
Exhibit 1

EXHIBIT 1

NARRATIVE PROVIDING ADDITIONAL JUSTIFICATION FOR REQUESTED AMHERST IDA ASSISTANCE FOR PROPOSED MIXED-USE PROJECT

I. Description of the Project:

The proposed mixed-use project is to be located on approximately 5.02 acres of the vacant land owned by the Applicant consisting of a portion of 50 Dodge Road ("Project Site") that is zoned New Community District pursuant to the Town of Amherst Zoning Map. The portion of the mixed-use project for which the Applicant is seeing AIDA assistance consists of two-four story mixed-use buildings that will consist of a total of 27,470 first floor commercial space with 51 upper floor apartments per building along with 22 two-family townhome units [total of 146 apartments]. A survey depicting the 5.02 acres on which the above described mixed-use project will be located is attached as **Exhibit "7"**. The project includes additional development for which the Applicant is not seeking a PILOT. Copies of the project plans are attached as **Exhibit "2"**.

The project will include a workforce housing component consisting of 20% of the units. The workforce housing component consists of 4 studio apartments, 22 one bedroom apartments and 4 three bedroom apartments at \$1,300 rent per month for 1-bedroom units and \$1,700 per month rent for 3-bedroom units for a total of 20% of the total units being workforce housing units who make 80% of AMI [Rent for workforce housing units based on information from Laurie Stillwell of the Town of Amherst].

It is important to mention that the project includes off-site improvement including the extension of a recreational trail that will cross the entire Muir Woods property and a connection of the recreational trail to Town's recreational trail located on the south side of Dodge Road [including the pedestrian safety improvements being required by the Erie County Dept. of Public Works].

The off-site improvements will cost approximately \$450,000.00. Additionally, given the topography of the site and the soil conditions, the site development costs are approximately \$3,200,000.00 higher than typical.

The mixed-use project will not result in any potentially significant adverse environmental impacts. The Town Board previously completed a coordinated environmental review of the mixed-use project. A copy of the Amended Findings Statement issued by the Town Board on September 27, 2021 pursuant to SEQRA is provided at **Exhibit “3”**. The Amherst IDA was an involved agency for purpose of the coordinated environmental review of the mixed-use project and a copy of the Lead Agency Solicitation Notice issued on July 9, 2021 is provided at **Exhibit “4”**.

The Planning Board granted Site Plan Approval for the mixed-use project on September 22, 2022. A copy of the resolution adopted by the Planning Board on September 22, 2022 granting Site Plan Approval for the mixed-use project is provided at **Exhibit “5”**. A color copy of the PowerPoint presentation given during the public hearing held by the September 22, 2022 is provided at **Exhibit “6”**.

II. The Project is Consistent with the Adopted Bicentennial Comprehensive Plan:

In connection with its decision granting Site Plan Approval for the mixed-use project on September 22, 2022, the Planning Board issued a finding that the project is generally consistent with the policies contained in the adopted Comprehensive Plan.

Chapter 3 of the Comprehensive Plan is titled “Land Use and Development” and the Goal for Land Use and Development as set forth on Page 3-4 is “An interconnected mix of land that includes revitalized older neighborhoods and commercial centers and corridors, quality new developments, vibrant activity centers, agriculture, and green spaces throughout the community.”

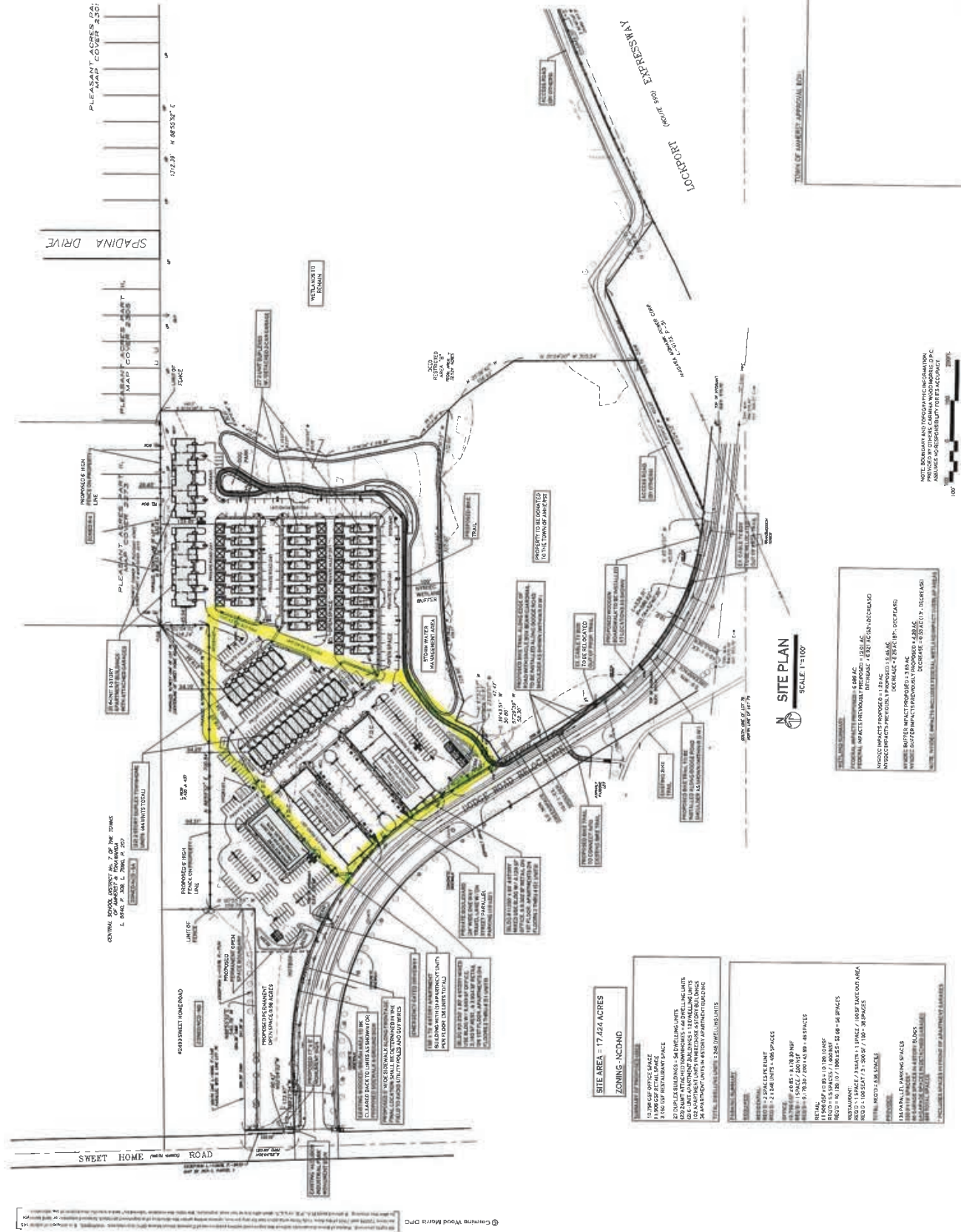
Chapter 5 of the Comprehensive Plan is titled “Economic Development” and provides support for the IDA granting incentives for the proposed mixed-use project. Section 5.2 of the Comprehensive Plan sets forth the economic goal of the Town as including creation of a strong tax base and providing development in convenient and accessible locations. One of policies as set forth on Page 5-3 of the Comprehensive Plan in implementing the Town’s economic goal and policies is as follows: “Target economic development policies, programs, capital expenditures, and incentives to attract and retain higher paying employment and promote desired forms and locations of development and redevelopment.”

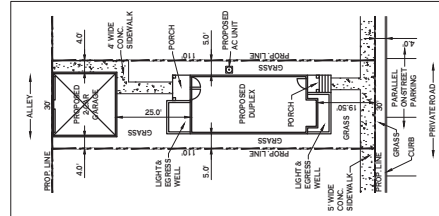
Policy 5-6 of the Comprehensive Plan consists of “[A]dopt commercial development standards for neighborhood compatibility with context sensitive design guidelines.” The Project has deliberately designed based on consideration of neighborhood compatibility and this is reflected by preserving a large percentage of the overall Muir Wood Project Site as Permanent Open Space, extensive landscaping, high quality architecture and an on-site recreational trail that will connect to the Town’s bike path.

Conclusion:

The Applicant respectfully requests that the Board of Directors approve the requested incentives for the eligible project for the reasons described within the Application including this supporting narrative including the proposed 20% workforce housing component.

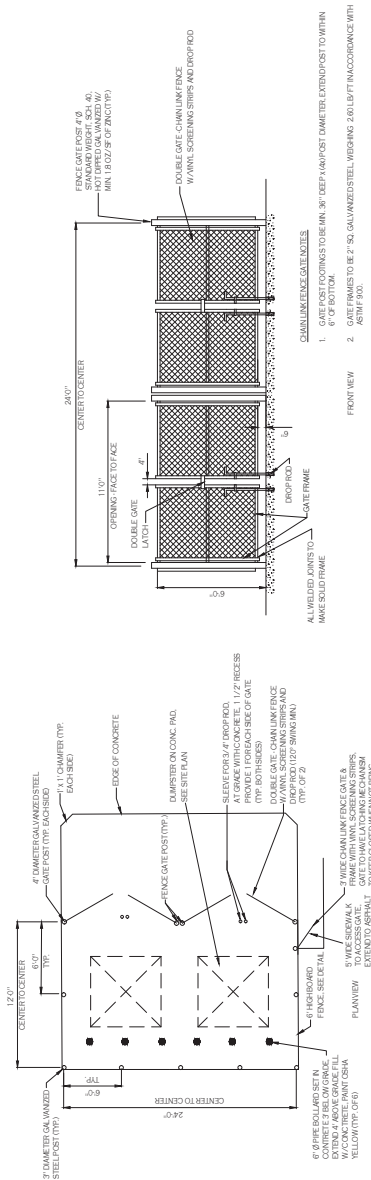
Exhibit 2



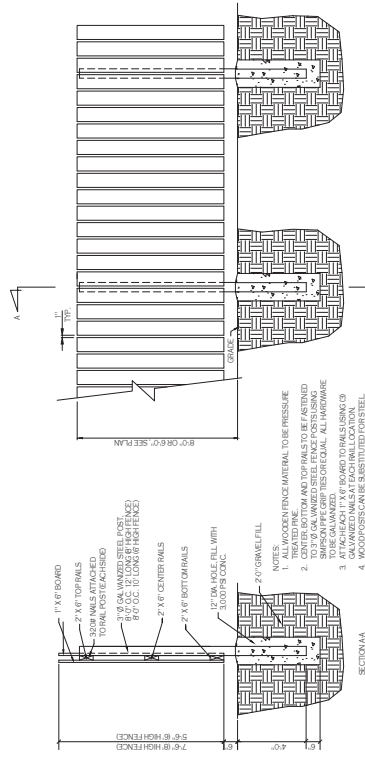


No.	Description	Date
3	Plan revised per town comments	05/18/22
4	Plan rev. per ECDPW 02/21/24 comments	02/26/24

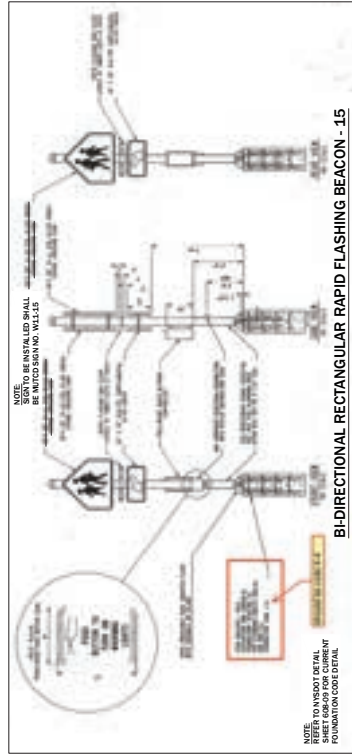
4' HIGH BLACK ALUMINUM FENCE - 13



DUMPSTER ENCLOSURE - 11



BOARD ON BOARD FENCE FENCE - FOR DUMPSTER ENCLOSURE



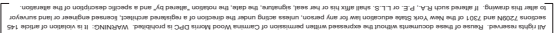
BI-DIRECTIONAL RECTANGULAR RAPID FLASHING BEACON - 15

PROJECT NAME: Sawyer's Landing
Site Development plans for:
Portion of 1081 North French Road
Amherst, New York

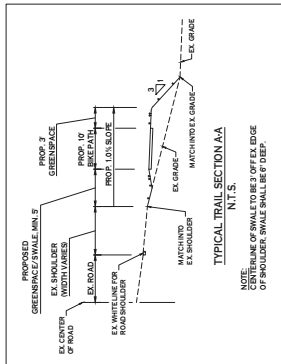
Date: 12/1/21
Drawn by: C. Wood
Scale: As Noted

DRAWING NAME:
Site
Details

DRAWING NO. **C-104**
Project no.: 21.011



© Carmina Wood Morris DPC



PROPOSED GRADING LEGEND

PROPOSED CONTOUR 101

PROPOSED SPOT ELEVATION 607.80

PROPOSED TO 1/80 THIN OF CUMULLEY. TC 606.44
BC 605.94

PROPOSED CATCH BASIN CB

PAVEMENT / GROUND SLOPE YD

PROPOSED YARD DRAIN MH

PROPOSED MANHOLE

Exhibit 3



Town of Amherst

Brian J. Kulpa
Town Supervisor

AMENDMENT #51 TO THE AUDUBON DEVELOPMENT PLAN
TO RECLASSIFY A PORTION OF 326± ACRES OF LAND
FROM NCD-ND & NCD-MOS to NCD-GC, NCD-RI & NCD-MOS
1081 & 1121 North French Road
(Z-9-02)

CERTIFICATION OF AMENDED FINDINGS

Having considered the Draft and Final Generic EIS documents, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617, this Amended Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action **approved** is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the Generic Environmental Impact Statements, and the Application to Amend the Findings Statement, and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the Environmental Impact Statement process and the Second Application to Amend the Findings Statement will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

TOWN OF AMHERST

Name of Agency

Signature of Responsible Official

BRIAN J. KULPA

Name of Responsible Official

TOWN SUPERVISOR

Title of Responsible Official

September 27, 2021

Date

5583 MAIN STREET, WILLIAMSVILLE, NY 14221

Address of Agency

RESOLUTION

WHEREAS, following the April 16, 2004 submittal of a Draft Generic Environmental Impact Statement (DGEIS) prepared by Ciminelli Development Company, Inc., the DGEIS was accepted by the Town Board on September 7, 2004. The DGEIS was submitted for the proposed rezoning from NCD-ND & NCD-MOS to NCD-GC, NCD-RI & NCD-MOS and development of 326± acres of land located at 1081 & 1121 North French Road. On October 28, 2004, the Planning Board held a public hearing on the DGEIS and rezoning request and recommended approval of the subject petition. Subsequently, a public hearing on the DGEIS and rezoning request was held by the Town Board on March 2, 2005. A Final Generic Environmental Impact Statement (FGEIS) was accepted by the Town Board on November 5, 2007, and a Notice of Completion of the FGEIS was filed on November 14, 2007; and

WHEREAS, the Planning Board and the Town Board have considered the content of the DGEIS, the FGEIS, and all other documents and comments and submissions made during and after the hearings.

WHEREAS, on February 18, 2014, the Project Sponsor submitted an Application to Amend the Findings Statement and Audubon Development Plan along with supporting documentation. The Planning Board held a public hearing on the Application during its meeting on March 14, 2014 and it recommended approval of the Application. On June 16, 2014, the Town Board held a public hearing on the Application but did not issue a decision on the Application.

WHEREAS, on August 17, 2015, the Project Sponsor submitted an Amended Application to Amend the Findings Statement and Audubon Development Plan for the purpose of modifying the Application filed on February 18, 2014.

WHEREAS, the Planning Board held a public hearing on the Amended Application during its meeting on September 17, 2015 and the Planning Board recommended in favor of the Application. On November 16, 2015, the Town Board held a public hearing on the Application. On December 7, 2015, the Town Board voted to issue an Amended Findings Statement based on its determination that the potential modifications to the Muir Woods Project will not result in any potentially significant adverse environmental impacts that were not thoroughly evaluated in connection with the comprehensive environmental review of the Project that concluded with the original issuance of a Findings Statement on December 17, 2007.

WHEREAS, the Planning Board conducted a coordinated environmental review of the development of Sites C and D of the overall Project Site as a 133 lot residential subdivision. On September 14, 2017, the Planning Board issued a negative declaration pursuant to SEQRA for the subdivision based on its determination that the subdivision would not result in any potentially significant adverse environmental impacts.

Certification of Amended Findings
Amendment #51 to the Audubon Development Plan (Z-9-02)

WHEREAS, on April 15, 2019, the Project Sponsor submitted an Application to Amend the Findings Statement and Audubon Development Plan along with supporting documentation. The requested amendment of the Findings Statement issued by the Town Board on December 17, 2017 was to allow student housing to be developed on Site B of the overall Muir Woods Project Site ("Application to Amend the Findings Statement"). The Planning Board held public hearings on the Application to Amend the Findings Statement during its meeting on May 16, 2019 and June 20, 2019 it adopted a resolution recommended approval of the Application to Amend the Findings Statement during its meeting on June 20, 2019.

WHEREAS, on August 5, 2019, the Town Board held a public hearing on the Application to Amend the Findings Statement. On August 5, 2019, the Town Board voted three to one to amend the Findings Statement based on its determination that the potential modifications to the Muir Woods Project will not result in any potentially significant adverse environmental impacts that were not thoroughly evaluated in connection with the previous comprehensive environmental review of the Project that concluded with the issuance of a Findings Statement on December 7, 2007 and the issuance of an Amended Findings Statement on December 7, 2015.

WHEREAS, on June 24, 2020, the Project Sponsor submitted an Application to Amend the Findings Statement issued by the Town Board on December 17, 2017 and to Amend the Comprehensive Plan for Site A of the Muir Woods Project to allow a mixed-use project to be developed on Site A of the overall Muir Woods Project Site (hereinafter collectively the "Application to Amend the Findings Statement"). The Planning Board held a public hearing on the Application to Amend the Findings Statement during its meeting on August 20, 2020 and at the same meeting adopted a resolution recommending approval of the Application to Amend the Findings Statement by the Town Board.

WHEREAS, on October 6, 2020, the Town Board held a public hearing on the Application to Amend the Findings Statement. On October 19, 2020, the Town Board voted to issue the Amended Findings Statement based on its determination that the potential modifications to the Muir Woods Project will not result in any potentially significant adverse environmental impacts that were not thoroughly evaluated in connection with the previous comprehensive environmental review of the Project that concluded with the issuance of a Findings Statement on December 7, 2007, and the issuance of an Amended Findings Statements on December 7, 2015 and August 5, 2019.

WHEREAS, on July 7, 2021, Sawyers Landing LLC submitted an Application to Amend the Findings Statement issued by the Town Board on October 19, 2020 in order to seek to increase the allowable residential density from 202 units to 258 units. The Planning Board held a public hearing on the Application to Amend the Findings Statement during its meeting on August 19, 2021 and at the same meeting adopted a resolution recommending approval of the Application to Amend the Findings Statement by the Town Board.

Certification of Amended Findings
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WHEREAS, on September 27 2021, the Town Board held a public hearing on the Application to Amend the Findings Statement. On September 27 2021, the Town Board voted to issue the Amended Findings Statement based on its determination that the potential modifications to the Muir Woods Project will not result in any potentially significant adverse environmental impacts that were not thoroughly evaluated in connection with the previous comprehensive environmental review of the Project that concluded with the issuance of a Findings Statement on December 7, 2007, and the issuance of an Amended Findings Statements on December 7, 2015 and August 5, 2019 and October 19, 2020.

NOW THEREFORE THE TOWN BOARD FINDS AND DETERMINES THAT:

1. These Amended Findings set forth specific conditions and criteria consistent with 6 NYCRR Sections 617.7, 617.9, 617.11, and 617.12 under which the site plan process can proceed. This process provides procedures to supplement the FGEIS if necessary and for public notice and opportunity to participate in hearings before the Town Planning Board before it approves a site plan. An Environmental Assessment Form will be required with site plan application for environmental review. If the proposed development does not conform with these Amended Findings, a Supplemental Findings Statement, a supplement to the FGEIS, or a Negative Declaration shall be prepared to comply with 6 NYCRR Section 617.9.
2. The proposed mixed-use, student housing and residential development as presented in the FGEIS and the Application to Amend the Findings Statement submitted to the Planning Department on July 6, 2021 is consistent with the intent and objectives of the Zoning Ordinance.
3. Adequate services and utilities must be available prior to occupancy. Review and approval of services and utilities by the Town agencies will be required for site plan approval.
4. Development will be consistent with all other applicable laws, rules and regulations.
5. As provided in 6NYCRR Part 617.10, the Town Board chose to require the preparation of a draft Generic Environmental Impact Statement (DGEIS) instead of a draft Environmental Impact Statement (DEIS) for this project. This decision was based on the scope and timetable of the development described by the Project Sponsor and depicted in the Conceptual Master Plan, which showed a multi-use development on 330± acres of land, to be built out over a 15-20 year period. The Board's decision is also based on the following reasons:
 - A DGEIS provides a lead agency with the framework for properly evaluating a conceptual master plan while identifying the important elements of the environmental setting associated with the project site. A DGEIS assesses a

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broad scope of a group of actions or a combination of effects from a single action.

- The utilization of a DGEIS provides the Town Board with the authority to establish specific criteria and thresholds by which future actions such as site plan and subdivision applications will be reviewed, including requirements for ensuring subsequent compliance with SEQR.
 - The Town Board's decision to require the Project Sponsor to prepare a DGEIS acknowledges that the specific layout and appearance of the development cannot be determined at this time but rather will be decided over a period of several years and subject to market demands, and the development of the project will occur in stages.
 - The SEQR regulations state that a DGEIS is appropriate for a series or sequence of separate actions and/or projects that have wide application or restrict the range of future alternative policies.
 - The Town Board's utilization of a DGEIS affords it the opportunity to evaluate a broad range of anticipated impacts, and it also ensures that related actions will not be segmented in order to avoid the required analysis of the proposed development of the overall project site.
6. By the time the Findings Statement was issued by the Town Board on December 17, 2007, the proposed Muir Woods development had been significantly revised since its initial submittal in 2002, resulting in a reduction in the commercial/office component of the project from 1.8± million sq. ft. to 700,000± sq. ft. and in the residential component from 200± units to 136± units. These changes were made in response to the NYS Department of Environmental Conservation, the U.S. Army Corps of Engineers and the public to minimize impacts to wetland areas to the greatest extent possible.

Following the issuance of the Findings Statement by the Town Board on December 17, 2007, the Project Sponsor obtained the required wetland permits from the New York State Department of Environmental Conservation and the United State Army Corps of Engineers. In an effort to address current market needs while maintaining the intent of the project site New Community District zoning, the Project Sponsor submitted an Application to Amend the Findings Statement in February of 2014 to expand the range of uses within Site B of the project site to specifically allow for multi-family housing in addition to the previously approved office/retail development.

Based on input received during the review of the Application to Amend the Findings Statement to allow for multi-family housing on Site B, the Project Sponsor submitted an Amended Application to Amend the Findings Statement and Audubon Development Plan on August 17, 2015 for the purpose of modifying the Application filed on February 18, 2014. The Amended Application proposed to modify the permitted use of the eastern portion of Site B, comprised of approximately 26 acres. Pursuant to the updated Application, the western

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portion of Site B comprised of approximately 20 acres would have remained designated for commercial office and retail development per the Finding Statement issued by the Town Board on December 17, 2007.

Subsequent to the issuance of an Amended Findings Statement by the Town Board on December 7, 2015, the Project Sponsor sought the required approvals and permits for the development of Sites C and D of the Project Site as a 133 lot residential subdivision that includes a roadway connection to Campbell Boulevard on 520 Campbell Boulevard. The Planning Board thoroughly considered the potential adverse environmental impacts associated with the subdivision and issued a negative declaration pursuant to SEQR on September 14, 2017 based on its determination that the 133 lot residential subdivision on Sites C and D would not result in any potentially significant adverse environmental impacts. On September 14, 2017, the Planning Board granted Site Plan Approval for the subdivision, and on June 21, 2018 granted Final Plat Approval for the subdivision. A map cover for the approved 133 residential subdivision was filed with the Erie County Clerk's Office on July 24, 2018, and construction activities in furtherance of the construction of the subdivision began in the fall of 2018.

Following the issuance of the Amended Findings Statement by the Town Board on December 7, 2015, the Project Sponsor sought and obtained extensions of the expiration dates of the wetland permits previously issued by the New York State Department of Environmental Conservation and the United States Army Corps of Engineers.

In an effort to allow student housing to be developed on Site B while maintaining the intent of the New Community District zoning, the Project Sponsor submitted an Application to Amend the Findings Statement on April 15, 2019. The Project Sponsor sought an Amendment of the Findings Statement to expand the range of uses within Site B of the project site to specifically allow for student housing in addition to the previously approved multifamily housing on the western 20± acres of Site B and the previously approved office/retail development on the eastern portion of Site B.

In an effort to allow a mixed-use project to be developed on Site A while maintaining the intent of the New Community District zoning, the Project Sponsor submitted an Application to Amend the Findings Statement and the adopted Comprehensive Plan on June 24, 2020. The Project Sponsor sought an Amendment of the Findings Statement to modify the land use category within Site A of the project site to replace the previously proposed 237,000 sq. ft. maximum Flex office/R&D use with a mixed-use development including 2 four-story mixed-use buildings along the Dodge Road frontage of Site A, 45 two-family townhomes and 2 six-unit single-story multifamily buildings. The Project Sponsor sought to amend the Comprehensive Plan to designate Site A as appropriate for Mixed Residential use. In connection with the proposed mixed-

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use development of Site A, the Project Sponsor proposed to reduce previously approved impacts to the federal wetlands subject to the jurisdiction of the United States Army Corps of Engineers ("USACE") and also to the NYSDEC Freshwater Wetland and its regulated 100 ft. Adjacent Area.

On August 20, 2020, the Planning Board held public hearings in connection with its review of the Application to Amend the Findings Statement and the Comprehensive Plan as filed by the Project Sponsor on June 24, 2020. The Planning Board adopted resolutions during its meeting on August 20, 2020 by unanimous votes recommending that the Town Board issue the Amended Findings Statement and amend the Comprehensive Plan to designate Site A as appropriate for Mixed Residential use.

On October 6, 2020, the Town Board held public hearings in connection with its review of the Application to Amend the Findings Statement and the Comprehensive Plan as filed by the Project Sponsor on June 24, 2020. On October 19, 2020, the Town Board adopted Resolution 2020-791 for the purpose of issuing an Amended Findings Statement to allow Site A of the Muir Woods Property to be developed as a mixed-use residential/commercial project instead of the previously proposed flex office/R&D buildings. Resolution 2020-791 as adopted by the Town Board on October 6, 2020 also authorized the acquisition of approximately 43 acres of Permanent Open Space via a donation by the property owner consisting of property to the west of Site B including the eastern portion of Site A consisting of approximately 9.81 acres of wetlands subject to the jurisdiction of both the NYSDEC and USACE. During its meeting on October 19, 2020, the Town Board also adopted Resolution 2020-792 for the purpose of approving an amendment to the Comprehensive Plan to designate Site A as appropriate for a mixed-use residential/commercial use instead of the previously proposed flex office/R&D buildings.

On December 24, 2020, the New York State Department of Environmental Conservation ("NYSDEC") issued an Amended Wetland Permit [Permit No. 9-1422-00398/0001] authorizing the impacts to NYSDEC Freshwater Wetlands and the associated regulated 100 ft. Adjacent Area in order to accommodate the mixed-use development of Site "A". The Amended Wetland Permit reduced the impacts to jurisdictional freshwater wetlands associated with the development of Site A from 9.46 acres to 1.2 acres and reduced the impacts with the development of Site A to the regulated 100 ft. wide adjacent area from 4.2 acres to 3.65 acres.

As a result of the Amended Wetland Permit issued by the NYSDEC on December 24, 2020, the development of the Muir Woods Property will result in permanent impacts to approximately 2.39 acres of State regulated wetlands (TE-22, TE-23 and TE-34), and 11.38 acres of State regulated 100 foot wide wetland adjacent area. As mitigation for those impacts the Project Sponsor is required to create 19.58 acres of in-kind and out-of-kind wetlands on the overall Muir Woods

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Property, in six areas, to replace the functions and benefits of the impacted wetlands. Additionally, there will be 4.3 acres of stream channel enhancement on-site as mitigation for State wetland regulated adjacent area impacts.

On February 25, 2021, the United States Army Corps of Engineers ("USACE") issued an Amended Wetland Permit [LRB-2001-00067] authorizing impacts to 6.09 acres of federal wetlands, which was a reduction of 6.92 acres of previously authorized impact of 13.01 acre to federal wetlands, in order to accommodate the mixed-use project on Site A.

On July 7, 2021, Sawyers Landing LLC filed an Application to Amend the Findings Statement to accommodate an increase of the allowable density of the residential component of the mixed-use project on Site A from 202 units to 258 units.

7. A Supplemental GEIS, an option that the SEQR regulations leaves to the discretion of the Lead Agency, was not required for this project due to the Town Board's decision that the reduction in the project described in #6, above did not meet the criteria set forth in 6NYCRR Part 617.9(a)(7). Although the changes proposed by the Project Sponsor reduced the development significantly, it was not determined that the amended project would encroach on any land not initially identified in the scope of the original development proposal. The project changes also did not result in newly discovered information, and would not result in any significant environmental impacts not addressed or inadequately addressed in the DGEIS.

8. Traffic and Transportation (FGEIS Section 2.1)

Site specific requirements shall be established by the Town, County and State, as appropriate, as development applications are reviewed. The developer shall be responsible for any traffic mitigation required for development of the project site.

The potential traffic impacts associated with the original project proposal were clearly analyzed and identified within the Traffic Impact Study prepared by Stantec Consulting Services, Inc. dated March 2003 and updated August of 2005 in association with the acceptance of the FGEIS.

The Amended Findings Statement issued by the Town Board on August 5, 2019 included the consideration of adding student housing to the authorized uses of Site B pursuant to the Amended Findings Statement issued by the Town Board on December 17, 2007. The Project Sponsor submitted a Traffic Impact Study for the purpose of evaluating the potential traffic impacts of the development of Site B as a maximum of 515 student housing units. It was determined that the potential traffic impacts associated with student housing on Site B will be less than the potential traffic impacts of the development of Site B in its entirety as a

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maximum of 464,850 sq. ft. of commercial office and retail development pursuant to the Findings Statement issued by the Town Board on December 17, 2007.

The Town Board, as Lead Agency, requires that the Project Sponsor comply with the following mitigation measures during the development of the project site:

A. Provision for Future Extension of John James Audubon Parkway to North French Road

The extension of John James Audubon Parkway through the project site and connecting to North French Road was proposed in the initial Concept Plan submitted for the Muir Woods project in 2002. This proposal was also incorporated into the DGEIS submitted to the Town in 2004. The connection was removed from the Concept Plan in response to the requirement from the NYS Department of Environmental Conservation to further reduce impacts to State and federal wetlands. The Town of Amherst may in the future be interested in the possibility of a future northerly extension of John James Audubon Parkway to North French Road while acknowledging such possible future extension would require approvals from both the NYS Department of Environmental Conservation and the United States Army Corps of Engineers.

The rationale for the road connection was found in several planning documents, both historical and recent:

- The Amherst Community Development Plan adopted by the Planning Board in 1975 includes the extension of the then-planned Lockport Expressway through the subject site as a future Minor Arterial road.
- A report prepared by NYSDOT in 1976 anticipated the extension of the John James Audubon Parkway and forecast its use by 1,950 vehicles per hour.
- The Amherst Bicentennial Comprehensive Plan, accepted by the Town Board in February 2004 and adopted by the Town Board in January 2007, identifies the "Audubon Parkway Extension" in the map showing the Future Thoroughfare System.

The 30+ years of anticipating this roadway connection point to its significance in meeting the transportation goal of improving circulation within the Town and the role this connection would play in overall Town development. Given its importance, the Town Board is requiring that the future location of this connector be shown on site plans submitted for review, and that sufficient land be reserved by the Project Sponsor for the eventual connection to be constructed. The road construction and alignment will be subject to approval by the NYSDEC and the U.S. Army Corps of Engineers, as applicable.

B. Residential Connection to Lynette Lane

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The residential component of the proposed Muir Woods development to occur on Sites C & D may have a direct road connection to Lynette Lane. There will be no direct roadway connection to Nancy Lane. Non-residential traffic will be discouraged from using Lynette Lane through the implementation of various traffic calming measures to be proposed during the site plan review process for the development of Sites C & D, subject to review of such traffic calming measures by the Town Traffic-Safety Board and Fire Chief's Association. These measures include:

1. The lack of direct sight lines for motorists to discourage non-residential traffic from utilizing Lynette Lane to access North French Road;
2. Curvilinear road design; and
3. Installation of signage posting the road for "resident and emergency traffic only" or other such measure to prohibit non-residential traffic from travelling on Lynette Lane and the proposed public roadways within the existing residential subdivision;

If a problem is determined to exist based on the Phase 2 traffic study, further measures to discourage traffic of prohibit cut-through traffic will be considered.

C. No Internal Roadway Connection to Dodge Road

The internal connector road within the Muir Woods development is not proposed to have a westerly connection to Dodge Road; the only direct vehicular connection to Dodge Road will be from the portion of the project located in the western portion of the project site (Site A). If warranted at some future time by a traffic analysis, a connection to Dodge Road may be made from the internal connector road if required permits for such a roadway connection can be obtained from the NYSDEC and the US Army Corps of Engineers.

D. Updated Traffic Impact Study

The Traffic Impact Study will be updated when any of three established thresholds are met:

1. Completion of Phase I development, defined as full build-out of Site B, or
2. prior to approval of any site plan in Site C or Site D or any direct or indirect connection to any of the Sites with Lynette Lane, or
3. when the number of combined vehicular trips entering and exiting the site during the AM weekday peak travel hour reaches 858 trips, or

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4. when the number of combined vehicular trips entering and exiting the site during the PM weekday peak travel hour reaches 774 trips.

If actual conditions exceed projections, this will be reflected in the updated TIS to be prepared by the Project Sponsor, and the Project Sponsor may be required to implement traffic related mitigation measure sooner than expected.

Any mitigation measures, including off-site mitigation measures that are required as a result of the updated TIS, shall be the sole obligation of the Project Sponsor, if approved. Any off-site improvements, including the acquisition of private property required to make those improvements, shall be conditions of any site plan approval and treated as Public Improvement Permits (PIPs) for the purpose of final permitting. At no time shall the Town be required to make any off-site improvements or acquire private property, either by purchase or through its eminent domain powers, to mitigate the impact of this development project.

E. Alternate Access to Campbell Boulevard

During the original environmental review of the proposed project which concluded with the Town Board's issuance of a Findings Statement on December 17, 2007, the Project Sponsor attempted to seek a vehicular connection from the site to Campbell Boulevard through property located at 520 Campbell Boulevard which is owned by the Williamsville Central School District. The Town also participated in efforts to obtain access to Campbell Boulevard via this property. These attempts were not successful.

The Project Sponsor eventually was successful in acquiring 520 Campbell Boulevard from the Williamsville Central School District on December 5, 2017 and the approved 133 residential subdivision on Sites C and D includes a public roadway connection on 520 Campbell Boulevard to Campbell Boulevard.

F. Construction Vehicles

As part of the public comment period for the project, concerns were raised regarding the use of construction vehicles on existing residential streets in the adjacent Franklin Heights Subdivision to access the project site during project construction. In order to avoid the adverse environmental impacts associated with construction vehicles, existing residential streets shall not be utilized by construction vehicles to access the project site. The infrastructure to be constructed for the project shall be appropriately sequenced so that construction vehicles can access the site via the northerly extension of John James Audubon Parkway and Doge Road only.

Any future builder, owner or developer who purchases lots for development within Site C & D shall be prohibited from using Lynette Lane as a means of

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access for construction vehicles. A deed restriction incorporating this restriction shall be a prerequisite of the sale of any lots within Sites C and D. and the Town shall be provided with a copy of the recorded deed restriction, which shall not be recorded at the Erie County Clerk's Office until the content and form of the deed restriction has been reviewed and approved by the Building Department and Town Attorney's Office.

On June 21, 2018, a Declaration of Restrictions was recorded at the Erie County Clerk's Office (Liber 11330 of Deeds at Page 8243) for the purpose of complying with the relevant portion of the Amended Findings Statement prohibiting construction vehicles from utilizing Lynette Lane for access by construction vehicles.

G. Break in Access for Connection to Lockport Expressway (I-990)

The proposed northerly extension of John James Audubon Parkway as a Town roadway to provide access to the project site requires a break in access to the Lockport Expressway (I-990). The NYSDOT has been aware of this requirement since the initial petition by the Project Sponsor in 2002. Prior to the granting of the break in access, several conditions must be met, including completion of any required environmental compliance. Once completed and inspected, the Project Sponsor will be required to dedicate the northern extension of John James Audubon Parkway to the Town for permanent use as a public roadway to be dedicated to the Town of Amherst.

On May 20, 2019, the Town Board adopted a resolution stating the Town will serve as the applicant for the required Break-in-Access for the proposed northerly extension of John James Audubon Parkway as a public roadway to be dedicated to the Town of Amherst.

The Town filed an Application for Break-in-Access with the New York State Department of Transportation on August 21, 2019. The NYSDOT has not yet issued a decision on the pending request for Break-in-Access approval.

The Break-in-Access for the proposed northerly extension of John James Audubon Parkway as a public roadway to be dedicated to the Town of Amherst will result in numerous public benefits including, but not limited to, accommodating the potential future extension of the NFTA light rail and a terminus for such light rail on Site B, publicly accessible parking for a recreational trail that will cross the overall Muir Woods Project Site and connect to the Town's recreational trail (extending from Niagara Falls Boulevard to the trailhead near the intersection of North Forest Road and Maple Road), and a potential future extension of John James Audubon Parkway as a public roadway connecting to North French Road.

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H. Traffic Mitigation Measures

Dodge Road / Project Site Roadway

Phase I development:

- Installation of a stop sign to the southbound (site driveway) approach
- Construction of one shared left-right turn lane for southbound site driveway approach

Full development:

- No additional improvements

John James Audubon Parkway / I-990 Ramps

Phase I development:

Upon the completion of Phase I development, (Phase I development defined in Section 8, Part D.1. of this Amended Findings Statement) the Project Sponsor shall be required to provide a current trip count Report for both the a.m. and p.m. peak travel hours. Subject to the findings of a warrant analysis prepared in accordance with appropriate traffic engineering standards as determined by the updated trip count Report and based on an analysis of the potential impacts upon existing Levels of Service at this intersection, the Project Sponsor may be required to work with the New York State Department of Transportation to provide the following mitigation measures:

- Installation of traffic signals, each with their own controller, at both the northbound and southbound I-990 to John James Audubon Parkway
- Installation of a wire connection between these two new signals and the existing traffic signal at John James Audubon Parkway and Dodge Road in order to coordinate all three traffic signals
- Widening of both the northbound and southbound I-990 off-ramps to provide one additional turning lane on each ramp approach to John James Audubon Parkway

Full development: If any of the thresholds identified in 'D' above are met, the following improvements will be evaluated and may be required:

- installation of a third lane to the northbound off-ramp in order to provide two left turn lanes and one right turn lane
- add a free-flow southbound right turn lane at the southbound ramp, including a second receiving lane on the ramp to merge to one lane prior to the I-990 mainline

Dodge Road / John James Audubon Parkway

Phase I development:

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- Traffic signal timings will need to be adjusted periodically over time as warranted by changing travel patterns

Full development:

- Construction of a westbound right turn lane. It is anticipated that this improvement will be required when approximately 75% of the development is complete or when the number of westbound right turning vehicles from Dodge Road exceeds 300 vehicles per hour during the morning peak travel period.

North French Road / Sweet Home Road

Phase I development:

- Adjustments to traffic signal timing as travel patterns warrant modification

Full Development:

- Construction of an eastbound right turn lane. Traffic volumes turning right at this location currently exceed guidelines recommended in the Highway Capacity Manual for consideration of installing a separate right turn lane. While construction of this lane is currently warranted to address current existing traffic operations in the area, it will not be needed as a result of traffic to be generated by the proposed development of the project site until approximately 90% of the proposed development has been completed, since new traffic projected to be generated by the project will only add a few additional vehicular trips to this traffic movement.
- Modify signal timings during both the morning and evening peak hours, as necessary. Recent improvements to this intersection to provide protected phasing for the left turns will reduce the number of left turn accidents at this location. Additionally, future planned improvements to be implemented by Erie County will assist in further reductions in the number of accidents at this intersection.

North French Road / Campbell Boulevard

Phase I development

- Adjustments to traffic signal timing as travel patterns warrant modification

Full development:

- Add protected/permitted phasing for eastbound, northbound and southbound left turns when the traffic signal is upgraded in association with the improvement identified above.

North French Road / I-990 Ramps

Dodge Road / Sweet Home Road

Dodge Road / Campbell Boulevard

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be 4.3 acres of stream channel enhancement on-site (totaling approximately 2,630 linear feet).

- The development of the eastern portion of Site B for residential purposes, shall not include any owner occupied housing units within the State regulated wetland or the 100 ft. regulated Adjacent Area that do not involve oversight by either a homeowners or condominium association to ensure there will not be any impacts into the 100 ft. regulated wetland Adjacent Area that is to be preserved on Site B.

Federal Wetlands:

As stated in its letter dated August 27, 2007, the United States Army Corps of Engineers (USACE) has field verified that the federal wetland boundaries located on the Muir Woods project site as shown on the wetland delineation map prepared by Greenman-Pedersen, Inc. dated May 2007 are accurate. The wetland areas were delineated by Earth Dimensions, Inc. and summarized in a final wetland delineation report dated May 16, 2007.

The Project Sponsor provided a complete Joint Application For Permit for wetland impacts associated with the project to the USACE and NYSDEC as of June, 2009. After thoroughly reviewing the complete application and associated wetland impacts, the USACE issued a Validated Department of the Army Permit for wetland impacts associated with the project as of May, 2012. Additionally, having thoroughly reviewed the complete application and associated wetland impacts, the NYSDEC officially issued a Freshwater Wetland Permit and Water Quality Certification for wetland impacts associated with the project as of November, 2009.

On May 14, 2012, the United States Army Corps of Engineers ("USACE") issued Department of Army Permit No. 2001-00067. The permit issued by the USACE permitted to impact 17.83 acres of Federal wetland, and 1.29 acres (approximately 5227 linear feet) of jurisdictional tributaries for the construction of Muir Woods project. On May 6, 2016, the USACE extended the permit expiration dated from May 14, 2012 to November 30, 2019. The USACE issued a modification of Permit No. 2001-00067 on June 20, 2018 in connection with the development of Sites "C" and "D" as a residential subdivision. On January 16, 2019, the USACE extended the expiration date of Department of Army Permit No. 2001-00067 to November 30, 2024.

On February 25, 2021, the United States Army Corps of Engineers ("USACE") issued an Amended Wetland Permit [LRB-2001-00067] authorizing impacts to 6.089 acres of federal wetlands, which was a reduction of 6.921 acres of previously authorized impact of 13.01 acre to federal wetlands, in order to accommodate the mixed-use project on Site A.

10. Wildlife / Biological Resources (FGEIS Section 2.3)

The NYSDEC's Natural Heritage Program has reported no record of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of the project site. The Project Sponsor will be required to implement the following mitigation measures in order to minimize impacts to wildlife resources to the maximum extent practicable:

- A comprehensive erosion control plan will be developed and implemented to protect vegetation and water quality.
- Off-limit areas, including wetlands, will be delineated prior to construction to avoid or minimize impacts to vegetation. The construction workforce will be educated as to respecting and adhering to physical boundaries of off-limit areas.
- Best Management Practices will be followed during construction.
- The establishment of invasive vegetative species will be deterred through manual extraction and rapid establishment of desirable vegetation. Exposed and disturbed soils will be seeded, planted and mulched to prevent the colonization of invasive species. Volume 8 of the Appendix of the FGEIS at Exhibit F (*SJWPA Appendix M*) contains a discussion of the proposed on-site wetland mitigation including the protection of habitat areas.
- Waterfowl activity will be deterred in the off-site wetland mitigation area located in the Town of Newstead through the use of mylar tape, snow fencing, 4-7 ft. tree plantings and the seeding of upland grassland areas with a cool season grass.
- The proposed on-site wetland mitigation system will be designed to provide seasonal aquatic habitat for fish, waterfowl and amphibians; habitat for multiple covertypes of wetland plant species; and passerine bird nesting, feeding and resting habitat.
- The project site historically has had an elevated number of deer-vehicle accidents on the roads surrounding the parcel. This parcel is a portion of a much larger habitat area which also includes Nature View Park to the north and is not a "closed" habitat area. The Planning Department, in conjunction with the Police Department, will continue to monitor the deer population throughout the Town and implement approved methods of reducing deer/vehicle accidents in accordance with the Deer-Vehicle Accident Management Plan.

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11. Drainage and Flooding (FGEIS Section 2.4)

The following measures shall be implemented by the Project Sponsor to mitigate drainage and flooding impacts to the maximum extent practicable:

- A. The Town Highway Department shall have access to all Town ditches that are on the subject property including Town ditches 4, 4A, 4B and 4C. The Project Sponsor will be required to grant public easements to the Town to these ditches to ensure their proper maintenance. No aspect of the Muir Woods development will inhibit access to Town ditches or create undue burden to the Town for restoration of easement property used to access Town ditches. On June 28, 2018, the Project Sponsor recorded a Permanent Access and Drainage Easement at the Erie County Clerk's Office (Liber 11331 of Deeds at Page 1521) for the purpose of granting the Town an easement to access town ditches and stormwater management facilities on the Project Site including the existing lake.
- B. The project site and the surrounding vicinity are known as locations for high amounts of beaver and mosquito activity. Access to the Town Highway Department for control of this activity in Town ditches or other areas of the development shall be provided.
- C. The Project Sponsor shall be responsible for cleaning and debrushing of all Town ditches located on the project site during the initial construction phases of the project. The Project Sponsor will also be responsible for long-term maintenance of stream/drainage features and detention/stormwater basins; for maintenance of on-site wetland mitigation areas during the monitoring period; and for the construction of all drainage improvements required for development of the project site.
- D. The Project Sponsor shall be required to construct any ponds and sand filters required stormwater quality treatment. All ponds and sand filters to be constructed on the project site will be privately owned and maintained, with public drainage easement to be granted by the Project Sponsor to allow Town to properly maintain the inlet and outlet pipes of any wet ponds.
- E. All stormwater runoff will be treated to standards approved by the Town Engineering Department prior to discharging into the existing lake on the project site or Town ditches. No additional detention is being proposed for the Muir Woods development for stormwater quantity control.

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- F. All buildings in the west portion of the Muir Woods site located within the Ellicott Creek flood plain will be at a minimum elevation of 576.0 feet, or one foot above the base flood elevation as determined by the Town Building Commissioner.
- As development is proposed, specific drainage plans will be reviewed and approved by the Town Highway and Engineering Departments and the NYS Department of Environmental Conservation/US Army Corps of Engineers during site plan review, to ensure there is no adverse impact to the Ellicott Creek Flood Control system.
- G. Upon development, the existing 32± acre lake in the southeast portion of the project site will be maintained with a normal lake level of 569.55 feet. The existing 42-inch CMP outlet at the west end of the lake will remain as it is. All stormwater from the east side of the development around the lake will pass through a stormwater quality treatment facility consistent with the NYS Stormwater Management Design Manual and Phase II Stormwater SPDES requirements prior to entering the lake. This system currently designed as sand filters may evolve into wet ponds, bio-retention filters, and/or other acceptable practices under the Design Manual and SPDES requirements.
- H. Backyard runoff from proposed residential units will be separated from wetland mitigation areas and wetlands either by a ditch or rear yard drains to preclude pollution of those areas by lawn chemicals, per NYSDEC letter dated October 26, 2007.
- I. A detailed Stormwater Pollution Prevention Plan (SWPPP), including a Sediment and Erosion Control Plan, for the various phases of the project including any related on-site drainage areas shall be submitted as specific site plans are submitted for review. The Stormwater Pollution Prevention Plan for each phase of the project will need to be reviewed and approved by the Town's Engineering Department.
- J. The Project Sponsor shall be required to comply with the findings and recommendations of the Preliminary Drainage report prepared by Greenman-Pedersen, Inc. in August 2007 and any updated reports during the course of development.
- K. The Project Sponsor will provide backyard drainage for the existing homes that are directly adjacent to the portions of the project site that will be developed for residential use. This requirement pertains to Sites and D. Additional drainage improvements for the areas along the rear yards of the homeowners on Nancy Lane will also be installed by the Project Sponsor. The drainage pipe to be installed in the rear yards of the new residential

units that will be integrated with the new drainage swale behind the residents of Nancy Lane will be a minimum diameter of 12 inches.

12. Character and Quality of Life Issues (FGEIS Section 2.5)

A. Setbacks

On those portions of the project site where commercial or student housing development will be directly adjacent to existing residential areas (i.e. Bucyrus Heights), setbacks will retain existing vegetation to a depth that provides an adequate buffer. The following minimum setbacks will be required:

- The planting of additional trees and shrubs by the Project Sponsor within the minimum setback area may be required to supplement the existing vegetation in order to provide adequate buffers.
- A combination of earthen berms and new vegetation will be required in those portions of the minimum setback area where there is not sufficient existing vegetation to provide an adequate buffer. The minimum height at the top of berms shall be three feet, and the maximum slope shall be 1 on 3 (33%) to promote the growth and long-term viability of trees and shrubs planted on the berms. Berms should have a natural appearance by varying their width and height.
- Site A (western portion of the project site) – This portion of the project site will be utilized for mixed-use; a portion of Site A is located directly south of the Bucyrus Heights subdivision.
 - 25 ft. minimum building setback from residential lot line for single-story residential buildings.
 - 90 ft. minimum building setback from residential lot line for attached and detached two-family townhome style units.
 - 250 ft. minimum building setback from residential lot line for four-story mixed use buildings.
 - 250 ft. minimum building setback from residential lot line for four-story multifamily building.
 - 60 ft. parking setback from residential lot line
- Site B (center portion of site) – This portion of the project site will be developed around the extended John James Audubon Parkway as a

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public roadway to be dedicated to the Town of Amherst. Site B will be developed as student housing or for the land uses permitted pursuant to the Amended Findings Statement issued by the Town Board on December 17, 2015. The following setback standards apply to the development of Site B:

- 60 ft. building setback from residential lot line. If the height of any proposed buildings exceeds 50 feet, the required minimum building setback shall be equal to the height of the proposed building.
- 90 ft. parking setback to residential lot line

B. Building Height

The following maximum building heights will be observed for the proposed development:

- Site A (western portion of the project site) – This portion of the project site will be the location of mixed-use and residential buildings and a portion of Site A is located directly south of the Bucyrus Heights subdivision.
 - Maximum building height for mixed-use and multifamily buildings shall be four-stories and 55 ft. as measured from the finished grade to the top of any parapet (excluding any rooftop mechanical equipment). All mechanical equipment shall be properly screened in accordance with the standards contained in the Zoning Code adopted by the Town Board in May of 2006.
 - Maximum height of any residential buildings within 90 ft. of a residential lot shall be 25 ft.
- Site B (center portion of the project site) – This site will be developed around the extended John James Audubon Parkway as a public roadway to be dedicated to the Town of Amherst. Site B will be developed as student housing or Site B will be developed as permitted to the Amended Findings Statement issued by the Town Board on December 17, 2015.
 - There will not be a maximum height for buildings to be constructed on Site B. All buildings will be required to comply with a minimum required setback that shall be the greater of 50 feet or the height of the proposed building at the point of its maximum height (including rooftop mechanicals, etc.)

13. Soil Stability and Foundation Issues (FGEIS Section 2.6)

The Geotechnical Engineering Report prepared by McMahon & Mann Consulting Engineers, P.C. dated June 2005 includes findings and foundation considerations for future construction of the various components of the project. The report is included in Volume 6, Appendix I of the FGEIS.

The Town shall not grant site plan, subdivision or Public Improvement Permit (PIP) approval for construction of any component of the project (buildings, parking areas or infrastructure) unless the identified limitations as discussed in the McMahon & Mann report are adequately accounted for. The applicant shall be required to provide documentation of site-specific soil characteristics and comply with all relevant Town building codes regarding soil conditions.

Additional mitigation measures to be undertaken by the Project Sponsor, subject to determination by the Building Department, may include:

- Perform individual soil borings for each proposed structure to accurately determine the specific geotechnical design perimeters.
- Take measures to control the moisture content of the soils outside the structure. These may include installation of an irrigation system that would maintain near-saturated conditions in the soil around the structure during dry summer months, and/or installation of an exterior vapor barrier that extends out away from the structure around the perimeter.
- Monitoring of soil moisture with supplemental foundation watering during dry months.
- Use of a lower allowable bearing pressure for design of the spread footings.
- Placement of a minimum of two continuous #5 horizontal longitudinal reinforcing bars in each of the following locations: in the footing, at the base of the foundation wall, and at the top of the foundation wall.
- Use of an isolation joint between the basement floor slab and the foundation wall.
- Installation of a quality vapor barrier under the basement floor slab.
- Installation of a foundation drain system designed so that the floor elevation of the sump is above the elevation of the bottom of the footing.

14. Economic Impacts (FGEIS Section 2.7)

All infrastructure required to support the development of the project site will be installed at the Project Sponsor's expense. Town-wide or localized special assessment districts (sewer, water, highway, etc.) are established so operating cost can be spread over many taxpayers who use specific services.

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According to the “Cost of Servicing/Revenues Generated Land Use Study” in December 2006 commissioned by the Amherst Industrial Development Agency, for every \$1.00 attributed to residential use, \$1.11 is expended in providing government services, while just \$0.48 is expended for commercial use and \$0.60 is expended for open land. As a predominantly commercial oriented mixed-use project, the estimated \$3,500,000 in yearly tax revenue (2007 estimated) to the Town at full build out projected to be generated by the project is expected to cover the cost of any additional services including police and fire protection, snow plowing, maintenance of roads, water and sewer infrastructure, ditches, etc.

An economic real estate study for the proposed Muir Woods project was completed by Northeast Appraisers in March, 2002 which analyzed residential demand and property values. A subsequent Economic Analysis was completed by Real Property Services, LLC in July 2006, which is included in Appendix K, Volume 8 of the FGEIS. The conclusions of those reports are:

- There will be no negative impact on the marketability or values of nearby existing housing. The project may potentially have a positive impact on surrounding residential property values due to increased demand on desirability to live in close proximity to the development.
- The proposed project development will add over \$70 million to the Town of Amherst tax base when completed, and generate over \$3.4 million in tax revenue per year at stabilized 2008 levels.
- Over the first 10 years of development, the project is projected to generate over \$21.4 million in tax revenue, as compared to total tax revenue of approximately \$260,000 that would be generated if the project site remains as vacant land over the same period.
- It appears that both the Sweet Home and Williamsville School Districts will be impacted minimally with regards to expenditures on a per student basis. This takes into account that more than 50% of the residential development will consist of patio homes, which primarily cater to “empty nesters” and typically generate less students per household.
- The competitive advantages of the project site which are expected to support strong market absorption include its direct interchange access from the Lockport Expressway (I-990) and the high visibility of the site from expressway traffic.

15. Noise and Light Issues (FGEIS Section 2.9)

Noise – It is anticipated that the project site will be built-out in stages over many years and, as such, there is a need to impose mitigation measure for noise from

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construction activities to minimize this identified adverse environmental impact to the maximum extent practicable. Both temporary and long terms noise impacts may result from the construction activities on the project site as well as from the proposed use of the project site.

Noise from construction-related activities, which will exceed local ambient levels for noise outside of structures, may cause some temporary annoyance to nearby residents. It is expected that this impact, caused by heavy equipment, construction vehicles and power tools, will continue throughout the duration of construction. In order to reduce this noise, the following measures will be undertaken by the Project Sponsor:

- Limit major construction activities to daytime hours
- Use of construction equipment with mufflers
- The preservation of existing vegetation to the greatest extent practicable will provide a noise barrier to existing residential areas.
- If blasting is required, the developer will follow all requirements of the Town Blasting Ordinance

Noise resulting from the occupation and usage of the buildings constructed on the project site can be expected to result in sound levels that are characteristic of suburban office and residential developments and should not be significant.

With the Lockport Expressway (I-990) forming the southern boundary of the project site, and its design as an elevated highway for a portion of this boundary, traffic is considered the largest source of existing noise. Levels from typical noise generators that may be expected to exist in the vicinity of the project site include:

Distant traffic (45 mph)	45 ~ 50 decibels
Passenger car pass-bys	70 decibels
Accelerating trucks	85 decibels
Distant aircraft noise	60 – 85 decibels

The Transportation Project Report for the Lockport Expressway evaluated the potential noise impacts of the entire I-990 project, including the interchange that will be improved in connection with the proposed project. A copy of the Noise & Air Pollution Study is found in Volume 6 of the Appendix of the DGEIS at Exhibit 30. In addition, there is not any development directly adjacent to the existing interchange that will be impacted by the proposed interchange improvements. To the south of the northbound off-ramp there are some residential units situated along Dodge Road. However, the planned improvements at the existing off-ramps will not result in a movement of traffic 50% or more closer to source receptors.

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Light – To mitigate the light spillage from exterior lighting on adjacent residential properties, especially the Bucyrus Heights neighborhood, the following measures will be implemented:

- Appropriately located lighting, downward-directed lighting fixtures or hooded lighting will be used to prevent off-site light spillage on adjacent residential areas. The light fixtures and their placement will follow all Town of Amherst code requirements for usage and design. The Town Zoning Code requires a lighting plan to be submitted during the site plan review process, and the standards contained in the relevant section of the Zoning Code regulate lighting spillover from commercial locations onto adjacent residential land uses.
- Screening of proposed commercial buildings and parking lots will be provided through the creation of berms or landscaping elements on the periphery of developed areas (see Section 10A above).

16. Open Space and Recreation (FGEIS Section 2.10)

The proposed internal trail system shall be installed (Sites C & D) of the “The Preserve at Muir Woods” development, provided it does not impact regulated wetlands or is permitted by permits issued by the NYSDEC and/or USACE. Public access to a portion of the existing lake will be provided. The majority of State Wetlands TE-22, TE-33, and TE-34 will remain as Major Open Space (MOS). As a result of the modifications to the project, approximately 224± acres of the project site will be preserved as open space.

The proposed recreational trail connecting sites A, B, C, and D of the Muir Woods Development shall connect to the Town’s existing trail system as shown in Figure 4 (Park, Open Space and Trail map) and Figure 2.1 (University Focal Planning Area Concept Plan) of the adopted Amherst Bicentennial Comprehensive Plan and shall be constructed by the Project Sponsor as part of the Muir Woods project. Each development site of the Muir Woods Development shall complete its portion of the trail system prior to the issuance of any certificate of occupancy by the Town of Amherst Building Department.

The Project Sponsor will work with the Town toward achieving the trail connections. An opportunity for a future multi-use trail connection northerly to Nature View Park shall be maintained in accordance with the Town Comprehensive Plan.

17. Other Issues (FGEIS Section 2.12)

A. Reclassification of Land

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The entire project site is zoned New Community District (NCD), and no changes are proposed to remove the property from the NCD zoning district classification.

The original request by Ciminelli Development Company, Inc. in 2002 was to reclassify 326± acres of land from NCD-ND and NCD-MOS to NCD-GC, NCD-RI and NCD-MOS. This request was reviewed and commented on over a five year period. As a result of discussions with the NYS Department of Environmental Conservation during that time, the petitioner amended the original Muir Woods Concept Plan by reducing the overall development from 144 acres to 110 acres in order to minimize wetland impacts. In addition, the various components of the development were altered so that the proposed size of the commercial office/R&D space was reduced from 1.8 million sq. ft. to 700,000 sq. ft. The proposed "village center" originally envisioned was also eliminated. The result is a different land pattern from that initially proposed and one that is not consistent with the originally-requested reclassification districts.

The following additional steps shall be undertaken as part of the Findings for this project:

- The parcels to be reclassified to NCD-GC shall be deed restricted to prohibit the following uses:
 - Automobile sales and service facilities (except vehicles used primarily on the subject property)
 - veterinary clinics or kennels
 - gasoline service station will be prohibited around the existing lake

On June 21, 2018, a Declaration of Restrictions was recorded at the Erie County Clerk's Office (Liber 11330 of Deeds at Page 8243) for the purpose of prohibiting the above described uses on the portion of the Project Site reclassified to NCD-GC.

- At the Town Board's direction, the Town shall initiate a reclassification of the remainder of wetland areas contained in the original project proposal as Major Open Space (MOS).

B. Land Use

The proposed development will follow the program summarized below as depicted in the original Findings Statement concept plan for the project dated September 2007, as depicted in the Concept Plan for Site B dated August 14, 2015, as the Concept Plan for Site B dated April 2,

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2019 showing a student housing project, or as the Concept Plan for Site A dated June 23, 2021 showing a mixed-use project:

Development Site	Land Use	Maximum Developed Area	Development Program
Site A	Mixed-Use	17.42 acres	Maximum of two mixed-use buildings with a maximum height of 60 ft. and maximum combined footprint of 50,000 sq. ft., one four-story multifamily building with a maximum height of 55 ft. (48 units), 49 two-family attached and detached townhomes (98 units) and 12 standalone apartments with attached garages and maximum height of 25 ft. The overall maximum allowed residential density on Site A is 258 units.
Site B (Option 1)	Class A Corporate office buildings	46 acres	Maximum of 464,850 sq. ft. of office/retail space
Site B (Option 2)	Residential/Commercial	46 acres	Maximum of 192 residential units on the eastern portion of Site B (approximately 26 acres) and a maximum of 205,000 sq. ft. of office and commercial space on the western portion of Site B (approximately 20 acres)
Site B (Option 3)	Residential - Student housing	46 acres	Maximum of 515 student housing units
Sites C and D	Residential	37 acres	133 lot residential subdivision consisting of detached single-family homes on individual lots pursuant to the Map Cover filed at the Erie County Clerk's Office on July 24, 2018.

General components of the proposed development that will minimize adverse environmental impacts include:

- The maintenance of the remaining approximately 224± acres of the development site as permanent open space.
- Implementing a cluster pattern to maximize open space preservation.

C. Utility Infrastructure - In accordance with the October 17, 2007 letter received from the Erie County Department of Environment & Planning, all proposed sanitary sewer lines to be constructed to service both the residential and commercial portions of the project will be subject to review and approval by the Erie County Health Department. All systems installed or improved for the project will be undertaken by the Project Sponsor at its cost and will be required to meet all Town, County and State requirements.

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- D. Archaeological/Cultural Resources – One prehistoric archaeological site was discovered on the project site, with a Stage 2 archaeological study determining that the identified prehistoric archaeological site did not meet the eligibility criteria for listing on the State or National Register of Historic Places. This finding was confirmed by the NYS Office of Parks, Recreation and Historic Preservation in its letter of October 10, 2001. No mitigation measures are needed for the subject development.
- E. Air Quality – Potential impacts to air quality resulting from fugitive dust generated during construction activities will be minimized by the following measures:
- seeding and/or mulching exposed soils as soon as practicable and in accordance with the requirements and applicable regulations promulgated by the NYSDEC
 - grading roadways and covering them with gravel during construction, periodically regarding, compacting and replacing gravel as necessary as determined by the Town
 - wetting down temporary roads to be constructed on the project site during construction of the build-out of the project as needed throughout the duration of construction activities and as determined by the Town.
- F. Condominium Designation - As originally proposed, the residential portion of the project was not to include the development of any units that will be filed as condominiums. The Project Sponsor previously offered to place a deed restriction to this affect as a condition of sale to any future builder, developer or owner of any lot on the subject site. On June 21, 2018, a Declaration of Restrictions was recorded at the Erie County Clerk's Office (Liber 11330 of Deeds at Page 8243) for the purpose of prohibiting the residential uses on the Project Site from utilizing the condominium form of ownership. The Project Sponsor is requesting that the Declaration of Restrictions be modified to allow the condominium form of ownership for the attached residential units to be developed on Site A.

18. Evaluation of Future Actions

In accordance with SEQR regulations, upon application to the Town for development of the project site that requires the submittal of an Environmental Assessment Form, the Town will be required to determine if the potential adverse environmental impacts associated with the development have been adequately identified and evaluated in the DGEIS, FGEIS, and this Amended Findings Statement, and whether the proposed development exceeds any of the thresholds and/or requirements contained in this

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Amendment #51 to the Audubon Development Plan (Z-9-02)

Findings Statement. This determination must be made by the Town prior to the issuance of any discretionary land use approvals by the Town for the proposed development.

The following scenarios are put forth in Section 617.10(c) & (d) of the SEQR regulations:

- A. If the Town determines that the proposed action is in conformance with the conditions and thresholds in the FGEIS or the Amended Findings Statement, then no further environmental review pursuant to SEQR will be required;
- B. If the Town determines that the proposed action is adequately addressed in the FGEIS, but is not addressed or not adequately addressed in the Amended Findings Statement, then an amendment to this Amended Findings Statement must be prepared;
- C. If the Town determines that the proposed action was not addressed, or was not adequately addressed, in the FGEIS, but it will not result in any significant environmental impacts, then a negative declaration must be prepared; or
- D. If the Town determines that the proposed action was not addressed, or was not adequately addressed, in the FGEIS, and the action may have one or more significant adverse environmental impacts, then a supplement to the FGEIS must be prepared.

Exhibit 4



Town of Amherst Planning Department

Erie County, New York



Brian J. Kulpa
Supervisor

Daniel C. Howard, AICP
Planning Director

Ellen M. Kost, AICP
Assistant Planning Director

**RE-ESTABLISHMENT OF
LEAD AGENCY STATUS FOR
STATE ENVIRONMENTAL QUALITY REVIEW PROCEDURE**

**Request to Amend the SEQR Findings Statement for "Muir Woods-Site A"
1121 North French Road, Town of Amherst, New York
July 9, 2021**

Enclosed please find an Environmental Assessment Form Parts 1 and 2, Request to Amend the SEQR Findings Statement application and mapping for the proposed "Muir Woods Site-A" development located at 1121 North French Road, Town of Amherst. The petitioner is Sawyer's Landing LLC, c/o Sean W. Hopkins, Esq, 5500 Main Street, Suite 343, Williamsville, New York 14221.

The subject site is a 28.47± acre portion of the overall 326 acre Muir Woods parcel, and is located on the north side of Dodge Road, and east of its intersection with Sweet Home Road. The property is currently zoned New Community District –Neighborhood District (NCD-ND). This submittal updates a previous Lead Agency letter sent on March 1, 2021 for a proposed Sawyer's Landing mixed-use project with 206 residential units and two 4-story mixed-use buildings. The current submittal includes 264 residential units and three 4-story mixed-used buildings.

This project is a Type I action pursuant to Part 617.2 of Article 8 (State Environmental Quality Review) of the Environmental Conservation Law and Local Law 3-1982, due to the size of the development and the size of the overall parcel.

By this letter the Town requests Lead Agency in the SEQR process for the proposed Request to Amend the SEQR Findings Statement. Please advise if your agency agrees with the Town acting as Lead Agency and if you have any concerns or comments. Please contact Roberta Rappoccio, Associate Planner in the Town of Amherst Planning Department, for any additional information you may require (716-631-7051).

X:\Current_Planning\Files\Rezoonings\2002\2-2002-09_D_(1121_North_French_Rd_Amend_Findings)_2021\2-2002-09D_Lead_Agency_07-09-21.doc

Attachments

cc: NYSDEC
NYSDOT
Erie County Dept. of Environment & Planning
Erie County DPW – Division of Highways
Amherst Industrial Development Agency
Town Building Commissioner
Town Engineer
Town Attorney (letter only)
Town Clerk (letter only)
Amherst Conservation Advisory Council

5583 Main Street • Williamsville • New York • 14221 • (716) 631-7051 • Fax (716) 631-7153

Exhibit 5

TOWN OF AMHERST
PLANNING BOARD
SITE PLAN RESOLUTION
SP-2021-05

PETITIONER

Sawyer's Landing LLC
c/o Sean Hopkins, Esq.
5500 Main Street, Suite 343
Williamsville, NY 14221

PROPERTY LOCATION

1081 North French Road (portion) (NCD)

'22 SEP 29 PM4:15

WHEREAS, the Town of Amherst Planning Board on Thursday, September 22, 2022 held a public hearing on a Site Plan for a mixed-use development, and

WHEREAS, the Planning Board reviewed the plans and specifications for the proposed project, and

WHEREAS, the Site Plan was referred to the Town's various review agencies, and

WHEREAS, in accordance with Section 8-7-8 of the Zoning Ordinance, the Planning Board finds that:

- A. The site plan includes usable space for active and passive recreation, including pedestrian connections.
- B. The site plan includes open space lands for public ownership and use offered for dedication or other disposition to the Town or other public entity.
- C. School sites and facilities are adequate to accommodate the proposed site plan.
- D. The site plan does not include the extension of roadways to adjacent property.

WHEREAS, in accordance with Section 8-7-9 of the Zoning Ordinance, the Planning Board finds that:

- A. The proposed site plan is consistent with the development plan if one is required.
- B. The proposed site plan is consistent with the purpose and specific requirements of the Zoning Ordinance and generally consistent with the policies of the Comprehensive Plan.
- C. Adequate services and utilities will be available prior to occupancy.
- D. The site plan is consistent with all other applicable laws.

TOWN OF AMHERST
PLANNING BOARD
SITE PLAN RESOLUTION
SP-2021-05

PETITIONER

Sawyer's Landing LLC

PROPERTY LOCATION

1081 North French Road (portion) (NCD)

- '22 SEP 29 PM 4:16
- E. Pursuant to Local Law #3-82, as amended, the Planning Board has determined that the requirements of SEQR are complete and that the subject proposal is not expected to have a significant adverse effect on the environment. The previously undertaken SEQR process included a DEIS, FEIS and culminated in the Town Board's issuance of a SEQR Findings Statement on December 17, 2007. Lead Agency was re-established for review of the proposed amendment to the Findings Statement to allow the proposed mixed-use development, and the Findings Statement was revised on September 27, 2021.
- F. Wetland permits were issued for this project by NYSDEC on December 17, 2019 and the US Army Corps of Engineers under Section 404 of the Clean Water Act on December 12, 2019. Both permits authorize work on the project until November 30, 2024.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board, in accordance with Section 8-7 of the Zoning Ordinance approves said Site Plan subject to the following conditions:

1. That the consideration of signs is specifically excluded from this approval as they will require a separate site plan review and approval by the Town.
2. That all dumpsters/trash containers and all mechanical equipment, utility structures, multiple meter boards, generators, and similar appurtenances, including those which are mounted on any part of a primary structure shall be appropriately screened with a fence, wall, and/or landscaping. Provide gate on dumpster enclosure that shall be closed whenever dumpster is not being serviced, enclosure shall be high enough to screen the dumpster(s) within.
3. That as-built record drawings, including location of utilities, be provided to the Engineering Department prior to issuance of a Certificate of Occupancy by the Building Department.
4. That the proposed 27 lots for 2 unit homes is excluded from this approval as it will require separate open development area and subdivision approvals.
5. That the petitioner obtain the required variances for remoteness of the secondary emergency access from the NYS Department of State prior to issuance of final approved site plan drawings by the Planning Department.
6. That the comments in the Amherst Fire Chief's Association Inc. communication dated June 8, 2022 be addressed to the satisfaction of the association.

TOWN OF AMHERST
PLANNING BOARD
SITE PLAN RESOLUTION
SP-2021-05

PETITIONER

Sawyer's Landing LLC

PROPERTY LOCATION

1081 North French Road (portion) (NCD)

'22 SEP 29 PM4:16

7. That the requirements outlined in the Engineering Department letter dated June 1, 2022 are adhered to or are addressed to the satisfaction of that department.
8. That the requirements outlined in the Stormwater Management Officers letter dated June 27, 2022 are adhered to or are addressed to the satisfaction of that officer.
9. That an address plan for the development be submitted and approved as indicated Assessor's review dated March 10, 2021.
10. That the Zoning Enforcement Officers comments in the Planning Department letter dated September 14, 2022 be addressed to the satisfaction of that officer.
11. That the departmental comments in the Planning Department letter dated September 14, 2022 be addressed to the satisfaction of that department.
12. That the Town's Landscape Architects comments in the Planning Department letter dated September 14, 2022 be addressed to the satisfaction of the architect.
13. That the properties as required by the Findings Statement be deeded over to the Town of Amherst prior to issuance of final approved site plan drawings for the development.
14. That the petitioner and or his contractor obtain any required permits for work with the Dodge Road right-of-way from the Erie County Department of Public Works Division of Highways.
15. That the petitioner and or his contractor obtain any required permits for work with the Sweet Home Road right-of-way from the New York State Department of Transportation.
16. That the petitioner is required to obtain a Floodplain Development Permit from the Building Department.

The foregoing resolution was adopted by the Town of Amherst Planning Board, September 22, 2022; moved by Chmiel; seconded by Giuliani; ayes 5, noes 0; absent 2 (Kahn, Raffaele).



Robert J. Gilmour, Planning Board Chair

9-29-22
Date

TOWN OF AMHERST
PLANNING BOARD
SITE PLAN RESOLUTION
SP-2021-05

PETITIONER

Sawyer's Landing LLC

PROPERTY LOCATION

1081 North French Road (portion) (NCD)

'22 SEP 29 PM4:16

SM/ac

X:\Current_Planning\Files\Site Plans\2021\SP-2021-05_(1081 N_FrenchRd_NCD)_2021\SP-2021-05_resolution_092222.doc

cc: Town Clerk
Commissioner of Building
Town Engineer
Fire Chiefs
Traffic/Safety
Highway Superintendent
ECDEP
NYSDOT
NYSDEC

Approved Plan: July 26, 2022
Received: August 1, 2022
September 6, 2022

Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main St., Suite 343, Williamsville, NY 14221
William Severyn, Severyn Development, 43 Central Ave. Suite 300, Lancaster, NY 14086
Adam Faeth, Ciminelli Real Estate Corp., 50 Fountain Plaza, Suite 500, Buffalo, NY 14202
Chris Wood, Carmina Wood Morris, 487 Main St, Suite 500, Buffalo, NY 14203
David Sutton, Sutton Architects, 5409 Main St, 2nd Floor, Williamsville, NY 14221

Exhibit 6

AGENDA ITEM #1 – Site Plan

Proposed Sawyer’s Landing Mixed Use Development
Address: 1081 North French Road (Muir Woods Site A)

Petitioner: Sawyer’s Landing LLC
(SP-2021-05)



- Westernmost portion of the overall Muir Woods property, north side of Dodge Road and extending to Sweet Home Road.

- New Community District-
Neighborhood (NCD-ND)



Existing Development:

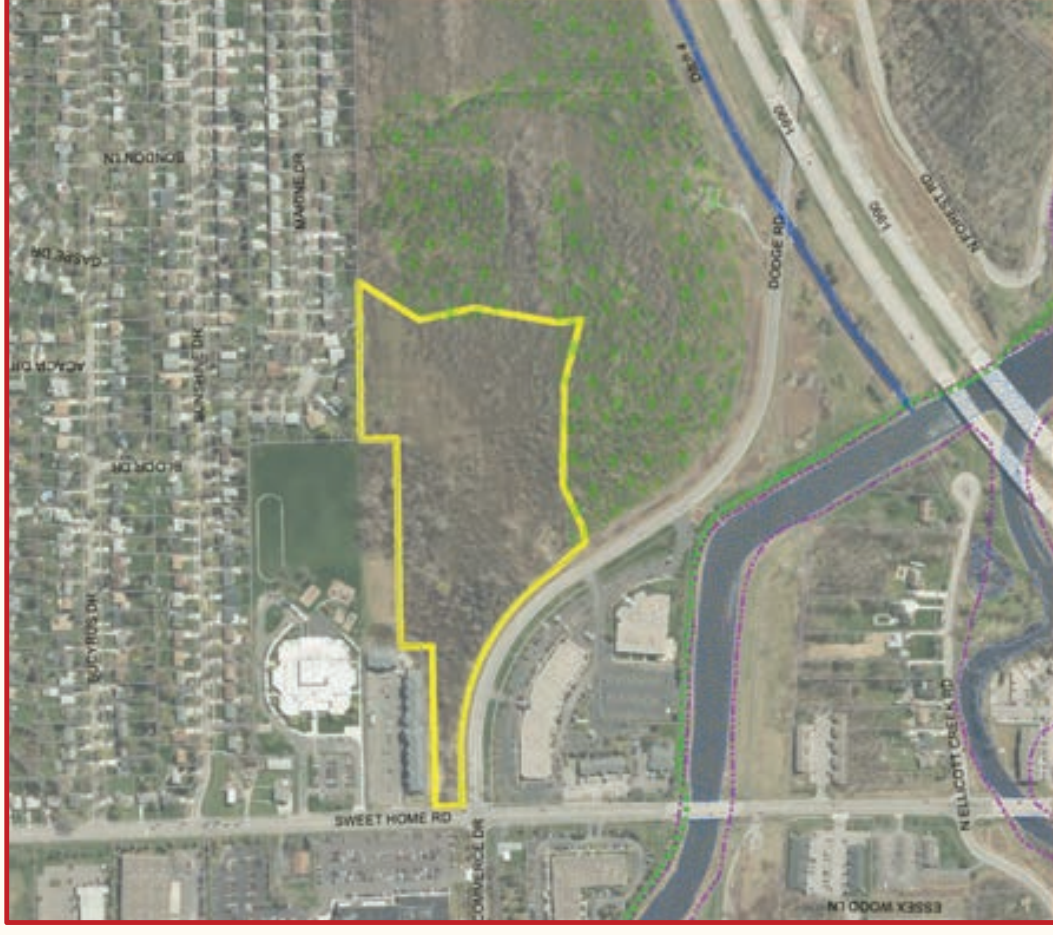
- Site 'A' is presently vacant and wooded and contains federal and NYS designated wetlands.

Parcel Size:

- 17.424 ± acres
- 1,120± ft. of frontage on Dodge Road
- 120.0± ft. of frontage on Sweet Home Road

Neighboring Uses:

- North: Single-Family Residential, Multi Family Residential & Elementary School
- South: Commercial Office Development
- East: Vacant wetlands
- West: Industrial Office & Warehousing/Distribution

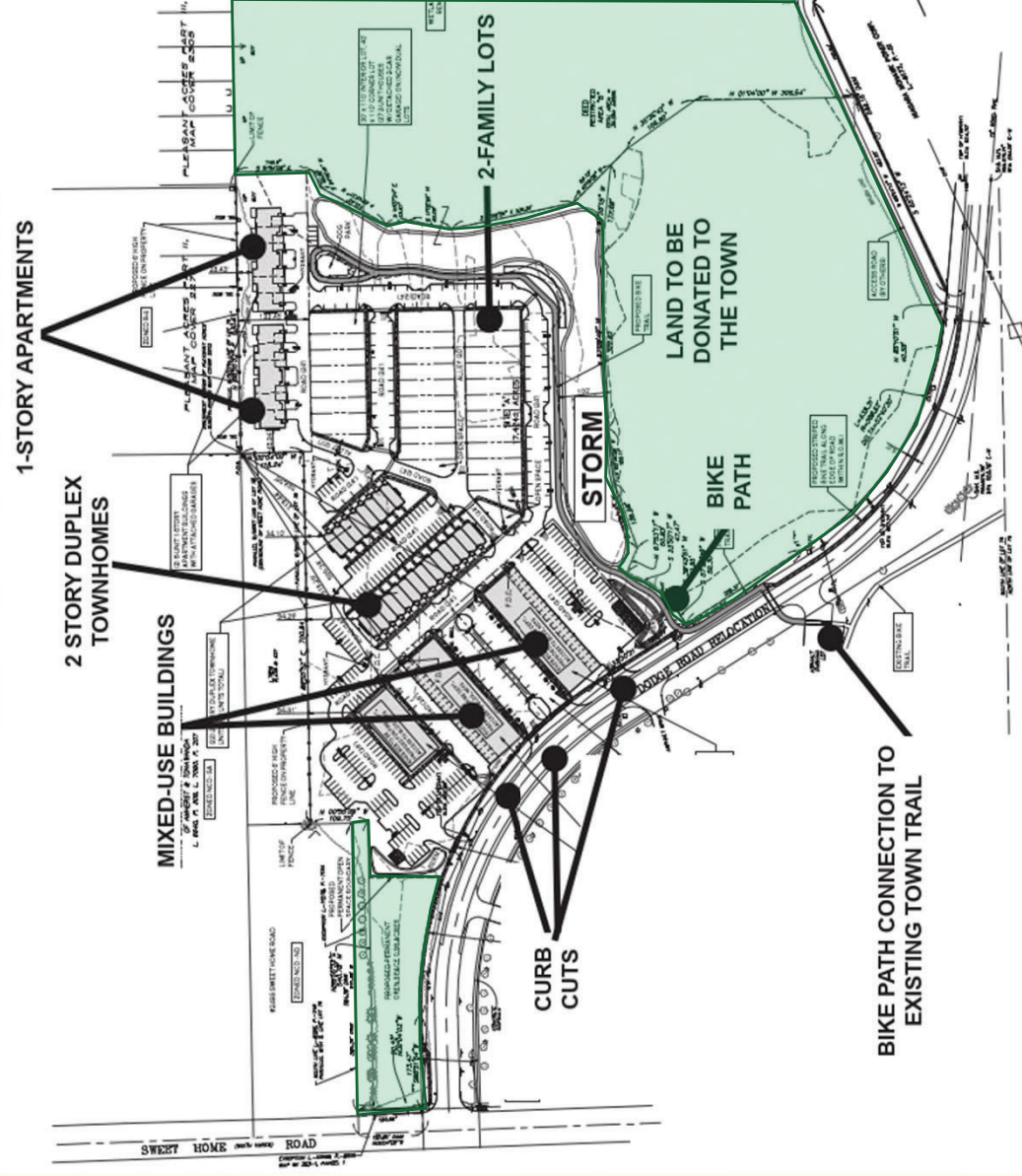


PROJECT DESCRIPTION

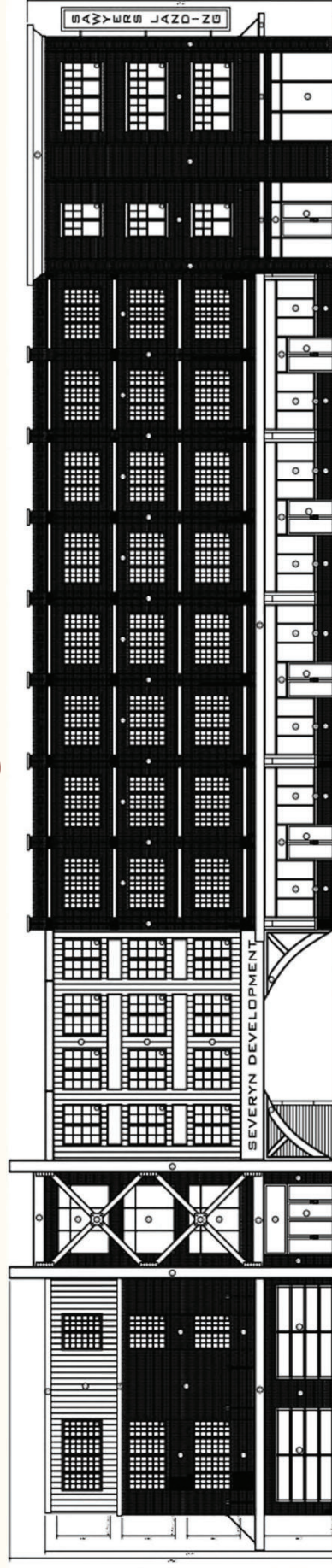
- Construction of a mixed-use project on the vacant Site 'A' of the Muir Woods development, to include 30,000 sq. ft. of commercial space, 258 residential units, and 494 parking spaces, as follows:
 - Two 4-story mixed-use buildings close to Dodge Road, each with 15,000 sq. ft. of commercial space and 50 apartment units (100 units),
 - 4-story, 48 unit apartment building in the northwest portion of the site.
 - 22, 2 story duplex townhomes (44 units) in the central northwest portion of the site.
 - 27 duplex homes on small (30'x110' interior lot or 40'x 100' corner lot) lots with 2-car garages (54 units) in the central northeast portion of the site,
 - Two 1-story 6 unit apartment buildings with attached garages (12 units) in the northeast portion of the site.



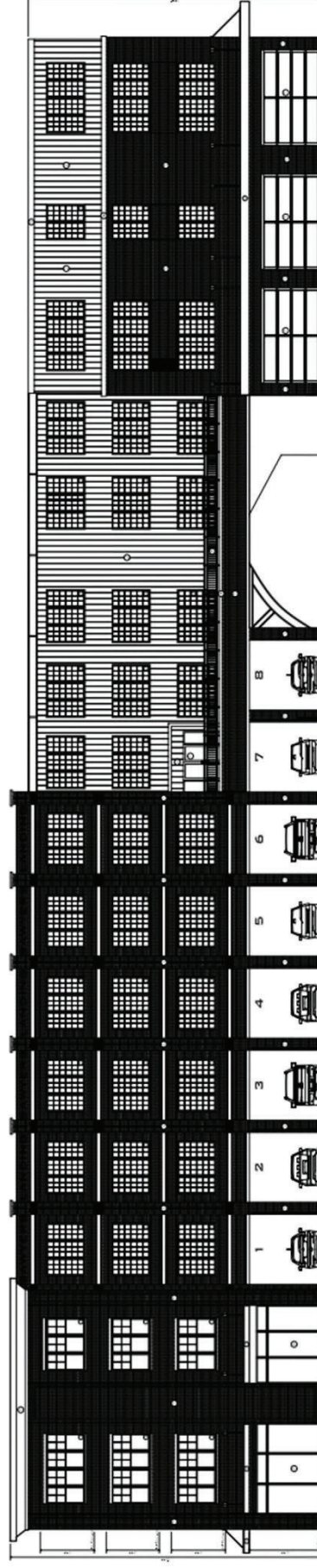
SITE PLAN



ELEVATIONS- Mixed Use Buildings



A5.1
Front Elevation



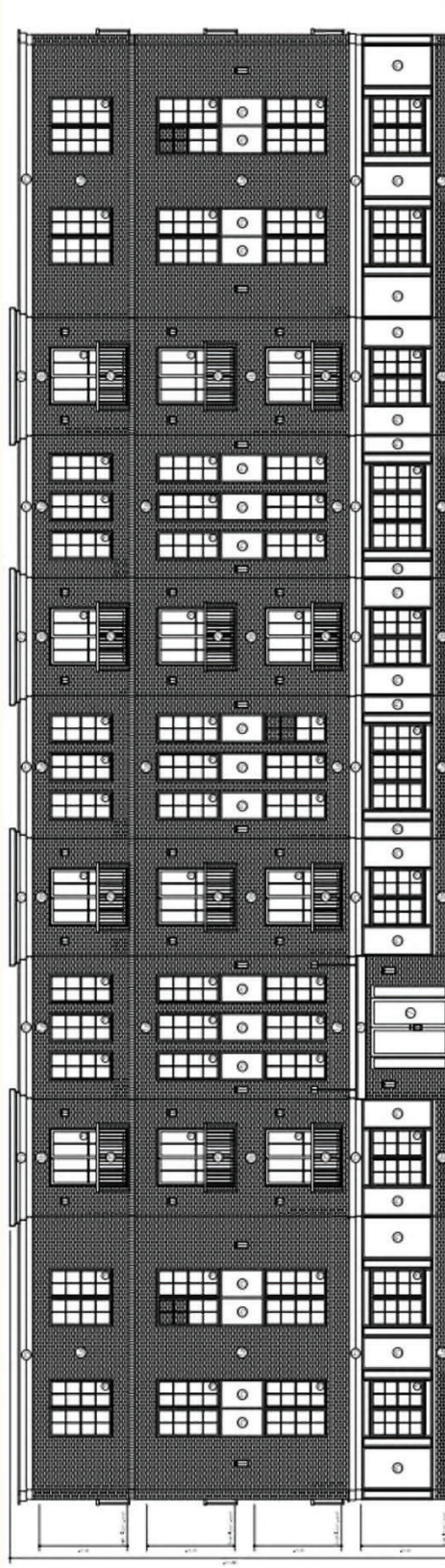
A5.2
Rear Elevation



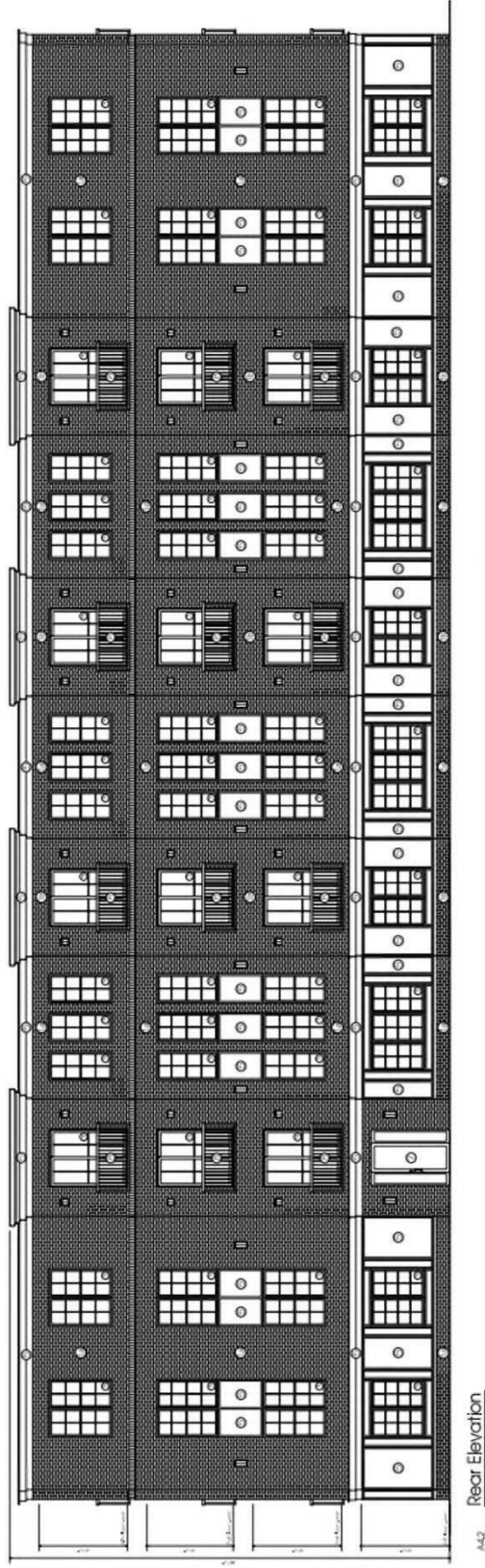
ELEVATIONS

4 Story

Buildings



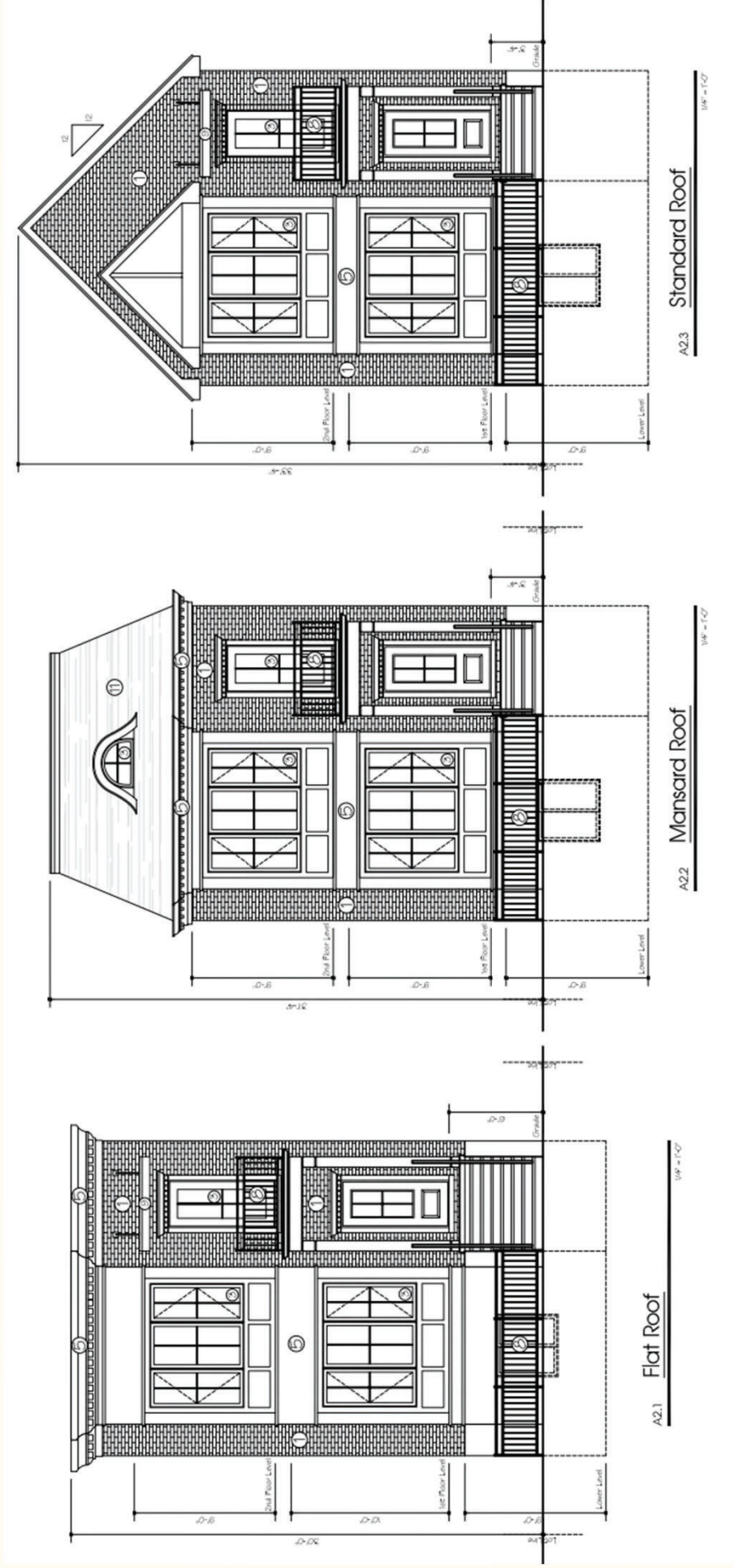
441 Front Elevation



442 Rear Elevation



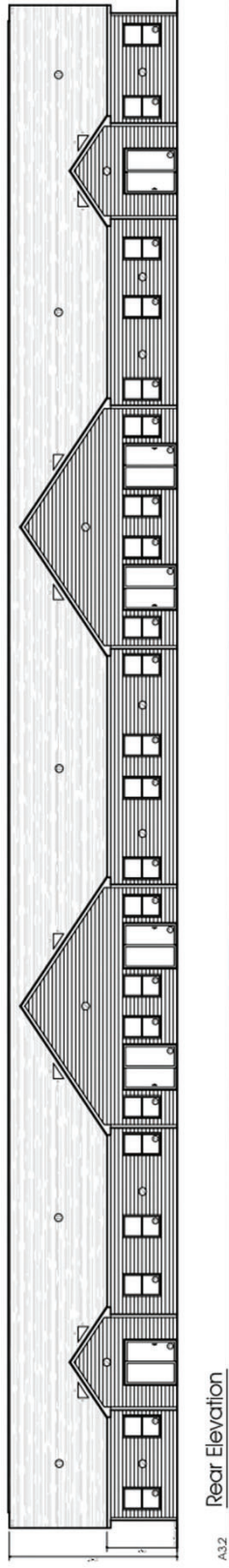
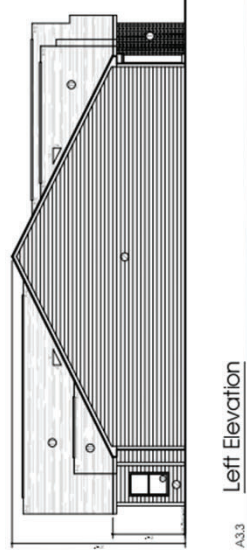
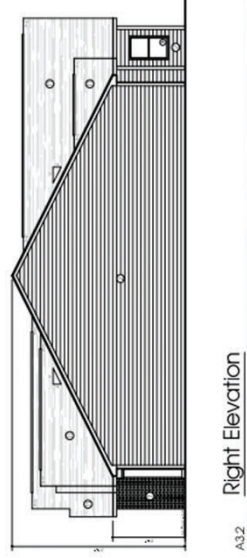
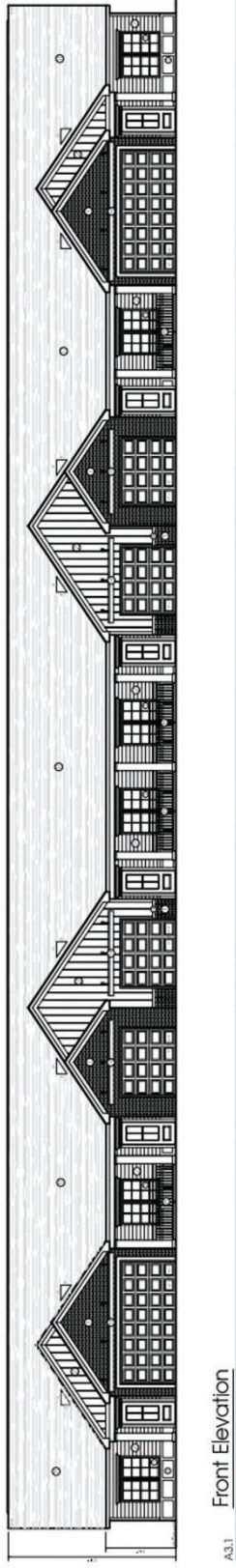
ELEVATIONS- 2-Unit Buildings



ELEVATIONS

6 Unit

Buildings



Permanent Open Space Plan:

- Approximately 43 acres of Permanent Open Space located between Site "A" and "B" will be donated to the Town

Approximately 134 Acres to be Donated to The Town of Amherst

MUIR WOODS OVERALL PROJECT AREA

PROPOSED DONATION OF APPROXIMATELY 177 ACRES OF PERMANENT OPEN SPACE TO THE TOWN OF AMHERST



43 Acres of Permanent Open Space to be Donated

CONSERVATION AREA TO BE DONATED

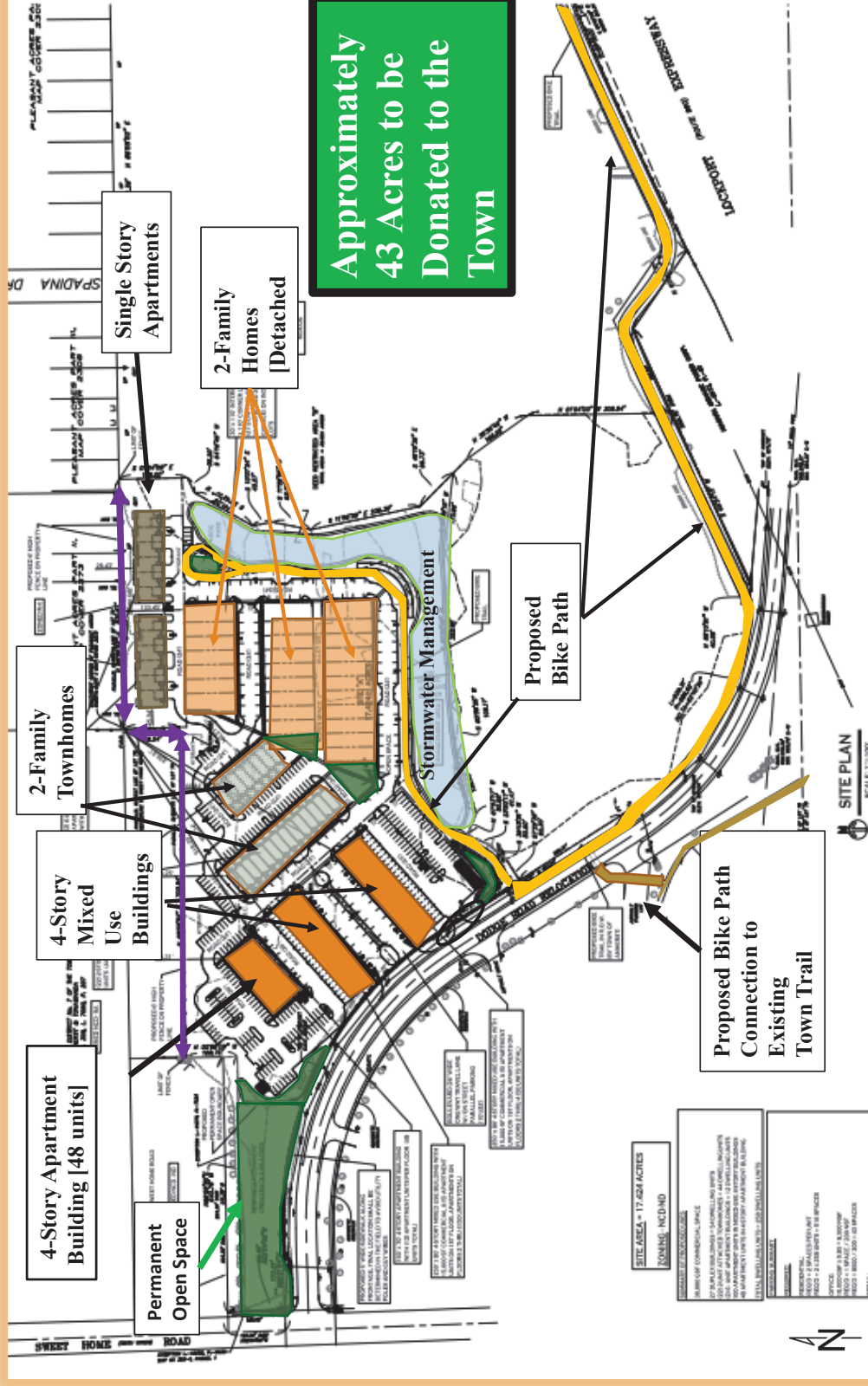
Project Description:

- Overall Muir Woods Property is comprised of 326± acres, of which 108± acres is proposed for development with the remaining 226± acres to consist of as Permanent Open Space [69.3% of the Project Site]
- The Project Site is properly zoned NCD-ND – The NCD zoning district encourages mixed-use development with pedestrian amenities and permanent open space
- Proposed Mixed-Use Project on Site “A” of Muir Woods:
 - Two 4-story mixed use buildings [15,000 sq. ft. of 1st floor commercial space and five 1st floor apartments and 45 upper floor apartments]
 - 4-story multifamily building with 48 units
 - 44 units in 22 two-family attached townhomes
 - 54 units in 27 two-family homes with attached garages on lots
 - 2 single-story apartments building with six unit per building [12 units]
 - Total of 258 units [density of 9.06 units per acre]
- Town Board issued an Amended Findings Statements pursuant to SEQRA on September 27, 2022

SITE PLAN:

Building Height:

- Maximum building height for mixed-use and multifamily buildings shall be four-stories and 55 ft. as measured from the finished grade to the top of any parapet (excluding any rooftop mechanical equipment).
- Maximum height of any residential buildings within 90 ft. of a residential lot shall be 25 ft.

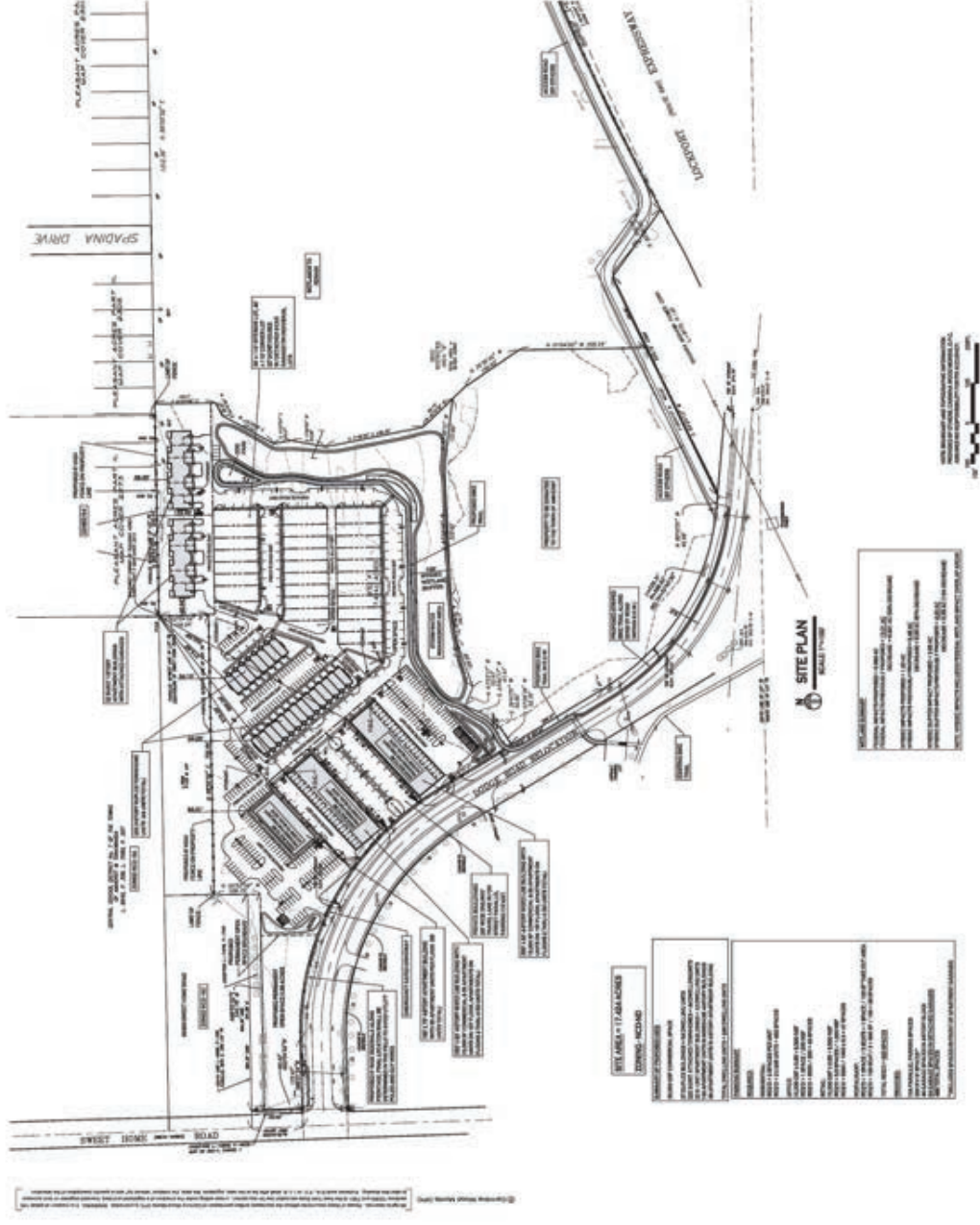


September 27, 2021



Site Plan Application:

- Project will also require subdivision approval from the Planning Board
- Open Development Area Approval from the ZBA
- Variance from Dept. of State for remoteness of second fire access
- Layout reflects input received from Krista Halt, Chief Daric Will and Steve Herberger from Getzville Fire
- All buildings will include code compliant sprinkler systems



Site Plan

Legend:

- 1. EXISTING LANDSCAPE
- 2. EXISTING BUILDINGS
- 3. EXISTING PARKING
- 4. EXISTING DRIVEWAYS
- 5. EXISTING UTILITIES
- 6. EXISTING FENCES
- 7. EXISTING CURBS
- 8. EXISTING SIDEWALKS
- 9. EXISTING STREETS
- 10. EXISTING LANDSCAPE
- 11. EXISTING BUILDINGS
- 12. EXISTING PARKING
- 13. EXISTING DRIVEWAYS
- 14. EXISTING UTILITIES
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- 93. EXISTING PARKING
- 94. EXISTING DRIVEWAYS
- 95. EXISTING UTILITIES
- 96. EXISTING FENCES
- 97. EXISTING CURBS
- 98. EXISTING SIDEWALKS
- 99. EXISTING STREETS
- 100. EXISTING LANDSCAPE

Table 1: Tree Planting Detail

Tree Species	Quantity	Notes
Red Maple	10	10' x 12' x 14'
White Oak	15	10' x 12' x 14'
Black Oak	20	10' x 12' x 14'
Red Oak	25	10' x 12' x 14'
White Birch	30	10' x 12' x 14'
Black Birch	35	10' x 12' x 14'
Red Birch	40	10' x 12' x 14'
White Pine	45	10' x 12' x 14'
Black Pine	50	10' x 12' x 14'
Red Pine	55	10' x 12' x 14'
White Spruce	60	10' x 12' x 14'
Black Spruce	65	10' x 12' x 14'
Red Spruce	70	10' x 12' x 14'
White Fir	75	10' x 12' x 14'
Black Fir	80	10' x 12' x 14'
Red Fir	85	10' x 12' x 14'
White Cedar	90	10' x 12' x 14'
Black Cedar	95	10' x 12' x 14'
Red Cedar	100	10' x 12' x 14'

- [illegible]

Federal:

Proposed: 4.899 acres

Previous: 12.76 acres

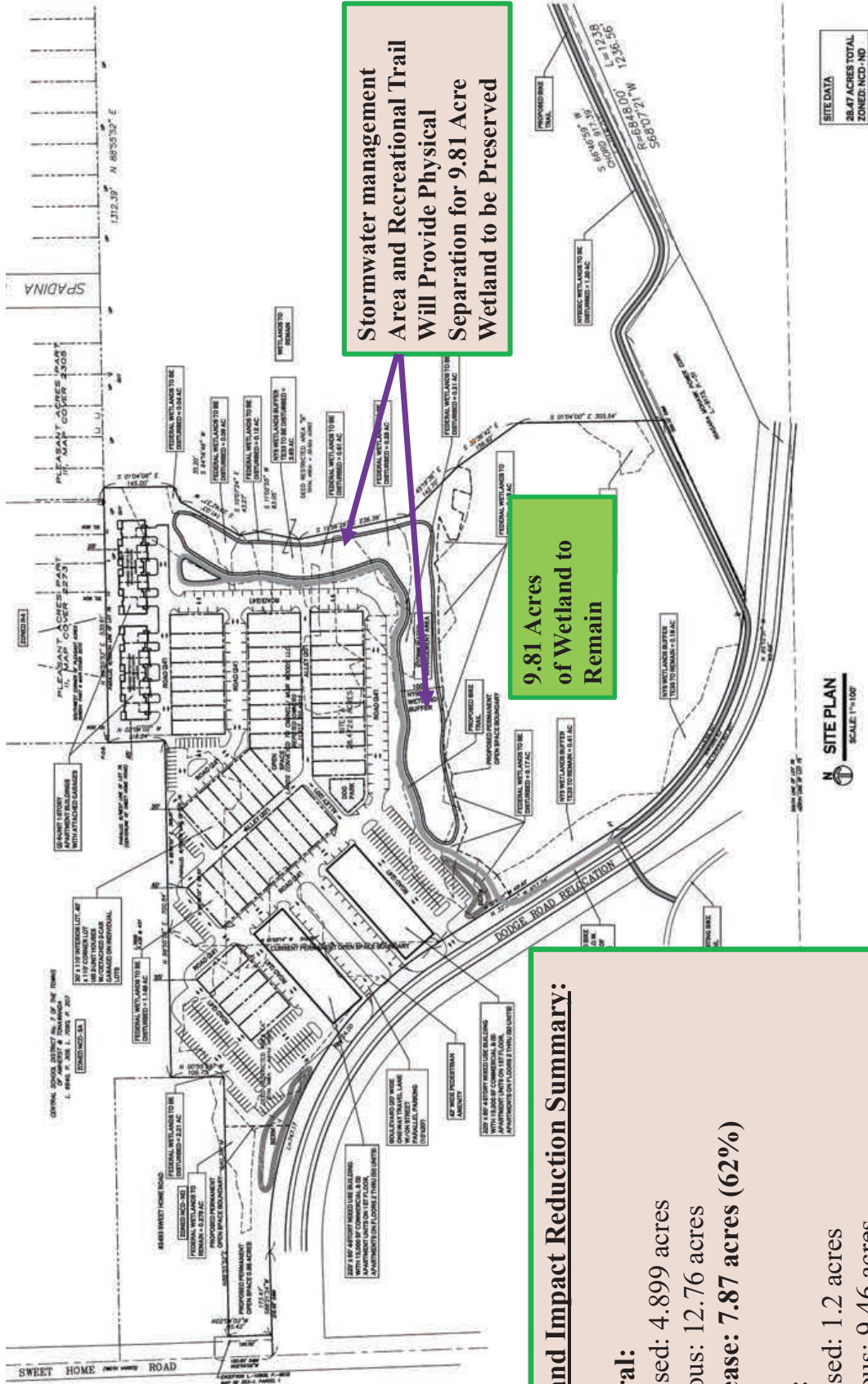
Decrease: 7.87 acres (62%)

State:

Proposed: 1.2 acres

Previous: 9.46 acres

Decrease: 8.26 acres (87%)



Planning Board's Favorable Recommendation on the Amended Findings Statement issued on August 19, 2021:

- The Planning Board held a public hearing on August 19th and recommended approval of the Amended Findings Statement by a unanimous 7-0 vote
- Consistent with the adopted Comprehensive Plan – Recommended land use category of “Mixed-Use” [Defined as density of 4-12 units per acre – Proposed density of 9.06 units per acre does not include the Permanent Open Space]
- Consistent with New Community District criteria in Section 5-2-2 of the Zoning Code

State Environmental Quality Review Act:

- The Project Site is properly zoned NCD-ND – The NCD zoning district encourages mixed-use development with pedestrian amenities and permanent open space
- Project is a Type I action pursuant to SEQRA
- Part 1 of the Full Environmental Assessment Form submitted with the Site Plan Application
- Reduction of adverse environmental impacts as compared to the originally proposed project of 237,000 sq. ft. of Flex office and R&D buildings - Potential for 24/7 operations with tractor trailers
- Amended wetland permits issued by the United States Army Corps of Engineers on February 25, 2021 and the New York State Department of Environmental Conservation on December 24, 2020
- Stormwater management system complying with stringent stormwater quality and quantity standards
- 227+ Acres of Permanent Open Space to remain undeveloped [11.83 acres of additional Permanent Open Space]
- Traffic Impact Study prepared by SRF Associates
- Shared Parking Analysis – To be updated at 50% of build-out of residential units
- No impact determination letter issued by the SHPO on October 10, 2001
- No lighting spillover onto adjacent properties

Conclusion:

- Requesting Site Plan Approval subject to appropriate conditions
- Questions....

Exhibit 7
