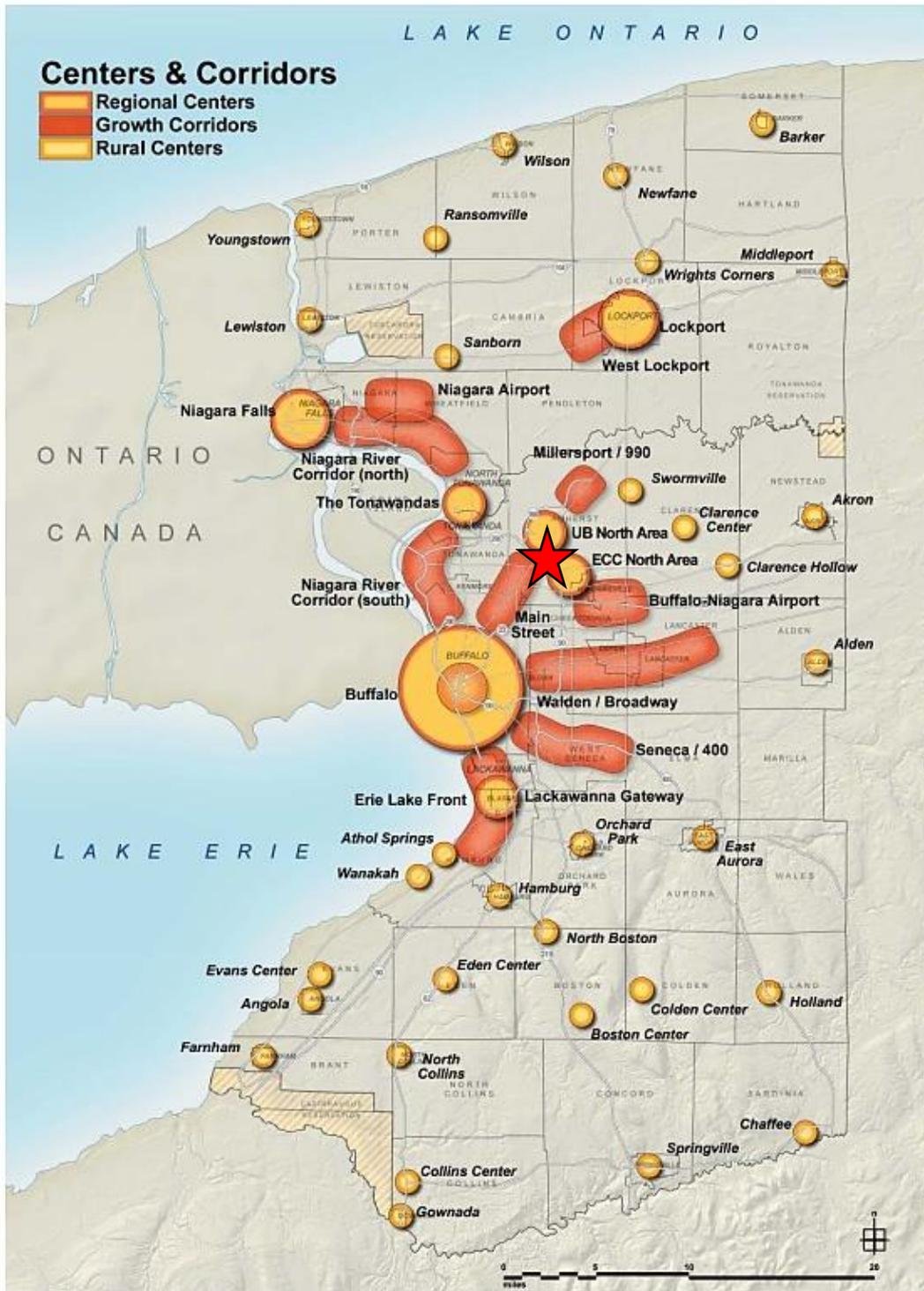
The Project Sponsor utilized the services of Professional Civil Engineering, LLC (“PCE”) to develop a Preliminary Stormwater Management Plan and Drainage Analysis Report (“Stormwater Management Plan”). The Stormwater Management Plan was specifically designed to work in unison with the existing site topography and includes the establishment of a primary stormwater detention lake in the center of the site, as the topography is generally flat with a slight pitch towards the center of the Project Site. The Stormwater Management Plan and analysis includes specific calculations and findings that suggest the current plan will provide for sufficient storage of stormwater as per the regulatory requirements of the New York State Department of Environmental Conservation (“NYSDEC”) and the Town of Amherst.

FIGURE 1-
Framework for Regional Growth, Erie and Niagara Counties
 Planning Policy Areas



★ -Westwood Project Site

FIGURE 2-
Framework for Regional Growth, Erie and Niagara Counties
 Centers & Corridors



★ -Westwood Project Site

The Project Sponsor also retained the services of Nussbaumer & Clarke, Inc. (“Nussbaumer”) to perform a Preliminary Engineers Report (“Engineer’s Report”) that identifies the preferred routing and existing capacity within the sanitary sewer and potable water system adjacent to the site. The Engineer’s Report was supplemented by the services of TECsmith, Inc., a local water and wastewater monitoring company, to install flow monitoring equipment at specified sanitary sewer manhole locations. The flow monitoring data results have shown that during typical dry weather operating periods there is sufficient downstream sanitary sewer capacity to service the projected sanitary flows for the mixed use neighborhood. However, the testing also revealed that during storm events that generate greater than a half inch of daily rainfall, there is a surcharge within the downstream sanitary system.

It is important to note that this condition is not a unique or new concern within the existing Town of Amherst sanitary sewer system. The temporary system surcharging that occurs during storm events is a long standing condition that is subject to a number of management and remediation strategies that have been developed with coordination between the Town of Amherst Engineering Department, New York State Department of Environmental Conservation (“NYSDEC”) and Environmental Protection Agency (“EPA”). There exists multiple mitigation options that could be employed by the Project Sponsor in coordination with the Town of Amherst Engineering Department including Inflow & Infiltration (“I&I”) Flow offset practices, site specific remedial actions which include the potential construction of a sanitary retention facility or oversized sanitary sewer overflow relief sewer, and targeted sanitary system improvements designed to address or correct existing areas of known or chronic sanitary overflow events. Please refer to Section 6.12.1 of the Draft Generic Environmental Impact

Statement for the proposed Westwood Neighborhood for a complete description of all potential sanitary system overflow mitigation options.

- **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 Westwood Neighborhood has been very carefully designed to ensure a safe and efficient connection to surrounding major road networks. In addition, the internal development and site circulation plan has also been carefully engineered to provide a safe and effective means for vehicular, bicycle, and pedestrian circulation. The Project Sponsor utilized the services of Nussbaumer & Clarke, a local site planning and engineering firm, as well as Goody Clancy, a nationally recognized planning and architectural firm, to develop the site plan and circulation network for the Westwood Neighborhood. For a complete description of the development circulation strategy, please refer to Section VI. Circulation of the Westwood Design Standards (attached to this Rezoning Application as Exhibit “Q”).

- **Target capital investments to improve the aesthetic character of key locations within the Town (Part 3-11):**

The Land Use and Development policies describe a range of regulatory and incentive-based approaches to achieve the Comprehensive Plan objectives such as promoting mixed use, considering aesthetic quality, and prioritizing revitalization. Strategic investment in physical improvements to public landscapes can also contribute to achieving these objectives. As part of the “Greening Amherst” initiative, the Town should initiate a phase program of visual improvement in highly visible locations, including:

- **Major corridors:** The primary State and County roadways that are connected to broader regional transportation corridors provide direct linkages throughout the community that set

the tone for the generalized physical appearance and development standards throughout the Town. The Comprehensive Plan recommends that the Town work with State and County jurisdictions to establish context sensitive design standards that address elements such as street tree planting and other landscaping, lighting, and pedestrian amenities. The Westwood neighborhood provides an opportunity to develop a signature site along two major corridors, those being Maple Road (County Road 192) and Sheridan Drive (State Route 324). The Project will create defining entry ways along both corridors that are well landscaped, inviting, and accommodating for pedestrian users.

- **Landmarks:** The Project Sponsor recognizes the historical sensitivity and unique architectural styling that the existing Westwood Clubhouse offers to the community. Therefore, the Westwood neighborhood has been intentionally programmed to position the Clubhouse as a prominent component of the redevelopment strategy; providing for a substantial public gathering space contiguous to the building, creating an interior road network node adjacent to the grounds and allowing a clear span open space vista from the Clubhouse to Sheridan Drive. It is the intention of the Project Sponsor to sustain the historical elements of the Clubhouse and reposition the original building and its immediate siting as a prominent landmark within the community. As currently positioned within the ownership of a privately managed social club, the Clubhouse is not fully realized as a general community asset both in terms of its basic utilization and historic value. As repositioned within the context of the Westwood neighborhood, the Clubhouse can serve as a visual focal point within the community and provide a sense of identity as a local landmark.

- **Public facilities and spaces:** Great public spaces are critical to civic life and the visual identity of the community. The Comprehensive Plan recognizes the need to sustain existing public spaces through careful maintenance but also the desire to develop additional public spaces that are strategically placed throughout the community. The Westwood neighborhood provides an opportunity to realize a significant public recreational space within the Town that is integrated into the surrounding community and pedestrian networks. The proposed Westwood Park will provide a new approximately 23 acre recreational amenity within the Town adjacent to the natural setting of the Ellicott Creek corridor and includes a proposed approximately 5 acre stormwater detention lake.

The Comprehensive Plan recognizes that the key initiatives related to the Aesthetic/Community Character and Revitalization goals cannot be fully realized by relying on public investment only. Both public and private sources of funding are acknowledged as necessary to fully pursue the necessary improvements as identified within the community character and revitalization initiatives. The Westwood neighborhood provides an opportunity to make significant advances in both goals on the basis of private investment.

- **Designate a Town-wide open space and greenway network to be achieved through a variety of mechanisms (Part 3-13):**

The Comprehensive Plan recommends that the Town work towards establishing an interconnected open space network within Amherst that integrates public parks, open spaces, and environmentally sensitive resources. The Comprehensive Plan also indicates that already protected open space should be augmented by additional properties protected through a variety of mechanisms. The Comprehensive Plan offers a number of techniques to protect privately owned

land that should be considered within the expansion of the open space system, including the following:

- **Regulatory approaches:** Conservation Development is identified as one regulatory technique to help preserve open space. Specifically, establishing requirements for easements or dedications when new developments abut greenway corridors identified on the Open Space and Greenways Plan is one approach identified. In respect of the long-term plan relative to securing open space along the Ellicott Creek corridor within the Open Space and Greenway Plan, the Project Sponsor has specifically programmed a substantial open space area and park area along the creek corridor and adjacent to the Town's existing parkland. Furthermore, the design of the Westwood Neighborhood includes other areas of significant open space throughout the Project Site and the Project Sponsor is prepared to record deed restrictions upon these open areas at the time of project approval and development.
- **Off-street greenways or recreational trail connections:** The Comprehensive Plan recommends placing path connections along stream corridors, rights-of-way and other available routes where they do not negatively impact existing residential subdivisions. The Westwood Neighborhood provides an opportunity to facilitate an entirely new trail network that is integrated throughout the approximately 170 acre Project Site. Furthermore, the trail system would be programmed to include a segment that is directly adjacent to the Ellicott Creek corridor, a significant natural resource that will provide the off-street greenway extensions that the Comprehensive Plan desires.
- **On-street sidewalk/bike lane connections:** The Town will benefit from the extension and

creation of linkages between existing on-street sidewalk and bike lane connections throughout the community. The Comprehensive Plan calls for the consideration of facilitating extensions and connections where feasible in association with new development. The Westwood neighborhood will provide an opportunity to create a new north/south connection between the Sheridan Drive and Maple Road on-street sidewalk network. Please refer to Figure 3 on the following page for a depiction of the existing On-Street Bicycle / Pedestrian Network within the Town of Amherst and the connection the Project will provide. This connection will also facilitate a safe and efficient off-street option via the bike path trail throughout the Project Site for adjacent residents to access the Maple Road sidewalk network and connect to the broader Ellicott Creek Trailway Bike Path.

- **Encourage Conservation Development with incentives for the dedication of open space in private developments (Part 3-14):**

Endorsed by environmental interests and development organizations, conservation development is a “win-win” alternative to conventional subdivisions that both accommodates development and preserves valuable open space. The Comprehensive Plan currently identifies the existing WCC site as a “private recreation area” and speaks to encouraging opportunities which provide for the expansion of publicly accessible open spaces and recreational trail connections. The Project Sponsor has intentionally designed the Westwood Neighborhood in accordance with the principles of Conservation Development to provide major open space opportunities that will be available to the public for recreational purposes. In addition, the Project provides an opportunity to both connect and expand existing trail networks within the Town. The Project design directly accommodates the open space preservation intent of the Comprehensive Plan by

FIGURE 3-
Town of Amherst Bicentennial Comprehensive Plan
On-Street Bicycle/Pedestrian Network



converting an existing private recreational resource to a mixed use project that will serve as a publicly accessible recreational resource with large areas of open space that will be subject to either permanent conservation easements and/or deed restrictions. The Comprehensive Plan suggests the establishment of standards for the use, ownership, and maintenance of dedicated open space areas. The Comprehensive Plan offers a number of options to provide this permanent stewardship of the open space including ownership on the part of a private homeowners association, private land trust, or actual dedication of the land to the Town of Amherst as public parkland. While the Project Sponsor currently envisions the formation of homeowners associations with conservation easements and deed restrictions as the vehicle for permanently protecting the open space within the Westwood neighborhood, the Project Sponsor is open to discussion concerning the preferred route of the community regarding the permanent protection of open space areas.

- **Conceptual Land Use Plan (Section 3.3):**

Section 3.3 of the Comprehensive Plan is titled “Conceptual Land Use Plan” and describes in detail the various components and intent of the Conceptual Land Use Plan. Within this section, a Neighborhood Center is defined as the smallest scale center, providing convenience shopping for the day-to-day needs of residents in the immediate neighborhood. The Comprehensive Plan suggests developing Neighborhood Centers at the intersections of neighborhood collector streets with arterial streets. These centers should promote good pedestrian and bicycle access to the neighborhood they serve and minimize traffic impacts on local streets. Where possible, these centers should be located in conjunction with neighborhood-scale civic uses, parks, and public spaces. The Comprehensive Plan suggests placing these centers approximately one mile apart.

The Project incorporates all of these design principles including limited traffic impacts to local streets, incorporating public and civic uses and locating near arterial streets. Additionally, as per the objectives of the Comprehensive Plan, the Project Site is located more than one mile from any existing Neighborhood Center in the Town.

B. Natural and Cultural Resources (Section 4.0):

According to the Comprehensive Plan, the Town's rich environmental and cultural resources contribute greatly to the Town's quality of life and community character. The Comprehensive Plan recognizes that while a large portion of the Town is developed, there still exist many valuable sensitive lands and historic resources that have been preserved throughout the Town. Important resources identified in Section 4 of the Comprehensive Plan include surface waters, floodplains, wetlands, woodlands, soils, and historic and cultural resources. The Comprehensive Plan speaks to the importance of preserving natural, historical, and scenic resources throughout the Town. The Project Sponsor has carefully considered these resources and made efforts throughout the design process to ensure that the Westwood Neighborhood preserves and celebrates these existing features within the Project Site.

- **Establish buffer/setback standards for new development to help protect streams of significance (Part 4-4):**

Riparian or streamside buffers comprised of native vegetation are one of the most effective methods of protecting water quality. Stream banks and associated natural buffer zones are extremely important to the health of the stream. The Comprehensive Plan suggests instituting policies to ensure these riparian buffers throughout the Town are permanently protected and incorporated into new development as natural scenic setback areas. Recognizing the importance

of streamside buffers and the unique physical attributes that are offered by the Ellicott Creek corridor within the Project Site, the Project Sponsor has designed the layout for the mixed use project intentionally to preserve the Ellicott Creek corridor. Furthermore, in an effort to provide a more substantial buffer to the existing Ellicott Creek riparian corridor, the Project Sponsor has programmed an approximately twenty three acre publicly accessible park area directly contiguous to the creek corridor. This adjacent and permanently protected open space area will ensure the riparian corridor remain undisturbed and vegetated to support the health of Ellicott Creek, exactly as the Comprehensive Plan intends.

- **Adopt a Town policy of no net loss of designated or jurisdictional wetland within the Town (Part 4-5):**

Section 4.5 of the Comprehensive Plan indicates that wetlands provide numerous benefits, including flood mitigation, filtering of contaminants from stormwater runoff, provision of wildlife habitat and recreational opportunities. While applicable state and federal laws and regulations regulate the development or filling of jurisdictional wetland areas, the Comprehensive Plan suggests the implementation of local efforts to supplement these regulations and help prevent an overall net loss of wetlands within the Town. The Project Sponsor undertook a proactive approach in identifying and delineating potential wetland areas on the Project Site. The services of Earth Dimensions Inc. (“EDI”), a reputable environmental consulting firm, were utilized to perform a wetland inventory and prepare a wetland delineation of the Project Site. EDI’s findings indicated that the site contains 11 wetlands, including Ellicott Creek, totaling approximately 7.4 acres. The Wetland Delineation Report prepared by EDI was submitted to the New York State Department of Environmental Conservation (“NYSDEC”) and United States Army Corps of Engineers (“USACE”) for their review. Both of these agencies have issued written determinations

concurring with the findings contained in the Wetland Delineation Report. Specifically, with the exception of Ellicott Creek being considered a federal jurisdictional wetland per the Jurisdictional Determination issued by the USACE, none of the wetlands on the Project Site are subject to the jurisdiction of either the USACE or the NYSDEC. Although the Project Sponsor recognized Ellicott Creek as the only jurisdictional wetland and has completely avoided any disturbance to the creek corridor, ensuring no net loss of overall wetland areas to include non-jurisdictional wetlands was established as an important consideration in planning for the Westwood Neighborhood. Therefore, the Westwood Neighborhood has been designed to preserve approximately 44% (3.24+/- acres) of the 7.4 acres of non-jurisdictional wetlands on the Project Site. While development of the Project will result in filling or modification of the remaining approximately 4.17 acres of small non-jurisdictional wetland areas (approximately 2.5% of the overall Project Site), it is important to note that the Project will also result in the creation of approximately 6.7 acres of new open water wetland habitat in association with the lakes and ponds for the stormwater management system. This means the Westwood Neighborhood will result in a net benefit to wetland resources by preserving or creating a total of approximately 9.94 acres of on-site wetlands. This effort results in a 34% increase in the acreage of wetland resources currently located on the Project Site. Therefore, the Westwood Neighborhood not only meets the goal of the Comprehensive Plan by sustaining no net loss of existing wetland within the Town, the Project actually exceeds the goal by creating additional wetland resources within the Town.

- **Apply “best management practices” (BMP’s) to reduce water quality impacts of development (Part 4-7):**

Development typically results in an increase in impervious cover and removal of natural vegetation. An increase in impervious cover creates more overland flow, causing water to be

unable to infiltrate into the ground and be filtered of sediments and contaminants. Best Management Practices (“BMP’s”) consist of measures designed to minimize the impacts of stormwater runoff from land development on water quality. The Comprehensive Plan recommends implementing BMP’s when reviewing and permitting new development to ensure water quality impacts are minimized. The Project Sponsor has utilized a number of these techniques in programming and engineering the Westwood neighborhood. The following is a description of the techniques and strategies being employed in the Westwood neighborhood plan:

- **Preserve natural vegetation and institute clearing limits for new construction:**

Vegetation can be one of the most effective and cost effective methods of improving stormwater quality. Large cleared areas can result in much higher erosion and sedimentation rates and corresponding greater potential adverse impacts on water quality. The Project Sponsor has intentionally designed the Westwood Neighborhood to maintain substantial amounts of existing vegetation, land cover, and open space areas. Specifically, approximately 64 acres or 38% of the existing Project Site will remain largely undisturbed as permanent open space throughout the Project Site. In addition, the Project Sponsor has developed a construction phasing plan that will work to limit the amount of large scale clearing and will organize site work throughout an efficient scheduling process. Furthermore, the Project Sponsor will be required to implement BMP’s for soil erosion and sedimentation control throughout construction in conformance with a Storm Water Pollution Prevention Plan (“SWPPP”) to be prepared by a licensed engineer per the stringent standards of the NYSDEC.

- **Protect or restrict development on steep slopes:**

Steep slopes are generally defined as land with a slope angle of 20% or greater for a minimum of 30 feet horizontally. The protection of unstable or steep slopes will decrease the potential for erosion based sedimentation in stormwater runoff. Construction on steep slopes also requires special foundation and building considerations to ensure long term stability. In terms of mapping steep slopes, Erie County hosts a Geographic Information System (“GIS”) mapping site known as the Erie County Internet Mapping System that identifies all steep slopes within the Town ranging from 8% to 15+%. The map layer data is referenced from the Soil Survey of Erie County as well as from the United States Natural Resources Conservation Service. The Project Sponsor reviewed the GIS data and prepared topographical surveys of the Project Site to confirm the Westwood property does not contain any areas of steep slopes.

- **Detention/retention:**

Retaining stormwater onsite reduces downstream flooding and allows pollutants to filter out over time. Several methods can be utilized to accomplish this task including the creation of wet detention ponds and the establishment of wetland areas in conjunction with detention ponds that allow nutrients to be removed by vegetation, this approach helps to supplement conventional sediment controls. The creation of wetlands helps to retain stormwater and decrease water quality impacts. The Project Sponsor utilized the services of Professional Civil Engineering, LLC (“PCE”), a local engineering design firm, to develop a Preliminary Stormwater Management Plan and Drainage Analysis Report (“Stormwater Management Plan”). The Stormwater Management Plan utilizes a network of multiple smaller ponds throughout the Project Site that ultimately collect and slowly

release stormwater flows and surface runoff to the primary approximately 5 acre stormwater detention lake at the center of the Westwood Neighborhood. This approach to fragmented stormwater collection and slow passage to primary detention areas helps to alleviate sediments and cleanse stormwater through multiple chamber distribution prior to final release. The Stormwater Management Plan includes an analysis of stormwater capacity within the preliminary system design and includes findings that indicate there is sufficient volume capacity for the anticipated storm events and typical surface runoff associated with the Westwood neighborhood development. In addition, the Project Sponsor intends to utilize bio-retention channels to collect and process surface runoff water collection prior to distribution to the detention ponds throughout the Project Site. This approach is recognized as a BMP as per the NYSDEC and will further help to cleanse surface runoff prior to final alleviation to the Ellicott Creek corridor.

- **Limit impervious cover:**

As previously stated, impervious cover (pavement and roofs) increase the rate and water quality impacts of stormwater runoff. Limiting the amount of impervious cover can reduce the amount of runoff coming from a site. The Project Sponsor has accomplished this recommendation of the Comprehensive Plan by sustaining a significant portion of the Project Site as pervious open space (approximately 64 acres or 38%), utilizing a high density/centralized land use approach within the core of the Neighborhood Center and providing for mixed use development that minimizes paved surface and maximizes utilization of paved areas through shared parking design standards.

- **Part 4-9- Reduce air quality emissions by pursuing Comprehensive Plan strategies such as compact, mixed use development patterns; tree planting; transit and other alternatives to automobile use, etc.:**

Air quality loss is related to several causes; the primary contributor to local air quality loss is automobile use. Automobile use is directly tied to local land use and transportation patterns. While social dependency on the automobile will continue to impact air quality for the foreseeable future, the Comprehensive Plan references a number of strategies that are available to help reduce the number of vehicles on the road and vehicle miles traveled. These strategies include developing a comprehensive bicycle and pedestrian network as well as working with the Niagara Frontier Transportation Authority (“NFTA”) to improve transit service and provide connections to Activity Centers. The Project Sponsor has specifically designed the Westwood Neighborhood to include a complete network for bicycle and pedestrian users that includes both on-street sidewalk and off-street trail options. Furthermore, this network has been designed so as to connect with the broader community sidewalk paths along Sheridan Drive, Maple Road and North Forest. Additionally, as it is the intent of the Project Sponsor to develop the Westwood Neighborhood as a mixed use project in accordance with the objectives of the Comprehensive Plan, preliminary discussions have been had with the NFTA regarding the extension of the existing Route #49-Millard Suburban public bus line into the Project Site. Finally, the Project Sponsor is pursuing the rezoning of the majority of the Project Site to Traditional Neighborhood Design Development (“TND”) in an effort to facilitate development of the Westwood Neighborhood as a compact, mixed use project. This development type reduces automobile dependency by providing opportunities to walk, bike or take public transit (or simply shortens automobile trips) to retail and service areas and possibly to work.

In addition to land use development approaches that provide for effective public transit and vehicle trip reduction strategies, the planting and preservation of trees will help to avoid potentially significant air quality impacts. Trees and wooded areas not only enhance aesthetics and contribute to community character; they also reduce flooding impacts and soils erosion, improve air quality, reduce water and noise pollution, and provide shade and habitat. Consistent with the Comprehensive Plan Vision Statement, tree canopy and woodlands should be preserved where possible and tree plantings should be encouraged on public and private lands. As currently developed, the Westwood Project Site provides for the operation of a private 18 hole golf course and country club. This land use required the general clearing and complete tree removal across a majority of the Project Site to establish course fairways. The current operation also requires the constant maintenance of the existing fairways to ensure open, even landscapes that are entirely devoid of new tree growth. The Project Site does include limited areas of mature woodlands that have been preserved as natural features throughout the course. The Westwood Neighborhood has been designed so as to sustain the existing significant woodland areas and additionally incorporate them into the broader open space and trail network throughout the Project Site so they can be enjoyed as natural recreational amenities by future residents and visitors.

Furthermore, the Project Sponsor is proposing a Landscape and Berm Plan in association with the Westwood Neighborhood that will utilize High Impact screening standards as contained in the Zoning Code to establish a sufficient buffer to adjacent residents. The proposed berm plan will result in the planting of approximately 600 additional deciduous, coniferous and ornamental trees on the Project Site. In addition to the new trees to be planted in relation to the proposed berm plan, the individual mixed use components of the Project will be subject to separate site plan

review application and approval processes through the Town of Amherst. Section 7-2 of the Zoning Code (titled “Landscaping, Buffers and Screening”) includes specific measures and standards for the inclusion of landscaping and tree planting within project site plan review and approvals. The stringent landscaping standards provide for required tree planting within parking areas and landscaped islands, the preservation of existing trees and the establishment of buffer and screening areas that consist of trees, shrubs, and other plant materials as determined by the Planning Board or Planning Director. The Project Sponsor has carefully reviewed the Town’s landscaping and screening standards and incorporated the design requirements into the proposed Landscaping and Berm Plan for the Westwood Neighborhood. In addition, Section VII of the Westwood Design Standards Guide (titled “Landscape Strategy”) includes a complete description of the landscape approach and design strategy for the Project Site (please refer to the Westwood Design Standards Guide, attached to this Rezoning Application as Exhibit “Q”). Ultimately, the Westwood Neighborhood offers an opportunity to provide for the planting of well over 1,000 new trees on the Project Site. This significant increase in trees at the Project Site will support the Comprehensive Plan goal of improving local air quality, providing for pleasant recreational experiences, and improving the aesthetic value of the community.

C. Economic Development (Section 5):

Section 5 of the Comprehensive Plan includes an analysis of historic employment trends within the Town of Amherst and opportunities for future economic growth and development within the community. The Comprehensive Plan identifies that in the past 20 years, Amherst has led the Western New York region in job creation and commercial development. The Town of Amherst realized an increase of nearly 37,000 jobs in the past 20 years while the overall change in

employment in Western New York during this period was about 47,000; meaning that Amherst alone accounted for over 75 percent of the region’s job growth during that time.¹⁸ Projections of employment conducted for the Comprehensive Plan have shown that ultimately there is an anticipated 28,000 new jobs that will be realized within the Town of Amherst between 2000 and 2020. This data suggests that Amherst will clearly continue to play a significant regional role in sustaining existing employment and providing opportunities for new employment through new economic development and expansion.

The Comprehensive Plan Vision Statement defines the desired characteristics of future commercial development to include pedestrian-friendly, interconnected, mixed use development patterns, incorporating preservation of open space, balancing of economic growth interests and livability, and the revitalization of older neighborhoods and commercial corridors through new development.¹⁹ The Westwood Neighborhood provides an opportunity to accomplish all of the initiatives of new economic development in the community as stated within the Vision Statement. The Westwood Project provides for the realization of new commercial and neighborhood service based economic development that is placed within the context of a broader mixed use community featuring fully integrated open space and recreational amenities adjacent to older neighborhoods.

- **Economic Development Goals, Objectives, and Policies (Section 5.2):**

The Comprehensive Plan states the Economic Development goal of the Town as realizing a strong tax base and ample economic opportunities for a diverse base of employers and

¹⁸ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page 5-1).

¹⁹ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page 5-2).

employees, housed in attractive, state-of-the-art commercial development in convenient and accessible locations. Given the strategic regional setting of the Westwood Project site in terms of proximity to major vehicular and public transportation routes, the Project provides a convenient and very accessible location for commercial development. Furthermore, the Comprehensive Plan speaks to the development of diversified commercial bases which increase the convenience factor by locating multiple service providers that can have a synergistic relationship in growing and sustaining local business districts. The Westwood Neighborhood has been designed to provide for a wide range of commercial sector growth opportunities including neighborhood shops and business, medical office, professional office, hospitality, entertainment and healthcare service providers. The ability to satisfy such a wide range of business and service needs in the context of a connected, pedestrian friendly and accessible neighborhood is a unique opportunity that provides a strong localized market foundation.

Ultimately, the Comprehensive Plan proposes a set of policy guidelines that are intended to secure and aid in growing a strong local tax base. The Project Sponsor recognizes this consideration as a critical factor in project planning and new land development. In an effort to ensure the Westwood Neighborhood provided for an optimal balance of residential, commercial, and open space development within the Project Site, the Project Sponsor retained the services of the Center for Governmental Research (“CGR”) to perform a Fiscal Impact Analysis (“Analysis”) of the Project. Specifically, based on a ten year projection of full build-out revenues, the CGR findings concluded that the Westwood Neighborhood is anticipated to provide for \$52 to \$63 million in additional property tax revenue, a figure that more than offsets the anticipated \$27 million increase in the cost of government services provided for the Project. This means the

Westwood Neighborhood represents an opportunity to satisfy the community’s preferred vision of new commercial development that is tax revenue positive and works to support a strong local tax base.

D. Transportation (Section 6.0):

Section 6 of the Comprehensive Plan is titled “Transportation” and Section 6.1 states that as part of the comprehensive planning process the Town’s transportation system has been evaluated with respect to vehicular, bicycle, and pedestrian circulation and public transportation. The Comprehensive Plan suggests the implementation of a more efficient and sustainable transportation system by addressing issues such as the need for more connections among neighborhoods (e.g. sidewalks, paths, roadways linkages, etc.) and the need for more bicycle and pedestrian routes.

- **Enhance transportation system capacities through operational improvements, including improved access management and a comprehensive signal-timing plan (Part 6-4):**

The Comprehensive Plan suggests that existing transportation networks and future development should be guided by access management strategies and land use practices that include limiting the number of driveways and intersections on major and minor arterial highways, constructing medians and other devices to control turning movements, and encouraging compact development patterns that feature shared curb cuts with internal connections and service drives.²⁰

The Project Sponsor utilized the services of Nussbaumer & Clarke, Inc. (“Nussbaumer”), a local multi-disciplined engineering and land surveying corporation, and Goody Clancy, a nationally

²⁰ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page 6-12).

recognized planning and architectural firm, to develop the circulation network for the Westwood Neighborhood. The project design, as depicted on the Conceptual Master Plan for the mixed use project, incorporates all of the Comprehensive Plan's suggestions for access management including the utilization of medians throughout the primary north/south spine road, direct alignment of intersections in properly-spaced sections along the primary roadway, and compact development within the neighborhood center that benefits from shared curb cuts, shared parking, and shared service drives. For a complete description of the development circulation strategy, please refer to Section VI. Circulation of the Westwood Design Standards (attached to this Rezoning Application as Exhibit "Q").

In addition, and in an effort to identify and evaluate the potential impacts associated with additional traffic created by the Project, the Project Sponsor utilized the services of SRF & Associates ("SRF"), a professional traffic engineering and transportation planning consultant firm, to prepare a comprehensive Traffic Impact Study ("TIS") for the Project. The TIS included a Level of Service ("LOS") Capacity Analysis of the adjacent intersections both prior to site development as well as the anticipated additional traffic associated with the Project. Capacity Analysis is the recognized standard used for determining a measure of effectiveness for a section of roadway and/or intersection based on the number of vehicles during a specific time period. The measure of effectiveness used for the Capacity Analysis is referred to as an LOS. LOS is calculated to provide an indication of the amount of delay that a motorist experiences while traveling along a roadway or through an intersection. The TIS analyzed fourteen (14) intersections in the study area within the general proximity of the Project Site. In total, the TIS proposes signal timing alterations for nine (9) of the study intersections surrounding the Project Site that will improve

LOS conditions. In association with the development of the Westwood neighborhood, the Project Sponsor is prepared to work with regulatory agencies and consultants to facilitate these improvements. Therefore, consideration of the Westwood Neighborhood and associated traffic mitigation measures identified by SRF Associates in the TIS directly accomplishes a goal of the Comprehensive Plan through implementing signalized intersection timing improvement strategies.

- **Accept a certain level of traffic congestion as a “given” and expand investments in alternative transportation modes and compact, mixed use development patterns (Part 6-6):**

Section 6.6 of the Comprehensive Plan acknowledges that given the Town’s established and growing function as a regional employment center, it is not realistic to expect that transportation policies in the Comprehensive Plan will prevent there from being congestion on all roadways in the Town at all times. However, Section 6-6 does expressly indicate that compact, mixed use development patterns should be encouraged since such developments can reduce automobile dependency and encourage walking.

The Westwood Neighborhood provides a unique opportunity to both better manage existing traffic congestion and expand investment in alternative transportation modes through compact, mixed use development patterns. The Project includes the construction of a new north/south public roadway between Sheridan Drive (State Road 324) and Maple Road (County Road 192) which may help to alleviate existing peak hour traffic congestion along adjacent north/south public roadways, most notably North Forest Road (County Road 294). Additionally, potential traffic impacts will be managed through utilizing a mixed use development pattern that takes advantage of multi-use and pass-by vehicular trips within the neighborhood. This development strategy is specifically recommended by the Comprehensive Plan as a means to better

manage traffic congestion issues while supporting a balanced transportation system.

- **Develop a comprehensive bicycle and pedestrian network, using a rating system to identify and prioritize improvements (Parts 6-7 & 6-8):**

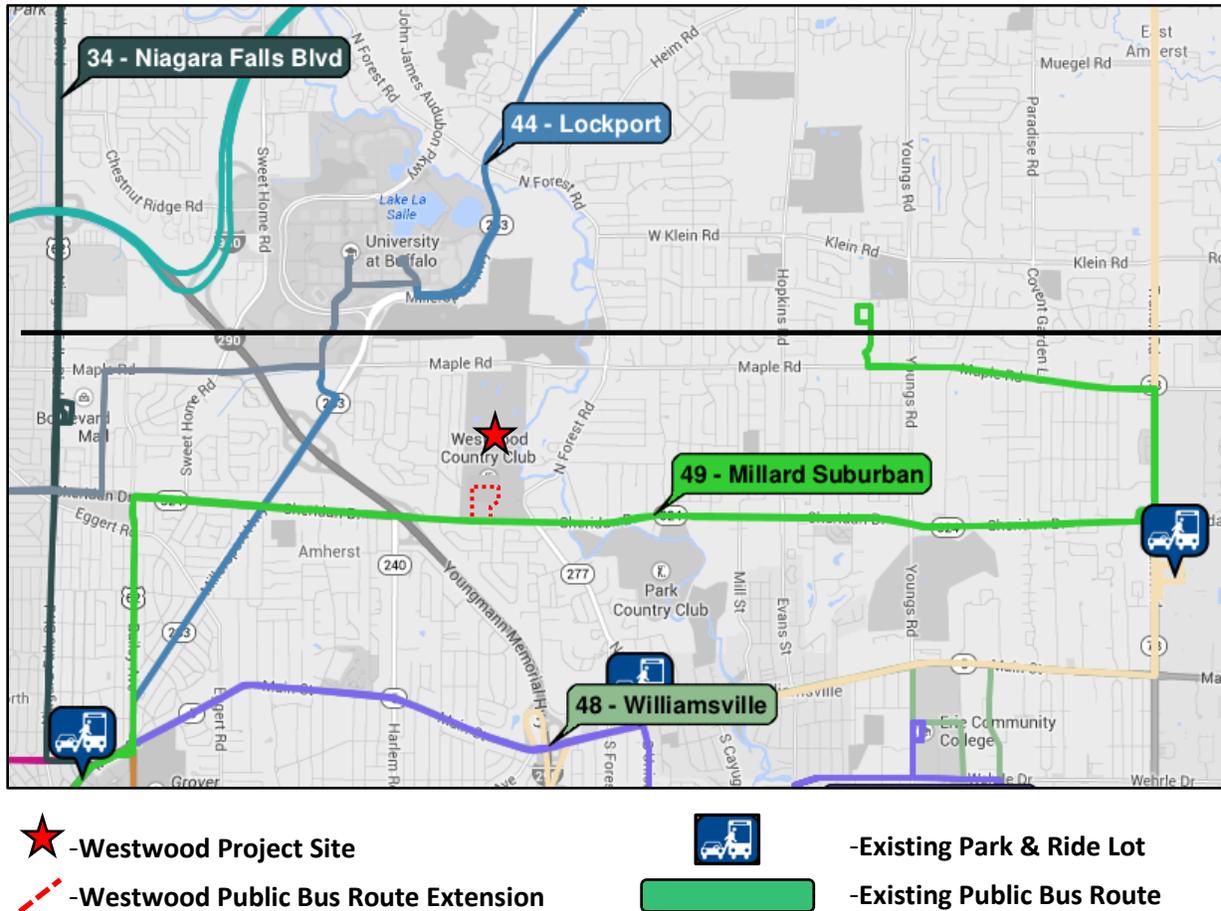
The Comprehensive Plan suggests the implementation of an ongoing program to identify and prioritize improvements to achieve a town-wide bicycle network. According to the Comprehensive Plan, the network should include both on-street bicycle lanes and off-street trails. Furthermore, the Comprehensive Plan directly speaks to requiring future development to provide connections to the town-wide pedestrian/bicycle network. The Project Sponsor has responded to this transportation objective by incorporating both on-street sidewalk networks and off-street trails within the Conceptual Plan for the mixed use project. In an effort to facilitate pedestrian and bicycle linkages to the surrounding community, the Project Sponsor has also identified the connection points from the Project Site to existing sidewalk and trail connections along North Forest Road, Sheridan Drive and Maple Road. Both on-street and off-street path systems have been designed as critical components of the Westwood neighborhood that are fully integrated throughout the Project Site and into the surrounding community.

- **Work with NFTA to improve transit service and provide connections to Activity Centers (Part 6-9):**

Public transit is a vital component of the Town's transportation system, both to reduce the number of vehicles on the road and to serve segments of the population who do not have access to private automobiles. Currently, the number of Town residents who choose to ride on the Niagara Frontier Transportation Authority's ("NFTA") Metro Bus system is increasing as a result of creating routes that access industrial parks within the Town. In the future, establishing more extensive and frequent service that connects to mixed use developments within the community

will increase the benefits and utility of public transit service. The Comprehensive Plan suggests encouraging a variety of activities in mixed use neighborhood centers featuring compact residential development within walking distance that will create nodes for transit service. The Project Sponsor recognizes the value that a public transit component can bring to the Westwood Neighborhood both in terms of limiting vehicular trips and increasing market potential for the neighborhood shops and business that will occupy the center. In an effort to facilitate that connection, the Project Sponsor has engaged in preliminary discussions with the NFTA concerning the extension of the existing Route #49-Millard Suburban public bus line into the Project Site. Please refer to Figure 4 on the following page titled Niagara Frontier Transportation Authority System Map for a depiction of the existing route line and possible extension to service the Westwood Neighborhood. Given the mix of activities and potential service users within the Neighborhood Center including the general residents, senior living residents, businesses and shops, hotel, Clubhouse event space, and recreational park spaces, the Project Sponsor is confident that a well utilized and vibrant transit stop can be incorporated into the Project.

FIGURE 4-
Niagara Frontier Transportation Authority System Map
Public Bus Route Lines



- **Implement “low-impact development” standards and techniques designed to reduce the quantity and improve the quality of stormwater runoff from development (Part 7-2):**

An alternative to conventional stormwater management that reduces development impacts on natural drainage systems is known as Low Impact Development (“LID”). The intent of this approach is to control stormwater runoff in a cost-effective and ecologically sound manner. It minimizes the disturbance to natural systems, reduces the coverage of impervious surfaces and infiltrates stormwater on site with the goal of retaining pre-development hydrologic conditions.

LID techniques include permeable pavement, bioretention areas (wetlands), and grass swales. Several street design strategies also can reduce the impact of development on stormwater flows. Center islands can be incorporated into cul-de-sacs and within right of ways to absorb stormwater runoff. Parking areas and driveways can be shared to limit total impervious surfaces. Setback standards for homes can be reduced to limit the extent and total surface area of onsite driveways. These strategies are all consistent with the pedestrian-oriented, compact development pattern that the Traditional Neighborhood Design Development (“TND”) zoning classification facilitates. The Project Sponsor specifically designed the Westwood neighborhood pursuant to the TND zoning classification for this reason and has incorporated every one of the LID strategies mentioned above into the site, program, circulation, and landscaping plans of the Westwood Neighborhood. For a complete description of these efforts and their incorporation into the neighborhood plan, please refer to the Westwood Design Standards (attached to this Rezoning Application as Exhibit “Q”).

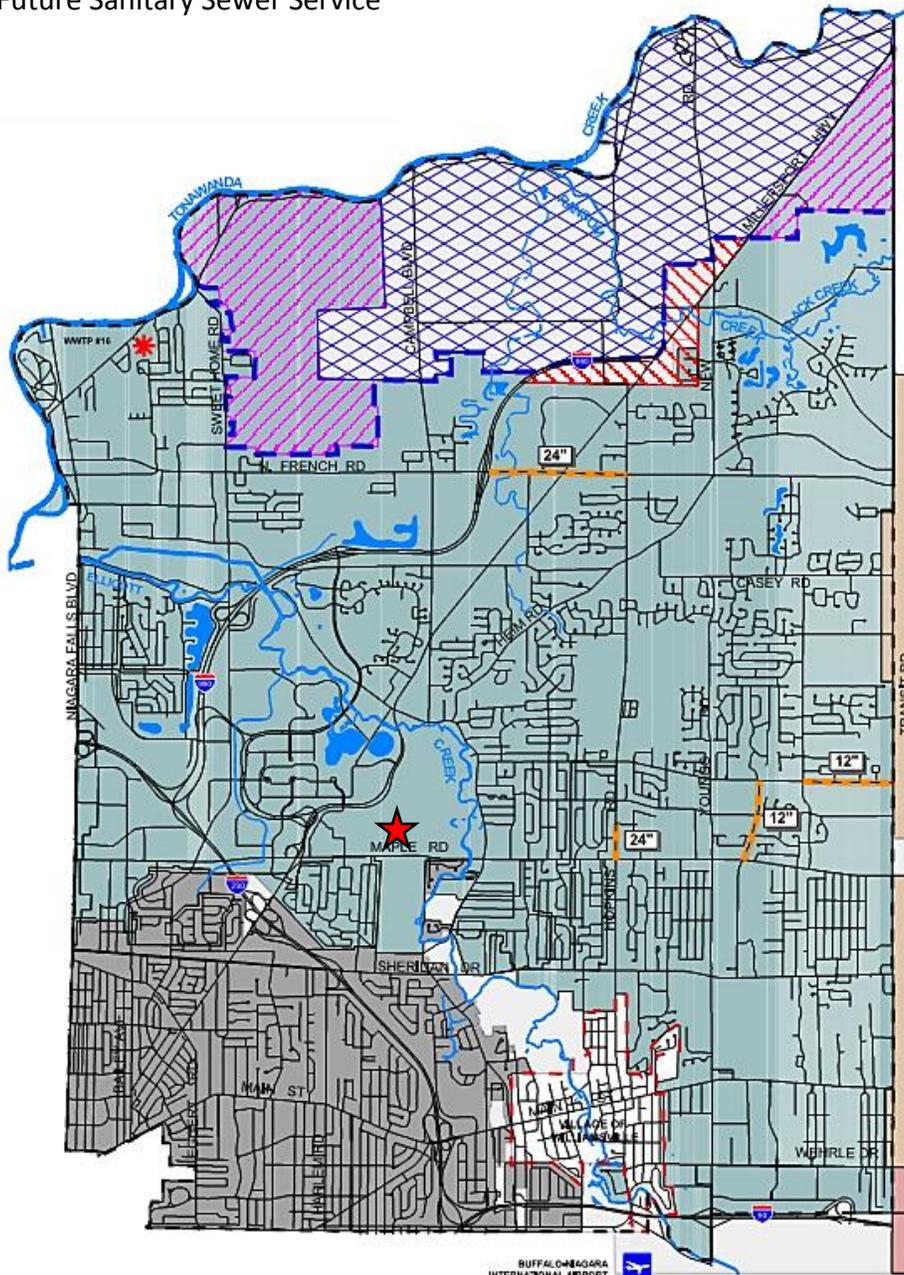
Conservation Development is another LID strategy. By maintaining substantial open space areas in natural cover, this approach maintains natural drainage patterns and reduces development impacts on stormwater runoff and water quality. In an effort to accommodate the Conservation Development design principle of the LID strategies and provide for substantial recreational opportunities at the Project Site, the Project Sponsor has designed the Westwood neighborhood to include approximately 64 acres of permanent open space which represents approximately 38% of the Project Site.

- **Give priority to repairs to existing infrastructure systems, rather than extensions to serve new greenfield development (Part 7-3):**

The Comprehensive Plan identifies that sanitary sewer capital programming should place priority on updating existing components of the system in order to meet existing and projected

demands. The lowest priority should be given to the extension of new lines to serve currently undeveloped areas. As an infill development project, sanitary sewer service to the Westwood Neighborhood can be provided with no public capital programming improvements or sanitary district expansions. The Project Sponsor utilized the services of Nussbaumer & Clarke, Inc. (“Nussbaumer”), a local multi-disciplined engineering and land surveying corporation, to perform a Preliminary Engineers Report (“Engineer’s Report”) concerning the preferred infrastructure routing and service options for sanitary sewer and potable water service to the Project Site. The findings of the Engineer’s Report show that the Project Site is located within the Town of Amherst’s Consolidated Sanitary Sewer District and has access to existing public infrastructure with sufficient capacity to service the Project. Please refer to Figure 5 on the following page titled Future Sanitary Sewer Service, for a depiction of the Westwood Project Site relative to existing sanitary sewer service districts. Sanitary sewer flows from the Westwood neighborhood are planned to be collected by new gravity sewers installed along Westwood Parkway, the central north-south roadway (planning, design, and construction of the new sanitary sewer lines will be at the sole expense of the Project Sponsor). Flows will be conveyed southerly to an existing 36 inch trunk sewer located on the north side of Sheridan Drive. Sewage flows will then be conveyed westerly along Sheridan Drive to the West Side Interceptor Sewer, which is tributary to the Amherst Peanut Line trunk sewer and ultimately to the Town of Amherst Wastewater Treatment Facility located on Tonawanda Creek Road. Ultimately, in terms of public infrastructure planning and funding, the Westwood Neighborhood presents an opportunity to realize additional tax revenue from existing public improvements without public capital programming and construction costs to facilitate and fund development extensions. This type of infill development approach is

FIGURE 5-
Town of Amherst Bicentennial Comprehensive Plan
Future Sanitary Sewer Service



| FUTURE SANITARY SEWER SERVICE | | | SOURCE NOTES : | |
|--|--|---|---|--|
| LEGEND | | | | |
| Existing Sanitary Sewer Districts | Future Sewer Sanitary Districts | Planned Interceptor Improvements | | |
| Amherst Sewer District No. 1 | Add Area to Amherst Sewer District No. 16 | 24" Interceptor Diameter Wastewater Treatment Plant | Original Source Data Provided by the Town of Amherst Engineering Department | |
| Erie County Sewer District No. 4 | Delete Area from Amherst District No. 16 | * Wastewater Treatment Plant | Map Compiled by URS Corporation | |
| Erie County Sewer District No. 5 | No Expansion of District 16 | - - - Municipal Boundary | Date: February, 2004 | |
| Amherst Sewer District No. 16 | No Expansion of District 16 Limit of Future Sanitary Service | - - - Village of Westwood Boundary | | |
| No Sewer District | | Surface Water Body | | |

-Westwood Project Site

exactly as recommended by the Comprehensive Plan.

F. Housing and Neighborhoods (Section 8):

Section 8 of the Comprehensive Plan is titled “Housing and Neighborhoods” and contains housing related goals, objectives and policies. The Town has a variety of neighborhoods and housing types reflecting the development of the Town through the 20th century. In recent decades, the predominant trend has been a conversion of open space and vacant lands into single-family homes, resulting in a more suburban setting throughout the Town compared to traditional neighborhoods within the community like Eggertsville, Snyder and Williamsville. The Comprehensive Plan takes into account the concern of largely suburban build out throughout the Town and suggests increasing availability of affordable housing to all socioeconomic groups, promoting a diverse housing stock with higher density focused around mixed use Activity Centers and implementing a coordinated program to conserve and revitalize the Town’s older neighborhoods as strategies for sustaining healthy and livable areas throughout the community.

- **Promote the development of a variety of housing types (Part 8-2):**

Approximately two-thirds of Town’s current housing stock consists of single-family detached homes, with the remainder comprised of a mix of duplexes, townhouses, apartments, and other living arrangements (e.g. dormitories and assisted living). National and local demographic trends will reinforce the need for a more diverse housing stock to accommodate groups such as the elderly, empty nesters and students. Housing diversity enhances affordability and, if properly managed, can contribute to neighborhood stability and character. The Comprehensive Plan states the following, “The Town should encourage the proportional development of diverse housing types and price levels, including single-family detached (at a variety of lot sizes), townhouse,

condominiums, apartments, and housing as part of mixed use developments.”²¹ The Westwood Neighborhood provides for every one of the housing types stated within the Comprehensive Plan in a mixed use setting and additionally offers a purpose built environment for both assisted care and independent living senior housing.

- **Encourage higher density residential uses in mixed use developments and other appropriate locations (Part 8-3):**

The following is a direct passage from the Comprehensive Plan regarding multi-family housing within the Town, “During the 1990s, approximately two-thirds of new housing constructed in Amherst consisted of multi-family housing, indicating a shift away from the historic pattern of predominantly single-family development. While this trend has generated concerns regarding the impacts of multi-family development on the single-family character of the Town, two major points should be noted. First, even if the current rate of multi-family development were to continue in the future, Amherst will remain a predominantly single-family community. In fact, current market conditions and the decreasing amount of available land make it unlikely that the current rate will continue. Second, if properly managed, higher density housing will contribute to achieving a number of Comprehensive Plan objectives. Examples include increasing housing diversity and affordability, decreasing automobile dependency, and reducing consumption of open space through more compact development patterns.”²²

The Comprehensive Plan provides specific recommendations for the development of multi-family housing in the community including incorporating housing as part of mixed use centers

²¹ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page 8-3)

²² Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page 8-4)

(e.g. apartments above ground floor retail or offices), providing housing next to commercial centers, and developing mixed use areas that are designed to integrate single-family with other housing types. Providing housing in conjunction with commercial and retail centers will also decrease automobile dependency. Incorporation into mixed use developments will help maintain and reinforce the character of established neighborhoods. Specifically, the Comprehensive Plan states “In some areas, redevelopment of obsolete commercial and other properties for multi-family use could contribute to neighborhood revitalization.”²³ The Project Sponsor carefully reviewed this section of the Comprehensive Plan and has designed the Westwood Neighborhood to directly address and satisfy the objectives and intent of the multi-family housing integration within mixed use developments strategy.

- **Establish standards for multi-family housing to promote high quality design and neighborhood compatibility (Part 8-5):**

The Comprehensive Plan recognizes that the location and development of higher density housing must be carefully managed to ensure it does not negatively affect the overall character of the Town’s existing neighborhoods. Equally important is the establishment of standards addressing the design and appearance of multi-family housing and its relationships to adjoining land uses. Toward that end, the Comprehensive Plan recommends the consideration of design standards that address the creation of multi-family housing via renovation or redevelopment of existing properties as well as new developments. The standards should address all forms of multi-family housing including apartments, townhouses, and mixed use developments. In an effort to address this recommendation of the Comprehensive Plan and to ensure the Westwood

²³ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page 8-4)

Neighborhood has consistent, high quality, and compatible community design throughout, the Project Sponsor utilized the services of Fontanese Folts Aubrecht Ernst, P.C., a local full service architecture firm, to develop the Westwood Design Standards. The Design Standards provide a framework for the desired characteristics for the development of the Westwood neighborhood. Specifically, Section IV of the Westwood Design Standards (titled “Neighborhood Character”) provides a by project component analysis of the different building types and land uses within the Westwood Neighborhood. For a complete description of the proposed design guidelines, please refer to the Westwood Design Standards (attached to this Rezoning Application as Exhibit “Q”).

G. Community Facilities and Services (Section 9):

Section 9 of the Comprehensive Plan is titled “Community Facilities and Services” and consists of an evaluation of existing community facilities as well as applicable goals, objectives and policies for community facilities. The Town has excellent community facilities and services that are consistently rated by residents as major contributors to the Town’s high quality of life. The Comprehensive Plan evaluated the existing community facilities and suggests certain strategies relative to the effects of population growth, shift in geographic focus as a function of growth and cost implications as a function of growth.

- **Part 9-1- Establish an ongoing system to identify and prioritize community facility and service needs (Part 9-1):**

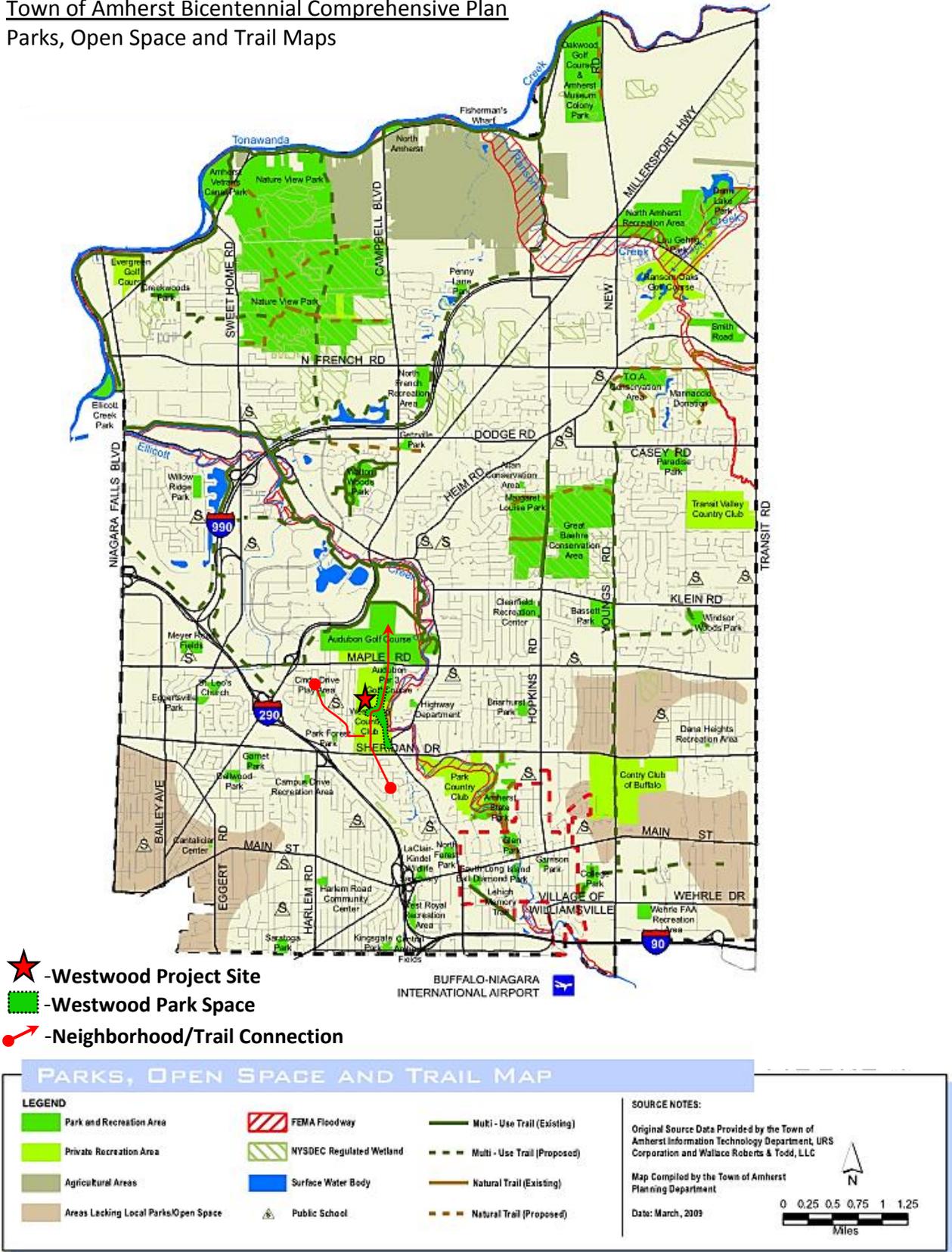
According to Section 9-1, a proactive approach is required if the Town is to maintain the high quality community facilities and services expected by residents at affordable costs. Systematic approaches for the allocation of community services is recommended by the Comprehensive Plan as a consideration for the on-going planning and programming activities of

Town departments. The Comprehensive Plan suggests that future planning for parks and recreational facilities strive to achieve the following:

- **Integrate parks and recreational facilities into an interconnected open space system of parklands, greenways and trails:**

Although the Town has made considerable progress in developing a system of off-road recreational trails, most existing parks are isolated from each other. The predominantly developed nature of most of the Town makes it more difficult to establish a truly connected system. The Comprehensive Plan suggests actively seeking opportunities to connect public parks and open spaces through pedestrian and bicycle trails, sidewalks, and lanes along streets. Given the geographical position of the Project Site, the Westwood Neighborhood provides a unique opportunity to provide adjacent neighborhoods and future residents of the mixed use project with the ability to connect through the site via off-road trails to the Town of Amherst Audubon Golf Courses. Please refer to Figure 6 on the following page titled Parks, Open Space and Trail Map for a depiction of the opportunity for additional park space and trail connectivity that the Westwood neighborhood provides. The Project will provide new park space within the neighborhood that will be fully integrated with connections to existing neighborhoods and recreational amenities through both on-street and off-street pedestrian and bike trail linkages.

FIGURE 6-
Town of Amherst Bicentennial Comprehensive Plan
Parks, Open Space and Trail Maps



- **Provide a more even distribution of parks and recreational facilities throughout the community:**

While the Town's existing supply of neighborhoods and community parkland (3.98 acres/1,000 residents) is only slightly lower than the standard established by the 2003 Recreation & Parks Master Plan (4.25 acres/1,000 residents), parkland is not evenly distributed throughout the Town.²⁵ In order to correct the parkland deficit between the existing and proposed standards, the Comprehensive Plan recommends that future planning activities seek to establish more neighborhood level park and recreational facilities in under-served areas. The Comprehensive Plan acknowledges that creative approaches will be necessary in the southern and central parts of the Town where availability is limited. One specific recommendation of the Comprehensive Plan to address these areas is to consider the evaluation of infill/redevelopment sites for potential acquisition and park development. The Comprehensive Plan also suggest that whenever vacant land is available for development, the community should consider the application of Conservation Development that will encourage the dedication of parkland and open space in new subdivisions and developments. As per the narrative and recommendations of the Comprehensive Plan, the Project Sponsor recognized the need for the creation of neighborhood level park space, especially within the central part of the Town where the availability of land is limited. In an effort to achieve a goal of the Comprehensive Plan, the Project Sponsor has provided programmed park spaces and open space throughout the Westwood Neighborhood that is integrated and connected to broader sidewalk, bike trail,

²⁵ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page 9-3)

and neighborhood circulation systems. The Project provides an opportunity for the Town to create additional park space capacity within the community and accomplish a goal of the Comprehensive Plan.

- **Identify opportunities to strategically locate certain facilities to strengthen neighborhoods and serve local needs (Part 9-3):**

In addition to meeting community needs for specific facilities and programs, community facilities provide centers of neighborhood and community activity. In this capacity, community facilities can play an important role in promoting Comprehensive Plan policies such as neighborhood revitalization and the establishment of mixed use developments. The Comprehensive Plan recommends that the Town pursue opportunities to increase the contributions of new facilities, such as neighborhood parks and youth/family centers, by locating them to both meet identified needs and serve as “anchors” that enhance neighborhood life. The Project Sponsor recognized this desire of the Comprehensive Plan and has designed the Westwood Neighborhood to take advantage of the synergies created through well placed and actively utilized community facilities. The proposed approximately 23 acre Westwood Park and the approximately 1.2 acre Clubhouse event space have been integrated into the Conceptual Master Plan so as to be central to the critical mass of neighborhood residents and also adjacent to the core of the neighborhood center. This strategic placement of both community facilities will create public areas of social engagement and recreation between a diverse mix of residents and visitors to the neighborhood. This site planning approach will contribute to sustaining the Westwood neighborhood as an active and vibrant mixed used development center.

- **Allow continued growth of the nonresidential tax base consistent with the Comprehensive (Land Use) Plan (Part 9-5):**

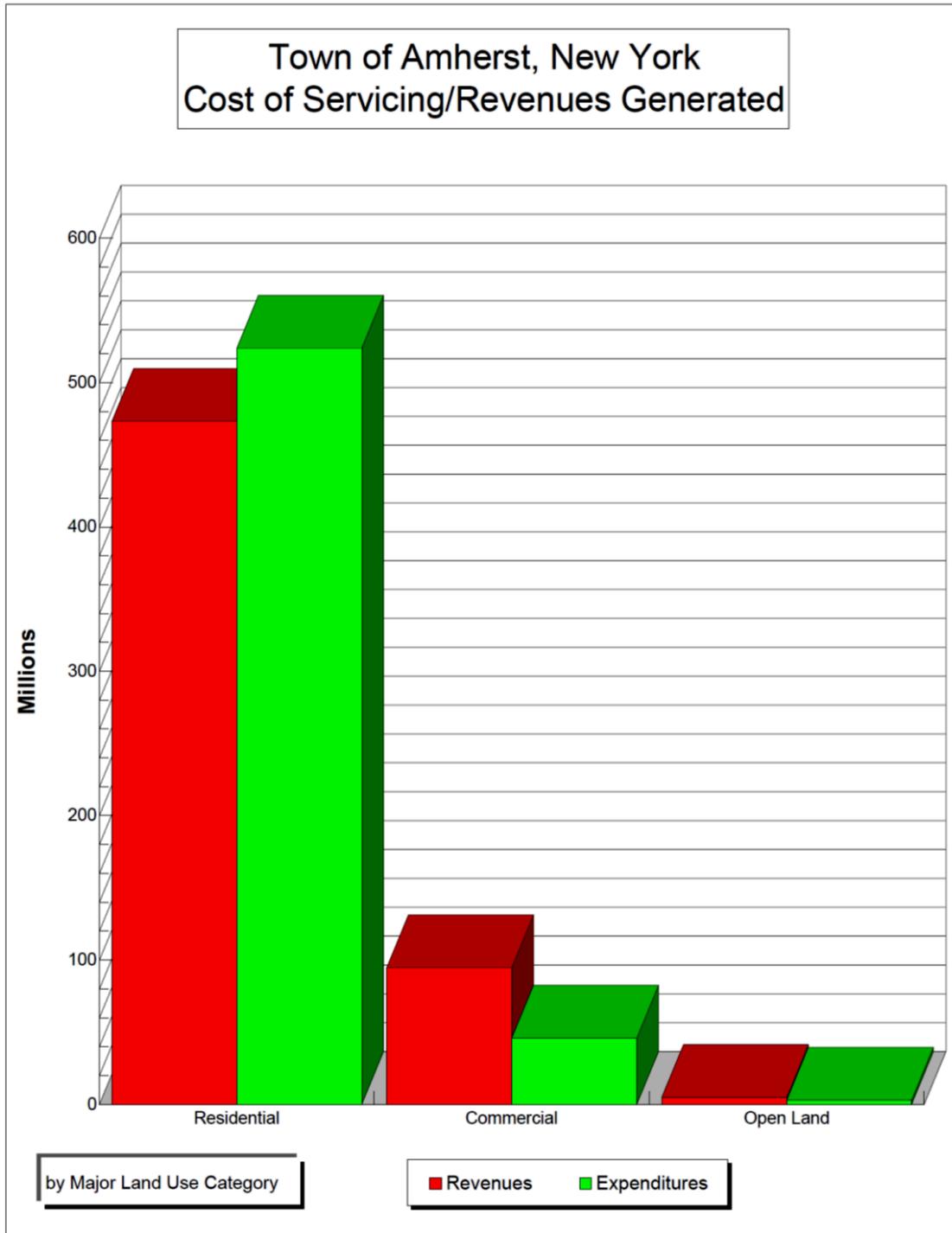
According to Section 9-5 of the Comprehensive Plan, continuing to provide high-quality community facilities and services to a growing population will have significant implications for the Town's fiscal situation. The Comprehensive Plan offers a variety of strategies to manage the future provision of community facilities and services in a cost-effective manner that allows the Town to maintain the high levels of service that residents expect. One example includes taking advantage of opportunities to grow the nonresidential tax base within the community. The Plan recognizes that Amherst's nonresidential (commercial retail, office and industrial) development partially subsidizes the costs of providing community facilities and services to residents. In December of 2006, the Amherst Industrial Development Agency ("AIDA") commissioned Fox & Company LLP, a local certified public accounting firm, to perform a Cost of Servicing/Revenues Generated Land Use Study ("Land Use Study"). The purpose of the Land Use Study was to quantify both the cost of providing local units of government services to major land use categories as well as the local units of government revenues attributable to major land use categories for taxable real property located within the Town of Amherst. The findings showed that the commercial land use category receives 8% of the total government expenditures, while providing 16% of the revenues. Conversely, residential properties receive 91% of the expenditures, while providing 83% of the revenues. Please refer to Figure 7 on the following page titled Town of Amherst, New York Cost of Servicing/Revenues Generated for a graphical depiction of the relationship between costs and revenues relative to commercial and residential development. As Figure 7 clearly identifies, responsible development must provide for a balanced pattern that includes a mixed use growth approach including residential and commercial development. The

additional revenues created through commercial development are necessary to offset the additional expenditures associated with residential development. The Report supports this position within the conclusion section by stating the following, “A balance of various land uses is needed within the community to ensure the quality of services remains, while increase in real property taxes are kept to a minimum.”²⁶

The Westwood neighborhood provides an opportunity for the community to realize infill development that is balanced and will expand a fiscally positive tax base for the Town. In an effort to ensure the Project was fiscally sound and would provide financially responsible development within the community, the Project Sponsor retained the services of the Center for Governmental Research (“CGR”) to perform a Fiscal Impact Analysis of the Westwood neighborhood. Based on a ten year projection of full build out revenues, their findings concluded that the Project is anticipated to provide for \$52 to \$63 million in additional property tax revenue, a figure that more than offsets the anticipated \$27 million increase in the cost of government services. The ten year projection additionally anticipates approximately \$15 million in increased sales tax revenue and \$10 million in additional State of New York income tax revenue.

²⁶ Town of Amherst Industrial Development Agency, Cost of Servicing/Revenues Generated Land Use Study, Fox & Company LLP, December 2006 (page 9).

FIGURE 7-
Town of Amherst Industrial Development Agency Land Use Study (December 2006)
 Cost of Servicing/Revenues Generated



H. Focal Planning Areas (Section 10):

Section 10 of the Comprehensive Plan is titled “Focal Planning Areas” and consists of an evaluation of six defined geographic areas in the Town that were selected for further analysis. The Comprehensive Plan includes a series of town-wide goals and policies designed to guide the Town of Amherst as it works to achieve the Comprehensive Plan Vision Statement. The examination of smaller geographic areas (referred to as “focal planning areas”) is provided in an effort to identify opportunities to apply the town-wide policies in more detail, with a particular emphasis on urban design. The Westwood Project Site is located in the University focal planning area that is discussed in Section 10.3 of the Comprehensive Plan.

- **The University Focal Planning Area (Section 10.3):**

The Project Site is located within the University at Buffalo North Campus Focal Planning Area. The key planning issues considered for this area are focused around the impacts of the ongoing expansion of the UB North Campus student population, need for coordination between the Town and UB on campus growth/edge issues, and the potential for research/economic development spin-off from UB activities. Section 10.3.2 of the Comprehensive Plan provides a Concept Plan and Strategies for new development and redevelopment of areas within the University Focal Planning Area. Specifically, the Comprehensive Plan includes the following strategy, “Enhance physical connections to the UB North Campus from surrounding neighborhoods by establishing a linkage or linkages across Ellicott Creek from North Forest Road.”²⁷ The Project provides an opportunity to provide a link in the physical trail connection for

²⁷ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page 10-16)

the adjacent neighborhoods through the Project Site and north toward UB.

III. Conclusion:

The Project Sponsor believes the Westwood Neighborhood represents an exciting opportunity to provide fiscally responsible development within the Town that is directly aligned with the Goals, Objectives, and Vision Statement of the adopted Comprehensive Plan. Prior to acquiring the Project Site and throughout the Westwood neighborhood plan development process, the Project Sponsor carefully reviewed and considered the Comprehensive Plan as a critical guiding document in shaping their efforts. It is the belief of the Project Sponsor that the Westwood Neighborhood is the embodiment of the Comprehensive Plan and its vision for the Town. That is, the realization of a community that is renowned for an exceptional quality of life that is derived from excellence in livability, community character, and shared direction.

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 and provide detailed suggested amendments.**

The Project Sponsor has carefully reviewed the adopted Comprehensive Plan and has designed the Westwood Neighborhood in conformance with the intent, objectives, and design principles as identified within the Comprehensive Plan. Therefore, the Project Sponsor believes the action of amending the Project Site zoning to accommodate the Westwood neighborhood will not require any amendments to the existing Comprehensive Plan. Contained within the Comprehensive Plan on page 61 is Figure 6 titled “Conceptual Land Use Plan”. The Project Site is identified as entirely Recreation, Open Space & Greenways. However, Section 3.3 Conceptual Land Use Plan describes the intention of the Conceptual Land Use Plan as a tool that “depicts a generalized future pattern of land use in the Town of Amherst.” Within this Section of the Comprehensive Plan, the following statement is made, “The Conceptual Land Plan is *neither a zoning map nor is it meant to show the existing or proposed use* of individual parcels of land. It is *not meant to dictate land use, nor is it meant to show any phasing or timing of development*. The Comprehensive Plan is intended to communicate the overall direction and concept of future development.”²⁸

As the description of the Conceptual Land Use Plan clearly identifies that Figure 6 is not intended to represent a literal interpretation of complete and actual future land use for the

²⁸ Town of Amherst Bicentennial Comprehensive Plan, Wallace Roberts & Todd, LLC, Amended February 2011 (page 3-28)

community, the designation of the Project Site on the Conceptual Land Use Plan does not result in the need for the Comprehensive Plan to be amended. It is also important to note that the Westwood Neighborhood has been designed to preserve approximately 38% of the Project Site as permanent open space within which an approximately 23 acre publicly accessible park area (“Westwood Park”) has been included as a significant component of the Project. As a result, the Project Sponsor will be preserving the intent of Figure 6 through providing Recreation, Open Space & Greenways in association with the development of the Westwood neighborhood.

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

The purpose of the Town of Amherst Zoning Ordinance (“Zoning Code”) and the intent of the legislative authority in its adoption is to promote the environment of the Town and its public health, safety, convenience, comfort, prosperity and the general welfare by regulating the use of buildings, other structures and land for residences, open space, public facilities, business, services, industry or other purposes; by regulating and restricting the bulk, height, design, building coverage and location of structures; by regulating and limiting population density; and, for the aforesaid purposes, to divide the land within the limits of the Town into districts of such number and dimensions generally consistent with the policies of the Comprehensive Plan and to provide procedures for the administration and amendment of said Zoning Ordinance.

The following is a summary and analysis of how the Project Sponsor has designed the Westwood Neighborhood and associated Rezoning Application to address the general intent and objectives of the Town of Amherst Zoning Code.

Section 1-2 of the Zoning Code is titled “Purpose” and states that the Zoning Code is intended to achieve, among others, the following objectives:

A. To protect the character and values of residential, institutional and public uses, business, commercial and manufacturing uses and to insure their orderly and beneficial development;

The consideration of existing community character when planning new land development is a critical concern to ensure compatibility and harmony between land uses. The Project Sponsor engaged in a thorough review and assessment of the Project Site and adjacent land uses prior to planning a redevelopment strategy for the Project Site. This

assessment revealed that the land uses surrounding the Project Site largely consisted of single family residential uses (e.g. the Fairways Boulevard, Sandhurst Lane, and Morgan Parkway neighborhoods) and community facility uses (e.g. The Town of Amherst Audubon 18 hole and 3-hole golf courses, The Town of Amherst Engineering and Highway Department, and the Town of Amherst Northtown Recreational Center). In consideration of the surrounding land uses, the Project Sponsor selected a mixed use redevelopment strategy featuring a neighborhood center as the preferred approach for the Project Site. Specifically, the majority of the site will be rezoned Traditional Neighborhood Development District (“TND”). The TND zoning district is intended to provide for new development of fully integrated, mixed use, pedestrian-oriented neighborhoods that encourage walkability and minimize traffic congestion, sprawl, infrastructure costs and environmental degradation. The proposed redevelopment strategy will provide for a mix of housing options and a neighborhood center that is complimentary and accessible to the surrounding residents. The Project Sponsor has intentionally designed the site at a scale that is cognizant and respectful of the surrounding residential character.

B. To provide adequate open spaces for light, air and outdoor uses to include public, common and private open space areas;

The Project Sponsor has filed a Rezoning Application for a site that is larger than 30 acres and as such the proposed mixed use project will be subject to the Planned Unit Development Process (“PUD”) per the standards contained in Section 6-9 of the Zoning Code. The PUD review process is designed to permit coordinated developments that allow flexibility to respond to market demands and the needs of tenants. The PUD process is

required for development or redevelopment of a portion of any lot measuring 30 acres in size or larger. The PUD regulations identify standard Development Standards (Section 6-9-3) that include particular regulations for the inclusion of open space. Specifically, “in any PUD a minimum of 25 percent of the total land area, less the amount used exclusively for nonresidential purposes, must be in open space”²⁹ While the Project Sponsor recognized the need to provide a minimum of 25 percent open space throughout the Project Site, in an effort to ensure ample opportunities for recreational uses and park amenities exist throughout the Project, the Project Sponsor has designed the Westwood neighborhood to feature a total of approximately 64 acres of open space (38% of the Project Site). While approximately 23 acres of this open space has been consolidated in a central park that features an approximately 5 acre lake, the remaining 41 acres of open space within the Project has been dispersed throughout the Westwood Neighborhood to ensure all residents and visitors will have sufficient access to recreational opportunities and open space. Additionally, the design of the mixed use project includes a programmed bike path network that will be integrated into the existing recreational paths and sidewalk network.

C. To prevent overcrowding of the land;

The Project Sponsor is seeking to rezone a majority of the Project Site to Traditional Neighborhood Development District (“TND”), a Special Purpose zoning district that is designed to encourage walkability and minimize traffic congestion and sprawl. In an effort to prevent overcrowding associated with new land development, the TND zoning designation provides for a maximum residential unit density of ten (10) units per acre. The

²⁹ See Section 6-9-3E)(3)(a) of the Zoning Code.

Project Sponsor has intentionally designed the Westwood Neighborhood with an overall residential unit density of approximately six (6) units per acre. This relatively low density development approach has allowed the Project Sponsor to utilize the TND zoning regulations to design a mixed use neighborhood that preserves approximately 64 acres of open space (38% of the site area). In addition, the mixed use development approach allows for shared parking and lessens overall vehicular trips associated with the Project; providing for less surface parking and reduced overall traffic volume.

D. To prevent excessive concentration of population and to prevent sparse and uncoordinated development;

The Project Sponsor carefully examined the surrounding land uses and development patterns at the Project Site prior to submitting this Rezoning Application. The analysis revealed an existing land use pattern that was focused around single family residential development and community facilities. In an effort to avoid new development that would further concentrate single family housing in the vicinity of the Project Site without providing for complimentary commercial development, the Project Sponsor is proposing TND zoning that will provide a mixed use neighborhood center for the existing residents and new users associated with the Westwood Neighborhood. Furthermore, the Project Sponsor has carefully reviewed the adopted Comprehensive Plan to ensure that the Westwood Project is compatible and coordinated with the long term planning efforts and land use strategies within the community (please refer to Section A.1. of this Exhibit for a further explanation).

E. To regulate and control the location and spacing of buildings on the lot and in relation to the surrounding property generally consistent with the policies of the Comprehensive Plan;

The Project Sponsor has carefully reviewed the adopted Comprehensive Plan to ensure the proposed mixed use project is meeting the intent and policies of the Comprehensive Plan (Please refer to Section A.1. of this Exhibit for a further explanation). Specifically, the Westwood Neighborhood has been designed to concentrate neighborhood center buildings within the core of the Project Site, positioned along the primary north/south spine road. This development configuration has provided the Project Sponsor with an opportunity to provide a minimum of 100 foot permanent open space buffers on those portions of the Project Site that are directly contiguous to adjacent existing residential development and concentrate higher density uses within the center of the Project Site. Through focusing and carefully positioning the neighborhood center, the Project maximizes pedestrian networks and minimizes traffic congestion. Additionally, the Comprehensive Plan suggests the placement of new development neighborhood centers approximately one mile apart from any existing centers. The Project Sponsor has requested TND zoning as the Project Site is currently greater than the recommended minimum one (1) mile proximity from any existing neighborhood center.

F. To protect persons and property from damage and injury due to fire or flood;

The requested rezoning designations include specific provisions for Flood Hazard Reduction (Zoning Code, Section 7-7) and Bulk Storage of Combustible or Flammable Liquids (Zoning Code, Section 7-10). The Project will be subject to the regulations and requirements as stated within the Zoning Code as it relates to those items. In addition, any

future building construction at the site will be subject to the Town of Amherst Building Construction Administration regulations and process (Town Code, Chapter 83). The Building Construction Administration Code includes specific provisions for fire resistant construction and inspections by certified officials prior to the issuance of a certificate of occupancy for new structures. In terms of site access and circulation for fire apparatus, any future development at the site will be subject to the regulations within the Town of Amherst Fire Apparatus Access Road Requirements (Zoning Code, Section 7-6-7). The Project Sponsor has designed the Westwood Neighborhood in conformance with the fire apparatus and access road requirements.

Additionally, while the Project Site includes land within a designated Floodway and the 100 Year Floodplain, the Westwood Neighborhood does not include any development or construction within the Floodway and development in the 100 Year Floodplain will be subject to a stringent review process. Construction within the 100 Year Floodplain will be subject to the regulations of the Town of Amherst Building Construction Administration Code and Flood Hazard Reduction Code as well as review and approval by the Federal Emergency Management Agency (“FEMA”)

G. To preserve and protect significant natural features and vegetation, thereby preventing ecological damage and visual blight which occur when those features or vegetation are eliminated or substantially altered to serve development purposes only;

The Project Sponsor has intentionally designed the Westwood Neighborhood to preserve approximately 64 acres (38% of the site area) of open space throughout the Project Site. Furthermore, as the Project Site was previously utilized as an 18 hole golf course that occupied all available acreage, the property has a limited amount of significant natural

features and vegetation. The Project Sponsor utilized the services of Earth Dimensions, Inc. (“EDI”), a soils investigation and environmental consulting firm, to prepare a Wetland Delineation Report (“Wetland Report”). The Wetland Report revealed a total of 11 wetland areas scattered throughout the 170 acre Project Site totaling approximately 7.4 acres (4% of the site area). With the exception of the Ellicott Creek corridor, none of the wetlands on the Project Site are subject to the jurisdiction of either the USACE or the New York State Department of Environmental Conservation (“NYSDEC”). The Westwood Neighborhood has been designed to preserve approximately 44% (3.24 acres) of the approximately 7.4 acres of existing wetland areas; resulting in the filling or removal of approximately 4.16 acres of non-jurisdictional wetland areas (2% of the site area).

However, ultimately, on a long term basis the Westwood Neighborhood will result in a net benefit to wetlands resources by preserving and creating a total of approximately 9.94 acres of wetland area (a net 34% increase in wetland area). Furthermore, the Project provides for the establishment of an approximately 23 acre park concentrated along the Ellicott Creek corridor within the Project Site. The publicly accessible park area will provide public access to this natural resource which is currently only accessible on the Project Site by the membership of the Westwood Country Club. Ultimately, the proposed mixed use project will facilitate land development that increases existing wetland resources and expands the accessibility of public recreational space opportunities.

H. To assure that structure and land use arrangements are aesthetically harmonious with nearby areas and structures;

Please refer to Letter E above.

I. To regulate the location of buildings and intensity of uses in relation to streets according to plans so as to cause the least interference with and be damaged least by traffic movements and hence result in lessened street congestion and improved public safety;

The purpose of the TND zoning district is to provide for new development of fully integrated, mixed use, pedestrian oriented neighborhoods that encourage walkability and minimize traffic congestion. The Westwood Neighborhood has been designed to meet this intent by concentrating density within the neighborhood center along interconnected blocks that are small and pedestrian accessible. The Project Sponsor utilized the services of SRF & Associates (“SRF”), a professional traffic engineering and transportation planning consultant firm, to prepare a Traffic Impact Study (“TIS”) for the purpose of evaluating potential traffic impacts associated with the Project. The TIS confirmed that mixed use developments provide for better traffic management and lessened vehicular trip generations as trips can be made within a single Project Site without engaging the off-site road system. This capture of trips internal to the site has the net effect of reducing vehicle trip generation between the overall development site and the external street system (as compared to the total number of trips generated by one dimensional land development projects). Following a thorough review of the proposed site plan and associated vehicular trip generation as per the methods prescribed within the Institute of Traffic Engineers (“ITE”) Trip Generation Handbook, SRF anticipates that the layout of the proposed mixed use project and density pattern will result in an overall trip generation reduction of 8% and 36% during the AM and PM peak hours, respectively. Ultimately, this reduction in overall vehicular trip generation through the basis of mixed use neighborhood design will lessen street congestion and provide for a safer, more accommodating pedestrian experience. The

Westwood Project has been designed to provide for a focused neighborhood center that provides internal pathways and sidewalks between uses. This approach prioritizes the pedestrian and can further reduce vehicular trips by providing multimodal transportation options such as walking, biking, and public transport.

J. To establish zoning patterns that insure economical extensions for sewers, water supply, waste disposal and other public utilities, as well as development of recreation, schools and other public facilities;

The Project Sponsor has retained the services of multiple professional engineering, transportation, and public utility design experts to preliminarily assess the anticipated public utility needs of the Westwood Neighborhood. In addition, an analysis of existing public utilities capacity has been performed. The results have shown that the sufficient capacity exists within the existing public sanitary sewer, storm sewer, and potable water systems. For further information regarding individual system districts and capacity analysis, please refer to Section B of this Exhibit.

Within a one (1) mile proximity of the Project Site, there currently exists a concentrated pattern of public recreational facilities including The Town of Amherst Audubon 18 hole and 3-hole golf courses, Northtown Recreational Center and the Ellicott Creek Trailway Bike Path. The Westwood Neighborhood has been designed to provide additional recreational opportunities for current and new residents by designating approximately 38% of the site area (64 acres total) to open space including an approximately 23 acre park area (“Westwood Park”) featuring an approximately 5 acre lake. The Project will also provide for the connection and extension of existing sidewalks and recreational trails into and throughout the Project Site.

In terms of existing capacity within the Williamsville Central School District (“WCSD”), the Project Sponsor retained the services of the Center for Governmental Research (“CGR”) to perform a Fiscal Impact Analysis (“Analysis”) of the Project. Based on the projections as identified within their Analysis, CGR anticipates the Project will bring an additional 270 students to the WCSD. The Project Sponsor has previously met with the WCSD administration and has confirmed that the District does not anticipate capacity concerns with the projected increase in school age children. The District will be an Interested Agency during the coordinated environmental review of the Project pursuant to the State Environmental Quality Review Act (“SEQRA”) and as such will have the opportunity to provide its input.

K. To guide the future development of the town so as to bring about the gradual conformity of land, structures and uses generally consistent with the policies of the Comprehensive Plan;

Please refer to Section A.1 above within this Exhibit.

L. To accomplish the specific intents and goals set forth in the introduction to the respective sections;

In association with the proposed mixed use project, the Project Sponsor has requested three rezoning classifications for portions of the Project Site. The following is a basic description of the rezoning request and analysis of the manner by which the Project has been designed to accomplish the specific intents and goals of the respective zoning designations:

a. Traditional Neighborhood Development District (TND) - 131.71 acres:

The purpose of the TND zoning district as stated in Section 5-6-1 of the Zoning Code is “To provide for new, greenfield development of fully integrated, mixed

use, pedestrian oriented neighborhoods that encourage walkability and minimize traffic congestion, sprawl, infrastructure costs and environmental degradation.” The Project Sponsor has designed the Westwood Neighborhood in a manner consistent with this intent by proposing a 170 acre mixed use project with diversified housing types, neighborhood shops and services, hospitality development, and varying office space environments. The Project Sponsor specifically acquired the Project Site because of its particular attributes in terms of size, availability, location, proximity to well established transportation corridors (e.g., Maple Road, Sheridan Drive, I-290), proximity to major regional employment and recreational resources (e.g. UB North Campus, Audubon 18 Hole Golf Course, Ellicott Creek recreational bike path) and lack of significant environmental resources (e.g. no federal or state jurisdictional wetlands, no protected cultural resources, no threatened/endangered species or habitat). It is these locational and physical attributes that position the property to meet the intent and fully address the objectives of the TND zoning district.

b. Multifamily Residential District Seven (MFR-7) - 13.59 acres: The purpose of the MFR-7 zoning district as stated in Section 3-13-1 of the Zoning Code is “To provide areas within the Town for high-density development of adult care facilities, such as senior housing, nursing homes, intermediate care facilities, and single-family detached dwellings not on individual lots.” The Project Sponsor has designed the Westwood Neighborhood to meet this intent by including a consolidated Senior Living component that will include 200 Assisted Living units

and 96 Independent Living units. The intent is to master plan a facility that will provide services to all inhabitants and take advantage of the sense of community and activity that is offered by being sited within the overall Westwood Neighborhood. The inclusion of a purpose built senior living facility is mutually beneficial for the Westwood Neighborhood as it further diversifies the housing and resident types while supporting the neighborhood shops, businesses, and services that are available to all residents. Positioning the MFR-7 zoning within the mixed use Westwood project furthers a goal of the Comprehensive Plan by “promoting a diverse housing stock, with higher density housing focused on mixed use Activity Centers.” The Westwood Neighborhood will provide senior residents with adjacent services and amenities that are easily accessible and support a healthy and active lifestyle.

c. General Business District (GB) - 1.4 acres: The purpose of the GB zoning district as stated in Section 4-4-1 of the Zoning Code, is “To provide community centers within existing and proposed commercial nodes and mixed use Activity Centers for the location of commercial uses which serve a larger market area than a neighborhood center, as articulated in the Comprehensive Plan, and provide for community-wide needs for general goods and services and comparison shopping. Such uses require larger land areas, generate large volumes of traffic and may generate large amounts of evening activity.” The Project Sponsor has designed the Westwood Neighborhood to meet this intent by following the purpose statement exactly as stated and proposing a focused portion of GB zoning within the core of

the Westwood TND mixed use neighborhood center. In recognition of the potentially negative impacts associated with large volumes of traffic and evening activities that can take place with certain uses permitted in the GB zoning district, the Project Sponsor has specifically limited the GB rezoning request to only 1.4 acres (less than one percent of the Project Site acreage) in consideration of a four-story hotel that is planned to be positioned in the core of the Neighborhood Center. By carefully positioning and limiting the GB zoned land, the Project Sponsor has met the intent of this zoning designation while still maintaining the priority of safely managing pedestrian movement within the overall Neighborhood Center.

M. To protect the community from visual pollution resulting from the unregulated use of signs and other advertising devices.

As the Westwood Neighborhood and associated Rezoning Application concerns the review and rezoning of a proposal greater than 30 acres in size, both will be subject to the Planned Unit Development Process (“PUD”). The purpose of the PUD review process as stated within Section 6-9-1 of the Zoning Code is to “Permit coordinated developments that allow flexibility to respond to market demands and the needs of tenants.” The PUD process incorporates standardized use regulations and development standards that must be applied to the review and performance of the project or rezoning application being considered. Specifically, Section 6-9-3(G) of the PUD process includes specific performance and construction standards for signage. This section clearly identifies limitations relative to the design, number, and positioning of signage throughout the development. In an effort to address the PUD regulations and provide a standardized approach to future development at the site, the Project Sponsor has drafted a document

entitled Westwood Design Standards (attached to this Rezoning Application as Exhibit “Q”). Section IX of the Westwood Design Standards is titled “Signage: and includes specifications for signage at the Project Site and throughout development of the Westwood Neighborhood.

Furthermore, while the PUD process provides the Town Board with an opportunity to place specific restrictions on the Project Sponsor relative to site signage, the Project Site will also be subject to the signage standards as identified within Section 7-8. Sign Regulations of the Zoning Code. It is the intention of the Project Sponsor to provide for signage that is non-obtrusive to the general character of the mixed use neighborhood center.

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

1. Sanitary Sewer: The Project Site is located wholly within the Town of Amherst's Consolidated Sanitary Sewer District. Sanitary sewer flows from the proposed mixed use project will be collected by new gravity sewers installed at the expense of the Project Sponsor along the primary north/south spine road that will service the Project. Flows will be conveyed southerly to an existing 36 inch trunk sewer located along the north side of Sheridan Drive. Sewage flows will be conveyed westerly along Sheridan Drive to the West Side Interceptor Sewer, which is tributary to the Amherst Peanut Line Sewer and ultimately to the Town of Amherst Wastewater Treatment Facility located on Tonawanda Creek Road. The Project Sponsor utilized the services of Nussbaumer & Clarke, Inc. ("Nussbaumer"), a multi-disciplined engineering and land surveying corporation, to develop a preliminary downstream capacity analysis and sewer routing plan that will be subject to the review and approval of the Town of Amherst and New York State Department of Environmental Conservation ("NYSDEC").

The Project Sponsor utilized the services of TECsmith, Inc., a local water and wastewater monitoring company, to install flow monitoring equipment at specified sanitary sewer manhole locations to evaluate the existing condition and capacity of the adjacent sanitary sewer system. The flow monitoring data results have shown that during typical dry weather operating periods there is sufficient downstream sanitary sewer capacity to service the projected sanitary flows for the

mixed use neighborhood. However, the testing also revealed that during storm events that generate greater than a half inch of daily rainfall, there is a surcharge within the downstream sanitary system.

The issues related to downstream sanitary system constraints during storm events can be managed via the implementation of specific mitigation measures that have been developed with coordination between the Town of Amherst Engineering Department, New York State Department of Environmental Conservation (“NYSDEC”) and Environmental Protection Agency (“EPA”). Specifically, amendments have been made to Part 750 of the New York State Environmental Conservation Law requiring that new sewer connections for projects that will convey 2,500 gallons per day or more of residential sewage are made subject to mandatory I&I flow offset requirements. Complete details regarding the I&I flow offset requirements for Erie County can be found within Section 6.12.1 of the Draft Generic Environmental Impact Statement for the proposed Westwood Neighborhood.

2. Storm Sewer/Drainage: The Project Sponsor utilized the services of Professional Civil Engineering LLC (“PCE”), a civil engineering and drainage analysis firm, to develop a Preliminary Stormwater Management Plan and Drainage Analysis for the Westwood neighborhood. According to the findings of PCE, the proposed system of stormwater management ponds and the new 5 acre primary detention lake will provide sufficient stormwater quantity control that will limit discharge from the Project Site to rates that are equal to or less than pre-

development rates. Additionally, the site is directly adjacent to and borders Ellicott Creek, a primary stormwater discharge channel that will provide an alleviation point for stormwater flows off the site. Ultimately, the finalized stormwater management system for the Project Site will be designed and constructed in accordance with NYSDEC and the United States Environmental Protection Agency (“USEPA”) requirements, as well as pursuant to the New York State Stormwater Management Design Manual.

3. Water: The Erie County Water Authority (“ECWA”) currently supplies potable water to the Town of Amherst under the terms and conditions of a Lease Management Agreement. The ECWA would also operate and maintain the new Westwood neighborhood waterlines under the terms of the existing Agreement, which would be installed at the cost of the Project Sponsor. The existing water source for the Project consists of an 8 inch watermain located on the south side of Maple Road as well as a 16 inch watermain located along Sheridan Drive. Each of these watermains would be tapped and interconnected throughout the Project Site. The Project Sponsor has utilized the services of Nussbaumer to develop a preliminary water service routing and pressure analysis report. The report has revealed that sufficient water capacity and pressures are present within the existing potable water supply network to service the Project.

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

The Project Site is currently zoned Recreation Conservation District (“RC”) and the majority of surrounding uses include single family residential development. The proposed rezoning of portions of the Project Site to accommodate the Westwood Neighborhood would allow for the development of a mixed use neighborhood center that is compatible with the scale, density, and character of the surrounding community. The Project will provide for complimentary development that has been designed in accordance with the principles of the Comprehensive Plan.

D. Suitability of the Project Site for uses permitted by the current versus the proposed district:

The Project Site is currently zoned Recreation Conservation District (“RC District”), a zoning designation intended to provide for public, private and civic uses related to recreation. The RC zoning district provides for very limited use of property outside of recreational pursuits and as such residential, commercial and industrial land uses are not permitted. Therefore, the RC District would not provide the Project Sponsor with any opportunity to develop a mixed use neighborhood center development that incorporates the Project Site’s attributes including size, location, proximity to major education and employment centers, and lack of significant environmental resources.

In terms of the current utilization of the property, the Project Site consists of a vacant brownfield that was previously operated as a private 18 hole golf course and country club. While the physical characteristics and setting of the Project Site are suitable for the operation of a golf course and private country club, competing facilities in close proximity and the recent discovery of arsenic based contamination within Project Site soils makes the Project Site unsuitable for use as a golf course.

In terms of competing golf course and country club facilities in close proximity to the Project Site, multiple locations that are managed both publicly and privately have historically challenged the economic feasibility of the Project Site as a private golf course and country club. The Project Sponsor acquired the Project Site in March of 2012, an opportunity that became available because the previous Club ownership was facing systemic financial issues and struggling to maintain a solvent enterprise for over a decade. The option of selling the Westwood site provided the previous ownership with an

opportunity to stabilize their situation and avoid more expansive financial concerns to include potential bankruptcy. Upon acquiring the Project Site and as required by the sale contract agreement, the Project Sponsor worked with a management group to sustain Club operations at the site in an effort to satisfy certain existing contingent liabilities. However, this obligation was short term only and the Project Sponsor was eventually unable to sustain the excessive operating and lease subsidies that were necessary to sustain the golf course and clubhouse operations at the Project Site. A reasonable rate of return on investment for the Project Sponsor and realization of full tax potential for the Town cannot be facilitated through utilization of the site in accordance with the current RC zoning designation. This condition has arisen as a function of competing service providers within the existing market, both public and private. The Project Site is directly adjacent to the Town of Amherst Public Audubon 18-hole Golf Course and Public Audubon 3-hole Golf Course. Additionally, the Project Site is within one mile proximity of the private Park Country Club and golf course, and a five mile proximity of the private Country Club of Buffalo and golf course, Transit Valley Country Club and golf course, and Glen Oak Country Club and golf course.

The operation of the Project Site as a private golf course country club is not only constrained by proven local fiscal challenges; in addition, both private and public clubs across the country are facing serious concerns with sustaining membership due to a shift in demographic bases, standards of living, and societal needs and wants. The National Golf Course Owners Association (“NGCOA”) was established in Charleston, South Carolina in 1979 and is considered the leading authority on the business of golf course ownership and

management.³⁰ The not-profit organization is the only trade association dedicated exclusively to golf course owners and operators. The NGCOA is considered a valuable resource of information and education for the industry. The NGCOA hosts an annual conference that is nationally recognized as the largest gathering of the industry at a single event. The conference showcases thought leadership for golf course owners and operators looking to increase efficiencies and profits while enhancing the experience they offer their members.

The conference features a number of trade related companies and presenters that speak to current issues facing the industry. One such company, the McMahon Group, was present for the 2013 annual conference and provided a seminar on the membership challenges facing private and semi-private clubs in today's market. The McMahon Group is a full service, private club consulting firm dedicated to serving clubs in all aspects of their planning, clubhouse, golf and membership needs.³¹ William McMahon, Sr. ("McMahon"), the founder of the McMahon Group and member of the American Institute of Architects as well as the National Club Association presented at the 2013 annual conference on the behalf of the McMahon Group. The presentation clearly established that the number of private clubs within the country has been facing a serious decline throughout the past 20 years with a 16% decrease between 1990 and 2010 and an additional 10%

³⁰ National Golf Course Owners Association webpage, About Us, <http://www.ngcoa.org/pageview.asp?doc=1616>. 2013.

³¹ McMahon Group webpage, About Us, <http://www.mcmahongroup.com/club/scripts/public/public.asp?GRP=15150&NS=PUBLIC>. 2014.

reduction anticipated between 2010 and 2020.³² This data suggests that the total numbers of private clubs will likely realize a nearly 30% reduction in the time period between 1990 and 2020. The question for existing club owners is why this loss of membership enrollment and lack of interest in clubs is becoming increasingly more common.

McMahon suggests that challenges for private clubs are not simply a function of cyclical economic trends related to the recent Great Recession, as these concerns and decreasing membership rates were documented long before that period. Instead, McMahon suggests that the aging of baby boomers, changing lifestyles, lack of corporate support for memberships, competition amongst clubs, changing standard of living, and loss of disposable income have all contributed to lessening interest for and ultimately the loss of private clubs throughout the country.³³ These cyclical, secular, and general cultural trends have created a systemic concern for private country clubs nationally and will continue to forecast serious financial challenges for their operation.

This bleak forecast is confirmed by Steven Ekovich (“Ekovich”), vice president for investments at Marcus & Millichap’s National Golf & Resort Group, the only national brokerage firm strictly specializing in golf & resort brokerage services in the United States.³⁴ Ekovich noted that club owners should not consider the consistent rate of club closings over the years as a sign that lessening supply and stable demand will ultimately create resurgence in market performance. According to Ekovich in a recent article

³² McMahon Group Presentation, Membership Challenges- Private & Semi-Private Clubs, William P. McMahon, September 24, 2012. Page 2.

³³ McMahon Group Presentation, Membership Challenges- Private & Semi-Private Clubs, William P. McMahon, September 24, 2012. Page 4.

³⁴ Marcus & Millichap National Golf & Resort Properties Group webpage, About M&M, <http://www.nationalgolfgroup.com/aboutmandm.html>. 2014.

published in Golf Business magazine in June of 2014, “Closures should remain over 100 courses per year in the foreseeable future.”³⁵

While both local competition and national trends have challenged the economic viability of the operation of a golf course and country club as permitted by the existing RC zoning, the recently discovered underlying environmental concerns have only further exacerbated these challenges. The Project Site is currently vacant and has been designated as a brownfield as per the New York State Department of Environmental Conservation (“NYSDEC”) Brownfield Cleanup Program (“BCP”). The Project Site has been designated as a brownfield due to the presence of arsenic concentrations within the site soils which exceed regulatory thresholds as per Remedial Program Soil Cleanup Objectives (“SCO”) of the NYS Environmental Conservation Law.³⁶ The Project Sponsor has entered into a Brownfield Cleanup Agreement with the NYSDEC to remediate the environmental issues at the Project Site and is in the process of thoroughly investigating the site soils and groundwater to fully scope the extent of contamination. Following completion of the comprehensive site investigation, the Project Sponsor will be required to develop a Remedial Action Work Plan in accordance with the BCP and stringent standards of the NYSDEC. This process will require a substantial capital investment on the part of the Project Sponsor and will further the economic infeasibility of reestablishing the operation of a golf course and country club at the Project Site. This is both due to the necessary

³⁵ Golf Business, Official Publication of the National Golf Course Owners Association. “On the Rebound”, June 2014. Steve Eubanks. <http://www.golfbusiness.com/article.aspx?id=2973>.

³⁶ See New York State Department of Environmental Conservation. “Environmental Conservation Law-Subpart 375-6: Remedial Program Soil Cleanup Objectives.” December 14, 2006. Available online at http://www.dec.ny.gov/docs/remediation_hudson_pdf/part375.pdf

financial investment as well as the extensive site work that will ultimately result in substantially removing and re-grading the existing course grounds and associated infrastructure.

Given the intensive local competition and general national trends concerning private country club membership coupled with the underlying environmental concerns, it is clear that the continued operation of the Project Site as a private club and golf course is not viable. Conversely, the proposed zoning classifications provide the Project Sponsor with an opportunity to redevelop the site as an integrated mixed use neighborhood that is ideally suited for the Project Site because of its size, location, proximity to well established transportation corridors (e.g., Maple Road, Sheridan Drive, I-290), proximity to major regional employment and recreational resources (e.g. UB North Campus, Audubon 18 Hole Golf Course, Ellicott Creek recreational bike path) and lack of significant environmental resources (e.g. no federal or state jurisdictional wetlands, no protected cultural resources, no threatened/endangered species or habitat). Whereas the direct adjacency of competing golf courses and country clubs inhibit the economic viability of the Project Site under the current RC zoning designation, their presence serves as an amenity to the proposed zoning designations and Westwood Neighborhood and will be accretive to the success of the Project.

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

The neighborhood surrounding the Project Site largely consists of single family residential development and community facilities. The proposed rezoning and Westwood Project provides an opportunity to develop a mixed use neighborhood center that will offer a pedestrian accessible shopping, employment, housing, and recreational space for the existing and new residents within the surrounding neighborhood. The Comprehensive Plan specifically expresses the need to expand provisions and incentives for mixed use development within the Town of Amherst. The proposed rezoning and Westwood Neighborhood provides an opportunity to satisfy this objective of the Comprehensive Plan by establishing a mixed use development that is currently surrounded by predominantly single family residential development.