

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Agenda – 551st Meeting

Friday, October 18, 2024-8:30 am

James J. Allen Boardroom

Agency Offices – 4287 Main Street, Amherst, NY 14226

1. Roll Call of Members
2. Reading and Approval of Minutes
3. Bills & Communications
4. Treasurer's Report
5. Public Comment
 - I. Speakers Limited to Three (3) Minutes
6. Executive Director's Report
7. Committee Reports
 - I. Audit & Finance Committee – 2025 Budget Recommendations
8. Unfinished Business
 - I. Sawyer's Landing LLC – Amendment Request
9. New Business
 - I. The Greens on North French Workforce Housing and North Amherst Soccer Complex Concession Building – Authorization Resolution
10. Adjournment

TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY

Minutes of the 550th Meeting

Friday, September 20, 2024 – 8:30 am

James J. Allen Boardroom

Agency Offices, 4287 Main Street

PRESENT:	Carlton N. Brock, Jr. Anthony Agostino Hadar Borden Frank LoTempio, III Nicole Gavigan David S. Mingoia, Executive Director Kevin J. Zanner, Hurwitz & Fine PC
GUESTS :	AIDA Staff David Chiazza, Iskalo Development
EXCUSED:	William Tuyn Hon. Timothy Drury

Chairman Carlton Brock called the meeting to order and reminded everyone the meeting was being video recorded and live-streamed.

MINUTES

Upon a motion by Frank LoTempio, seconded by Hadar Borden and unanimously carried, the minutes of the July 2024 meeting were approved as presented.

BILLS & COMMUNICATIONS

There were no Bills & Communications presented at this meeting.

TREASURER'S REPORT

Treasurer Agostino reviewed the highlights of the Treasurer's Reports for July and August 2024.

Upon a motion by Frank LoTempio, seconded by Hadar Borden and unanimously carried, the Treasurer's Report for July and August 2024 was approved as presented.

PUBLIC COMMENT

There was no Public Comment at this meeting.

EXECUTIVE DIRECTOR'S REPORT

David Mingoia presented the Executive Director's Report.

COMMITTEE REPORTS

There were no Committee Reports for this meeting.

UNFINISHED BUSINESS

I. Iskalo Development – 26 West Spring Street – Amendment Request

Company has informed the Agency that an error had been made in the Company's application with respect to its calculation of the dollar amount of sales taxable purchases to be made for the Project, and the Company is requesting that the Agency modify the Inducement Resolution adopted July 2024 to increase the sales and use tax exemption benefit for eligible purchases in an amount up to \$625,000.00, which would provide an exemption from sales and use taxes of up to \$54,688.50.

After discussion Frank LoTempio made a motion to approve the request of Isaklo Spring Street LLC to increase the sales and use tax exemption benefits to an amount of \$625,000 and increase the sales and use tax exemption to an amount up to \$54,688.50. Anthony Agostino seconded the motion to approve. Votes to approve were cast by Brock, Agostino, Borden, LoTempio and Gavigan. Motion to approve passed by a vote of 5-0.

II. New Road Solar I, LLC – Ownership Change

Company has informed the Agency that Generate Capital recently acquired all the ownership interests of the Company pursuant to a certain membership interest purchase agreement between Sol Source Power LLC and Generate Capital, and that it wishes to proceed with the Project as previously authorized by the Agency. In a letter dated August 29, 2024, counsel for Generate Capital confirmed that the project costs as identified by the Company in the Application have not changed and there will be no change in the real property and sales and use tax incentives that were requested by the Company and approved by the Agency as described in the Inducement Resolution dated December 2023.

Company has requested that the Agency consent to the ownership change and to proceed with the Project.

After discussion Frank LoTempio made a motion to approve the request of New Road Solar I, LLC to consent to the ownership change and to proceed with the project. Anthony Agostino seconded the motion to approve. Votes to approve were cast by Brock, Agostino, Borden, LoTempio and Gavigan. Motion to approve passed by a vote of 5-0.

NEW BUSINESS

There was no New Business presented at this meeting.

8:51 am – Frank LoTempio made a motion to adjourn the meeting. Hadar Borden second the motion. The motion to adjourn was passed unanimously.

	2024 Budget	2024 Estimated	2025 Prelim
REVENUES:			
Administrative Fees (Agency 1%)	\$ 867,000	\$ 805,000	\$ 850,000
Management Fee (ADC fees)	\$ -	\$ -	\$ -
Application Fees	\$ 5,000	\$ 5,000	\$ 5,000
Interest Income (NR)	\$ 15,000	\$ 40,000	\$ 20,000
Other Revenue	\$ 3,500	\$ 1,000	\$ -
subtotal	\$ 890,500	\$ 851,000	\$ 875,000
EXPENSES			
ADMINISTRATION:			
Payroll	\$ 277,000	\$ 277,000	\$ 285,310
Employer FICA Expense	\$ 22,000	\$ 22,000	\$ 22,600
Pension Fund	\$ 23,000	\$ 23,000	\$ 23,700
Health Insurance	\$ 52,000	\$ 52,000	\$ 59,200
subtotal	\$ 374,000	\$ 374,000	\$ 390,810
OPERATION:			
Office Expense	\$ 10,000	\$ 9,500	\$ 10,000
Postage	\$ 500	\$ 500	\$ 750
Travel	\$ 6,500	\$ 6,500	\$ 6,500
Telephone	\$ 7,000	\$ 6,500	\$ 7,000
Fees & Dues	\$ 7,000	\$ 6,000	\$ 7,000
Subscriptions/Publications	\$ 2,000	\$ 1,000	\$ 2,000
Legal Fees-General Counsel	\$ 20,000	\$ 18,000	\$ 30,000
Legal Fee - Litigation	\$ 5,000	\$ -	\$ 5,000
Bldg Interest	\$ 14,000	\$ 13,000	\$ 13,000
Bldg Utilities	\$ 7,000	\$ 6,000	\$ 7,000
Bldg Property Tax	\$ 9,500	\$ 5,000	\$ 6,000
Bldg Inside Maint	\$ 15,000	\$ 9,000	\$ 15,000
Bldg Outside Maint	\$ 15,000	\$ 15,000	\$ 15,000
Meetings	\$ 3,000	\$ 2,000	\$ 3,000
Equipment	\$ 10,000	\$ 10,000	\$ 8,000
Equipment Rental	\$ 4,000	\$ 3,700	\$ 4,000
Professional Services	\$ 60,000	\$ 55,000	\$ 60,000
Insurance	\$ 24,000	\$ 22,000	\$ 24,000
Depreciation	\$ 22,000	\$ 22,000	\$ 22,000
subtotal	\$ 241,500	\$ 210,700	\$ 245,250
SPECIAL PROJECTS:			
Marketing	\$ 60,000	\$ 40,000	\$ 40,000
Invest BN	\$ 20,000	\$ 20,000	\$ 20,000
Education	\$ 6,000	\$ 2,000	\$ 4,000
Special Events	\$ 5,000	\$ 2,000	\$ 5,000
Strategic Partnerships	\$ 125,000	\$ 100,000	\$ 100,000
Capital Improvements	\$ 30,000	\$ 15,000	\$ 20,000
subtotal	\$ 246,000	\$ 179,000	\$ 189,000
Total Expenses (non-restricted)	\$ 861,500	\$ 763,700	\$ 825,060
Excess Revenue over/(under)	\$ 29,000	\$ 87,300	\$ 49,940

**PROJECT PROFILE:
SAWYER'S LANDING MIXED-USE WORKFORCE HOUSING
AND INFRASTRUCTURE PROJECT—AMENDED**
\$48,842,000
October 18, 2024



ELIGIBILITY

- Commercial Project under NYS Law
- Eligible Project under Countywide Eligibility Policy

COMPANY INCENTIVES (EST.)

- Property Tax = \$3,428,760
- Sales Tax = \$3,024,560
- Mortgage Tax = \$256,420

PROJECT BENEFITS (EST.)

- Property Taxes = \$1,919,440
- Income Taxes = \$1,195,962
- Sales Taxes = \$501,624

EMPLOYMENT

- 153 Construction and Supply Related Jobs Created
- 2 Full-Time Direct Positions Created
- 23 Full-Time Indirect Positions Created from Household Spending
-

PROJECT SCHEDULE (EST.)

- Work begins November 2024
- Project Completion June 2026

Project Address:

50 Dodge Road
Amherst, New York 14228
(Sweet Home School District)

Investment:

Acquisition: \$3,000,000
Construction: \$34,438,000
Infrastructure: \$8,770,000
Soft/Other Costs: \$2,634,000

Company Description:

Sawyers Landing is headed by a Severyn Development, which primarily focuses on residential development throughout Western New York.

Project Description:

The applicant is seeking a modification to previously approved AIDA project consisting of approximately 5 acres of a larger 18-acre parcel to construct a mixed use development consisting of 146 residential units and 27,470 square feet of commercial space. The new project removes townhomes from the AIDA portion of the project and a portion of the commercial space. The modified project still includes a workforce housing component consisting of over 22% of the units that will be leased at 80% of area median income (AMI) and consist of a combination of studio, one bedroom and two bedroom units. The entire 18-acre site is currently paying \$20,671 in annual town, county & school taxes. AIDA benefits are limited to the construction of the two mixed use buildings and will not include equipping and build out of the commercial space.

Offsite improvements including the extension of the recreational trail that will cross the entire Muir Woods property and a connection to the Town's recreational trails across Dodge Road are being constructed by the developer. This investment, along with topography and soil conditions add an additional \$3.2 million to the project and impact feasibility. The applicant states that Agency assistance is necessary to complete the project due to adherence to the site development, material and labor increases, and higher cost lending requirements. The Reasonableness Assessment prepared by Camoin Associates notes the low return on investment even with the project incentives. Additionally, the requested assistance will enable the applicant to include 25 workforce housing units.



**PROJECT PROFILE:
SAWYER'S LANDING MIXED-USE WORKFORCE
HOUSING AND INFRASTRUCTURE PROJECT
\$48,842,000**

AIDA COMPANY HISTORY:

None

MATERIAL TERMS:

1. Investment of not less than \$41,515,700 at the project location as noted in the application.
2. Creation of 2 direct full-time equivalent jobs and maintenance of employment throughout the PILOT term.
3. Compliance with the Agency's Local Labor Policy in connection with the construction of the Project.
4. Maintenance of 25 total units as Workforce Housing

AIDA Project Evaluation Criteria - Neighborhood Redevelopment

Distressed Census Tracts	No
Designated Enhancement Area	No
Age of Structure	N/A
Building Vacancy	N/A
Redevelopment Supports Local Community Development Plan	This site is part of the Audubon New Community and slated for development for decades. This project is one of the remaining parcels to be developed. The site is directly adjacent to Audubon Industrial Park and vacant and near vacant office properties.
Environmental or Safety Issues	The project seeks to improve pedestrian safety by providing off road sidewalks and pathways connecting the Town's recreational trails.
LEED/Renewal Resources	None
Building has Historic Designation	None
Site or Structure has Delinquent Property or Other Local Taxes	No
Impediments to Conventionally Finance Project	Lending Requirements are more stringent, such as increased equity, along with interest rates not seen in decades. Camoin report lists low return on investment.
Transit Oriented Development	The project supports density on the site and includes workforce housing with a bus route nearby on Sweet Home Road.
Increased Property Value	The entire 18 acre property generates \$20,671 a year in Town, County and School Taxes. Even with a PILOT, the 5 acre AIDA project will pay over \$100,000 in combined taxes in Year 1 of the 10-Year PILOT.
Provides Workforce and/or Affordable Housing	Workforce Housing is defined as pricing for 80-120% of Area Median Income. This project provides over 22% of the units at approximately 80%.



October 8, 2024

David S. Mingoia, Executive Director/CEO
Town of Amherst Industrial Development Agency
4287 Main Street
Amherst, New York 14226

Re: Sawyer's Landing – Mixed-Use Project
50 Dodge Road - Town of Amherst
File No. 10160.6

Dear Dave:

As you are aware, the scope of the mixed-use project eligible for a PILOT and related incentives from the AIDA Board of Directors has been modified. The scope of the mixed-use project that received approval from the AIDA Board of Directors on July 19, 2024 has been modified via the replacement with the previously proposed 22 two-family townhomes for lease that were part of the approval of the IDA Board of Directors approval on July 19, 2024 with 24 townhomes for sale. Copies of the updated of the Overall Site Plan [Drawing C-100 – Date: 10/02/24] and the Site Plan [Drawing C-101 – Date: 10/02/24] depicting the updated project layout are attached as Exhibit “1”.

On Thursday, October 3rd, Kevin Zanner, Esq. sent me an e-mail requesting information on the aspects of the updated project. Each of the categories of requested additional information as contained in Mr. Zanner’s e-mail are listed below in *italics* followed by the Applicant’s responses.

- *Description of the Project: The project was initially described as involving “the construction of two, four story mixed-use buildings consisting of an aggregate of approximately 152,700 square feet that will include 146 apartments... [and] approximately 27,478 square feet of first floor commercial/retail office space.” Please submit a revised description of the project.*

Response: The updated project consists of the construction of two (2) four-story mixed use buildings comprised of a total of 152,700 sq. ft. containing approximately 12,000 sq. ft. of first floor office and retail space and 112 apartments for lease [5 first floor apartments per building] along with all related site improvements.

- *Affected Acreage: The project as originally approved was to include 5 acres. What is the revised acreage for the project area to be benefitted by AIDA?*

Response: The revised acreage for the project acreage to be benefitted by the AIDA consists of 2.909 acres as depicted on the Survey prepared by GPI Engineering dated October 8, 2024 is attached as Exhibit “2”. A legal description of the updated project acreage to be benefitted is attached as Exhibit “3”.

HOPKINS SORGI & MCCARTHY PLLC

Attorneys at Law

35 California Drive, Suite 100 • Williamsville, New York 14221

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

- *Workforce Housing: Page 1 of the application states that the workforce housing component of the project will consist of 33 apartments, which is 23% of the total 146 units. This was to consist of the following breakdown for workforce housing: 3 studio apartments, 25 one-bedroom units, and 5-three bedroom units. How do the project modifications affect the total number of units in the portion of the project receiving IDA benefits, and how many units are dedicated to workforce housing?*

Response: There will twenty-five (25) workforce housing units designated for tenants to be leased based at 80% of the annual Area Median Income (“AMI”) for tenants earning up to 100% of AMI comprised of the following: 5 studios, 18 one-bedroom apartments and 2 two-bedroom apartment. The overall breakdown of the apartments for lease in the two-mixed use buildings is as follows: 12 studios, 92 one bedroom apartments, and 8 two-bedroom units.

- *Total Project Cost: The total cost of the project as approved was \$54,015,270. Please provide the updated project cost.*

Response: The projected total cost of the project cost is \$43,208,000.00. The following is additional relevant information regarding the updated project that correlates with the relevant questions in the AIDA Application.

<u>Breakdown and Cost of Uses:</u>	<u>Cost</u>	<u>Percentage</u>
12,000 sq. ft. of retail and office	\$2,259,840.00	5.2%
140,700 sq. ft. of apartments	\$40,948.160.00	94.8%

Estimated Project Timetable:

Start Date - Site Work:	November 1, 2024
Start Date - Building Construction:	February 1, 2025
Completion Date:	May 1, 2026
Project Occupancy Start Date:	June 1, 2026

Capital Project Plan/Budget:

Land:	\$3,000,000.000
New Building Construction:	\$34,438,000.00
Infrastructure Work:	\$8,770,000.00
Soft Costs:	\$2,634,000.00
<u>Total:</u>	\$48,842,000.00
<u>Total Cost of Construction:</u>	\$43,208,000.00

CONSTRUCTION COST BREAKDOWN:

Total Cost of Construction: \$43,208,000.00

Cost of Materials: \$34,566,400.00

- *Sales Tax Exemption Benefit: AIDA approved an exemption from sales and use tax for eligible purchases having a total cost not to exceed \$36,387,280 and a benefited amount of \$3,183,887. Please provide updated figures for this benefit.*

Response: The projected sale tax benefit has been calculated as follows:

Gross Amount of Costs and Services
That are subject to State and Local Sales
Tax:

\$34,566,400.00

Estimate State and Local Sales Tax
Use Benefit [Product of 08.75 x by
\$34,566,400.00]:

\$3,024,560.00

- *Mortgage Recording Tax: AIDA authorized a MRT benefit for the project for one or more mortgages not to exceed \$45,912,980 (benefit amount \$344,347). Please include updated mortgage information for the revised project.*

Response: The request mortgage tax exemption has been calculated as follows:

Sources of Funds for Project Costs:

Equity: \$14,652,600.00
Bank Financing: \$34,189,400.00
Total Sources of Costs for Project Funds: \$48,842,000.00

Mortgage Recording Exemption Tax Benefit:

Mortgage Amount: \$34,189,400.00
Estimated Mortgage Recording Tax
Benefit [product of 0.75% multiplied:
by the figure, above] \$256,420.00

- *Job creation: The application provides that the project will create 6 full-time equivalent jobs and 2 part-time equivalent jobs at the end of 2 years of operation. Please include any updates to the job creation figures or confirm that these remain accurate.*

Response: The project will result in the creation of two full-time positions as follows:

October 8, 2024

Page 4 of 4

<u>Positions</u>	<u>Annual Salary</u>
1 full-time management	\$65,000.00
1 full-time administrative	\$55,000.00

Please feel free to contact me at 716.510-4338 or via e-mail at shopkins@hsmlegal.com if you have any questions regarding this letter.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

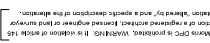


Sean W. Hopkins, Esq.

Enc.

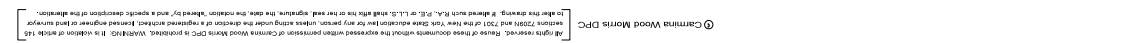
cc: Kevin Zanner, Esq.
William Severyn, Severyn Development Inc.

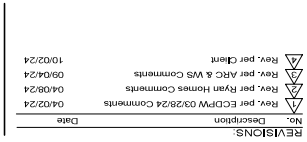
Exhibit 1



Access to the data is provided by the National Health and Medical Research Council (NH&MRC) of Australia. The data are available to researchers on a non-exclusive basis, subject to the following conditions:

Wood Morris DPC

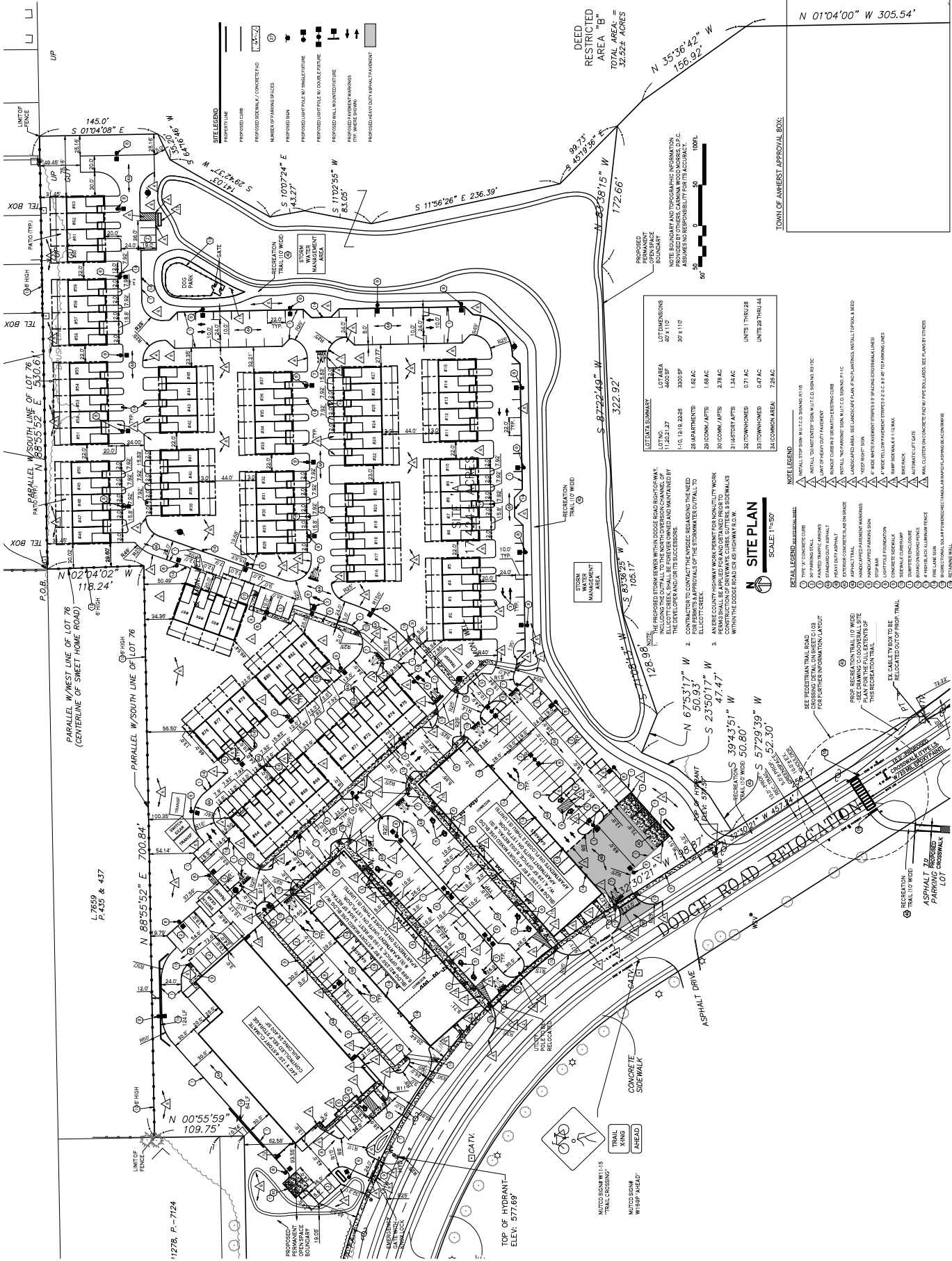




Date: 2/22/24
Drawn by: C. Wood
Scale: As Noted

DRAWING NO.

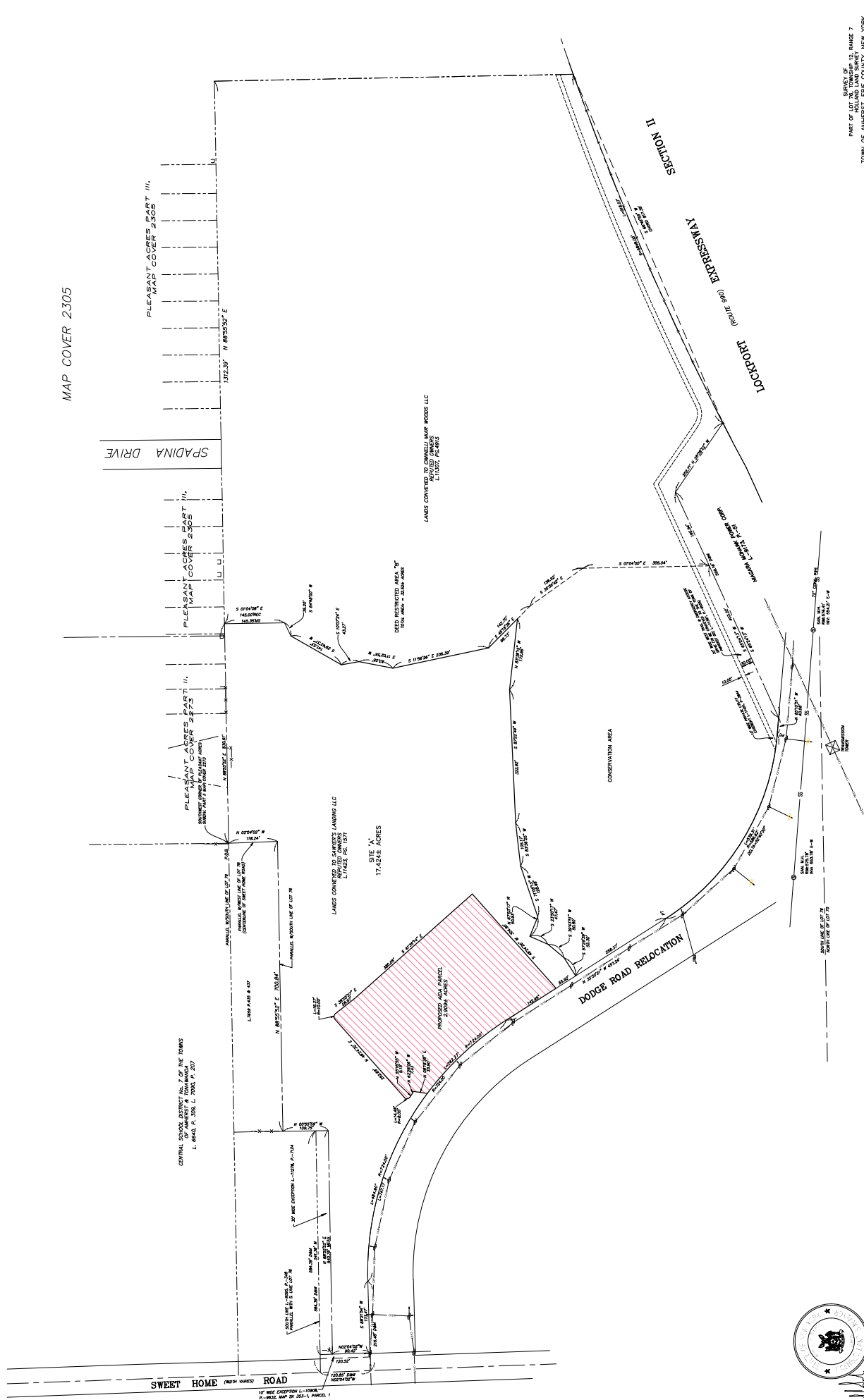
Project no.: 21.011



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Exhibit 2

MAP COVER 2305



SURVEY OF
PART OF LOT 76, TOWNSHIP 12, RANGE 7
TOWN OF AMHERST, ERIE COUNTY, NEW YORK

GPI
GRIFFIN PIONEERING LANDS, LLC
ARCHITECTURE & SURVEYING, LLP
1000 W. 10TH STREET, SUITE 200
AMHERST, NY 14226
TEL: 716.433.8844 FAX: 716.433.8845

Job No. 2013062-SITE A-ADA Date: OCTOBER 8, 2024
Scale: 1" = 100' TAX No.

DATE: _____

REVISIONS:

NO.	DATE	DESCRIPTION

Exhibit 3

SUGGESTED DESCRIPTION
JOB NO. 2013062 SITE A - AIDA

OCTOBER 8, 2024

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 76, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows.

COMMENCING at the intersection of the east line of Sweet Home Road (width varies) and the north line of Dodge Road Relocation (width varies);

THENCE: N-88°-21'-54"-E, along the north line of said Dodge Road Relocation, a distance of 173.47 feet to a point of curvature;

THENCE: Southeasterly, along the northeasterly line of said Dodge Road Relocation, on a curve to the right having a radius of 724.00 feet, an arc distance of 484.90 feet to the POINT OF BEGINNING;

THENCE: Through lands conveyed to Sawyer's Landing LLC by deed recorded in the Erie County Clerk's Office in Liber 11423 of Deeds at page 1571, the following nine (9) courses and distances:

- 1) N-08°-18'-38"-E a distance of 33.90 feet to a point;
- 2) N-62°-26'-06"-W a distance of 7.43 feet to a point;
- 3) N-55°-18'-55"-W a distance of 9.15 feet to a point of curvature;
- 4) Northerly, along a curve to the right having a radius of 8.00 feet, an arc distance of 14.48 feet to a point of tangency;
- 5) N-48°-24'-32"-E, a distance of 252.69 feet to a point of curvature;
- 6) Easterly, along a curve to the right having a radius of 10.00 feet, an arc distance of 16.27 feet to a point of tangency;
- 7) S-38°-20'-57"-E, a distance of 58.97 feet to a point;
- 8) S-41°-35'-14"-E, a distance of 380.05 feet to a point;
- 9) S-48°-24'-26"-W, a distance of 304.90 feet to a point on the northeast line of Dodge Road Relocation;

THENCE: N-32°-30'-21"-W and along the northeasterly line of said Dodge Road Relocation a distance of 142.95 feet to a point of curvature;

THENCE: Northwesterly, along the northeasterly line of said Dodge Road Relocation, on a curve to the left having a radius of 724.00 feet, an arc distance of 262.27 to the POINT or PLACE of BEGINNING, having an area of 2.909 acres be the same more or less.

Town of Amherst Industrial Development Agency

MRB Cost Benefit Calculator

Date: October 9, 2024
Project Title: Sawyer's Landing Mixed Use and Workforce Housing Project
Project Location: 50 Dodge Road 14228



Economic Impacts

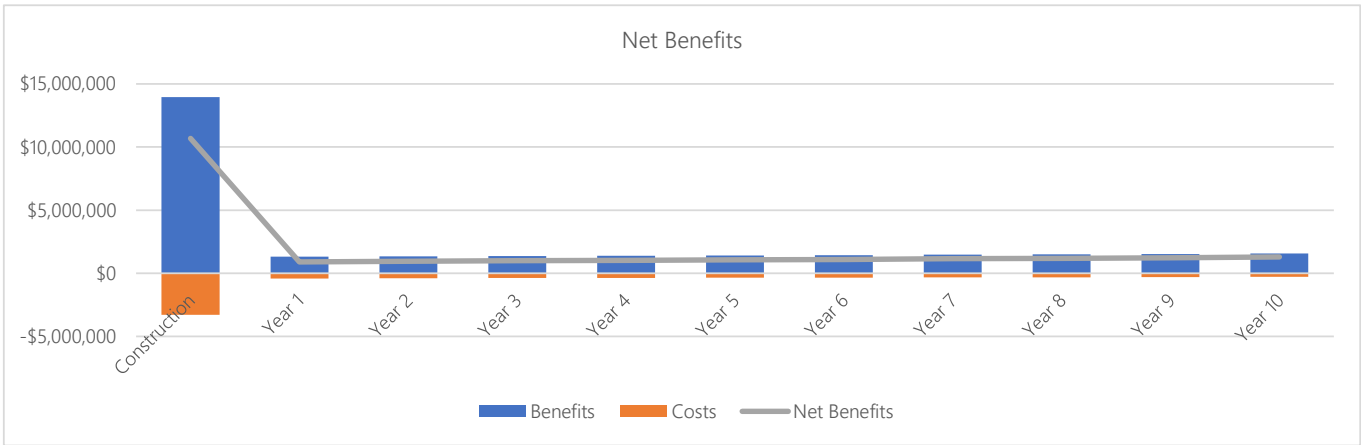
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
\$48,842,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	115	38	153
Earnings	\$10,792,544	\$2,378,987	\$13,171,531
Local Spend	\$28,000,000	\$6,432,850	\$34,432,850

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	18	6	23
Earnings	\$9,456,344	\$3,949,059	\$13,405,403

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

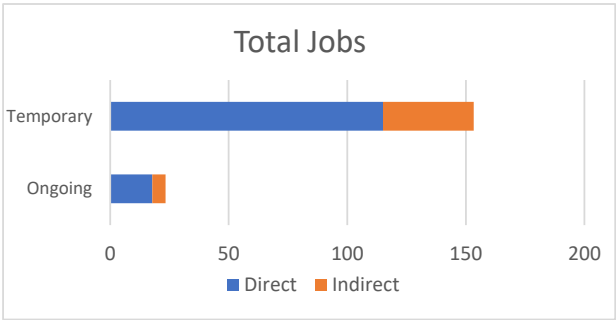
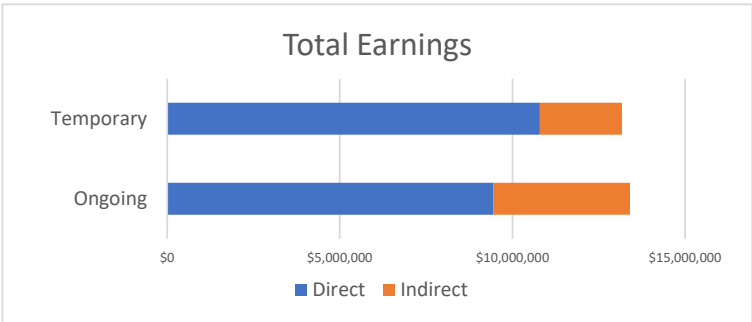


Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$3,428,760	\$3,100,534
Sales Tax Exemption	\$3,024,560	\$3,024,560
Local Sales Tax Exemption	\$1,641,904	\$1,641,904
State Sales Tax Exemption	\$1,382,656	\$1,382,656
Mortgage Recording Tax Exemption	\$256,420	\$256,420
Local Mortgage Recording Tax Exemption	\$85,473	\$85,473
State Mortgage Recording Tax Exemption	\$170,947	\$170,947
Total Costs	\$6,709,740	\$6,381,514

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$28,768,684	\$27,133,951
To Private Individuals	\$26,576,934	\$25,175,139
Temporary Payroll	\$13,171,531	\$13,171,531
Ongoing Payroll	\$13,405,403	\$12,003,608
Other Payments to Private Individuals	\$0	\$0
To the Public	\$2,191,750	\$1,958,812
Increase in Property Tax Revenue	\$1,919,440	\$1,703,532
Temporary Jobs - Sales Tax Revenue	\$109,488	\$109,488
Ongoing Jobs - Sales Tax Revenue	\$162,822	\$145,791
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$1,425,276	\$1,347,854
To the Public	\$1,425,276	\$1,347,854
Temporary Income Tax Revenue	\$592,719	\$592,719
Ongoing Income Tax Revenue	\$603,243	\$540,162
Temporary Jobs - Sales Tax Revenue	\$92,201	\$92,201
Ongoing Jobs - Sales Tax Revenue	\$137,113	\$122,772
Total Benefits to State & Region	\$30,193,960	\$28,481,805

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$27,133,951	\$4,827,911	6:1
State	\$1,347,854	\$1,553,603	1:1
Grand Total	\$28,481,805	\$6,381,514	4:1

*Discounted at 2%

Additional Comments from IDA

This is a good project.

Does the IDA believe that the project can be accomplished in a timely fashion? Yes

**AMENDATORY RESOLUTION OF THE TOWN OF
AMHERST INDUSTRIAL DEVELOPMENT AGENCY
RELATING TO THE 2024 SAWYER'S LANDING LLC
PROJECT.**

WHEREAS, the Town of Amherst Industrial Development Agency (the “Agency”) is authorized under the laws of the State of New York, and in particular the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended, and Section 914-a of the General Municipal Law, as amended (collectively, the “Act”), to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial and research facilities and thereby advance the job opportunities, general prosperity and economic welfare of the people of the State of New York and to improve their prosperity and standard of living; and

WHEREAS, by inducement resolution dated July 19, 2024 (the “Inducement Resolution”), the Agency approved an application for financial assistance (the “Application”) of Sawyer’s Landing LLC (the “Company”) to undertake a certain project (the “Project”) consisting of: (i) the acquisition of a leasehold interest in approximately 5 acres of a larger 18 acre parcel located at or about 50 Dodge Road in Amherst, New York (Part of SBL No. 40.08-3-13.1)(the “Premises”); (ii) the construction of two, four-story, mixed-use buildings consisting of an aggregate of approximately 152,700 square feet that will include 146 apartments (including townhome units), twenty percent (20%) of which will be designated for workforce housing, approximately 27,478 square feet of first floor commercial retail/office space and related on-site improvements (collectively, the “Improvements”); and (iii) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the “Equipment”); and

WHEREAS, on July 19, 2024, the Agency and the Company entered into a Project Agreement (the “Project Agreement”); and

WHEREAS, the Agency previously authorized: (i) a sales and use tax exemption for eligible purchases in an amount up to \$36,387,280.00, which would provide an exemption from sales and use taxes of up to \$3,183,887.00; (ii) a partial exemption from mortgage recording tax for one or more mortgages aggregating an amount not to exceed \$45,912,980.00; and (iii) an abatement from real property taxes on the Premises; and

WHEREAS, by letter dated October 8, 2024, the Company informed the Agency of several substantive changes to the Project (the “Project Modification Request”); and

WHEREAS, as further detailed in the Project Modification Request, the Company’s proposed changes to the Project include removal of the townhomes portion of the Project, a reduction of office and retail space in the Project, and a decrease in the projected number of full-time equivalent (FTE) employment positions to be created as a result of the Project; and

WHEREAS, the Project as modified is proposed to consist of: (i) the acquisition by the

Agency of a leasehold interest in approximately 2.909 acres of a larger 18 acre parcel located at or about 50 Dodge Road in Amherst, New York (Part of SBL No.40.08-3-13.1) (the “Premises”); (ii) the construction of two, four-story, mixed-use buildings consisting of an aggregate of approximately 152,700 square feet that will include 112 apartments, twenty-five (25) units of which will be designated for workforce housing, constituting approximately twenty-two percent (22%) of all units, and approximately 12,000 square feet of first floor commercial retail/office space and related on-site improvements (collectively, the “Improvements”); and (iii) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the “Equipment”), all at a total cost in an amount up to \$48,842,000.00; and

WHEREAS, as a result of these changes to the Project, corresponding reductions to the sales and use tax exemption and mortgage recording tax exemption for the Project are appropriate.

NOW, THEREFORE, THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY HEREBY RESOLVES AS FOLLOWS:

1. The Project is described in the recitals to this Resolution. The financial assistance to be provided in connection therewith includes: (i) an exemption from sales and use taxes for building materials and machinery, equipment, fixtures and furnishings purchased for incorporation into or use at the Project location having a total cost not to exceed \$34,566,400.00 and which shall not include tenant finishings or equipment with respect to the retail elements of the Project, (ii) an exemption from mortgage recording taxes for one or more mortgages having a principal amount not to exceed \$34,189,400.00 and (iii) an abatement from real property taxes in accordance with the Agency’s ten (10) year payment in lieu of tax schedule (collectively, the “Financial Assistance”).
2. The Material Factors set forth in Section 2 of the Inducement Resolution are hereby deleted in their entirety and replaced with the following:
 - (a) Investment of no less than \$41,515,700 at the Project location;
 - (b) Creation of two (2) direct full-time equivalent jobs and maintenance of those jobs throughout the Project’s ten-year PILOT term;
 - (c) Compliance with the Agency’s Local Labor Policy; and
 - (d) Maintenance of twenty-five (25) total housing units as workforce housing for fifteen (15) years.
3. The Executive Director, or any officer of the Agency, are each hereby authorized to execute and deliver an amended and restated Project Agreement containing terms consistent with this Amendatory Resolution.
4. Except as amended by this Amendatory Resolution, the terms of the Inducement Resolution are unchanged and remain in full force and effect.

5. This Amendatory Resolution shall take effect immediately.

DATED: October 18, 2024

ACCEPTED AND AGREED TO: October ____, 2024

Sawyer's Landing LLC

By: _____

PROJECT PROFILE: THE GREENS ON NORTH FRENCH WORKFORCE HOUSING AND PUBLIC SOCCER COMPLEX CONCESSION BUILDING \$41,505,561



ELIGIBILITY

- Commercial Project under NYS Law
- Eligible Project under Countywide Eligibility Policy

COMPANY INCENTIVES (EST.)

- Property Tax = \$5,098,091
- Sales Tax = \$1,400,000
- Mortgage Tax = \$240,000

PROJECT BENEFITS (EST.)

- Property Taxes = \$2,136,549
- Income Taxes = \$1,742,153
- Sales Taxes = \$793,773

EMPLOYMENT

- 159 Construction and Supply Related Jobs Created
- 2 Full-Time Direct Positions Created, 37 Full-Time Indirect Positions Created
- \$130,000 Annual Payroll

PROJECT SCHEDULE (EST.)

- Work begins November 2024
- Project completion December 2025

Project Address:

3315-3333 Millersport Highway
Amherst, New York 14068
(Williamsville School District)

Investment:

Acquisition: \$2,275,879
Construction: \$38,806,270
Soft/Other Costs: \$423,412

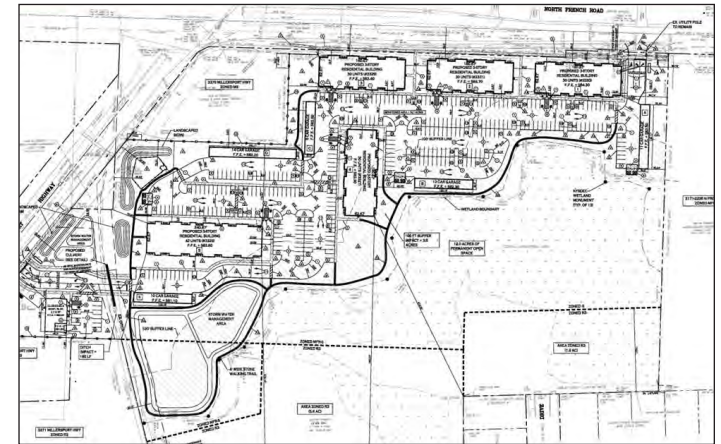
Project Description:

The Green Organization is a multi-state property developer and management company with properties in Amherst, Clarence and Florida. Primarily focused on residential projects, the company continues to explore new opportunities.

The applicant is working to develop a project consisting of 162 apartments across five 3-story buildings near the corner of North French Road and Millersport Highway. The site is currently vacant and generates \$15,200 in annual town, county & school taxes. 20% of the units will be priced at a monthly rent considered workforce housing as defined by rents approximating one-third of approximately 80% of area median income. The 32 workforce housing units will consist of 1, 2 and 3 bedroom apartments.

The project also includes a condition that a Concessions building, estimated at \$650,000, will be constructed by the developer at the North Amherst Soccer Complex during the construction period. The construction of a Concession building, which will include restrooms, concessions and storage, has been on the Town of Amherst's capital list for many years without adequate funding. The approval of this project makes this a reality.

The applicant states that Agency assistance is necessary to complete the project due to material and labor increases, and stringent and higher cost lending requirements. Without assistance the project will not be financially feasible due to these costs and the added costs of site work and construction fill. The Reasonableness Assessment prepared by Camoin Associates notes the low return on investment even with the project incentives. Additionally, the requested assistance will enable the applicant to include the requested 32 workforce housing units.



**PROJECT PROFILE:
THE GREENS ON NORTH FRENCH WORKFORCE
HOUSING AND PUBLIC SOCCER COMPLEX
CONCESSIONS BUILDING
\$41,505,561**

AIDA COMPANY HISTORY:

None

MATERIAL TERMS:

1. Investment of not less than \$35,279,726 at the project location as noted in the application.
2. Creation of 2 full-time equivalent jobs and maintenance of those jobs throughout the PILOT term.
3. Compliance with the Agency's Local Labor Policy in connection with the construction of the Project.
4. Maintenance of 20% of total units as Workforce Housing.
5. Construction of the Concessions Building by the end of project completion.

AIDA Project Evaluation Criteria - Neighborhood Redevelopment

Distressed Census Tracts	No
Designated Enhancement Area	No
Age of Structure	Vacant Land
Building Vacancy	Vacant Land
Redevelopment Supports Local Community Development Plan	Development Supports the Town of Amherst Strategic Economic Development Plan by creating workforce housing in proximity to existing commercial uses. Additionally, a long planned Concessions building at the North Amherst Soccer Complex will be completed by the developer.
Environmental or Safety Issues	The project protects over 12 acres of wetland as permanent open space.
LEED/Renewal Resources	None
Building has Historic Designation	N/A
Site or Structure has Delinquent Property or Other Local Taxes	No
Impediments to Conventionally Finance Project	Lending Requirements are more stringent, such as increased equity, along with higher interest rates.
Transit Oriented Development	The project supports density on the site and includes workforce housing and is near an existing bus line.
Increased Property Value	The property generates \$15,200 a year in Town, County and School Taxes. Even with a PILOT, it will pay approximately \$118,000 in combined taxes in Year 1.
Provides Workforce and/or Affordable Housing	Workforce Housing is defined as pricing for 80-120% of Area Median Income. This project provides 20% of the units at approximately 80%.

Town of Amherst Industrial Development Agency

MRB Cost Benefit Calculator

Date March 28, 2024

Project Title The Greens on French

Project Location 3315-3133 Millersport Highway, 14068



Economic Impacts

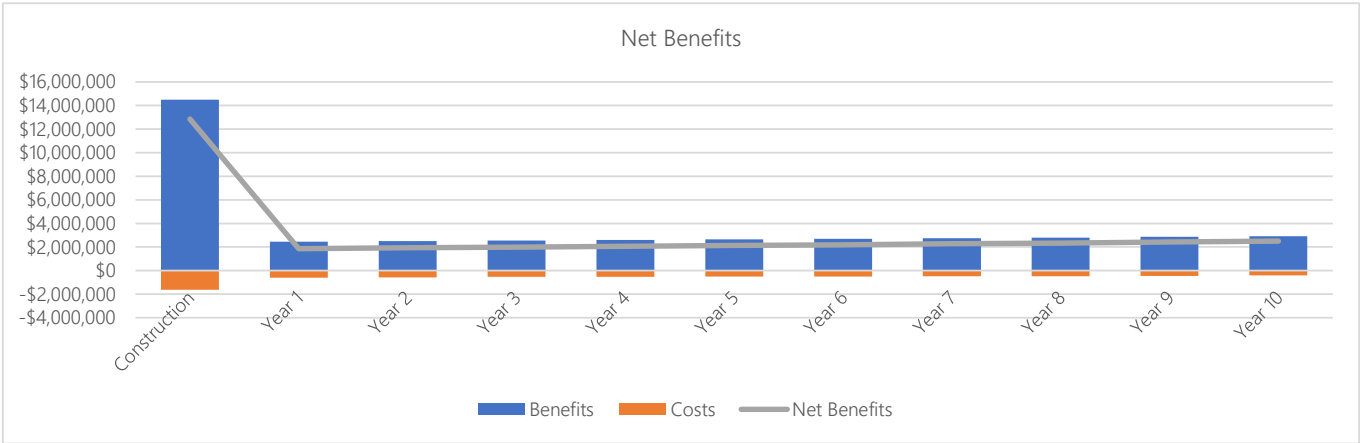
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
\$41,505,561

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	119	40	159
Earnings	\$11,198,764	\$2,468,530	\$13,667,294
Local Spend	\$29,053,893	\$6,674,977	\$35,728,869

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	30	9	40
Earnings	\$17,668,743	\$7,378,469	\$25,047,212

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

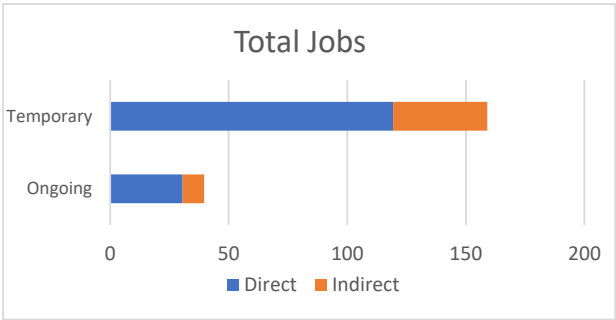
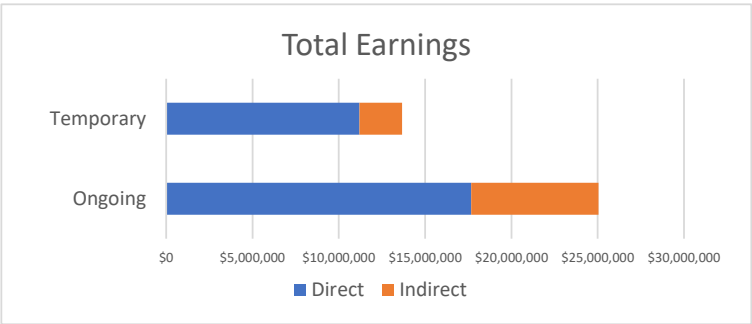


Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$5,098,091	\$4,607,128
Sales Tax Exemption	\$1,400,000	\$1,400,000
Local Sales Tax Exemption	\$760,000	\$760,000
State Sales Tax Exemption	\$640,000	\$640,000
Mortgage Recording Tax Exemption	\$240,000	\$240,000
Local Mortgage Recording Tax Exemption	\$80,000	\$80,000
State Mortgage Recording Tax Exemption	\$160,000	\$160,000
Total Costs	\$6,738,091	\$6,247,128

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$41,281,960	\$38,384,770
To Private Individuals	\$38,714,506	\$36,095,602
Temporary Payroll	\$13,667,294	\$13,667,294
Ongoing Payroll	\$25,047,212	\$22,428,308
Other Payments to Private Individuals	\$0	\$0
To the Public	\$2,567,455	\$2,289,168
Increase in Property Tax Revenue	\$2,136,549	\$1,891,449
Temporary Jobs - Sales Tax Revenue	\$113,609	\$113,609
Ongoing Jobs - Sales Tax Revenue	\$317,296	\$284,110
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$2,105,021	\$1,959,224
To the Public	\$2,105,021	\$1,959,224
Temporary Income Tax Revenue	\$615,028	\$615,028
Ongoing Income Tax Revenue	\$1,127,125	\$1,009,274
Temporary Jobs - Sales Tax Revenue	\$95,671	\$95,671
Ongoing Jobs - Sales Tax Revenue	\$267,197	\$239,251
Total Benefits to State & Region	\$43,386,981	\$40,343,994

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$38,384,770	\$5,447,128	7:1
State	\$1,959,224	\$800,000	2:1
Grand Total	\$40,343,994	\$6,247,128	6:1

*Discounted at 2%

Additional Comments from IDA

Prepared by DM

Does the IDA believe that the project can be accomplished in a timely fashion? Yes

PREPARED FOR:

Town of Amherst Industrial Development Agency
4287 Main Street
Amherst, New York 14226

Reasonableness Assessment for Financial Assistance

3315 – 3333 MILLERSPORT HIGHWAY
GREENS ON FRENCH

JUNE 2024

PREPARED BY:



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EXECUTIVE SUMMARY

Project Description

The Town of Amherst Industrial Development Agency (Agency) received an application from Greens on French (Applicant) for financial assistance to construct five multifamily buildings (Project) in Amherst, NY, featuring 162 residential units. The Project represents a \$35.3 million investment and is anticipated to generate 2 permanent jobs. To support this project, the Applicant requests financial assistance in the form of a Payment In Lieu of Taxes (PILOT) agreement, sales tax exemption, and mortgage recording tax exemption.

Purpose of this Analysis

An objective, third-party review of a project's assumptions and estimated operating and financial performance helps Industrial Development Agencies perform a complete evaluation of a proposed project. Camoin Associates was engaged to analyze the Project and deliver an analysis and opinion to answer three questions:

- ◆ Are the operating assumptions such as rent, vacancy, and expenses within norms for the region?
- ◆ Is the assistance necessary for the Project to be financially feasible, and therefore undertaken by the Applicant?
- ◆ If assistance is awarded, will the Applicant's rate of return on investment be similar to market expectations for similar projects in the region, and therefore reasonable?

Findings: This analysis concludes that the answer to each of these questions is as follows:

- ***Assumptions are generally in line with local and regional benchmarks except for stated operating expenses, which are lower than the benchmarks.***
- ***Over the life of the proposed PILOT, the Project is cash flow positive and meets the industry benchmarks.***
- ***The rate of return to the Applicant over the life of the PILOT is in line with market expectations. A PILOT is required to achieve the necessary equity dividend rate, and without it the Applicant's expected return is likely not enough to warrant moving forward with the investment.***

1. REVENUE ASSUMPTIONS

The Applicant's operating revenue assumptions are compared to CoStar estimates for rent in 2024 in the Town of Amherst. Overall, the rent assumed for the market rate units is within range of the current median rent in Amherst and the workforce units align with current Amherst IDA requirements. Section 2 of this report, Operating Performance, assesses other assumptions made by the Applicant, including expenses, vacancy rates, and income and expense escalation.

Apartment Unit Type, Rent, and Household Income						
Type of Apartment (1)	Number of Units in Project(1)	Average Rent per Month (1)	Rent per Year	Household Income Required (2)	Median Rent for Amherst (3)	Benchmarks
Market Rate	1BR	41	\$1,675	\$20,100	\$67,000	\$1,602 Rent is 1.05 times higher than the benchmark for a one bedroom in Amherst.
	2BR	79	\$2,195	\$26,340	\$87,800	\$1,914 Rent is 1.15 times higher than the benchmark for a two bedroom in Amherst.
	3BR	10	\$2,495	\$29,940	\$99,800	\$2,403 Rent is 1.04 times higher than the benchmark for a three bedroom in Amherst.
Workforce	1BR	10	\$1,300	\$15,600	\$52,000	NA Rent aligns with the requirements of the Amherst Industrial Development Agency and will adjust annually.
	2BR	20	\$1,500	\$18,000	\$60,000	NA Rent aligns with the requirements of the Amherst Industrial Development Agency and will adjust annually.
	3BR	2	\$1,700	\$20,400	\$68,000	NA Rent aligns with the requirements of the Amherst Industrial Development Agency and will adjust annually.

(1) Source: Applicant

(2) Income needed to pay no more than 30% on rent

(3) Median monthly rent for properties built in 2000 or later in the Town of Amherst, NY; Source: CoStar

2. OPERATING PERFORMANCE

The operating performance of the Project is measured using Year 5 of the Applicant's Pro Forma (five years of full operation). The Applicant assumes that gross revenue will escalate at 1.50% per year and expenses will grow by 1%-5% per year, these assumptions are within range. Applicant assumes there will be a 6% vacancy for residential once stabilized; this vacancy rate is higher than the market¹. Operating expenses are lower than the benchmarks. Both PILOT scenarios deliver net operating income as a percentage of gross income that is higher than the benchmark range.

Operations Snapshot, Year 5 of Full Operation

	10 Year PILOT				10 Year No PILOT			
	Share of Gross				Share of Gross			
	Project Performance (1)	Operating Income	Benchmark Performance (2)	Evaluation	Project Performance (1)	Operating Income	Benchmark Performance (2)	Evaluation
<u>Calculation of Net Operating Income Residential</u>								
Gross Operating Income	\$4,228,600	100%	n/a	n/a	\$4,228,600	100%	n/a	n/a
Vacancy Rate and Concessions	6%	n/a	4%	Within range	6%	n/a	4%	Within range
<u>Calculation of Net Operating Income Non-Residential</u>								
Gross Operating Income	\$15,660	0%	n/a	n/a	\$15,660	0%	n/a	n/a
Vacancy Rate	0%	n/a	10%	More efficient	0%	n/a	10%	More efficient
Effective Gross Income (EGI), All Uses (3)	\$3,948,258	93%	96%	Within range	\$3,948,258	93%	96%	Within range
Less: Operating Expenses and Reserve	(\$669,113)	16%	50%	More efficient	(\$669,113)	16%	50%	More efficient
Less: Real Property Taxes (with PILOT)	(\$230,562)	5%	n/a	n/a	(\$740,372)	17%	n/a	n/a
Net Operating Income	\$3,048,583	72%	48%	More efficient	\$2,538,772	60%	48%	More efficient
Less: Debt Service	(\$2,318,315)	55%	n/a	n/a	(\$2,318,315)	55%	n/a	n/a
Cashflow after Operating Costs, Taxes, Debt	\$730,268	17%	n/a	n/a	\$220,457	5%	n/a	n/a

(1) Source: Applicant

(2) Source: RealtyRates Q2 2024 for Northeast Region

(3) Net of vacancy and concessions

Note: National Apartment Association 2020 Survey of Operating Income and Expenses in Rental Apartment Communities was also reviewed and similar results were observed.

¹ Note: Current vacancy rates in Amherst for properties built since 2000 are 2.4% for multifamily. Source: CoStar.

3. FINANCING PLAN

- ◆ The Sources and Uses of Funds show the total project costs and capital structure of debt and equity.
- ◆ The Terms of the Senior (Long Term) Debt are within the range of the benchmarks.

Sources and Uses of Funds		
<u>Sources of Funds</u>	<u>Amount (1)</u>	<u>Share</u>
Bank Financing	\$29,505,561	75%
Equity and Working Capital	<u>\$10,000,000</u>	<u>25%</u>
Total Sources	\$39,505,561	100%
<u>Uses of Funds</u>		
Acquisition and Transaction Costs	\$2,775,562	7%
Construction Costs	<u>\$36,729,999</u>	<u>93%</u>
Total Uses	\$39,505,561	100%

(1) Source: Applicant

Terms of the Senior (Long Term) Debt			
	<u>Terms (1)</u>	<u>Benchmark (2)</u>	<u>Evaluation</u>
Amount Borrowed	\$29,505,561	n/a	n/a
Loan to Total Project Cost	75%	55% - 90%	Within Range
Annual Interest Rate	6.75%	4.81% - 9.11%	Within Range
Maturity in Years	30	15 - 40	Within Range

(1) Source: Applicant

(2) Source: RealtyRates Q2 2024

4. RATE OF RETURN

An estimated return on investment is calculated using the Applicant's operating pro forma and capital structure. This analysis measures whether the financial assistance is necessary and reasonable. Financial performance is estimated over the full PILOT period (10 years) and compared to no PILOT and starts in the first year of full operation (year four in the provided pro forma material). Three metrics are used to evaluate outcomes:

- ♦ **The Equity Dividend Rate** is net cashflow for each year, divided by the initial equity investment. Equity Dividend Rates are benchmarked using current market information from RealtyRates.com for similar projects in the region. Equity Dividend Rates that are close to the benchmarks indicate a Project outcome in line with the current market, which means the Applicant is earning a reasonable return. Very low or negative rates indicate the Project is unlikely to be undertaken if compared to other possible investments. Equity Dividend Rates are based on an initial equity investment of \$10,000,000 and are included over the life of the PILOT. **Under the PILOT, the Project achieves the market benchmark, whereas, without the PILOT, the Project does not meet even the low end of the market benchmark.**
- ♦ **Cash Flow** shows net cashflow to the Applicant over time. There are currently no benchmarks for cash flow available. **Cumulative Cash Flow and average cash flow are positive under both scenarios** with investment not being recouped within the 10 year schedule.
- ♦ **Debt Service Coverage** estimates how well the Project's net income, after taxes, supports the repayment of debt. **Debt Service Coverage exceeds the benchmark starting in year 1 under both scenarios.** Debt comprises 75% of the capital structure.

Comparison of Return on Investment

	<u>10 Year PILOT</u>	<u>10 Year No PILOT</u>	<u>Benchmarks (2)</u>
<u>Equity Dividend Rates</u>			
Average	7.56%	2.46%	4.73% to 13.59%
Minimum	6.41%	0.35%	
Maximum	8.78%	4.64%	
Year Benchmarks Met	1	NA	
<u>Cash Flow</u>			
Average	\$756,280	\$246,471	n/a
Minimum	\$640,719	\$35,428	
Maximum	\$878,419	\$464,103	
Cumulative	\$7,562,799	\$2,464,708	
Year Investment Recouped	NA	NA	
<u>Debt Service Coverage</u>			
Average	1.33	1.11	1.00 to 1.86
Minimum	1.28	1.02	
Maximum	1.38	1.20	
Years Benchmarks Met	1	1	

(1) See Attachment 1

(2) Source: RealtyRates for Q2 2024 for Northeast Region for Apartments

ATTACHMENT 1: PRO FORMAS

3135-3333 Millersport Highway	Date		5/20/2024																									
Annual Cashflows (Pro Forma) - No PILOT																												
	Construction	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13														
Operating Cash Flow																												
Residential Income																												
Gross Operating Income	\$	-	\$	-	\$	-	\$	1,899,931	\$	3,984,120	\$	4,043,882	\$	4,104,540	\$	4,166,108	\$	4,228,600	\$	4,292,029	\$	4,356,409	\$	4,421,755	\$	4,488,082	\$	4,555,403
Less: Vacancy Allowance (enter as a negative number)	\$	-	\$	-	\$	-	\$	-	\$	(239,047)	\$	(242,633)	\$	(246,272)	\$	(249,966)	\$	(253,716)	\$	(257,522)	\$	(261,385)	\$	(265,305)	\$	(269,285)	\$	(273,324)
Less: Uncollectable Accounts	\$	-	\$	-	\$	-	\$	-	\$	(39,841)	\$	(40,439)	\$	(41,045)	\$	(41,661)	\$	(42,286)	\$	(42,920)	\$	(43,564)	\$	(44,218)	\$	(44,881)	\$	(45,554)
Less: Concessions/Promotions (enter as a negative number)	\$	-	\$	-	\$	-	\$	-	\$	(313,750)	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Net Rental Income, Residential	\$	-	\$	-	\$	-	\$	1,586,181	\$	3,705,232	\$	3,760,810	\$	3,817,222	\$	3,874,481	\$	3,932,598	\$	3,991,587	\$	4,051,461	\$	4,112,232	\$	4,173,916	\$	4,236,525
Commercial/Industrial Income																												
Gross Operating Income	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Less: Vacancy Allowance (enter as a negative number)	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Net Rental Income, Commercial/Industrial	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Other Income																												
Late Fees	\$	-	\$	-	\$	-	\$	2,430	\$	4,860	\$	4,860	\$	4,860	\$	4,860	\$	4,860	\$	4,860	\$	4,860	\$	4,860	\$	4,860	\$	4,860
Pet Fees	\$	-	\$	-	\$	-	\$	8,100	\$	4,050	\$	4,050	\$	4,050	\$	4,050	\$	4,050	\$	4,050	\$	4,050	\$	4,050	\$	4,050	\$	4,050
Pet Rent	\$	-	\$	-	\$	-	\$	4,860	\$	9,720	\$	9,720	\$	9,720	\$	9,720	\$	9,720	\$	9,720	\$	9,720	\$	9,720	\$	9,720	\$	9,720
Termination Fees	\$	-	\$	-	\$	-	\$	5,400	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800
Move-out Charges	\$	-	\$	-	\$	-	\$	5,400	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800
Net Income, Other	\$	-	\$	-	\$	-	\$	7,830	\$	15,660	\$	15,660	\$	15,660	\$	15,660	\$	15,660	\$	15,660	\$	15,660	\$	15,660	\$	15,660	\$	15,660
Effective Gross Income (EGI)	\$	-	\$	-	\$	-	\$	1,594,011	\$	3,720,892	\$	3,776,470	\$	3,832,882	\$	3,890,141	\$	3,948,258	\$	4,007,247	\$	4,067,121	\$	4,127,892	\$	4,189,576	\$	4,252,185
Operating Expenses (enter positive numbers)																												
Salaries and Wages	\$	-	\$	-	\$	-	\$	130,000	\$	131,300	\$	132,613	\$	133,939	\$	135,279	\$	136,631	\$	137,998	\$	139,378	\$	140,771	\$	142,179	\$	143,601
Marketing and Advertising	\$	-	\$	-	\$	-	\$	24,000	\$	12,000	\$	12,000	\$	12,000	\$	12,000	\$	12,000	\$	12,000	\$	12,000	\$	12,000	\$	12,000	\$	12,000
3rd Party Contracts	\$	-	\$	-	\$	-	\$	48,600	\$	49,086	\$	49,577	\$	50,073	\$	50,573	\$	51,079	\$	51,590	\$	52,106	\$	52,627	\$	53,153	\$	53,685
Utilities	\$	-	\$	-	\$	-	\$	64,800	\$	65,448	\$	66,102	\$	66,764	\$	67,431	\$	68,105	\$	68,787	\$	69,474	\$	70,169	\$	70,871	\$	71,580
Maintenance & Repairs	\$	-	\$	-	\$	-	\$	32,400	\$	32,724	\$	33,051	\$	33,382	\$	33,716	\$	34,053	\$	34,393	\$	34,737	\$	35,085	\$	35,435	\$	35,790
Deposit to replacement reserve	\$	-	\$	-	\$	-	\$	-	\$	32,400	\$	32,400	\$	32,400	\$	32,400	\$	32,400	\$	32,400	\$	32,400	\$	32,400	\$	32,400	\$	32,400
Insurance	\$	-	\$	-	\$	-	\$	81,000	\$	85,050	\$	89,303	\$	93,768	\$	98,456	\$	103,379	\$	108,548	\$	113,975	\$	119,674	\$	125,658	\$	131,940
Management Fee	\$	-	\$	-	\$	-	\$	79,701	\$	186,045	\$	188,824	\$	191,644	\$	194,507	\$	197,413	\$	200,362	\$	203,356	\$	206,395	\$	209,479	\$	212,609
Trash Removal	\$	-	\$	-	\$	-	\$	32,400	\$	32,724	\$	33,051	\$	33,382	\$	33,716	\$	34,053	\$	34,393	\$	34,737	\$	35,085	\$	35,435	\$	35,790
Operating Expenses	\$	-	\$	-	\$	-	\$	492,901	\$	626,777	\$	636,921	\$	647,351	\$	658,077	\$	669,113	\$	680,471	\$	692,163	\$	704,205	\$	716,610	\$	729,394
Pre-Tax Operating Income (Revenue less Operating Expenses)	\$	-	\$	-	\$	-	\$	1,101,110	\$	3,094,115	\$	3,139,549	\$	3,185,532	\$	3,232,063	\$	3,279,145	\$	3,326,776	\$	3,374,957	\$	3,423,687	\$	3,472,966	\$	3,522,790
Real Property Taxes (assuming no PILOT)*	\$	-	\$	15,938	\$	16,416	\$	16,908	\$	740,372	\$	740,372	\$	740,372	\$	740,372	\$	740,372	\$	740,372	\$	740,372	\$	740,372	\$	740,372	\$	740,372
Net Operating Income (NOI) after Taxes	\$	-	\$	(15,938)	\$	(16,416)	\$	1,084,202	\$	2,353,743	\$	2,399,177	\$	2,445,159	\$	2,491,691	\$	2,538,772	\$	2,586,404	\$	2,634,585	\$	2,683,315	\$	2,732,593	\$	2,782,418
Loan or Mortgage (Debt Service)																												
Interest Payment	\$	-	\$	-	\$	-	\$	-	\$	1,991,625	\$	1,991,625	\$	1,991,625	\$	1,991,625	\$	1,991,625	\$	1,991,625	\$	1,991,625	\$	1,991,625	\$	1,991,625	\$	1,991,625
Principal Payment	\$	-	\$	-	\$	-	\$	-	\$	326,690	\$	326,690	\$	326,690	\$	326,690	\$	326,690	\$	326,690	\$	326,690	\$	326,690	\$	326,690	\$	326,690
Debt Service	\$	-	\$	-	\$	-	\$	-	\$	2,318,315	\$	2,318,315	\$	2,318,315	\$	2,318,315	\$	2,318,315	\$	2,318,315	\$	2,318,315	\$	2,318,315	\$	2,318,315	\$	2,318,315
Cash Flow After Financing and Reserve	\$	-	\$	(15,938)	\$	(16,416)	\$	1,084,202	\$	35,428	\$	80,862	\$	126,844	\$	173,376	\$	220,457	\$	268,089	\$	316,270	\$	365,000	\$	414,278	\$	464,103
Debt Service Coverage Ratio (DSCR)								1.02		1.03		1.05		1.07		1.10		1.12		1.14		1.16		1.18		1.20		
Equity Dividend Rate								0.35%		0.81%		1.27%		1.73%		2.20%		2.68%		3.16%		3.65%		4.14%		4.64%		
* Assumes property taxes on current plus improvement. No annual percent increase assumed. Source: Camoin Associates, Agency, Applicant																												

* Assumes property taxes on current plus improvement. No annual percent increase assumed. Source: Camoin Associates, Agency, Applicant

Reasonableness Assessment for Greens on French – Town of Amerherst Industrial Development Agency

3135-3333 Millersport Highway	Date	5/20/2024																										
Annual Cashflows (Pro Forma) - PILOT																												
	Construction	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13														
Operating Cash Flow																												
Residential Income																												
Gross Operating Income	\$	-	\$	-	\$	-	\$	1,899,931	\$	3,984,120	\$	4,043,882	\$	4,104,540	\$	4,166,108	\$	4,228,600	\$	4,292,029	\$	4,356,409	\$	4,421,755	\$	4,488,082	\$	4,555,403
Less: Vacancy Allowance (enter as a negative number)	\$	-	\$	-	\$	-	\$	-	\$	(239,047)	\$	(242,633)	\$	(246,272)	\$	(249,966)	\$	(253,716)	\$	(257,522)	\$	(261,385)	\$	(265,305)	\$	(269,285)	\$	(273,324)
Less: Uncollectable Accounts	\$	-	\$	-	\$	-	\$	-	\$	(39,841)	\$	(40,439)	\$	(41,045)	\$	(41,661)	\$	(42,286)	\$	(42,920)	\$	(43,564)	\$	(44,218)	\$	(44,881)	\$	(45,554)
Less: Concessions/Promotions (enter as a negative number)	\$	-	\$	-	\$	-	\$	(313,750)	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Net Rental Income, Residential	\$	-	\$	-	\$	-	\$	1,586,181	\$	3,705,232	\$	3,760,810	\$	3,817,222	\$	3,874,481	\$	3,932,598	\$	3,991,587	\$	4,051,461	\$	4,112,232	\$	4,173,916	\$	4,236,525
Commercial/Industrial Income																												
Gross Operating Income	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Less: Vacancy Allowance (enter as a negative number)	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Net Rental Income, Commercial/Industrial	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Other Income																												
Late Fees	\$	-	\$	-	\$	-	\$	2,430	\$	4,860	\$	4,860	\$	4,860	\$	4,860	\$	4,860	\$	4,860	\$	4,860	\$	4,860	\$	4,860	\$	4,860
Pet Fees	\$	-	\$	-	\$	-	\$	8,100	\$	4,050	\$	4,050	\$	4,050	\$	4,050	\$	4,050	\$	4,050	\$	4,050	\$	4,050	\$	4,050	\$	4,050
Pet Rent	\$	-	\$	-	\$	-	\$	4,860	\$	9,720	\$	9,720	\$	9,720	\$	9,720	\$	9,720	\$	9,720	\$	9,720	\$	9,720	\$	9,720	\$	9,720
Termination Fees	\$	-	\$	-	\$	-	\$	5,400	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800
Move-out Charges	\$	-	\$	-	\$	-	\$	5,400	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800	\$	10,800
Net Income, Other	\$	-	\$	-	\$	-	\$	7,830	\$	15,660	\$	15,660	\$	15,660	\$	15,660	\$	15,660	\$	15,660	\$	15,660	\$	15,660	\$	15,660	\$	15,660
Effective Gross Income (EGI)	\$	-	\$	-	\$	-	\$	1,594,011	\$	3,720,892	\$	3,776,470	\$	3,832,882	\$	3,890,141	\$	3,948,258	\$	4,007,247	\$	4,067,121	\$	4,127,892	\$	4,189,576	\$	4,252,185
Operating Expenses (enter positive numbers)																												
Salaries and Wages	\$	-	\$	-	\$	-	\$	130,000	\$	131,300	\$	132,613	\$	133,939	\$	135,279	\$	136,631	\$	137,998	\$	139,378	\$	140,771	\$	142,179	\$	143,601
Marketing and Advertising	\$	-	\$	-	\$	-	\$	24,000	\$	12,000	\$	12,000	\$	12,000	\$	12,000	\$	12,000	\$	12,000	\$	12,000	\$	12,000	\$	12,000	\$	12,000
3rd Party Contracts	\$	-	\$	-	\$	-	\$	48,600	\$	49,086	\$	49,577	\$	50,073	\$	50,573	\$	51,079	\$	51,590	\$	52,106	\$	52,627	\$	53,153	\$	53,685
Utilities	\$	-	\$	-	\$	-	\$	64,800	\$	65,448	\$	66,102	\$	66,764	\$	67,431	\$	68,105	\$	68,787	\$	69,474	\$	70,169	\$	70,871	\$	71,580
Maintenance & Repairs	\$	-	\$	-	\$	-	\$	32,400	\$	32,724	\$	33,051	\$	33,382	\$	33,716	\$	34,053	\$	34,393	\$	34,737	\$	35,085	\$	35,435	\$	35,790
Deposit to replacement reserve	\$	-	\$	-	\$	-	\$	-	\$	32,400	\$	32,400	\$	32,400	\$	32,400	\$	32,400	\$	32,400	\$	32,400	\$	32,400	\$	32,400	\$	32,400
Insurance	\$	-	\$	-	\$	-	\$	81,000	\$	85,050	\$	89,303	\$	93,768	\$	98,456	\$	103,379	\$	108,548	\$	113,975	\$	119,674	\$	125,658	\$	131,940
Management Fee	\$	-	\$	-	\$	-	\$	79,701	\$	186,045	\$	188,824	\$	191,644	\$	194,507	\$	197,413	\$	200,362	\$	203,356	\$	206,395	\$	209,479	\$	212,609
Trash Removal	\$	-	\$	-	\$	-	\$	32,400	\$	32,724	\$	33,051	\$	33,382	\$	33,716	\$	34,053	\$	34,393	\$	34,737	\$	35,085	\$	35,435	\$	35,790
Operating Expenses	\$	-	\$	-	\$	-	\$	492,901	\$	626,777	\$	636,921	\$	647,351	\$	658,077	\$	669,113	\$	680,471	\$	692,163	\$	704,205	\$	716,610	\$	729,394
Pre-Tax Operating Income (Revenue less Operating Expenses)	\$	-	\$	-	\$	-	\$	1,101,110	\$	3,094,115	\$	3,139,549	\$	3,185,532	\$	3,232,063	\$	3,279,145	\$	3,326,776	\$	3,374,957	\$	3,423,687	\$	3,472,966	\$	3,522,790
Real Property Taxes (assuming PILOT)	\$	-	\$	15,938	\$	16,416	\$	16,908	\$	135,081	\$	166,908	\$	198,735	\$	198,735	\$	230,562	\$	230,562	\$	262,389	\$	262,389	\$	294,216	\$	326,056
Net Operating Income (NOI) after Taxes	\$	-	\$	(15,938)	\$	(16,416)	\$	1,084,202	\$	2,959,034	\$	2,972,641	\$	2,986,796	\$	3,033,328	\$	3,048,583	\$	3,096,215	\$	3,112,569	\$	3,161,299	\$	3,178,750	\$	3,196,734
Loan or Mortgage (Debt Service)																												
Interest Payment	\$	-	\$	-	\$	-	\$	-	\$	1,991,625	\$	1,991,625	\$	1,991,625	\$	1,991,625	\$	1,991,625	\$	1,991,625	\$	1,991,625	\$	1,991,625	\$	1,991,625	\$	1,991,625
Principal Payment	\$	-	\$	-	\$	-	\$	-	\$	326,690	\$	326,690	\$	326,690	\$	326,690	\$	326,690	\$	326,690	\$	326,690	\$	326,690	\$	326,690	\$	326,690
Debt Service	\$	-	\$	-	\$	-	\$	-	\$	2,318,315	\$	2,318,315	\$	2,318,315	\$	2,318,315	\$	2,318,315	\$	2,318,315	\$	2,318,315	\$	2,318,315	\$	2,318,315	\$	2,318,315
Cash Flow After Financing and Reserve	\$	-	\$	(15,938)	\$	(16,416)	\$	1,084,202	\$	640,719	\$	654,326	\$	668,481	\$	715,013	\$	730,268	\$	777,900	\$	794,254	\$	842,984	\$	860,435	\$	878,419
Debt Service Coverage Ratio (DSCR)										1.28		1.28		1.29		1.31		1.31		1.34		1.34		1.36		1.37		1.38
Equity Dividend Rate										6.41%		6.54%		6.68%		7.15%		7.30%		7.78%		7.94%		8.43%		8.60%		8.78%
* Assumes property taxes on current plus abatement on improvement. No annual percent increase assumed. Source: Camoin Associates, Agency, Applicant																												

Appendix A: Scope of Services

To assist with its evaluation of the Applicant's request for financial assistance, Camoin was commissioned by the Town of Amherst Industrial Development Agency to conduct the above analyses. The analyses are comprised of four tasks:

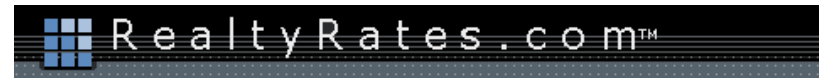
- ◆ *Test Assumptions* by comparing rents, operating costs, and vacancy rates to real estate benchmarks for similar projects and noting any significant differences. Operating performance and net income are also evaluated.
- ◆ *Review the Financing Plan* and perform an objective third-party evaluation of the estimated return on investment (ROI) to the Applicant with and without a PILOT agreement. We also analyze whether the capital structure and terms of the long-term debt are within market benchmarks for obtaining bank financing.
- ◆ *Evaluate the effects of one or more PILOTs* recommended by the Agency and determine whether the PILOT would result in a return that is within what would normally be anticipated in the current market for a similar project.
- ◆ *Provide an objective, third-party opinion* about the need for and reasonableness of the financial assistance.

Sources Consulted

- ◆ Project financing and annual cashflow workbook submitted by the Applicant in May 2024.
- ◆ Real estate tax information and estimates received from the Agency, including anticipated future assessed value of the Project.
- ◆ CoStar
- ◆ RealtyRates.com
- ◆ National Apartment Association 2020 Survey of Operating Income and Expenses in Rental Apartment Communities



CoStar is the leading source of commercial real estate intelligence in the U.S. It provides a full market inventory of properties and spaces—available as well as fully leased—by market and submarket. Details on vacancy, absorption, lease rates, inventory, and other real estate market data are provided, as well as property-specific information including photos and floor plans. More at **www.costar.com**.



RealtyRates.com™ is a comprehensive resource for real estate investment and development news, trends, analytics, and market research that supports real estate professionals involved with more than 50 income producing and sell-out property types throughout the US. RealtyRates.com™ is the publisher of the award-winning Investor, Developer and Market Surveys, providing data essential to the appraisal, evaluation, disposition and marketing of investment and development real estate nationwide.

APPENDIX B: DEFINITIONS

Equity Dividend Rate: This is calculated as the rate of return on the equity component of a project. It is calculated as follows: (Source: RealtyRates.com)

$$\text{Equity Dividend} / \text{Equity Investment} = \text{Equity Dividend Rate, where Equity Dividend} = \text{Net Operating Income} - \text{Debt Service.}$$

Debt Service Coverage Ratio (DSCR): The ratio of annual debt repayment, including principal and interest, to total Net Operating Income (NOI). (Source: RealtyRates.com)

Net Operating Income (NOI): Income net of all operating costs including vacancy and collection loss but not including debt service. Appraisers also typically expense reserves for repairs and replacements. However, because reserves are not usually reported along with other transaction data, RealtyRates.com tracks lender requirements but does not include them in calculations. (Source: RealtyRates.com)

ABOUT CAMOIN ASSOCIATES

Camoin Associates has provided economic development consulting services to municipalities, economic development agencies, and private enterprises since 1999. Through the services offered, Camoin Associates has had the opportunity to serve EDOs and local and state governments from Maine to California; corporations and organizations that include Lowes Home Improvement, FedEx, Amazon, Volvo (Nova Bus) and the New York Islanders; as well as private developers proposing projects over \$6 billion. Our reputation for detailed, place-specific, and accurate analysis has led to projects in 32 states and garnered attention from national media outlets including Marketplace (NPR), Crain's New York Business, Forbes magazine, The New York Times, and The Wall Street Journal. Additionally, our marketing strategies have helped our clients gain both national and local media coverage for their projects to build public support and leverage additional funding. We are based in Saratoga Springs, NY, with regional offices in Portland, ME; Boston, MA; Richmond, VA and Brattleboro, VT. To learn more about our experience and projects in all of our service lines, please visit our website at www.camoinassociates.com. You can also find us on Twitter [@camoinassoc](https://twitter.com/camoinassoc) and [Facebook](#) and [LinkedIn](#).

THE PROJECT TEAM

Rachel Selsky
Vice President, Project Principal

RESOLUTION OF THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING A PROJECT CONSISTING OF THE CONSTRUCTION AND EQUIPPING OF FIVE, 3-STORY MULTI-FAMILY APARTMENT BUILDINGS AGGREGATING APPROXIMATELY 214,000 SQUARE FEET BY THE GREEN'S LUXURY APARTMENTS LLC TO BE LOCATED AT 3315-3333 MILLERSPORT HIGHWAY, AMHERST, NEW YORK, FOR LEASE OR SALE TO THE AGENCY AND SUBSEQUENT LEASE OR RECONVEYANCE PURSUANT TO AN INSTALLMENT SALE CONTRACT TO THE GREEN'S LUXURY APARTMENTS LLC, THE EXECUTION OF A MORTGAGE AGREEMENT, LEASE AGREEMENTS AND/OR INSTALLMENT SALE CONTRACT, A PILOT AGREEMENT AND THE TAKING OF OTHER ACTIONS.

WHEREAS, the Town of Amherst Industrial Development Agency (the "Agency") is authorized under the laws of the State of New York, and in particular the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended, and Section 914-a of the General Municipal Law, as amended (collectively, the "Act"), to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial and research facilities and thereby advance the job opportunities, general prosperity and economic welfare of the people of the State of New York and to improve their prosperity and standard of living; and

WHEREAS, The Green's Luxury Apartments LLC, for itself or for related individuals or entities (the "Company"), has submitted an application to the Agency requesting the Agency to undertake a certain project (the "Project") consisting of: (i) the acquisition of a leasehold interest in certain property located at 3315-3333 Millersport Highway in Amherst, New York (SBL No. 28.17-1-1.1)(the "Premises"); (ii) the construction of five, three-story multi-family apartment buildings consisting of an aggregate of 214,000+/- square feet that will include 162 apartment units, twenty percent (20%) of which will be designated for workforce housing, and related site improvements (collectively, the "Improvements"); and (iii) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment"); and

WHEREAS, the Company submitted an application and other materials and information (collectively, the "Application") to the Agency to initiate the accomplishment of the above; and

WHEREAS, the Application sets forth certain information with respect to the Company and the Project, including the following: that the Company desires Agency financing for the construction of five, three-story apartment buildings consisting of 162 total units that will include a workforce housing component that will apply to twenty percent (20%) of units, and related on-site improvements located at 3315-3333 Millersport Highway in Amherst, New York for commercial purposes, all at a cost of approximately \$41,505,561.00; that the Company anticipates that two (2) new full-time equivalent jobs will be created as a result of the Project at the end of two (2) years of operation thereof; that the Project will result in substantial capital investment; that if Agency financing is

disapproved, the Company would likely not proceed with the Project; and that, therefore, Agency financing is necessary to encourage the Company to proceed with the Project; and

WHEREAS, the Company has submitted additional information to the Agency regarding the Project, including the following: that there is a lack of multifamily housing in the Town of Amherst; that the Project will promote and maintain job opportunities, health, general prosperity and economic welfare of residents in the Town of Amherst and improve their standard of living; and that the Project will generate substantially more annual property taxes than current annual taxes for the Premises as a vacant and unused site; and

WHEREAS, in Opinion of the State Comptroller Number 85-51 (“OSC Op. 85-51”), the State Comptroller opined that the determination of whether a project consisting of the construction of an apartment complex constitutes a commercial activity within the meaning of the Act is to be made based upon all of the facts relevant to the proposed project, and that any such determination should take into account the stated purpose of the Act to promote employment opportunities and prevent economic deterioration; and

WHEREAS, the Company has agreed, at its sole cost and expense, to construct an approximately 1,953 square foot concessions building (including restrooms, concession space and storage) at the North French Soccer Complex located at 1681 North French Road (the “Concessions Building”); and

WHEREAS, after the giving of all required notices (including published notice), the Agency held a public hearing on the Project on April 4, 2024, and has considered all oral and written presentations made at or in connection with said public hearing; and

WHEREAS, the Agency has reviewed the Application, prepared a cost-benefit analysis with respect to the Project and has evaluated the extent to which the Project will create and retain permanent, private-sector jobs, the value of tax exemptions to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the proposed Project in a timely fashion, the extent to which the proposed Project will provide additional sources of revenue for the municipalities and school district and other public benefits that might occur as a result of the Project; and

WHEREAS, the Agency desires to encourage the Company with respect to the consummation of the Project, if by doing so it is able to induce the Company to proceed with the Project in the Town of Amherst; and

WHEREAS, the Company is expected to undertake and complete the Project by obtaining a conventional loan from a third party, and the Company has requested that the Agency execute any and all documents required by the parties, including any collateral mortgages on the Project given to secure a loan(s) obtained by the Company to finance the cost of the Project; and

WHEREAS, the Town of Amherst Planning Board (the “Planning Board”) served as lead agency and conducted an environmental review pursuant to the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617)(“SEQRA”)

for the Company's project and at its November 17, 2022 meeting, declared the Project a Type I action and issued a negative declaration pursuant to SEQRA that the project is not expected to have a significant adverse effect on the environment, a copy of which is attached hereto as part of Exhibit A; and

WHEREAS, the Company has also submitted to the Agency a Part 1 of a long-form environmental assessment form ("EAF") in accordance with the provisions of SEQRA, a copy of which is attached hereto as part of Exhibit A.

NOW, THEREFORE, THE TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY HEREBY RESOLVES AS FOLLOWS:

Section 1. Based upon the Agency's review of the Company's Application, the Planning Board's SEQRA determination and the Agency's SEQRA review, the Agency hereby: (a) ratifies and confirms the proceedings undertaken by the Planning Board under SEQRA, including the Planning Board's determination and issuance of a negative declaration stating that the Project is not expected to have a significant adverse impact on the environment; (b) adopts the Planning Board's negative declaration with regard to the Project; and (c) determines that all of the provisions of SEQRA that are required to be complied with as a condition precedent to the approval of the Financial Assistance (as defined herein) contemplated by the Agency with respect to the Project and the participation by the Agency in undertaking the Project have been satisfied.

Section 2. The Project is described in the recitals to this Resolution. The financial assistance to be provided in connection therewith include: (i) an exemption from sales and use taxes for building materials and machinery, equipment, fixtures and furnishings purchased for incorporation into or use at the Project location having a total cost not to exceed \$16,000,000.00; (ii) an exemption from mortgage recording taxes for one or more mortgages having a principal amount not to exceed \$32,000,000.00; and (iii) an abatement from real property taxes in accordance with the Agency's ten (10) year payment in lieu of tax schedule (collectively, the "Financial Assistance"). In addition to any other covenants, obligations and agreements which may be contained in the Project Documents (as hereinafter defined), the provision by the Agency of the Financial Assistance is made subject to the agreement by the Company to comply with the following covenants and agreements, each of which shall constitute a "Material Factor":

- (a) Investment of no less than \$35,279,726.00 at the Project location as noted in the Application;
- (b) Creation of two (2) full-time equivalent jobs and maintenance of those jobs throughout the ten-year term of the PILOT Agreement;
- (c) Compliance with the Agency's Local Labor Policy in connection with the construction of the Project;
- (d) Maintaining twenty percent (20%) of the total housing units as workforce housing for a period of twelve (12) years; and
- (e) Construction of the Concessions Building, to be completed at the same time as the completion of the construction of the Project.

Section 3. The Agency hereby determines that the Project and the financing thereof by

the Agency pursuant to the New York State Industrial Development Agency Act will promote and is authorized by and will be in furtherance of the policy of the State as set forth in said Act. The Agency further determines that the Project is consistent with the Countywide Industrial Development Agency Uniform Tax Exemption Policy. The Agency has reviewed OSC Op. 85-51 and specifically finds that the Project is for a commercial purpose within the meaning of the Act and will promote employment opportunities and prevent economic deterioration in the Town of Amherst. The Project is generally consistent with the policies of the Town of Amherst Bicentennial Comprehensive Plan. The construction of the Project will promote employment opportunities by designating twenty percent (20%) of the units for workforce housing to attract and retain residents to live within the Town, which will promote economic growth and improve the neighborhood. The Project will create temporary construction jobs and two (2) full-time equivalent jobs, increase the availability of affordable, multifamily housing in the Town of Amherst, and help prevent economic deterioration through the development of a currently vacant and unused site. The Project will also provide an additional and substantial public benefit to the Town of Amherst and its residents through the construction of the Concessions Building.

Section 4. The Agency hereby authorizes the Company, as agent for the Agency, to proceed with the Project as herein authorized. The Agency is hereby authorized to acquire an interest in the Project site and the buildings thereon, if any, and to make renovations or additions thereto. The Company is authorized to proceed with the acquisition and construction of the Project as set forth in any Project Agreement, the Agency Lease Agreement or Installment Sale Contract (as hereinafter defined).

Section 5. The Chairman, Vice Chairman, Executive Director, Secretary, Treasurer, and any Assistant Secretary of the Agency, and other appropriate officials of the Agency and its agents and employees, are hereby authorized and directed to do and cause to be done any and all acts and things necessary or proper for carrying out this Resolution and to complete the Project in cooperation with the Company.

Section 6. The Company is authorized, as agent of the Agency, to initiate the construction of a building or building addition constituting the Project, and the acquisition of machinery and equipment which will be a part thereof or will be used in connection therewith, and to advance such funds as may be necessary to accomplish such purposes. The designation of the Company as agent hereunder is limited to purchases of sales-taxable tangible personal property and services in connection with the Project which do not exceed a total cost of \$16,000,000.00 and shall not apply to any other purchase by the Company or any operating expenses of the Company. The Company shall report to the Agency, at such times as the Agency shall require, or as may otherwise be prescribed by the Commissioner of the New York State Department of Taxation and Finance (the "Commissioner"), the value of all sales and use tax exemptions claimed by the Company or agents of the Company or any operators of the Project, including, but not limited to, consultants or subcontractors of such agents or Project operators under the authority granted pursuant to this Resolution. A failure to report may result in the revocation of the designation of the Company as agent and repayment of any sales and use tax exemptions claimed.

Section 7. The Agency is hereby authorized to enter into a Project Agreement with respect the provision of the Financial Assistance authorized herein (the "Project Agreement") and to

acquire an interest in the Project site and construct a facility thereon, and the execution and delivery of a lease by the Company to the Agency (the "Company Lease"), an Agency Lease Agreement (the "Agency Lease Agreement") or Installment Sale Contract (the "Installment Sale Contract") between the Agency and the Company, a Payment in Lieu of Tax Agreement between the Agency and the Company (the "PILOT Agreement"), and such other documents as may be necessary to fulfill the intent of the parties to the transaction (collectively, the "Project Documents"), in form satisfactory to Agency counsel, are hereby authorized. The PILOT Agreement shall provide for payments in accordance with the Agency's ten (10) year payment in lieu of tax schedule. The Chairman, Vice Chairman, Executive Director, Secretary, Treasurer, or any Assistant Secretary are each authorized to execute such documents and to make or approve such amendments or modifications to the Project Agreement, Company Lease, the Agency Lease Agreement, Installment Sale Contract, the PILOT Agreement and such other documents executed and delivered in connection therewith as they deem necessary under the circumstances provided, however, that such modifications do not materially alter the risk to the Agency.

Section 8. In the event the Company obtains one or more conventional loans to finance the cost of the Project, the Agency is hereby authorized to execute and deliver to the lender(s) one or more collateral mortgages on the Project given to secure such loans ("Mortgage Agreement"), and such other documents as may be necessary to fulfill the intent of the parties to the transaction in form satisfactory to Agency counsel provided that the aggregate amount of such mortgages subject to the Agency exemption shall not exceed \$32,000,000.00. The Chairman, Vice Chairman, Executive Director, Secretary, Treasurer, and any Assistant Secretary are each authorized to execute such collateral mortgages and to make or approve such amendment(s) or modifications to such collateral mortgages and other documents executed and delivered in connection therewith as they may deem necessary under the circumstances, provided, however, that such modifications do not materially alter the risk to the Agency.

Section 9. Any such action heretofore taken by the Company initiating the acquisition, installation and construction of the Project is hereby ratified, confirmed and approved.

Section 10. Any expenses incurred by the Agency with respect to the Project and the financing thereof shall be paid by the Company. By acceptance hereof, the Company agrees to pay such expenses and further agrees to indemnify the Agency, its members, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency with respect to the Project and the financing thereof.

Section 11. In the event a lease is not executed between the Company and the Agency by the expiration date of this Resolution (as such date may be extended as provided herein) or the termination of this Resolution, the Company shall then be required to pay all sales taxes which would have been levied in connection with the acquisition, construction and installation of all improvements of the real property and the machinery and equipment which constitute the Project, as if the Agency did not have an interest in the Project from the date the Company commenced its acquisition, construction and installation. In addition, in the event, because of the involvement of the Agency, the Company claims an exemption from state sales or use tax in connection with the Project, and such exemption is claimed with respect to property or services not authorized hereunder, or which exemption is in excess of the

amounts authorized hereunder, or is otherwise not permitted under this Resolution, or if the Company shall fail to comply with a material term or condition regarding the use of property or services acquired by the Company as agent for the Agency as set forth in this Resolution or in any document authorized hereunder, then the Company shall each be required to remit to the Agency an amount equal to the amount of state sales and use taxes for which such exemption was improperly claimed. A failure to remit such amounts may result in an assessment against the Company by the Commissioner of state sales and use taxes, together with any relevant penalties and interest.

In addition to the foregoing, in the event the Agency determines that the Company is in violation of a Material Factor, or in the event that the Company closes the Project or relocates its operations to a location outside of the Town of Amherst within the time period during which the Company is receiving Financial Assistance from the Agency or in the event the Agency determines, in its judgment, that the Company knowingly and intentionally submitted false or intentionally misleading information in its application to the Agency or in any report or certification submitted to the Agency for the purpose of obtaining or maintaining any Financial Assistance from the Agency (each referred to herein as a “Recapture Event”), the Agency may, in accordance with its policies and procedures then in effect, (i) revoke the designation of the Company and any agents of the Company (including, but not limited to, consultants, sub-contractors or equipment lessors of the Company) as agents for the Agency in connection with the Project and terminate the exemption from New York State and local sales and use taxes conferred with respect to the Project and/or (ii) require that the Company, commencing with the tax fiscal year next following such Recapture Event make payments in lieu of taxes on the Project with respect to all applicable taxing authorities in such amounts as would be payable as real estate taxes levied on the Project if the Agency did not have an interest in the Project or otherwise modify the amount or terms of any Financial Assistance being provided by the Agency in connection with the Project and/or (iii) require that the Company pay to the Agency an amount equal to all or a portion (as determined by the Agency in its discretion) of the total value of (x) all sales and use tax exemptions claimed by the Company and any agents of the Company, including, but not limited to, consultants, sub-contractors, or any equipment lessors of the Company under the authority granted under this Resolution and the Project Agreement, (y) any exemption from real estate taxes received by reason of the Agency’s leasehold interest in the Project and/or (z) any exemption from mortgage recording tax received by reason of the Agency’s involvement with the Project. If the Agency makes any of the foregoing determinations and requires a repayment of all or a portion of the Financial Assistance received by the Company, the Company shall (i) cooperate with the Agency in its efforts to recover or recapture any or all Financial Assistance obtained by the Company and (ii) promptly pay over any or all such amounts to the Agency that the Agency demands in connection therewith. Upon receipt of such amounts, the Agency shall then redistribute such amounts to the appropriate affected tax jurisdiction(s) unless otherwise agreed to by any affected tax jurisdiction.

Section 12. The Agency has made and makes no representation or warranty whatsoever, either express or implied, with respect to the merchantability, condition, environmental status, fitness, design, operation or workmanship of any part of the Project, its fitness for any particular purpose, the quality or capacity of the materials in the Project, or the suitability of the Project for the Company’s purposes or needs. The Company is satisfied that the Project is suitable and fit for its purposes. The Agency shall not be liable in any manner whatsoever to anyone for any loss, damage or expense of any kind or nature caused, directly or indirectly, by the Project property or the use or maintenance

thereof or the failure of operation thereof, or the repair, service or adjustment thereof, or by any delay or failure to provide any such maintenance, repairs, service or adjustment, or by any interruption of service or loss of use thereof or for any loss of business howsoever caused, and the Company hereby indemnifies and holds the Agency harmless from any such loss, damage or expense.

Section 13. Should the appropriate officers of the Agency determine, in their absolute discretion, that there is reason to believe that the activities of any past or present owner or operator of the Premises have resulted in the generation of any “hazardous substance” (as the term has been defined from time to time in any applicable federal or state law, rule or regulation), or that any party has stored, disposed or released any such substance on the Premises or within a one (1) mile radius thereof, the Agency shall be under no obligation to enter into a lease as contemplated by this Resolution.

Section 14. No covenant, stipulation, obligation or agreement herein contained or contained in the Project Agreement, Company Lease, the Mortgage Agreement, the Agency Lease Agreement, Installment Sale Contract, the PILOT Agreement or other documents, nor the breach thereof, shall constitute or give rise to or impose upon the Agency a pecuniary liability or a charge upon its general credit, nor shall be deemed to be a covenant, stipulation, obligation or agreement of any member, officer, agent or employee of the Agency in his or her individual capacity.

Section 15. Should the Agency’s participation in the Project be challenged by any party, in the courts or otherwise, the Company shall defend, indemnify and hold harmless the Agency and its members, officers and employees from any and all losses arising from any such challenge including, but not limited to, the fees and disbursements of the Agency’s counsel. Should any court of competent jurisdiction determine that the Agency is not authorized under Article 18-A of the General Municipal Law to participate in the Project, this Resolution shall automatically become null, void and of no further force and effect, and the Agency shall have no liability to the Company hereunder or otherwise.

Section 16. This Resolution shall take effect immediately and shall continue in full force and effect for one (1) year from the date hereof and on or after such one (1) year anniversary, the Agency may, at its option (a) terminate the effectiveness of this Resolution (except with respect to the obligations of the Company pursuant to Sections 10 and 11 of this Resolution which shall survive any expiration or termination) or (b) allow the Company additional time in which to close the transactions contemplated by this Resolution based upon affirmative actions taken by the Company to complete such transactions. Upon any allowance of additional time to close, the Agency may charge the Company an extension fee in accordance with the Agency’s fee schedule.

Section 17. This Resolution is subject to compliance with all local building and zoning requirements.

ADOPTED: October 18, 2024

ACCEPTED AND AGREED TO: _____, 2024

The Green's Luxury Apartments LLC

By: _____
Name:
Title:

Exhibit A

EAF and Negative Declaration

See attached.

**Full Environmental Assessment Form
Part 1 - Project and Setting**

**Part 1 of Full Environmental
Assessment Form with Page
5[a] and Attachments "A" to
"D"**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Proposed Multifamily Project - 3315-3333 Millersport Highway		
Project Location (describe, and attach a general location map): 3315-3333 Millersport Highway		
Brief Description of Proposed Action (include purpose or need): The proposed project ("action") consists of a proposed 162-unit multifamily project to be located at the Project Site. The project will result in 12 acres of Permanent Open Space to remain permanently undeveloped [51.5% of the Project Site]. The proposed action has been defined broadly to include all required discretionary approvals and permits as well as all proposed site improvements including proposed multifamily buildings, roadway connections to both Millersport Highway and North French Rd., lighting, on-site storm water management improvements, landscaping and all required utility improvements. The project purpose is to develop the Project Site for Mixed Residential per the recommended land use in Figure 6 of the Town's adopted Comprehensive Plan. The project is a Type I action pursuant to Section 104-3 of the Town Code due to the presence of mapped DEC Freshwater Wetland within 100 ft. of the Project Site on the northern side of North French Road. The Town Board issued a negative declaration pursuant to SEQRA on March 28, 2022 based on its determination that the project will not result in any potentially significant adverse environmental impacts. A copy of the negative declaration issued by the Town Board is provided at Attachment "A" and a copy of the negative declaration issued by the Planning Board on November 17, 2022 is provided at Attachment "D".		
Name of Applicant/Sponsor: The Greens Luxury Apartments LLC c/o Sean Hopkins, Esq.	Telephone: 716.510-4338 E-Mail: shopkins@hsmlegal.com	
Address: 5500 Main Street, Suite 343		
City/PO: Williamsville	State: NY	Zip Code: 14221
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): The Greens Luxury Apartments LLC c/o Sean Hopkins, Esq.	Telephone: 716.510-4338 E-Mail: shopkins@hsmlegal.com	
Address: 5500 Main Street, Suite 343		
City/PO: Williamsville	State: NY	Zip Code: 14221

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Amherst IDA - Town of Amherst IDA - PILOT and Incentives	March 8, 2024
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? [The Project Site is designated as appropriate for Mixed Residential per Figure 6 of the Comprehensive Plan.] ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

NYS Heritage Areas: West Erie Canal Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☒ No

If Yes, what is the zoning classification(s) including any applicable overlay district?

The portion of the Project Site to be developed is properly zoned Multifamily Residential District Five ("MFR-5") per the decision of the Town Board issued on March 28, 2022.

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☒ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Williamsville School District

b. What police or other public protection forces serve the project site?

Town of Amherst Police Department.

c. Which fire protection and emergency medical services serve the project site?

Volunteer Fire Department

d. What parks serve the project site?

There are various parks located in the Town of Amherst that will be accessible to future residents of the proposed project.

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Multifamily Project.

b. a. Total acreage of the site of the proposed action? 23.3 acres

b. Total acreage to be physically disturbed? 10.5 +/- acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 23.3 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☒ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

• Total number of phases anticipated 2

• Anticipated commencement date of phase 1 (including demolition) Apr. month 2024 year

• Anticipated completion date of final phase July month 2026 year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	162
At completion of all phases	_____	_____	_____	162

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Purpose of the impoundment: <u>Stormwater management.</u>	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input checked="" type="checkbox"/> Other specify: <u>Runoff from impervious surfaces on the Project Site.</u>	
iii. If other than water, identify the type of impounded/contained liquids and their source. <u>Stormwater runoff from impervious surfaces.</u>	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): <u>Earth fill - The proposed project does not involve a dam as regulated by the NYSDEC.</u>	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ 	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, describe. _____ _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No	
ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>There are 12.19 acres of wetlands subject to the jurisdiction of the USACE and NYSDEC located on the Project Site. A copy of the Wetland Plan prepared by Earth Dimensions, Inc. is provided at Attachment "B" of this Part 1 of the Full EAF.</u>	

[Note: Two copies of the Wetland Delineation Report prepared by Earth Dimensions, Inc. dated November 1, 2020 have been submitted to the Town of Amherst Planning Department along with two copies of the Wetland Permit Application prepared by Earth Dimensions, Inc. as submitted to the USACE and NYSDEC dated January 4, 2020.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ 33,660 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No
If Yes:

- Name of district or service area: ECWA
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

N/A

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ N/A gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ 33,660 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
Sanitary sewage

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: Town of Amherst Waste Water Treatment Plant on Tonawanda Creek Road.
- Name of district: Town of Amherst Consolidated Sanitary Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? • Will a line extension within an existing district be necessary to serve the project? <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?	
<p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____ _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p>_____ Square feet or <u>8.8</u> acres (impervious surface)</p> <p>_____ Square feet or <u>23.3</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>Roofs, parking lots</u></p>	
<p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p><u>On-site storm water management area.</u></p> <p>_____</p> <p>_____</p> <p>• If to surface waters, identify receiving water bodies or wetlands: _____</p> <p>_____</p> <p>_____</p> <p>• Will stormwater runoff flow to adjacent properties?</p>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p> <p>_____</p>	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)</p> <p>_____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="font-size: small;">[Note: Copies of the Traffic Impact Study prepared by SRF Associates to evaluate the potential traffic impacts associated with the proposed multifamily project have been submitted to the Planning Department with the Site Plan Application.]</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:00 a.m. to 7:00 p.m. • Saturday: _____ 7:00 a.m. to 5:00 p.m. • Sunday: _____ As needed. • Holidays: _____ Not Applicable </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>Not Applicable- Residential Project</u> • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:00 a.m. to 7:00 p.m. • Saturday: _____ 7:00 a.m. to 5:00 p.m. • Sunday: _____ As needed. • Holidays: _____ Not Applicable 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>Not Applicable- Residential Project</u> • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:00 a.m. to 7:00 p.m. • Saturday: _____ 7:00 a.m. to 5:00 p.m. • Sunday: _____ As needed. • Holidays: _____ Not Applicable 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>Not Applicable- Residential Project</u> • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration: <u>Construction activities in furtherance of the construction of the proposed multifamily project will result in temporary unavoidable adverse noise impacts during daytime hours. The project will not result in any long-term adverse noise impacts.</u></p> <p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: <u>There will be on-site lighting provided in accordance with the stringent lighting standards set forth in the Town of Amherst Zoning Code.</u></p> <p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____ _____ _____</p> <p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ 2 tons per _____ week (unit of time) • Operation : _____ 4 tons per _____ month (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: <u>recycling will be at the discretion of the contractor</u> • Operation: <u>recycling will follow the Town of Amherst program</u> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: <u>NYSDEC approved C&D landfill</u> • Operation: <u>NYSDEC approved landfill</u> 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site			
<p>a. Existing land uses.</p> <p>i. Check all uses that occur on, adjoining and near the project site.</p> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Urban <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ </div> <p>ii. If mix of uses, generally describe:</p> <p>There are a mixture of uses in the vicinity of the Project Site including commercial, multifamily, single-family and undeveloped land. _____</p>			
b. Land uses and coverytypes on the project site.			
Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	5.6	+5.6
• Forested	4.24	4.24	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	6.87	0	-6.87
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	12.19	12.19	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Landscaping and Greenspace</u>	0	4.8	+4.8

c. Is the project site presently used by members of the community for public recreation? <i>i. If Yes: explain:</i> _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, <i>i. Identify Facilities:</i> _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: <i>i. Dimensions of the dam and impoundment:</i> <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <i>ii. Dam's existing hazard classification:</i> _____ <i>iii. Provide date and summarize results of last inspection:</i> _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: <i>i. Has the facility been formally closed?</i> _____ • If yes, cite sources/documentation: _____ <i>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</i> _____ _____ <i>iii. Describe any development constraints due to the prior solid waste activities:</i> _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: <i>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</i> _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: <i>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</i> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div> <input type="checkbox"/> Yes – Spills Incidents database <input type="checkbox"/> Yes – Environmental Site Remediation database <input type="checkbox"/> Neither database </div> <div> Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ </div> </div> <i>ii. If site has been subject of RCRA corrective activities, describe control measures:</i> _____ _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</i> If yes, provide DEC ID number(s): _____ <i>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</i> _____ _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ 													
E.2. Natural Resources On or Near Project Site													
a. What is the average depth to bedrock on the project site? _____ > 5 feet													
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %													
c. Predominant soil type(s) present on project site: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Cosad loamy fine sand</td> <td style="width: 30%; text-align: right;">67 %</td> </tr> <tr> <td>Cheektowaga fine sandy loam</td> <td style="text-align: right;">24 %</td> </tr> <tr> <td>Getzville silt loam</td> <td style="text-align: right;">9 %</td> </tr> </table>		Cosad loamy fine sand	67 %	Cheektowaga fine sandy loam	24 %	Getzville silt loam	9 %						
Cosad loamy fine sand	67 %												
Cheektowaga fine sandy loam	24 %												
Getzville silt loam	9 %												
d. What is the average depth to the water table on the project site? Average: _____ > 3 feet													
e. Drainage status of project site soils: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><input type="checkbox"/> Well Drained:</td> <td style="width: 70%; text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">100 % of site</td> </tr> </table>		<input type="checkbox"/> Well Drained:	_____ % of site	<input type="checkbox"/> Moderately Well Drained:	_____ % of site	<input checked="" type="checkbox"/> Poorly Drained	100 % of site						
<input type="checkbox"/> Well Drained:	_____ % of site												
<input type="checkbox"/> Moderately Well Drained:	_____ % of site												
<input checked="" type="checkbox"/> Poorly Drained	100 % of site												
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><input checked="" type="checkbox"/> 0-10%:</td> <td style="width: 60%; text-align: right;">100 % of site</td> </tr> <tr> <td><input type="checkbox"/> 10-15%:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">_____ % of site</td> </tr> </table>		<input checked="" type="checkbox"/> 0-10%:	100 % of site	<input type="checkbox"/> 10-15%:	_____ % of site	<input type="checkbox"/> 15% or greater:	_____ % of site						
<input checked="" type="checkbox"/> 0-10%:	100 % of site												
<input type="checkbox"/> 10-15%:	_____ % of site												
<input type="checkbox"/> 15% or greater:	_____ % of site												
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe: _____													
h. Surface water features.													
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i.													
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name _____</td> <td style="width: 50%;">Classification _____</td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name Federal Waters, Federal Waters, Federal Waters,....</td> <td>Approximate Size 12.19</td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table>		• Streams:	Name _____	Classification _____	• Lakes or Ponds:	Name _____	Classification _____	• Wetlands:	Name Federal Waters, Federal Waters, Federal Waters,....	Approximate Size 12.19	• Wetland No. (if regulated by DEC)	_____	
• Streams:	Name _____	Classification _____											
• Lakes or Ponds:	Name _____	Classification _____											
• Wetlands:	Name Federal Waters, Federal Waters, Federal Waters,....	Approximate Size 12.19											
• Wetland No. (if regulated by DEC)	_____												
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____													
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
k. Is the project site in the 500-year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:													
i. Name of aquifer: _____													



<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p style="margin-left: 20px;">Typical suburban species _____</p> <p style="margin-left: 20px;">_____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">_____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p style="margin-left: 20px;">_____</p> <p style="margin-left: 20px;">_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p style="margin-left: 20px;">_____</p> <p style="margin-left: 20px;">_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p style="margin-left: 20px;">_____</p> <p style="margin-left: 20px;">_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p> <p style="margin-left: 20px;">_____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p style="margin-left: 20px;">_____</p> <p style="margin-left: 20px;">_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

<p>e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? If Yes: [A copy of the No Impact Determination letter issued by SHPO on December 9, 2021 is provided at Attachment "C".]</p> <p>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District</p> <p>ii. Name: _____</p> <p>iii. Brief description of attributes on which listing is based: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes:</p> <p>i. Describe possible resource(s): _____</p> <p>ii. Basis for identification: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? If Yes:</p> <p>i. Identify resource: _____</p> <p>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</p> <p>iii. Distance between project and resource: _____ miles.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? If Yes:</p> <p>i. Identify the name of the river and its designation: _____</p> <p>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information


Attach any additional information which may be needed to clarify your project.

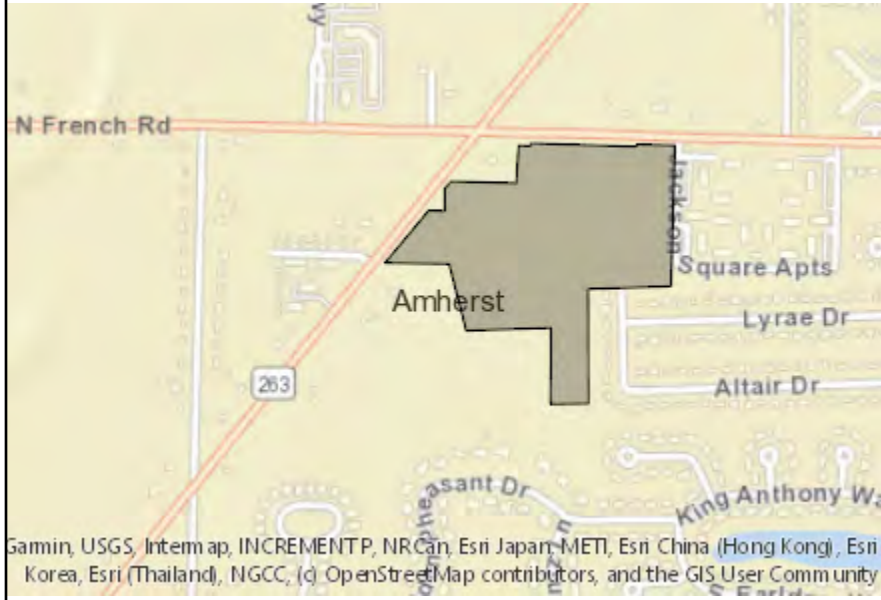
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name The Greens Luxury Apartments LLC Date March 7, 2024

Signature  Title Attorney for Project Sponsor
 Sean W. Hopkins, Esq.



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No

E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No



Town of Amherst Planning Department

Erie County, New York



Brian J. Kulpa
Supervisor

Daniel C. Howard, AICP
Planning Director

Daniel J. Ulatowski, AICP
Assistant Planning Director

SEQR
Negative Declaration

'22 NOV 23 PM4:59

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency: Town of Amherst
Planning Board

Project: SP-2022-06

Address: 5583 Main Street
Williamsville, NY 14221
(716) 631-7051

Date: November 17, 2022

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action: Site Plan Review

SEQR Status: Type I Action

Description of Action: The proposed project includes the construction of 162 multi-family residential units throughout five, 3-story buildings. Three buildings will be located along North French Road and the other two will be internal to the site. Parking for 386 vehicles is proposed, including 53 parking spaces within 5 garage structures. A walking/ multi-use trail is featured throughout the site bordering the perimeter of the proposed development. A clubhouse/ maintenance building and the required stormwater facilities are proposed at the southwest of the subject site and along the Millersport Highway frontage. The southeast portion of the site is a Federal Jurisdictional Wetland and will remain undeveloped/permanent open space. Work will include the site improvements not specifically stated above, including, stormwater, utilities, grading, lighting, paving, and landscaping.

Location: 3325 & 3275 (portion) Millersport Highway, Amherst, Erie County

Petitioner: The Green Organization

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

REASONS SUPPORTING THIS DETERMINATION

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Based on information submitted by the applicant including a Full Environmental Assessment Form (EAF) - Part I, (as amended) and a complete site plan application, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that this action will not have a significant impact on the environment, as follows:

1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Engineering Department on October 7, 2022 reviewed the Grading, Drainage and Utility Plans submitted on October 4, 2022, Engineer's Report submitted on October 4, 2022, Erosion Control Plan submitted on October, 4, 2022 and Geotechnical Report prepared by Earth Dimensions Inc.

The Stormwater Pollution Prevention Plan (SWPPP) submitted on October 4, 2022 was also reviewed. Based on its review of these documents, the Department has determined that the project has or will have met all applicable requirements and has no objection to its approval.

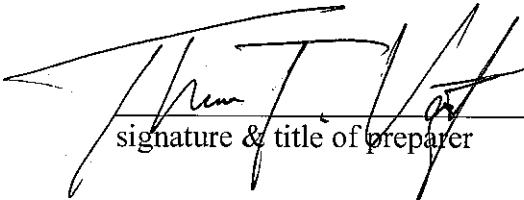
2. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. Wetlands have been identified on the project site and a wetlands permit (9-1422-0045/00004) was issued by the NYSDEC dated on October 14, 2022 for the disturbance of approximately 3.5 acres of the established 100-foot wetlands buffer zone. The Planning Department reviewed a Landscape Plan submitted on October 4, 2022 and determined that it meets or exceeds Zoning Ordinance requirements for greenspace. The Landscape Plan has or will have met all Zoning Ordinance and Town requirements for landscaping.
3. The project is not expected to create any substantive conflict with the Town Comprehensive Plan. The Planning Department in their review of November 1, 2022 has reviewed the application documents and the Building Department in their review of October 13, 2022 has reviewed the application documents along with the Geotechnical Report submitted on October 4, 2022, and determined that the subject project has or will have met all International Building Code – 2015 and Zoning Ordinance regulations.
4. The project is not within an area identified by the State as potentially containing significant cultural or archeological resources, nor will it impair the character or quality of important historical resources.

5. The project will not impair the character or quality of important aesthetic resources of existing community or neighborhood character. The project is located in the Multi-Family Residential 5 (MFR-5) zoning district; neighboring uses are; single family residential to the north zoned Residential District 3 (R-3) and Suburban Agriculture (SA), single family residential to the south zoned Residential District 3 (R-3), multi-family residential to the east zoned Multi-Family Residential 5 (MFR-5), and multi-family residential to the west zoned, Multi-Family Residential 4A (MFR-4A); therefore, the project is consistent with surrounding land use. '22 NOV 23 PM 4:59
6. The proposed subject development will include the construction of 162 multi-family residential units throughout five, 3-story buildings and parking for 386 vehicles, which will not cause a major change in the use of either the quantity or type of energy.
7. The project will not create any hazard to human health. The Fire Chief's Association on October 14, 2022 has reviewed the project and has no objection to the approval of the site plan, as all requirements of this agency has or will have been met.
8. The project will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The construction of 162 multi-family residential units throughout five, 3-story buildings and parking for 386 vehicles will be consistent with the scale of surrounding land uses.
9. The function of the proposed construction of 162 multi-family residential units throughout five, 3-story buildings and parking for 386 vehicles, will not significantly increase the number of people using the site over its previous level of use.
10. Review by the Town Traffic/Safety Board dated October 10, 2022, Erie County Dept. of Public Works –Highways Division dated October 27, 2022 indicates that significant negative traffic impacts are not expected to result from the proposed project. Review of the Traffic Impact Study (TIS) prepared by SRF Associates, submitted to the Planning Department on November 9, 2021 as part of the prior rezoning request and reviewed by Town Traffic/Safety Board on November 16, 2021 indicates that significant negative traffic impacts are not expected to result from the proposed project.
11. A coordinated review of the project has been undertaken by Town Departments, in addition to those mentioned above, Highway on September 21, 2022, Assessor on September 6, 2022, Plumbing Division on October 6, 2022, and Right-of-Way Agent on October 17, 2022. These reviews have not identified any significant environmental issues and indicate that the proposal will not have a significant damaging impact on the environment.
12. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to cause significant negative environmental impacts.

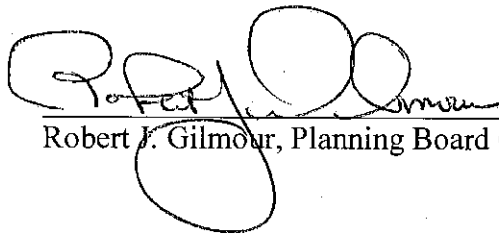
Planning Board Approval

'22 NOV 23 PM 4:59

Moved by: Chmiel; Seconded by: Kahn Ayes 5, Noes 0, Absent 2 (Gill, Raffaele)


signature & title of preparer

11/22/2022
Date


Robert J. Gilmour, Planning Board Chair

11-23-22
Date

TV/ac

X:\Current_Planning\Files\Site Plans\2022\SP-2022-06_(3325_&_3275_Millersport_Hwy)_2022\SP-2022-06_neg dec_111722.doc.docx

cc: Commissioner of Building

Town Engineer

Fire Chiefs'

Highway

Traffic/Safety

ECDEP

NYSDEC

NYSDOT

The Green Organization, c/o Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221

Anthony Pandolfe, Carmina Wood Design, 487 Main St., Suite 500, Buffalo, NY 14203