



TOWN OF AMHERST

ERIE COUNTY, NEW YORK

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BARRY A. WEINSTEIN, MD
Supervisor
716-631-7032

STEVEN D. SANDERS
Deputy Supervisor/ Councilmember

Councilmembers:
RAMONA D. POPOWICH
DEBORAH BRUCH BUCKI RN, PhD
FRANCINA J. SPOTH

For Suspension of Rules November 20, 2017

To: Amherst Town Board
From: Supervisor Barry A. Weinstein, M.D.
Date: November 20, 2017
Re: Communication

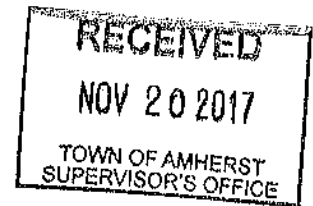
Please see the attached communication received today from Mensch Capital Partners. This topic is on the agenda.



A Traditional Neighborhood
in the heart of Amherst.

November 20, 2017

Dr. Barry A. Weinstein, Supervisor
Town of Amherst
5583 Main Street
Williamsville, NY 14221



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

Dear Supervisor Weinstein:

The purpose of this letter is to point out serious deficiencies with the Final Generic Environmental Impact Statement ("FGEIS") prepared for the Westwood Neighborhood Project. The draft of the FGEIS was posted to the Town's website on November 16, 2017, and will be considered as part of Resolution 2017-1274 during the meeting of the Town Board this evening, November 20, 2017.

The deficiencies of the FGEIS fall into the following three categories, which are further described in individual sections below.

- (A) The failure to incorporate several comments provided by interested and involved agencies;
- (B) The failure to incorporate nearly thirty (30) comments provided by members of the public; and
- (C) The failure to incorporate the Shared Parking Analysis prepared by SRF & Associates dated November 10, 2017 and the Revised Downstream Sanitary Sewer Capacity Analysis prepared by Wendel Companies dated November 10, 2017, both of which were submitted by the Project Sponsor on November 14, 2017.

In addition, as we stated in our letters dated November 1, 2017 and November 14, 2017, the Project Sponsor believes that the issuance of a Final Generic Environmental Impact Statement ("FGEIS") and a Findings Statement by the Town Board at this time is premature for several reasons, including: i.) The fact the Planning Board, which until recently had been participating in the coordinated environmental review of the proposed project pursuant to SEQRA, has not yet completed its review of the pending request to amend the zoning classification of portions of the Project Site in furtherance of the current Conceptual Master Plan¹; ii.) There is a need for an

¹ The Project Sponsor has not been advised as the reason a decision was made to preclude the Planning Board from its continued involvement in the coordinated environmental review of the project pursuant to SEQRA. The Project Sponsor is not aware of any other instance in which the Town Board has finalized its

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additional evaluation of potential solutions to the existing downstream sanitary sewer capacity constraints during wet weather conditions²; and iii.) The Project Sponsor has repeatedly expressed a willingness to consider additional possible modifications to the project layout as depicted on the Conceptual Master Plan dated March 2017.³

I. Failure to Incorporate Several Comments Provided by Interested & Involved Agencies

On November 14th, the Project Sponsor was provided with access to an FTP website containing the public comments, agency comments, and copies of the public hearings for the Westwood Project that were going to be incorporated into the FGEIS.

After going through the extensive list of public and agency comments to ensure that each and every comment that was made as part of the public comment period was included on that website, on November 16th, 2017, we transmitted an e-mail to Wendy Marsh, Esq. of Hancock Estabrook and Mike Flanagan of Stantec pointing out that several documents issued by involved and interested agencies were missing from that website and would therefore likely be missing from the FGEIS.

environmental review of a proposed project involving a request to amend the zoning classification of property prior to receiving a SEQRA recommendation from the Planning Board.

² The Project Sponsor and its consultants have been proactively evaluated potential solutions to the existing downstream sanitary sewer constraints attributable to Inflow and Infiltration ("I/I"). The Project Sponsor has repeatedly expressed a preference to collaborate with the Town's Engineering Department with the goal of identifying possible solutions to the existing conditions. The Project Sponsor does not believe that the existing I/I problems are a legitimate basis for the Town to issue a Findings Statement stating that the necessary downstream sanitary sewer capacity during wet weather conditions does not exist for the proposed project. Identifying and implementing a solution to the existing I/I problems during wet weather conditions represent a possible long-term environmental benefit that could result from the continued evaluation of potential solutions and the implementation of a solution which would involve a substantial expenditure by the Project Sponsor is preferable to the existing problems being addressed at some unknown point in the future relying exclusively on the Town's expenditure of public funding. If the Town Board decides to proceed with the issuance of a FGEIS and Findings Statement rather than providing its consultant with the necessary additional time to evaluate potential solutions, the Findings Statement will need to include specific language providing the opportunity for the Town Board to reconsider any conclusions reached regarding existing downstream sanitary sewer constraints attributable to I/I during wet weather conditions based on updated information.

³ The Conceptual Master Plan presented to the Town Board during the public hearing held on September 18th reflects input from a wide range of stakeholders that has been received during the lengthy review process. The Project Sponsor has repeatedly expressed a willingness to consider additional modifications based on continued input from the Planning Board, the Town Board, involved and interested agencies and the public. The Project Sponsor is currently in the process of evaluating possible modifications to the Conceptual Master Plan dated March 2017 based on the public hearing held by the Planning Board on September 15th and the public hearing held by the Town Board on September 18th. Each time the Conceptual Master Plan has been modified in the past, the modifications have resulted in reduction of the maximum potential build-out of the Project Site and overall improvements to the conceptual project layout.

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As noted in our email on November 16th, the following Memoranda issued by involved agencies were not incorporated into the draft FGEIS posted to the Town's website on November 17th:

- Memorandum from the New York State Department of Transportation ("NYSDOT") dated May 26, 2017; and
- Memorandum from the Erie County Department of Public Works ("ECDPW") dated May 12, 2017; and

For your reference, copies of these two Memoranda are attached to this letter as Exhibit "A" and Exhibit "B".

In addition to the two above Memoranda issued by interested agencies, we also noted that two additional comment letters were missing from the FTP site. These two letters include a letter from the Williamsville Central School District ("WCSD") dated October 19, 2016, and a letter from the United States Army Corps of Engineers (USACE") dated July 21, 2016.

The omission of the above documents from the New York State Department of Transportation and Erie County Department of Public Works from inclusion in the draft FGEIS is a deficiency since it results in the draft FGEIS not including responses to the substantive comments of involved agencies that have participated in the coordinated environmental review of the proposed redevelopment project pursuant to the State Environmental Quality Review Act ("SEQRA"). The SEQRA Regulations expressly state that a final EIS must include the lead agency's responses to all substantive comments received.⁴

II. Failure to Incorporate Over Thirty Comments Provided by Members of the Public

As noted above, the Project Sponsor also went through the extensive list of public and agency comments posted to the Stantec website to ensure that each and every comment that was made as part of the public comment period was included on that website, and therefore would be incorporated into the draft FGEIS s posted to the Town's website on November 17th. In going through our records from the public comment period, we have noted nearly thirty (30) public comments which were not incorporated into the draft FGEIS. Copies of these letters are attached to this letter as Exhibit "C".

III. Failure to Incorporate Most Recent Studies Submitted by Project Sponsor on November 14th, 2017

As noted with our letter dated November 1, 2017, a meeting was held on October 16th, 2017 to discuss the letter issued by Stantec dated October 16th as well as the status of the environmental review of the proposed redevelopment project pursuant to SEQRA. The individuals who attended this meeting were the Stan Sliwa, Esq., Wendy Marsh, Esq. of Hancock Estabrook; Mike Flanigan of Stantec; Sean Hopkins, Esq., of Hopkins, Sorgi & Romanowski; Matt Roland, Project Manager for the Westwood Project; Victor O'Brien, P.E., of C&S Companies and Brian Sibiga, P.E., of

⁴ See 6 NYCRR Part 617.9(b)(8).

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Wendel Companies. None of the Town's professional Planning Department staff, who have been involved with the project review during the lengthy review process to date, were in attendance.

Within the letter dated November 1, 2017, the Project Sponsor indicated that several comments required additional work to be completed by members of the Project Sponsor's consultant team. On November 14th, 2017, the Project Sponsor submitted a letter to the Town Board containing the requested Shared Parking Analysis prepared by Amy Dake, P.E., of SRF Associates dated November 10, 2017 and the Revised Downstream Sanitary Sewer Capacity Analysis ("DSCA") prepared by Brian Sibiga, P.E. of Wendel dated November 10, 2017. All of the members of the Town Board and Planning Board, as well as various individuals at the Town Departments involved in the review of the project were copied, as were Wendy Marsh, Esq. of Hancock Estabrook and Mike Flanagan of Stantec. These two studies, which were prepared as requested for inclusion within the FGEIS were not incorporated into the draft FGEIS posted to the Town's website on November 17, 2017.

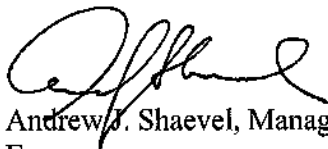
IV. Conclusion

As noted above, there are deficiencies within the draft FGEIS. As such, it is the Project Sponsor's position that the FGEIS should not be issued by the Town Board until the noted deficiencies have been corrected.

If you have any questions regarding this letter, please feel free to contact Andrew Shaevel at 362-7880 or via e-mail at andy@menschcapitalpartners.com, Matt Roland at 839-4000 or via e-mail at mroland@hamistergroup.com, or Sean Hopkins, Esq. at 510-4338 or via e-mail at shopkins@hsr-legal.com.

Sincerely,

MENSCH CAPITAL PARTNERS LLC



Andrew J. Shaevel, Managing Partner
Enc.

cc: Steven D. Sanders, Deputy Supervisor
Ramona D. Popowich, Councilmember
Dr. Deborah Bruch Bucki, Councilmember
Francina J. Spoth, Councilmember
Robert J. Gilmour, Chairperson, Planning Board
Duncan Black, Planning Board
Stephanie S. Gelber, Planning Board
Dal Giuliani, Planning Board
Steven L. Herberger, Planning Board
Mary Pfeifer-Shapiro, Planning Board
Daniel J. Ulatowski, Planning Board

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Eric Gillert, AICP, Planning Director
Ellen Kost, AICP, Associate Planner
Marjory Jaeger, Town Clerk
Jeffrey S. Burroughs, P.E., Town Engineer
Stan Sliwa, Esq., Town Attorney
Wendy Marsh, Esq., Hancock Estabrook, LLC
Michael Flanigan, Stantec Consulting Services, Inc.
Amy Dake, P.E., SRF & Associates
Victor O'Brien, P.E., C&S Companies
Brian Sibiga, P.E., Wendel Companies
Sean Hopkins, Esq., Hopkins Sorgi & Romanowski PLLC
Matt Roland, AICP, Hamister Group, LLC

EXHIBIT A

**Memorandum from the New York State Department of
Transportation (“NYSDOT”) dated May 26, 2017**

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION
COMMENTS RECEIVED VIA EMAIL ON MAY 26, 2017**

From: Rutkowski, Edward (DOT) [<mailto:Edward.Rutkowski@dot.ny.gov>]
Sent: Friday, May 26, 2017 2:41 PM
To: Kost, Ellen <EKost@amherst.ny.us>
Cc: Sean Hopkins (shopkins@hsr-legal.com) <shopkins@hsr-legal.com>; Amy Dake <adake@srfa.net>;
David Kruse <dkruse@srfa.net>
Subject: Proposed Westwood Mixed Use Neighborhood

Dear Ellen,

New York State Department of Transportation (NYSDOT) reviewed the Traffic Impact Study (TIS) for the proposed development and has following comments:

Northbound Millersport Highway off ramp to Maple Road

- NYSDOT concurs with #3 of the Conclusions which recommends restriping the northbound Millersport Highway off ramp to Maple Road to provide a left/thru/right turn lane and a right turn only lane. However, we will require advanced overhead lane designation signs further back on the ramp along with supplemental lane designation signs and pavement markings at the intersection/signal.

Sheridan Drive and Mill Street

- #4 of the Conclusions recommends signal optimization at the intersection of Sheridan Drive and Mill Street for future traffic. The Capacity Results table on Page 14 of the TIS shows that even with signal optimization there is still a drop in level of service (LOS) for the eastbound Sheridan Drive traffic compared with the background conditions. Also, the table shows increased delays of 14 seconds and 10 seconds in the a.m. and p.m. peak respectively, for the westbound through movement on Sheridan Drive. In effort to reduce these additional delays, the installation of a right turn lane on eastbound Sheridan Drive should be analyzed to determine the capacity benefits. If the right turn lane is beneficial in mitigating the additional delays, then it should be determined if the lane can be constructed within the existing highway Right-of-Way.

Sheridan Drive and North Forest Road

- #5 of the Conclusions states that mitigation at the intersection of Sheridan Drive and North Forest Road is to add a westbound right turn lane on Sheridan Drive, adding a northbound through lane by combining the northbound through and right turn movements in the curb lane on North Forest Rd, and increasing the length of the southbound right turn lane on North Forest Road to reduce queues. Also, suggested is optimizing the signal timing. While we concur with the proposed mitigation, the modeling does not adjust the Lane Utilization Factor to reflect the actual conditions where a small percentage of motorists use the outer southbound through lane on North Forest Rd. because that lane drops after the intersection. Also, we expect the similar situation to occur with the proposed mitigation to convert the northbound curb lane from a right turn only to a shared through/right turn lane since that lane will drop after the intersection as well. Therefore, this intersection should be re-analyzed using a representative Lane Utilization Factor for existing, background and build conditions.

Harlem Road and off-ramp from Eastbound I-290

- #6 of the Conclusions recommends combining the right and left turn movements into the current left turn lane to allow for dual rights and to optimize the signal timing at the intersection of Harlem Road and I-290 off-ramp. The Synchro file for the PM Full Development with Mitigation models this intersection with 3 lanes on the I-290 off-ramp approach, 1 left only and 2 right turn lanes, rather than 2 lanes as described in the Conclusions. Based on the Synchro file, which shows desirable results, mitigation at this intersection should include the construction of an additional lane on the I-290 off-ramp that will result in 3 lanes, 1 left turn and 2 right turn lanes at Harlem Road. Also, due to the large number of vehicles turning left, over 300 in the am peak for Full Build, NYSDOT would not agree with allowing right turns to be combined into the existing left turn lane.

Sheridan Drive at Fenwick Road/ Proposed Project Access/Town Road

- Concur with #8 of the Conclusions that an eastbound left turn lane on Sheridan Drive is warranted at the proposed project access/town road.
- Concur with #9 of the Conclusions that a westbound right turn lane on Sheridan Drive is warranted at the proposed project access/town road.
- #11 and #12 of the Conclusions are contradictory since #11 says to install a traffic signal on Sheridan Drive at the proposed project access/town road when the proposed town road is constructed and #12 says to perform a signal warrant analysis when development has reached 20% of the projected full development trip generation to determine if a signal is warranted at that time. Based on the analysis within the TIS, it appears that the proposed signal on Sheridan Drive at the intersection of Fenwick Road/ proposed project access/town road will be warranted in the future. However, a new traffic signal at this intersection will not be considered until such time that the MUTCD traffic signal warrants are met based on actual traffic conditions. Also, multiple thresholds need to be established rather than just one at 20% as stated, such as at 20%, 40%, 60%, 80% and 100% of projected full development trip generation and/or at time intervals such as every 18 months until a signal is approved or full build out is completed, whichever comes first.

The Town's SEQR Determination/Findings should stipulate thresholds and that it will be the developer's responsibility to provide a Signal Warrant Analysis, Delay Study and/or Traffic Impact Study using actual counts at prescribed thresholds to NYSDOT for review and consideration. It should also stipulate that if NYSDOT determines a new traffic signal is warranted, it will be the developer's responsibility to design, construct and fund all costs associated with the traffic signal. Additionally, assuming the proposed project access road will be a Town Road, NYSDOT will require a Phased Mitigation Agreement between the developer, the Town of Amherst and NYSDOT, which will outline the thresholds for future studies along with stating the developer's responsibility regarding future studies and the installation of a traffic signal, if warranted in the future.

- Highway construction to add the right turn lane on Sheridan Drive and to widen the Fenwick Road approach should take place the same time as the proposed project access/town road connection to Sheridan Drive is being constructed. Also, underground components of the proposed traffic signal components should be installed at the same time to avoid future disruption of traffic when installing the traffic signal, if warranted in the future.

- Concur with 2 lanes exiting and 2 lanes entering for the proposed project access/town road at the Sheridan Drive approach to facilitate traffic movements and desired alignment as recommended in #14 of the Conclusions. Although not proposed in the TIS, NYSDOT will require that the northbound Fenwick Road approach is reconstructed from a 1 lane approach to a 2 lane approach also based on facilitating traffic movements and on our current practices for approaches at a signalized intersection.

Sheridan Drive and Frankhauser Road

- In #13 of the Conclusions it states, "In response to NYSDOT's direction allowing only one traffic signal at either Frankhauser Road or the proposed roadway intersection along Sheridan Drive..." In correspondence to Ellen Kost on December 23, 2016, NYSDOT stated "The revised TIS should consider a scenario or scenarios where there is a roadway connection between the proposed Westwood development road and Frankhauser Road and where only one signal is provided on Sheridan Drive whether it utilizes the existing one at Frankhauser Road or the one proposed opposite Fenwick Road." Regardless, based on the information provided in the TIS, NYSDOT concurs with the recommendation to remove the signal on Sheridan Drive at Frankhauser Road and at the same time the traffic signal on Sheridan Drive at the proposed project access/town road is installed, assuming it gets approved. However, before a traffic signal can be removed, the following steps must be followed, which will be the responsibility of the developer:
 - Determine the appropriate traffic control to be used after removal of the signal.
 - Notify local public officials and law enforcement agencies of the intent to remove the traffic signal.
 - Inform the public of the removal study, for example, by installing an information sign(s) with the legend TRAFFIC SIGNAL UNDER STUDY FOR REMOVAL at the signalized location in a position where it is visible to all road users. Press releases to local newspapers and radio and television stations should also be considered.
 - Remove any sight distance restrictions as necessary. If inadequate sight distance cannot be increased to standard (See Chapter 5, Section 5.10.5.1 of the NYSDOT Highway Design Manual) the traffic signal should be retained.
 - Flash or cover the signal heads for a minimum of 90 days, and install the appropriate stop control or other traffic control devices.
 - Remove the signal heads if the engineering data collected during the removal study period confirms that the signal is no longer needed. The signal poles and cables should remain in place for a maximum of 1 year after removal of the signal heads for continued analysis.

If after the 90 days the data collected during the removal study period indicates the signal should remain, a revised TIS will be required to analyze the resulting impacts on the State Highway and determine if alternate forms of mitigation are required.

Sheridan Drive/I-290 WB On & Off Ramps and Sheridan Drive/Harlem Road

- On page 18 of the TIS under Sheridan Drive/I-290 WB it states that "All approaches are projected to operate at LOS "E" or better under background conditions with the NYSDOT planned protected left turn phasing and coordination." The Safety Study performed by NYSDOT dated November 4, 2016, which is included in Appendix 8 of the TIS, actually recommended that the eastbound left turn lane on Sheridan Drive is "Protected Only" during the non-peak hours only.

- On page 18 of the TIS, signal optimization and coordination are proposed as mitigation at the Sheridan Drive/I-290 WB intersection and at the Sheridan Drive/Harlem Road intersection. NYSDOT will also require installation of advanced overhead lane designation signs and pavement markings as mitigation for the westbound Sheridan Drive traffic. This will increase driver awareness of the lane designations in advance of the 2 closely situated intersections, especially since there are nearly 300 additional site generated trips projected westbound on Sheridan Drive in this area.

General Comments

- In the TIS, recommended mitigation at multiple signalized intersections on State highways is through coordination and optimization of traffic signals. As part of this proposed signal coordination, the developer will be responsible to extend the State network to each of the signals studied in the TIS on State highways that will be operating as actuated-coordinated. This will be accomplished by utilizing a combination of hardwired and wireless communications equipment. Also, the developer will be responsible to provide adequate vehicle detection in all travel lanes at signals proposed to operate as actuated-coordinated.
- A NYSDOT Highway Work Permit will be required for the work located within the State Highway ROW. More detailed plans will be required for the Highway Work Permit application. Additional site engineering review will be performed as part of the Highway Work Permit process. This correspondence does not constitute approval for the purpose of a Highway Work Permit.

If you have any questions please contact me either by email or phone.

Sincerely,
Ed

Edward S. Rutkowski, P. E.
SEQR/Site Plan Review Coordinator
NYSDOT - Region 5
100 Seneca Street
Buffalo, New York 14203
716-847-3575

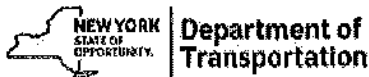


EXHIBIT B

**Memorandum from the Erie County Department of
Public Works (“ECDPW”) dated May 12, 2017**



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

CHARLES A. SICKLER, P.E.
INTERIM COMMISSIONER

DEPARTMENT OF PUBLIC WORKS
RATH BUILDING 14TH FLOOR

TELEPHONE: 716.858.8300
FAX: 716.858.8228

May 12, 2017

Matthew Roland, AICP
Hamister Group LLC
10 Lafayette Square
Suite 1900
Buffalo, NY 14203

Re: Proposed Westwood Multi-Use Development
772 North Forest (CR-294) and 385, 391 Maple Road (CR-192)
(T) of Amherst, County of Erie

Dear Mr. Roland:

This Department has reviewed the March 2017 Westwood Development Traffic Impact Study for the proposed Westwood Multi-Use Development located on North Forest (CR-294) and Maple Road (CR-192) in the Town of Amherst, and has the following comments:

Traffic and Safety Concerns:

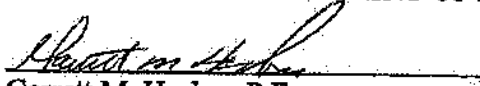
1. The location of the proposed roundabout will alter driveways at 805, 815, and 817 North Forest Road, potentially creating a shared driveway. The Erie County DPW will not be responsible for the maintenance or plowing of any shared driveway that is created. Westwood Development would be solely responsible for coordination with the homeowners, easements, landscaping, seasonal plowing, and maintenance of a shared driveway.
2. The TIS traffic modeling determined that the improvements at the Sheridan and North Forest intersection will reduce queue lengths on southbound North Forest, and that queuing within the roundabout is not anticipated. We request that the study be updated after development to confirm that the roundabout is functioning as anticipated.
3. Per the March 16, 2017, the proposed changes to the Master Plan will reduce projected trip generation demands. We are satisfied that the calculations in the February 2017 TIS represent conservative traffic demands.

Attn: Mathew Roland, AICP
Hamister Group LLC
Re: Proposed Westwood Multi-Use Development
Date: May 12, 2017
Page: 2 of 2

Please keep us informed as this project progresses.

Sincerely,

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS



Garrett M. Hacker, P.E.
Senior Civil Engineer

cc: William Geary, Deputy Commissioner – Highways
Charles A. Sickler, P.E., Director of Engineering
Wayne Scibor, P.E., Supervisor of Engineering
Gina Wilkolaski, P.E., Traffic and Safety Engineer
Richard Denning, Senior Highway Maintenance Engineer
File: CR-192

EXHIBIT C

**Public Comments Missing from the Final Generic
Environmental Impact Statement dated November 17,
2017**

Voigt, Shirley

From: Leon A Colucci [leonacolucci@gmail.com]
Sent: Saturday, January 09, 2016 7:27 AM
To: Weinstein, Barry
Subject: Westwood/Norhtown Rec.

Please consider selling UB , the complete Northtown Recreation property. Including the ice facilities . Having UB operate the ice facility , and TOA to schedule ice time. TOA to buy Westwood, move all TOA fields to Westwood property. Include a road through the Westwood property to Maple. Using some of the par 3 property, moving some holes, for the road. New signal on Maple.

Attachment: ww-0112016141136 (COM-2016-20 : Leon A. Colucci - Westwood / Northtown)

SANDRA M. KOERBER

54 Frankhauser Road
 Williamsville, New York 14221
 (716) 565-1150

January 16, 2016

Lesta M. Ammons
 Biologist
 USACE Buffalo District
 Regulatory Branch
 1776 Niagara Street
 Buffalo, New York 14207

Re: Application No. 1990-97632 - 772 North Forest Road, Town of Amherst, Erie County, New York
 AND
 Application No. 2014-00488 - 4176 - 4188 Sheridan Drive, Town of Amherst, Erie County, New York

Dear Ms. Ammons:

This letter is in response to Sean Hopkins' letter of January 13, 2016 and in response to Scott Livingstone's September 30, 2014 letter to you regarding his evaluation of my correspondence. First of all, I would like to refer back to my original letter to you of July 31, 2014, and **reiterate** that my concerns originated from the conflict of opinions in Earth Dimensions own two reports (which you have) under the above two applications, as well as their General Vegetation Map dated September 25, 2012 of Westwood showing a connection to Wetland 9.

That being said, I think it is important to start at the beginning regarding the Wetlands and ditch (tributary) on these properties. While it seems plausible by the aerial photos Mr. Livingstone submitted previously (*please see erie.gov's website disclaimer regarding these photos) that there is no connection to Wetland 9 (which contradicts their map), I do **NOT** agree that there is no historical tributary connection – **BOTH** surface and subsurface -- to navigable waters, as well as a connection between the Sheridan properties and 772 North Forest (Westwood). First, I ask that you refer to the enlargement of the 1920 aerial map* Earth Dimensions submitted and the Town of Amherst Engineering Dept. provided to me previously and forwarded to you on November 3, 2014, showing that the tributary is connected to Wetlands 1 and 2 on the Sheridan properties and 772 North Forest (Westwood). This would **substantiate** Earth Dimensions report of 2014 on the Sheridan Drive properties stating under Results and Conclusions, page 12, "Wetlands 1 and 2 are interconnected to the ditch (ditch 1) that flows to the south and east eventually emptying into Ellicott Creek." This Ditch is known as Ditch 5c and is clearly marked on the Town of Amherst Highway Department Storm Water Drainage map (copy previously submitted to you) running through the Sheridan Drive properties and into the Westwood (772 North Forest Road) property. It would also confirm Ms. Pohl's and Mr. Schintzius' reports, as well as the photos I submitted to you on September 17th, 2014 showing the current recharging of this stream.

In summary, we have a historical jurisdictional surface and subsurface stream that recharges on the surface, connected to Wetlands 1 and 2 connected to navigable waters, connected to the Westwood (as testified by Alanna Pohl Hughes and Edward Schintzius, and **NOT** man-made as Mr. Livingstone stated in his letter), and is now disconnected by human intervention. The questions I now pose to the Army Corps are these: (1) Is there evidence of a significant nexus to traditional navigable waters past and/or present? (2) Are these wetlands adjacent to/and or connected to traditional navigable waters? (3) Is there a sub-surface hydrologic connection? (4) Since resident aquatic species (e.g.: amphibians and ducks) rely on both the wetlands and jurisdictional waterway for part of their life cycle does this demonstrate a neighboring wetland? Finally, and **most importantly**: According to the Draft Guidance on Identifying Waters Protected by the Clean Water Act ** it is stated in the first paragraph of page 28 as follows:

“Moreover, waters that have had at least seasonal flow on a **historic basis remain jurisdictional despite the fact that man-made diversions** for irrigation, water supply or other reasons have caused a tributary, or portion thereof, to flow less than seasonally.” I contend that this applies to our tributary known as Ditch 5c (or W9 Ditch according to Mr. Hopkins).

Secondly, I would like a definition from the Army Corps as to the term “isolated waters”. From the delineations I have read it appears that determinations of isolated wetlands are based solely on surface water and does not take ground water into consideration. In an article appearing in BioOne entitled “Isolated Wetlands and Water Quality” written by Dennis F. Whigham and Thomas E. Jordan, Smithsonian Environmental Research Center Box 28, Edgewater, Maryland, the Abstract states as follows:

“Isolated wetlands occur in many hydrogeomorphic settings, and while they appear to be physically isolated from other water bodies, they are almost never completely decoupled from surface-water or ground-water systems.”

The abstract concludes as follows:

“Alteration of hydrologic conditions (e.g., ditching, filling), however, usually results in increased nutrient export to downstream systems. From a water-quality perspective, we conclude that so-called isolated wetlands are rarely isolated, and isolation is a term that is not very useful from an ecosystem perspective. Isolated wetlands are nutrient sinks and, because most are hydrologically connected to other waters and wetlands, the loss of isolated wetlands would potentially have negative impacts on the water quality of downstream systems.”

This statement would seem to fit the significant nexus analysis in that it takes into consideration that waters alone or in combination with other similarly situated waters in the same watershed have an effect on the chemical, physical, or biological integrity of traditional navigable waters.

I make this point because I believe our watershed should be taken as a whole and both surface water and ground water interaction should be considered. The reason I make this statement is that, “Ground water and surface water are essentially one resource physically connected by the hydrologic cycle.” *** As an example, if a high weather water event were to occur would a hydrologic recharge of Ditch 5c occur (as my photos previously submitted to you show). Are Wetlands 1 and 2 on the four Sheridan Drive properties connected to other Wetlands on Frankhauser which are adjacent (or abut) and should these be considered by the Army Corps when making a determination of 4176 – 4188 Sheridan? Is this considered in the delineation process.

Taking into consideration that “ecological effects can manifest themselves far from the source of disturbance and environmental issues can become major crises”; considering that wetlands provide a natural flood control measure; understanding the variety of life our ecosystem supports in which wetlands and connecting tributaries are an integral part, from organisms to terrestrial animals to amphibians (which I have many in my back yard); I stand in agreement with Alanna Pohl Hughes and urge the Army Corps to prevent the further destruction of our natural resources and watershed, as well as negative impacts both upstream and down, when considering issuing a permit for 4176 – 4188 Sheridan Drive and reconsidering your 772 North Forest Road (Westwood) determination. Thank you.

Sincerely,

Sandra M. Koerber
Resident with 5c ditch adjacent (abutting) to property

Attachment: Koerber to Ammons (COM-2016-32 : Sandra Koerber - 772 N. Forest & 4176-4188 Sheridan Drive)

- * www2.erie.gov/aerial_photos/index.php?q=erie-county-aerial-photos-1920s-atlas-no-8
- ** [www.epa.gov \(wous_guidance_4-2011.pdf\)](http://www.epa.gov/wous_guidance_4-2011.pdf)
- *** California Department of Water Resources, Water Interaction, www.water.ca.gov/groundwater

Attachment: Koerber to Ammons (COM-2016-32 : Sandra Koerber - 772 N. Forest & 4176-4188 Sheridan Drive)

Maier
299 Donna Lea Blvd
Williamsville, NY 14221

January 25, 2016

Mr. Steven D. Sanders, Councilmember
Town of Amherst Town Board
5583 Main Street
Williamsville, NY 14221

Dear Mr. Sanders,

My husband and I are in support of the proposed mixed use Westwood Neighborhood project by Mensch Capital Partners. We have lived in the adjoining neighborhood for 29 years and look forward to this development. The Second Revised Draft Generic Environmental Impact Statement-October 2015, accepted in December 2015 by the Town of Amherst for review, is exciting to us. We love living in this area of the town, and are ready to make our next move into a patio home. The proposed intelligent design and mixed use along with recreation trails and ponds is very appealing.

We are avid cyclists and appreciate the incorporation of the recreational trailway, the development of ponds and the stormwater detention lake, and the incorporation of neighborhood businesses for a vibrant mixed use neighborhood. The overall design is appealing to us as we plan our next move and want to remain within this section of the Town of Amherst instead of moving elsewhere to another new development outside of Amherst.

The multitude of recreational opportunities in this immediate area with the proximity of the Ellicott Creek Trailway, its tennis courts, the nearby Northtown Centre, and a current neighborhood park on Sunrise Blvd are primary reasons that Mensch acreage should be developed into a residential mixed use neighborhood. Spending taxpayers money (whether local or state funding) to purchase this property and removing it from the town's tax rolls is not fiscally responsible.

Developing this acreage into a mixed use neighborhood and the accompanying tax roll revenue to our town makes both fiscal and community planning sense. The area is close to two exits of the I-290. It is unfortunate that a vocal minority are raising the "not-in-my-backyard" mentality rather than relying on public officials to ensure that any water run-off issues are properly engineered to make this property a benefit to all.

We look forward to your thorough consideration of this proposed project. Please do not let a vocal minority rule against both fiscal and planning sense.

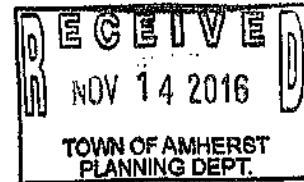
Sincerely,


Stephanie K. Maier


Thomas J. Maier

Attachment: COMMUNICATIONS Sanders 02.08.2016-02022016133212 (COM-2016-34 : Resident Input/Westwood)

**Stuart H. Angert
94 Harbridge Manor
Amherst, NY 14221**



Town of Amherst Planning Board
Amherst Town Hall
5583 Main Street
Williamsville, NY 14221

November 12, 2016

Dear Board Members.

I have been a Town of Amherst resident from birth. During the ensuing years I have witness development that I would characterize as well-planned and executed, and other projects, in retrospect, for which there was a gap that existed between vision and execution.

I have followed the evolution of the proposed Westwood Country Club development from inception. This carefully planned project should provide the residents with confidence that it will enhance quality of life, while creating amenities from which our entire community will benefit.

Moreover, I am familiar with other projects that Paul Ciminelli, Mark Hamister, Paul Kolkmeyer and Andrew Shaevel have developed. I would define them as best practices. From the thoughtful planning process, environmental impact studies, sensitivity to, and consideration for the quiet enjoyment and preservation of quality of life for the neighboring communities, all potential issues have been vetted and fully addressed to the satisfaction of all concerned constituents. As importantly, recognize that there are brownfield issues to be remediated. The project obviates the currently existing concerns for the health and welfare of the surrounding neighborhoods.

On every level, the Westwood project appears to have met the stringent criteria from the perspectives of the environmental concerns, remediation, lifestyle, quality of life, and, concomitantly, from a pragmatic stance, it will have a most positive economic impact for the town of Amherst. Reflect also on the expansion of the tax base, the multiplier effect, and job creation. From no standard of judgment can I envision any negative or unintended consequences.

I advocate for the approval of the proposed development of the Westwood Country Club as provided by Mensch Capital Partners

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stuart H. Angert". The signature is written in a cursive style with some loops and flourishes.

From: Jaeger, Marjory
Sent: Friday, September 15, 2017 2:27 PM
To: TownBoardDL
Cc: Cooper, Kathy
Subject: FW: Westwood Project

FYI

Marjory Jaeger
Amherst Town Clerk

5583 Main Street
Williamsville, New York 14221
phone: 716.631.7021
fax: 716.631.7152
www.amherst.ny.us

From: Randy Atlas [REDACTED]
Sent: Thursday, September 14, 2017 18:14 PM
To: Jaeger, Marjory
Subject: Westwood Project

Dear Marjory Jaeger:

I feel that the whole area where the proposed Westwood Project might be should be made into a beautiful park and not turned into a "mixed use" development.

There are so many things wrong with the Mensch Capital Partners plan, in my opinion. Let's keep it green and make the whole area family friendly.

Please pass this on to the Amherst Town Board.

Thank you,
Randy Atlas

Attachment: Westwood Comments (COM-2017-241 : Westwood Communications)

McClary, Susan

From: Paul H. Brozyna [REDACTED]
Sent: Saturday, May 28, 2016 3:53 PM
To: Weinstein, Barry
Subject: Westwood Comments

Supervisor Weinstein,

I fell the following , is the role and responsibility of the Town Board in the Westwood property.

1. Ensure that the community is represented and heard from .
2. That everyone involved in this process is following the rules of engagement . This involves the town, county, state and above all the Mensch Partnership.

Right now we have a situation, where a group of investors are dead set on pushing their grand \$238 million plan on the town and immediate community. Unfortunately their plan is falling apart and they are now looking for help from the town and it's citizens to bale them out.

If I made a bad investment and purchased a home in Amherst that I couldn't afford , I very much doubt that I could ask and get the town and county to drop my assessment to ZERO.

The dealings with the Mensch Partnership is turning out to be a one way street. We need the Town of Amherst to make sure that this project represents us all and not a hand full of investors who will line their pockets with dollars and leave us holding the bag.

The Mensch Partnership needs to make some serious decisions about their investment . Do they invest more money into project once they have the scope and cost of the remediation ?

What will be the size of the project that will be approved by the community ?

If they feel that the cost is too great and the project too small then they need to sell and cut their losses like any investor would do.

I do not feel that the tax payers of Amherst should subsidize their investment.

Sincerely,

Paul H. Brozyna

Attachment: Paul Brozyna - Westwood comments-05312016125615 (COM-2016-146 : Westwood Comments)

Cooper, Kathy

Subject: FW: Message to Town Board

From: Judith Ferraro
Sent: Thursday, October 13, 2016 15:33 PM
To: Jaeger, Marjory
Subject: RE: Message to Town Board

Please put the following on the Agenda under "Communications."
Thank you.
Judy Ferraro.

Message to Town Board, October 10, 2016
The taxpayers paid many thousands of dollars for the Town Comprehensive Plan that was supposed to protect the residents from inappropriate development in their neighborhoods.

There are many examples of how that plan has been violated since it was adopted in January, 2007. The most glaring and recent example is the Hyatt Hotel. There are trust and credibility factors that are missing because of the history of what people have seen and experienced in neighborhoods.

Changing zoning codes through the Imagine Amherst prism is nothing more than front loading for developers to go into areas where development may or may not be appropriate and done without ordinary citizens having a voice.

What we see in Amherst now is what our planners and leaders systematically promoted as the best-of-the-best for Amherst. Taxes, flooding, sinking homes, sewage, drainage, traffic, wetlands.

Simply not a problem. They can all be mitigated through a development du jour. The residents knew and know, most of it was and is, nonsense. They have suffered the consequences of inappropriate development. Formed-based zoning is just another ploy to get around any opposition to what developers propose.

Resolution 2016-1049 put forth by Councilmember Bucki to form a task force for Westwood is certainly a step in the right direction.

It will provide residents with valuable information about the efforts being made to acquire the land for a park for all Amherst residents to enjoy. Backroom charrettes between developers and town planners is not and has not been helpful. Hopefully, this resolution will remedy that situation.

Traffic should be addressed before any new development is approved. All these shoehorned developments feeding into arterials with a stated "no impact" is ludicrous. It is the cumulative effect throughout Amherst and Williamsville that is producing horrific traffic. Small, neighborhood streets are effected as drivers try to avoid gridlock on main roads. Something needs to be done.

It starts with you and needs to be done now.

Perhaps a moratorium should be implemented until serious issues are dealt with and planning is done in a GENUINE, comprehensive way..not simply to accommodate a developers' every whim.

Judy Ferraro

Attachment: Ferraro Comm_1 (COM-2016-302 : Ferraro Email)

Cooper, Kathy

Subject: FW: Message to Town Board

From: Judith Ferraro
Sent: Friday, October 14, 2016 9:05 AM
To: Jaeger, Marjory
Subject: Re: Message to Town Board

Good morning..to you too.
November 1 is fine.

Please include the following on the Agenda under "Communications." also:
Thank you.

Message to Town Board regarding 190 Maple Road--

Another medical office complex is not needed in Amherst, especially not in a residential area, where wetlands exist and traffic, sewage and drainage problems abound. I would encourage all of you to visit the corner of North Forest and Maple, approximately one mile away from this location.

A cardiovascular office is there in addition to over 20,000 square ft. of medical office space still available to any medical professional. Is there ever a study done on need for any given development? Or does that not enter into the

equation when a developer tells you what they bought and what they expect to do with that property? Your job is to protect the best interest of the voters who elected you. Not to bend over backwards to accommodate developers no matter what their plan.

It is obvious, we are engaged in another glut of buildings whether it is general or medical offices, apartment housing, hotels, retail. Even the "planners" are owning it. So, why do we continue venturing down the same destructive hole?

Judy Ferraro

Attachment: Ferraro 2 (COM-2016-303 : Email from Judy Ferraro (2))

McClary, Susan

From: Francine Golonka
Sent: Saturday, May 28, 2016 10:16 AM
To: Weinstein, Barry
Subject: Re Westwood...your request for comments

Dear Sir, I am responding to your request for comments regarding the mensch group application to have the Westwood reassessed to zero value.

Sir, as a resident of over 50 years, homeowner of the Morningstar Ct community I would like to inquire regarding the following:

1. Did the Westwood country club apply to the greens unlawful chemicals? If no, then were the chemicals used which have given cause to the brownfield designation similar to those that the town of Amherst has applied to the golf courses and park areas?

Are these chemicals similar to the toxicity of the chemicals that for example companies similar to True Green apply to resident properties?

If there is a similarity to the use of applications applied by both the town and lawn companies, then my opinion is that there is NO basis to reassess Westwood property to ZERO.

2. If there is a basis, then my opinion is that the mensch group should not be relieved of paying their share of property taxes when they are CURRENTLY LANDLORDS assuming they are COLLECTING RENT FROM THE CAR DEALERSHIP THAT HAS BEEN INCREASING INVENTORY OF THE NUMBER CARS PARKED ON THE PROPERTY, Unless the arrangement is that no Monies are collected/paid as in a landlord/lease arrangement.

3. Because the mensch group has requested a zero assessment, then it may be practical for the Town to collect in lieu of taxes all of the monies that the mensch is collecting in the form of rent/lease payments from the car dealership and have those monies applied to their tax bill.

4. Did the Westwood Country Club disclose at the time of sale the hazards, risks, contaminants of the soil. Did the mensch before purchase act diligently and request a soil sample, Etc?

Is it the Westwood country club or the town of Amherst that the mensch group should be looking toward to make them whole again?

5. Is the town responsible to this business group to assist them in a sale that has gone bad?

6. Is the town responsible to the residents first? If so, then how is a zero assessment thus relieving the mensch group of their tax responsibility going to be a plus vs a hinderence?

Without tax monies will the snowball effect eventually raise school taxes?

7. If the town were to come forward to assist this company, then should the town use residents taxpayer dollars to purchase back the Westwood.

If so, then who will this purchase help..golfers ? Little league? School ? Elderly? Unemployed? Sick? The town homeless?

Attachment: Francine Golonka-Westwood comments-05312016125844 (COM-2016-146 : Westwood Comments)

8.. I would also at this time like to request of you to ask the town code enforcers to please enforce the lawn maintenance on all sides of Sheridan Dr and N Forest Rd along with weed control/removal to ensure that all stakeholders are duels maintaining the property.

Respectfully submitted,
Francine Golonka

Sent from my iPad

Attachment: Francine Golonka-Westwood comments-05312016125844 (COM-2016-146 : Westwood Comments)

RECEIVED

MAY 04 2016

TOWN OF AMHERST
SUPERVISOR'S OFFICE

April 28, 2016

Amherst Town Board
5583 Main Street
Amherst, New York 14221

To:

Dr. Barry Weinstein
Steven Sanders
Ramona Popowich
Deborah Bruch Bucki
Francina Spoth

Dear Supervisor & Town Board Members:

Over the past several years, I have closely followed the Mensch Capital purchase of the Westwood Country Club site in the middle of Amherst. As a resident of the Town of Amherst for more than sixty years, I as well as many other residents are deeply concerned about the Mensch proposals for development of the site. Part of that concern relates to obvious environmental issues such as the inevitable increase in air pollution, traffic and potential crime which are all by-products of greatly increasing the business/population density of this section of Amherst.

The fact of the matter is that Mensch Capital is not to be trusted to operate in a manner that is in the best interest of the Town. While attending the initial "Town Meetings" several years ago on Sheridan Drive, it took ten questions from the audience for Mensch representatives to admit that the proposal for a "Memorial Garden" actually involved a proposed cemetery for 70 of the available acres. Knowing the income resulting from selling burial plots clearly indicates that the entire project is a money driven endeavor with little regard for the best interests of Town residents.

The next major smokescreen related to the project was the discovery of traces of arsenic on some tee boxes and greens at the sight. Mensch has very effectively used this argument of remediation as consistent pressure to allow them to move forward when in fact the issue is full of absurdities. In a recent Buffalo News Article, Dr. Weinstein was quoted as saying: "From the discussion (with a state environmental official) I was told that it needed to be remediated no matter what (whether Westwood was used as a golf course or a park). This entire argument and the information forthcoming from the state is perplexing since it is highly likely that every country club and historic golf course in Amherst are in the same situation.

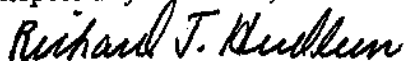
A knowledgeable source has told me that any golf course built and operated prior to 1945 would have the same trace levels of arsenic etc. and likely much more, as Westwood was the last course opened. This means that the following courses in the Towns of Amherst and Clarence should be subject to the same two to three million dollar remediation as Westwood (1945): Audubon (1942), Park Country Club (1928), Brookfield (1927), Country Club of Buffalo (1926), Transit Valley (1921) and Grover Cleveland (1902). If Westwood was purchased by the Town to be used as a golf course, would not all of the other country clubs and public courses also be

Attachment: Richard Herdlein, PhD - Westwood Country Club-05052016112115 (COM-2016-130 : Richard J. Herdlein, PhD - Westwood Country

required to effect remediation any time new tees, sand traps or additions to facilities were initiated such as recently occurred at CCB and Park Country Clubs. It would be interesting to see the responses of members of these clubs to be required to pay hefty assessments to cover remediation costs.

Reflecting back again on Mensch Capital's grandiose plans, it should be noted that currently attempting to drive on Main Street, Sheridan Drive, Maple Road & Transit during rush hour is not what residents of the Town of Amherst expect in suburban living. Recent news reports have indicated the serious health risks associated with air pollution and over population of many urban areas in the United States. Let's hold the line on the commercial development of Amherst and maintain its status as a clean and safe place to live and raise our children. Let's have a beautiful public golf course in the middle of Amherst (at Westwood) and use Audubon as a further developed Town recreational site and parkland assuming we are allowed to do so re. arsenic hoax. The efforts of Dr. Weinstein to purchase the Glen Oaks Golf Course should be applauded but the fact of the matter is that Westwood is located in the center of Amherst and more accessible to the majority of residents. Any plans in this regard hinge on the future interpretations of the state environmental agency or soon Audubon could be treated like Westwood and also affect a broader constituency of golf courses, county clubs and recreational sites. Your wisdom and effort in this regard are greatly appreciated.

Respectfully Submitted,



Richard J. Herdlein, Ph.D.
Amherst Resident

McClary, Susan

From: nforest
Sent: Sunday, October 1, 2017 11:21 PM
To: Weinstein, Barry; Sanders, Steven; Popowich, Ramona D.; Bucki, Debbie; Spoth, Francina; Jaeger, Marjory; Gillert, Rick
Subject: Westwood SEQR Written Public Comment
Attachments: TB SEQR Hearing 091817 - Follow-Up Comments 10011717 - FINAL.pdf

Town Board Members, Town Clerk, Planning Department, Historic Preservation Commission:

Attached please find written comments for inclusion in the file for Westwood SEQR review - Public Comment Period. This document in full is 6 pages of written text plus 2 maps from the UPDATED RECONNAISSANCE LEVEL SURVEY OF HISTORIC RESOURCES TOWN OF AMHERST Erie County, New York, August 2011 (Area 4 & Area 9).

Please share this with the Historic Preservation Commission as well, as I could find no email address available.

Respectfully yours,
Maryann L. Hochberg

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

To: Amherst Town Board, Amherst Town Clerk, Amherst Planning Department, HPC
 From: Maryann Hochberg, [REDACTED]
 Date: Oct. 1, 2017
 RE: Public Hearing/Written Public Comment Period for Westwood SEQR

I spoke at the Westwood SEQR public hearing (Mon. 9/18/17), and entered those comments into the record at that time. These additional written comments are for the Westwood SEQR public hearing record – 10 day written public comment period.

I oppose the proposed rezoning and development of the Westwood Country Club parcel located at 772 North Forest Road. It threatens our valuable historic cultural and archeological resources and our quality of life. I urge you to deny the rezoning.

- Westwood Country Club site is listed in the UPDATED RECONNAISSANCE LEVEL SURVEY OF HISTORIC RESOURCES TOWN OF AMHERST Erie County, New York, August 2011 - Area 4:
 - The Westwood site is historically significant in association with the social and recreational history of the town.
 - The Westwood site is historically significant in association with Jewish history in the Buffalo area.
 - The Westwood Country Club clubhouse is significant for its Tudor Revival style architecture.
- Risk to Historic Cultural & Archeological Resources:
 - The Westwood Country Club clubhouse would be demolished with the development as proposed.
 - The corresponding setting, which is the former golf course, would be replaced with high-density, multi-use development.
 - There are several other important identified historic resources in close vicinity to the Westwood parcel, which may be threatened by long-term construction activity and drastic changes to the area. These are located at:
 - 829 North Forest Road (J. Getz House) – Area 4
 - 895 North Forest Road (Stimm House) – Area 4
 - 954 North Forest Road – Area 9
 - 1000 North Forest Road (Haussauer House) – Area 9
 - 1109 North Forest Road – Area 9
 - 1134 North Forest Road – Area 9
 - 1323 North Forest Road (District No. 17 School - one room schoolhouse at Maple Road) – Area 9
 - 251 Frankhauser Road – Area 4
 - Siegfried Drive Historic District – Area 9
 - Indian artifacts have been found on the Westwood site, and the land should not be disturbed.
 - The millrace on North Forest Road, which has already been identified as archaeologically significant, is located within 0.5 miles from the Westwood parcel, and may also be potentially threatened by long-term construction activity and drastic changes to the area.

The Westwood Country Club and its beautiful clubhouse have been a familiar long-time anchor of stability standing like a gateway to the surrounding neighborhoods in this area for many decades. The current proposed plan results in the destruction of the current Westwood clubhouse. Even if the clubhouse would ultimately be spared, it would stand as a symbol of great loss due to the drastic changes that would come to this area of central Amherst with the loss of the vast greenspace that currently is the former golf course.

Development of the Westwood Country Club site would be one of the largest losses of a significant historic cultural resource in the entire Town of Amherst. A look at the Area 4 map in the UPDATED RECONNAISSANCE LEVEL SURVEY OF HISTORIC RESOURCES TOWN OF AMHERST Erie County, New York, August 2011 reveals the immensity of the loss given the size of the property as shown shaded in blue. No potential threats are listed in the town's historic resource document for the Westwood site; obviously this is no longer the case.

The proposed development of this parcel would not be done in a vacuum. This area of town is rich in identified historic cultural resources. Though the Westwood Country Club site is a stand-alone site of historic cultural importance for both architectural and social significance, in a town that is essentially built out, you must additionally look at the big picture.

Structures of high value like the Getz House at 829 North Forest Road, a pre-Civil War structure, and the Haussauer House at 1000 North Forest will need added protections if any development at Westwood should occur, especially given the long-term build-out period that would result.

Of note, a public hearing to consider local landmark designation for the Stimm House at 895 North Forest Road is scheduled for Dec. 2017 for that structure.

There is a genuine concern for the fate of our older housing stock and devaluation in the surrounding neighborhoods. These identified properties are particularly vulnerable.

Additionally, there are areas of archeological significance located here. As noted in the historic resource document on page 1, the survey was limited to above-ground historic resources. Prehistoric and historic archaeological sites were outside the project scope.

I offer the following abstracted information from the UPDATED RECONNAISSANCE LEVEL SURVEY OF HISTORIC RESOURCES TOWN OF AMHERST Erie County, New York, August 2011, provided as documentation of the importance the Westwood parcel in its entirety, and of this central area of town for its important historic resources. The intent is not to plagiarize, but to utilize the town's own information to validate concerns for impacts on resources and to educate the public to these matters.

Westwood Country Club - Area 4

Non-Residential Properties: Recreational

- **Westwood Country Club 772 North Forest Road (Corner of Sheridan Drive)**
 Area 4 (4BG2)
 ca. 1920s – *Color Code GREEN
 Tudor Revival style clubhouse
 Reason for Inclusion: Early 20th century social/recreational architecture in Tudor Revival style.
 Social history.

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

The Big Picture - Area 4/Area 9

Other North Forest Road Resources:

Residential Properties and Suburban Development:

- **The J. Getz House, 829 North Forest Road**

Area 4 (4BB3- NRE) - SHPO NR Listing Number 02902.000257/I

ca. 1840s – *Color Code BLUE

Greek Revival

Reason for Inclusion: Early to mid-19th century brick vernacular residential architecture. Greek Revival inspired massing and form. **National Register Eligible.**

Rarity of Resource: 19th century brick residential construction is relatively rare in Amherst.

The building is one of the oldest in town. An inventory form is on file at the NYS - OPRHP (USN 02902.000257). The property has been determined to be **National Register Eligible.**

- **The Stimm House, 895 North Forest Road (Part of the Zion Dominion property)**

Area 4 (4BB4- NRE) - SHPO NR Listing Number 02902.000485/I

1942 – *Color Code BLUE+

International Style

Reason for Inclusion: Outstanding example of WWII-era international style residential architecture. Possible significance for technology; early use of radiant heat.

Rarity of Resource: International style is relatively rare

An inventory form is on file at the NYS - OPRHP (USN 02902.000485/I). The property is **National Register Eligible.**

- **954 North Forest Road**

Area 9 (9BY2) - SHPO NR Listing Number 02902.000486

ca. 1890– *Color Code YELLOW

Queen Anne

Reason for Inclusion: Late 19th century Queen Anne residential architecture.

Rarity of Resource: Queen Anne's are rare in Amherst.

An inventory form is on file at the NYS - OPRHP (USN 02902.000486). There has been no determination of National Register eligibility.

- **Haussauer House 1000 North Forest Road**

Area 9 (L-9BB3- NRE) - SHPO NR Listing Number 02902.000487/I

ca. 1920 – *Color Code BLUE-

Craftsman Bungalow style

Reason for Inclusion: Early 20th century Craftsman/Bungalow residential architecture. **National Register Eligible. The building is a Designated Local Landmark.**

Rarity of Resource: Hip roof Craftsman/ Bungalow form is relatively rare.

An inventory form is on file at the NYS - OPRHP (USN 02902.000487). The building is **National Register Eligible and is a designated Local Historic Property.**

- **1109 North Forest Road (Southeast corner of Noel Drive)**

Area 9 (9BY4)
ca. 1885 – *Color Code **YELLOW**
late nineteenth - century farmhouse

Reason for Inclusion: Late 19th century residential architecture (Farmhouse).

- **1134 North Forest Road**

Area 9 (9BBF5)
ca. 1870 (?) – *Color Code **BLUE (F)**
late nineteenth - century farmhouse

Reason for Inclusion: Late 19th century vernacular residential architecture (Farmhouse). Farm complex. Agricultural history.

Potential threats - Moderate threat: Adjacent residential development

Frankhauser Road Resource – Area 4:

- **251 Frankhauser Road**

Area 4 (4BG1)
ca. 1870s – *Color Code **GREEN**
Italianate residence

Reason for Inclusion: Late 19th century Italianate residential architecture of brick construction.

Rarity of Resource: 19th century brick buildings are relatively rear in Amherst

Siegfried Drive Historic District – Area 9:

- **Siegfried Drive Historic District. Includes: 22 to 256 Siegfried Drive and 11 to 275 Siegfried Drive. 76 properties, all contributing.**

Area 9 (9DB8)
ca. 1950s – *Color Code **BLUE**
post - World War II collection of houses

Reason for Inclusion: Post World War II suburban residential development significant for their association with suburban residential development and standardized design in the town of Amherst in the mid-twentieth century.

Rarity of Resource: Cohesive standardized residential suburban neighborhood is rare.

The Non - Residential Buildings – Education:

- **Schoolhouse in District No. 17 School, 1323 North Forest Road**

Area 9 (L-9BB6) - SHPO NR Listing Number 02902.000054/N

ca. 1860 – *Color Code **BLUE+**

A one - room, front - gable brick building, schoolhouse

Reason for Inclusion: The schoolhouse has been designated a local landmark by the Amherst HPC. Meets criteria I, II, and V. Significant as last remaining brick one room schoolhouse in town; embodies distinctive architectural characteristics of rural schoolhouse; highly visible landmark. Not National Register eligible, but **locally significant**.

Potential Threats: Moderate threat: Busy corner; commercial development area.

Rarity of Resource: 19th century brick buildings are relatively rare in the town. Only remaining brick one room schoolhouse in town.

An inventory form is on file at the NYS - OPRHP (USN 02902.00047). The building has been determined to not be eligible for listing on the National Register, however it is locally significant and has been designated as a **Local Historic Landmark**

Extended North Forest Resources:

- 1500 North Forest Road, Area 9 (9BB7), ca. 1913 – *Color Code **BLUE-** , Former estate
- The George Kibler House 1841 North Forest Road (corner of Swanson), Area 1 (1BB12), ca. 1840 - *Color Code **BLUE-** , Appears to be the only surviving historic resource associated with Amherst Center. (The tavern at this crossroads is gone.)
- Brunner Farmhouse 2751 North Forest Road, Area 3 (3BB12- NRE), ca. 1870 - *Color Code **BLUE** , **National Register Eligible**

Archeological Significance

Methodology Section- Page 1

The survey was limited to above-ground historic resources. Prehistoric and historic archaeological sites were outside the project scope.⁴

⁴ Appendix 5 provides a list of Reports of the Archaeological Survey conducted in the Town of Amherst as a general reference archaeological resources within the town.

Summary and Recommendations Section – Page 46

6. Investigate Archaeological Resources

Extensive archaeological investigations have been completed in the town. The rivers and streams, and settlement patterns in the town suggest a high sensitivity for Archaeological resources (historic and prehistoric). Appendix 5, Reports of the Archaeological Survey, Town of Amherst, NY provides a useful tool in understanding the historic and prehistoric resources in the town. This information is vital in preservation planning, land-use planning and development.

NOTE - Appendix 5 online is appears as a repeat of the Methodology section, and was not available for viewing.

Summary and Recommendations Section – Page 45

5. Develop programs for public education and to promote awareness of the value and treatment of historic resources.

The attitude the public has concerning the town’s cultural resources, including their own property, is vital if the integrity of those resources is to be maintained. An informed public makes better decisions.

***Color Codes - UPDATED RECONNAISSANCE LEVEL SURVEY OF HISTORIC RESOURCES TOWN OF AMHERST Erie County, New York, August 2011**

A rating system was established to provide a basis of comparison for the relative merit of properties on a town-wide and regional context. The architectural significance – locally, regionally and nationally; the architectural integrity; the integrity of the setting or context, and the historic significance – locally, regionally and nationally were all considered when evaluating a property. It should be noted that a local resource might be given a higher rating despite a loss of integrity if the resource is rare and not well represented in the town. Each of the properties on the Annotated Lists (Appendix 1 and 2) has been assigned one of the following color codes:

BLUE Extremely high architectural and/or historic significance. These properties would likely also meet the criteria for to be considered National Register eligible. A locally significant district. A resource that is rare and lacks individual distinction. All districts are considered Blue as are most farmsteads. Updated Reconnaissance Level Survey of Historic Resources Town of Amherst 4

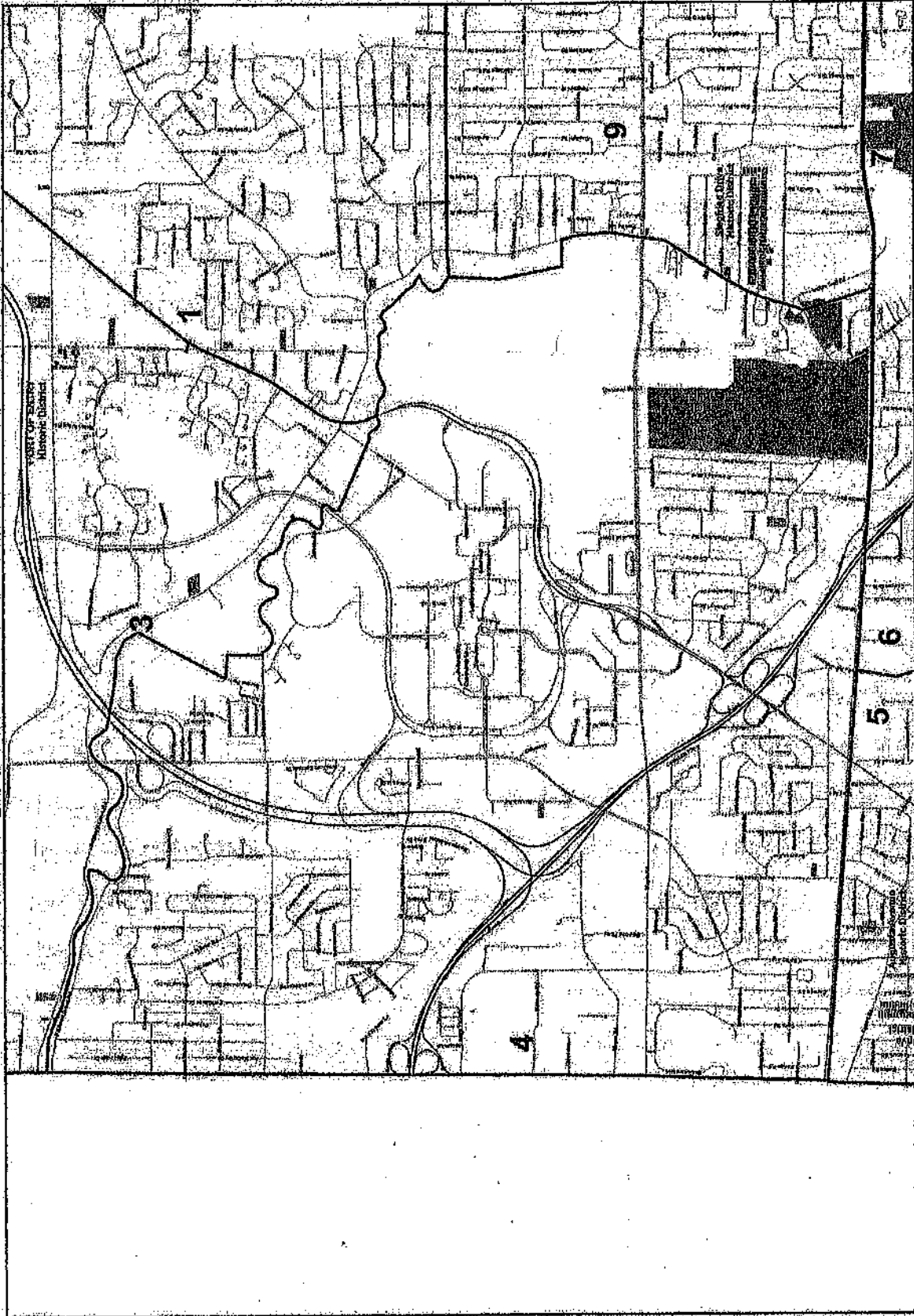
GREEN Above average architectural and/or historical significance. May have some alterations that compromise the integrity such as replacement windows. Would possibly meet the criteria for to be considered National Register eligible.

YELLOW Moderate architectural and/or historical significance. Has been altered, but still retains sufficient historic fabric to convey historic meaning. Important local resources. Would likely not meet the criteria for to be considered National Register eligible.

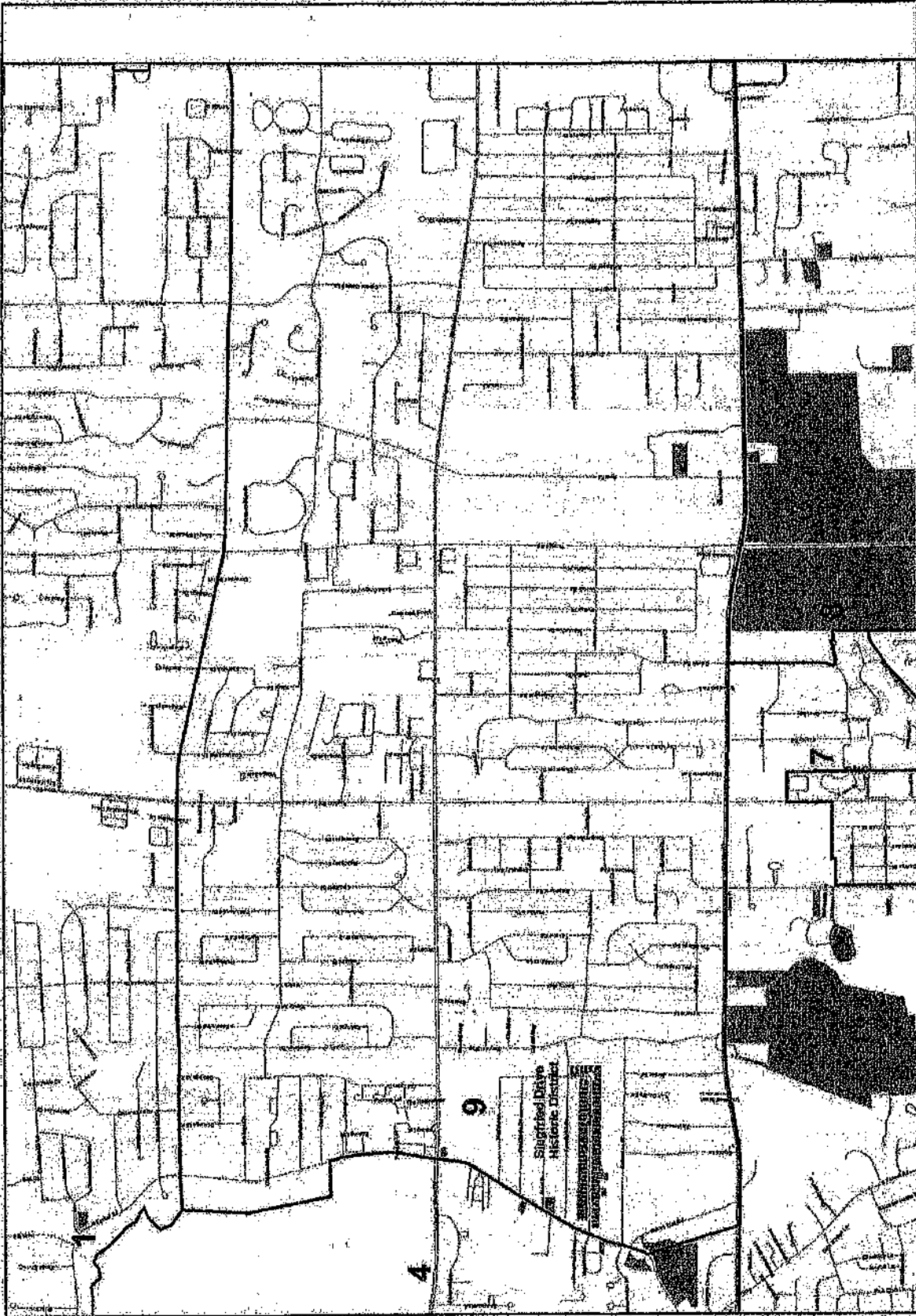
The color ratings are further qualified by the following designations:

- + More significant than the average property within its color category.
- Less significant than the average property within its color category.

Area 4
Historic Districts
and Properties



Area 9
Historic Districts
and Properties



Subject: FW: Proposed New Private Road 4176-4188 Sheridan Dr.

From: teresa johnson
Sent: Friday, February 05, 2016 3:34 PM
To: Jaeger, Marjory
Cc: Edard.Rutkowski@dot.ny.gov
Subject: Proposed New Private Road 4176-4188 Sheridan Dr.

To Marjory Jaeger, Town Clerk,
Please forward the following to the Amherst Town Board, Amherst Planning Committee, & Town Attorney,
Stanley J. Sliwa:

As a long time resident of this area of Amherst I demand Mr. Sliwa review the variance granted to allow a private road to be built at this location without a traffic study and without the proper requirements having been met. This is a very congested area with frequent accidents. The signal at Frankhauser is routinely run by cars trying to beat the red light. When the Harlem/Sheridan intersection is congested at rush hour, the back-up often extends back to Frankhauser.

How can the New York State Department of Transportation determine that a traffic study was not needed?

Thank you for your attention to this important matter.

Sincerely,
Teresa Johnson
215 Fairways Blvd.

Attachment: Johnson (COM-2016-54 : Resident Concerns Regarding Sheridan Drive, Westwood Project, and Traffic Study)

RECEIVED
SEP 22 2017
TOWN OF AMHERST
SUPERVISOR'S OFFICE

14.2.a

September 22, 2017

Dear Supervisor Weinstein,

I am writing about the Westwood development. I am against it. The first 3 speakers at Monday's public hearing listed numerous reasons why the project should not be approved. Please reject it, and hopefully, the land can be used in a way that our town would benefit.

No — because of environmental impact

No — because of traffic issues.

No — because of the damaging impact on neighbors.

No — because of the size of the new street

No!!! Please make it a park.

Mary Therese Kinder

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

Subject: FW: Traffic study

From: Brendan McIntyre
Sent: Saturday, February 06, 2016 8:45 AM
To: Jaeger, Marjory
Cc: Edward.Rutkowski@dot.ny.gov
Subject: Traffic study

Town Planning Board and Town Attorney (c/o Marjory Jaeger),

In light of the accident that occurred February 1st at 2:30 on Sheridan Dr. at the Youngman entrance to the highway, as well as any other serious accidents on Sheridan between Harlem and North Forest Rd, I would like to add my name to the growing list of residents desiring to see a traffic study performed to the new proposed road at 4176 - 4188 Sheridan Drive.

The town attorney should review the variance granted to allow the road without a study, as the proper requirements may not have been met.

From,
A Concerned Resident

Attachment: McIntyre (COM-2016-54 : Resident Concerns Regarding Sheridan Drive, Westwood Project, and Traffic Study)

September 30, 2017

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
Amherst Town Board
5583 Main Street
Williamsville, NY 14221

Dear Dr. Weinstein,

When at the recent meeting when residents had the opportunity to speak about the Westwood property I read the following written by Phil Parshall published in the Buffalo News:
Our atmosphere is warming, warm air carries more moisture. That's why our rainstorms are, on the average, delivering more rain. that, plus the weakening of the jet stream, will allow more Gulf moisture to make it north.

The initial blast of runoff from these intense rainstorms is stressing the drainage of Amherst streams. The stream that crosses Frankhauser Road at Millbrook now almost fills its road culvert from a 3" rainstorm. This stream and others in the area have not and cannot be properly dredged/maintained because, due to development, there is not longer any access to these streams. Many are full of the limbs that fell in the October Surprise snowstorm.

As you imagine, covering grassland with blacktop and concrete exacerbated the initial runoff; there simply isn't enough local capacity to handle the development of the former Westwood Country Club. Acres of grassland have recently been covered in this area, specifically around the Marriott Courtyard Hotel and auto sales lots on Sheridan Drive, the Comfort Inn on Millersport Highway, the Frankhauser substation, Dent Tower, Sheridan-Harlem Plaza, several new housing complexes surrounding the University at Buffalo, and many more.

Where does it stop? Do you really think the developers of Westwood will return to fix their mistakes, let alone take responsibility for anything once they are gone? The hidden truth in their design is that all basements of the surrounding neighborhoods will probably become temporary holding ponds.

Is there anyone in Amherst government willing to stand up for these neighborhoods?

Phil Parshall
Amherst

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

Subject: FW: Need for a traffic study.

From: LINDA PERKINS
Sent: Saturday, February 06, 2016 1:04 PM
To: Jaeger, Marjory
Subject: Need for a traffic study.

The town is getting oversized. All the housing and development has attracted more and more cars. Harlem, Sheridan, and North Forest are dangerous. I live in the village off Union Rd. For several years, I have been shopping and moving my health care needs to Cheektowaga, The Westwood property cannot be developed as requested. Way too many more cars will join the mess. How long will this go on?

Attachment: Perkins (COM-2016-54 : Resident Concerns Regarding Sheridan Drive, Westwood Project, and Traffic Study)



Amherst Town Board

5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

14.10

Marjory Jaeger
Town Clerk

Meeting: 09/05/17 07:00 PM
Department: Town Clerk
DOC ID: 17477

COMMUNICATION 2017-222

Linda Perkins - Westwood

Letter from Linda Perkins in opposition to the Westwood development.

Aug. 22, 2017

To: Town Bd. Members and Planning Dept.

From: Linda Perkins 147 Canterbury Mm.
150 So. Union Rd.Subject: Rezoning Application Hearing in
Sept. 2017. from the Menck Group
(Westwood)

Please do not approve this. I have been following the plan. The issues of sewers, traffic, water, pollution and most of all, the impact on our right to a peaceful and manageable way of life.

Amherst has exploded in building projects for the past 15 years with more on the way.

Have respect for your taxpayers and our green space.

Just say No.

Respectfully,

Linda Perkins

McClary, Susan

From: Nicole Pohancsek [REDACTED]
Sent: Friday, May 27, 2016 7:31 AM
To: Weinstein, Barry
Subject: Westwood country club

Mr Weinstein,

I would like to take a moment of your time to talk about Westwood Country Club. I am in full support of turning Westwood into a residential community. The small amount of people against this development is the NIMBY (Not in my backyard) neighbors to the property. We have a lot of parks and golf courses in Amherst compared to other Erie County towns. How many other towns own two golf courses, a driving range and a par 9? The town of Amherst needs to get out of the golf course business. The reason why so many private golf courses are going up for sale is because golf courses are no longer a profitable business. Amherst can not even take care of the golf courses that they own. The Oakwood golf course had so many mosquitoes last year, that I saw people leaving after a few rounds because they were getting eaten alive.

If there is a residential community built there or not, a study needs to be done on how the traffic on North Forest can be alleviated. I ask you to drive down North Forest on a weekday at 5 pm. It is almost impossible. The same can be said about Youngs and Main Street. The Williamsville tolls need to be moved to Pendleton or a free entrance needs on Youngs to be created to alleviate the traffic in Amherst. Twice as many people are in the town of Amherst during the day to work then live in Amherst. Traffic concerns need to be addressed. The New York State Thruway authority is the 3rd largest tax entity in NY state (#1 is taxes and #2 is the DMV). The New York state Thruway can spare money to address traffic in Upstate NY. They have been focused on downstate and it is time that they spend some money upstate. One of the projects that we need to have them focus on is the Williamsville tolls and Youngs thruway entrance/exit.

The third thing that needs to be addressed is the car lots that are popping up in Amherst. A bill needs to be passed to minimize how many of these lots can be developed in Amherst. Even Westwood has cars parked there. Where were these cars parked before?

You need to start listening to the majority of the residents of Amherst instead of the minority. The NIMBY's can not run the town.

Nicole Pohancsek
[REDACTED]

Attachment: Nicole Pohancsek -Westwood Country Club-05272016134828 (COM-2016-145 : Nicole Pohancsek - Westwood Country Club)

McClary, Susan

From: Pohl, Alanna [REDACTED]
Sent: Tuesday, September 26, 2017 9:05 AM
To: Weinstein, Barry; Sanders, Steven; Popowich, Ramona D.; Bucki, Debbie; Spoth, Francina
Cc: Jaeger, Marjory; Gillert, Rick
Subject: Westwood SEQR Public Comment Record
Attachments: Westwood SEQR Public Comment LETTER 9 25 17.pdf

Dear Supervisor Weinstein, Councilmember Sanders, Councilmember Popowich, Councilmember Bucki and Councilmember Spoth, Town Clerk Jaeger and Planning Director Gillert,

Attached please find for the public record my comments with regard to Westwood SEQR at this time.

Thank you for the opportunity to speak and to have this information included in the public record.

Alanna

Alanna Pohl Hughes

[REDACTED]
[REDACTED]

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)



September 25, 2018

The Honorable Dr. Barry A. Weinstein

Supervisor, Town of Amherst

Chairperson, Amherst Town Board and

Councilmember Steven D. Sanders, Councilmember Ramona D. Popowich, Councilmember Deborah Bruch Buckl and

Councilmember Francina J. Spoth

5583 Main Street

Williamsville, NY 14221

Dear Supervisor Weinstein, Councilmember Sanders, Councilmember Popowich, Councilmember Buckl and Councilmember Spoth,

I spoke on September 18, 2017 at the Town Board Meeting with regard to SEQR, the DGEIS and environmental concerns at Westwood. I listened to Sean Hopkins make his presentation for nearly an hour as representative for the developer, Mensch Capital Partners. Only toward the very end of his presentation did Mr Hopkins mention the federal jurisdictional waterway, as determined by the Army Corps of Engineers, that is on the Westwood property. He glossed over that in only mentioning it.

All development plans by Mensch have this waterway paved over and built on. They would need a permit from the Army Corps of Engineers to be able to do so. While this waterway is not large or free flowing (anymore) and per Mr Hopkins "was simply used to irrigate the golf course," it is still a federal jurisdictional waterway which at one time ran freely for several miles to connect Bizer Creek across Westwood to Ellicott Creek. So, its only purpose was NOT just to irrigate the golf course. It assisted in area flood control and water run-off. This waterway (Channel 1 per the Army Corps and known as Ditch 5 to the Town of Amherst) flows under Frankhauser Road between #54 and #60 and then through the backyard of my neighbors and myself. Back before my time, my grandparents had a large vegetable garden in the back of my lot and the creek was used to irrigate that in the 1930s-1960s. The Town has also, unfortunately, had a hand in altering this waterway with storm and sewer infrastructure changes that were made at some point in the 1980s on both Sunrise Boulevard and on Frankhauser Road where the channel flows under those roads. (Unfortunately, I do not have exact dates as I was a youngster then.)

The other environmental concern Mr Hopkins brought up at the end of his presentation he said "did not exist." He stated there were NO endangered species at Westwood. Mr Hopkins is also the attorney of record for the Elite Construction Development Project known as Sheridan Woods (4176-4188 Sheridan Drive). This project which was not given a rezoned is only several hundred feet off the western perimeter of the Westwood property. An endangered species of bat is on that property. The developer was given specific information on when trees could be cut on that property because of the bats and their mating season. No cutting between April and October. So, the developer had the trees cleared from the property in March 2017 to be in compliance. So where did the bats go when they returned April and May to mate and roost?? Westwood, again, is only several hundred feet away. The Sheridan Woods parcel is only 3 acres in size. Of course, there have to be bats there at Westwood. If they were not there before the trees were cut at Sheridan Woods, they have to be there now so any information not updated in the last year is obsolete regarding endangered species. (By the way, the developer at Sheridan Woods has not done a thing since cutting the trees. The

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

property in the side and rear yards have not been maintained all season. The grass/weeds have grown to be several feet tall.)

And in the past few weeks, Mensch Capital Partners have been trimming trees and cutting the lawn. They began the week of Mr Chris Drongosky's rally held at 11 Fairways Boulevard just prior to Primary Day. Obviously they wanted the area behind 11 Fairways to be presentable to media and photographers at the rally. Since then they have cut the lawn on the majority of the parcel...perhaps all of it? This is interesting as for the past 3 years, Mensch has only cut the grass in the bordering areas adjacent to neighboring properties and on the north/south borders of Maple and Sheridan to give the appearance of maintaining the property. All interior areas have been left to grow wild. Guess they have heard from the public that it looks like a nice nature preserve with the wild grasses which should remain that way and now they are seeking to destroy that image THEY CREATED of the "abandoned" golf course??!! (Mr Hopkins and Mr Shavel's words.) One can only imagine why after several years they are now investing in trimming and cutting????

Thank you for the opportunity to speak and comment publicly on the Westwood issue.

Sincerely,



Alanna Pohl Hughes

[Redacted]

[Redacted]

[Redacted]

CC: Marjory Jaeger, Town Clerk and Eric Gillert, Director of Planning Department

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)



Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

11.5
Marjory Jaeger
Town Clerk

Meeting: 09/18/17 07:00 PM
Department: Supervisor
DOC ID: 17609
REFERRED

COMMUNICATION 2017-241

Westwood Communications

For Suspension of Rules September 18, 2017

To: Amherst Town Board
From: Supervisor Barry A. Weinstein, MD
Date: September 18, 2017
Re: Communications

Please see the attached communications regarding Westwood.

9/18/17

Referred to Planning and Town Attorney.

RESULT:	REFERRED [UNANIMOUS]
MOVER:	Steven D. Sanders, Deputy Supervisor
SECONDER:	Ramona D. Popowich, Councilmember
AYES:	Weinstein, Sanders, Popowich, Bucki, Spoth

September 18, 2017

TO the Amherst Town Board:

I object strongly to the over development of the former Westwood Country Club property. I object to any development that the present owners have proposed to date.

"Let's make it a Park!" Not economically good for the present owners! But a big win for the residents of the town of Amherst!!!

Let's not make Amherst the "Shelton of Tomorrow" by continuing to over develop.

The majority of the residents of the town of Amherst want and will enjoy green space.

Your kind consideration to this matter is greatly appreciated.

Very truly yours,

Christine P. Ott

Phone # ~~XXXXXXXXXX~~

Subject: FW: Objection to Westwood Development Project

-----Original Message-----

From: Dan Sagun
Sent: Thursday, February 04, 2016 1:11 PM
To: Jaeger, Marjory
Cc: edward.rutkowski@dot.ny.gov
Subject: Objection to Westwood Development Project

Dear Mr. Sliwa,

As a resident of the neighborhood adjacent to the Westwood property, I wish to voice my strong opposition to the proposed development project for the Westwood property which would radically increase the amount of traffic on an already congested section of Sheridan Drive between Harlem Road and North Forest. It is my understanding that a variance has been granted to allow a new private road at 4176 - 4188 Sheridan Drive without a traffic study. I would like to know why the variance was granted to allow this road without a traffic safety study and without the proper requirements being met. Not only will the proposed Westwood development project radically change the quiet and tranquil neighborhood which I live in with the influx of additional traffic, but it also has the potential to reduce the property values in the neighborhood. Please fight to Keep Westwood Green!

Thank you for your consideration in this matter.

Daniel Sagun
150 E. Maplemere Road
Amherst

Attachment: Sagun (COM-2016-54 : Resident Concerns Regarding Sheridan Drive, Westwood Project, and Traffic Study)

Hello, my name is Maureen Schmitt. I own residences at 866, 860 and 850 North Forest. The latter is directly adjacent to the Westwood property. I oppose the rezoning of the Westwood Country Club parcel from RC to the combined TND/MFR-7/GB (Recreation/Conservation to Traditional Neighborhood Development, Multi-Family Residential, General Business) in order to protect the stability of the surrounding neighborhoods and the safety of all that pass through. The proposed development remains too intensive for the existing surrounding neighborhoods. The new plan still has many of the same problems, with some serious additional new ones.

The proposed changes to the transportation infrastructure are a serious concern. It is presumptuous for the developer to propose building a roundabout, within the current Westwood boundary, situated in close proximity to the large intersection, to move traffic for the public. North Forest is a county road and falls under county jurisdiction. The same is true for North Forest at the Sheridan Drive intersection, which the developer states they will reconfigure and widen the road segment on the right for an extended length. Sheridan is a state road and falls under NYS DOT jurisdiction. It is not within the power of the developer to construct these changes, without approval by the owning jurisdiction neither of which have seen a traffic impact study. Would these proposed changes and continued maintenance fall on the county and state taxpayer shoulders? Potentially turning the internal development roads over to the town, which lead into the roundabout, existing onto County owned North Forest, seems questionable. Additional cost for the Town of Amherst taxpayers to maintain these potentially acquired new internal roads should be considered.

North Forest is a collector road, intended to pass traffic through the area. These changes will negatively impact the way the roadway functions for the sole purpose of serving the development. For the 30 years I have lived on North Forest many changes have been proposed to change the nature of the road. But after considerable study it has always been found that North Forest Road functions to move traffic smoothly and safely with the natural curves to slow traffic while at the same time respecting those that live there.

All residences near the vicinity of the North Forest circle would be adversely affected for ingress, egress and for future value on their homes. Particularly offensive is what will unfold for 3 residences situated directly on the roundabout; 1 of them being a group home. The plan even over-steps going as far as reconfiguring private residential driveways. This roundabout feature needs all those impacted to understand the downstream negative effects it could potentially bring to the existing surrounding neighborhood.

This zoning category is not right for this parcel, and I urge you to deny this request.

Thank you.

Subject: FW: Terrible

From: bluesbeatm
Sent: Thursday, February 11, 2016 10:21 AM
To: Jaeger, Marjory
Subject: Terrible

There should definitely be a traffic study regarding the plans for Westwood in Amherst. There are way too many cars on the road in this area already. People have to wait for a light to turn three or four times just to get through it.

Sharon Schneider
Hickory Hill
Amherst, NY 14221

Attachment: Schneider (COM-2016-54 : Resident Concerns Regarding Sheridan Drive, Westwood Project, and Traffic Study)

From: Michael Sobol [REDACTED]
Sent: Tuesday, July 05, 2016 10:59 AM
To: Weinstein, Barry
Subject: Westwood Country Club

Dr. Weinstein:

My name is Michael Sobol, and I live in the town of Amherst. I am a member of Boy Scout Troop [REDACTED], and I am writing to you as a part of my Citizenship in the Community merit badge. One of the requirements is to interview an elected official about an issue. I live near Westwood Country Club and am concerned about its status. Please email your responses to these questions--short answers are fine! If possible, please respond within the next few days, as I will use this next week at Scout Summer Camp. Thank you for taking the time to help me finish this merit badge, which is required for Eagle Scout!

- 1) What are the current health and environmental concerns about Westwood?
Contamination with Arsenic + heavy metals
- 2) How concerned should neighbors be about health risks?
I Do Not Think it spreads
- 3) What ideas does the town have to develop the land?
It is owned privately not by the town
- 4) What does the term "brownfield" actually mean?
Contaminated property
- 5) What, if anything, can young people do to help?
Demonstrate that the owner should clean up the site.

Thank you again for taking the time to answer these questions--I truly appreciate it!

Best wishes,
Michael Sobol

Attachment: Michael Sobol- Westwood Questions-07192016150301 (COM-2016-192 : Michael Sobol - Westwood Questions)

Subject: FW: Sheridan Road

From: Theodore Steinberg
Sent: Thursday, February 04, 2016 4:59 PM
To: Jaeger, Marjory; edward.rutkowski@dot.ny.gov
Subject: Sheridan Road

Dear Ms. Jaeger,

Please forward this letter to the Amherst Planning Board and the Amherst town attorney.

Dear Planning Board Members, Mr. Sliwa, and Mr. Rutkowski,

It is simply outrageous that you are permitting the construction of a private road at 4176-4188 Sheridan Road without even a traffic safety study. There are already enough accidents and enough danger on Sheridan Drive, and for you to proceed without a mandated traffic safety study shows a terrible disregard for the safety of all who travel on that road.

Surely you should be aware that the mood of the country has become quite dark thanks to such disregard of citizens' feelings on the part of their elected and appointed officials. While we are not sympathetic to most of their complaints, in light of actions such as your own, we can certainly understand them.

We call on you to review the variance and conduct a proper traffic study to determine whether the creation of this private road will endanger the lives and well-being of those who travel and live along Sheridan Drive.

Sincerely,

Theodore and Phyllis Steinberg
32 Cobblestone Lane
Williamsville, NY

Attachment: Steinberg (COM-2016-54 : Resident Concerns Regarding Sheridan Drive, Westwood Project, and Traffic Study)

McClary, Susan

From: Frank Wopperer [REDACTED]
Sent: Monday, October 2, 2017 9:26 AM
To: Weinstein, Barry; Sanders, Steven; Popowich, Ramona D.; Bucki, Debbie; Spoth, Francina; Jaeger, Marjory
Subject: Westwood SEQR 10 Day Public Comment

Proposed Westwood development will be a **10 year build out in the center of town**. See related Buffalo News article link below and attached to understand some of our concerns regarding the proposed Westwood development regarding construction:

Williamsville East sportsplex neighbors irked by summer of construction

By Joseph Popiolkowski | Published September 27, 2017 | Updated September 27, 2017

<http://buffalonews.com/2017/09/27/williamsville-east-neighbors-irked-summer-construction/>

This reflects a tip of the iceberg example for what it would be like for our surrounding neighborhoods here, further complicated by contaminated materials clean-up.

Respectfully yours,

William F Wopperer
[REDACTED]
[REDACTED]

Attachment: Public Record Westwood Comments-10032017153511 (COM-2017-244 : Comments from Residents - Westwood Project)

McClary, Susan

From: Maria C Yee [REDACTED]
Sent: Friday, September 29, 2017 11:03 AM
To: Jaeger, Marjory
Cc: Weinstein, Barry; Sanders, Steven; Popowich, Ramona D.; Bucki, Debbie; Spoth, Francina
Subject: Public Comment regarding the proposed Westwood Master Plan

Dear Town of Amherst Officials:

I am in favor of the rezoning proposal and Master Plan for the Westwood. As a resident of the Town of Amherst, I would like to voice my support for this project.

I have been a resident of the town of Amherst for the past 28 years and very simply would like to remain a resident as I retire in the next 5-7 years. The Westwood Project would offer maintenance free property options all in the setting of a very vibrant community. This is very attractive to me, since it not only would have green space; biking and walking paths, as well as retail space, making it a self contained neighborhood. I enjoy the close proximity I have to the shops, restaurants, and churches of Snyder and Williamsville now, and this move would allow me to continue this same quality of life.

I think more would be gained if we all worked together to make this happen, rather than hide under the pretense of traffic and more greenspace. If this was such a concern, more would be done to correct the traffic problems we already experience. I would be very disappointed if I had to consider another community to retire to. I have been a dedicated taxpaying resident, supportive of the various increases in both property and school taxes. I have never fought these increases even though my children attended private schools. So, let's look ahead to our **whole community**, and offer something that no one else has.

I remain hopeful that this project will move forward.

Respectfully,

Maria Yee
 [REDACTED]

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