
**Exhibit 3 – Copies of Redevelopment
Project Plans [Drawings C-100, C-101,
C-001 & C002-2] as Prepared by Christopher
Wood, P.E., of Carmina Wood Morris DPC**



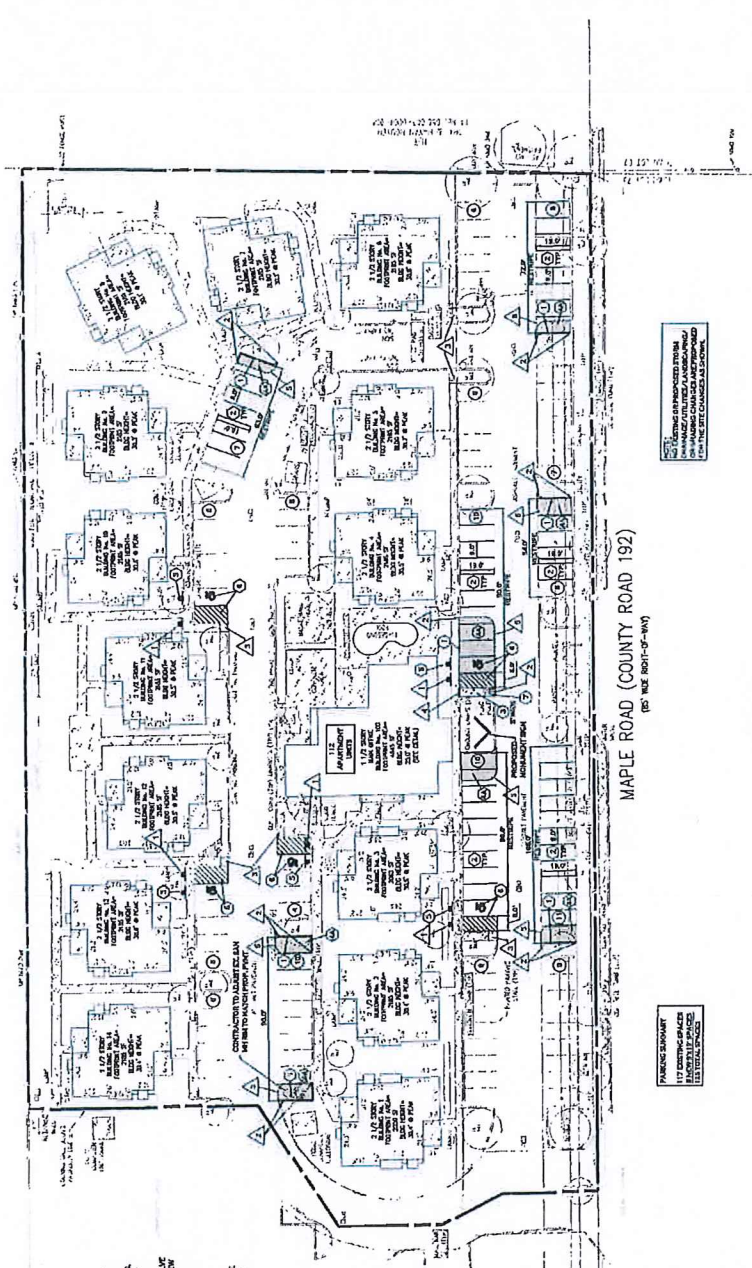
Carolina
Wood
Morris™
147 Maple Road, Suite 200
Amherst, New York 14204
P: 716.425.1200
F: 716.425.1201

NO.	DATE	DESCRIPTION

PROJECT NAME:
New Construction
Apartment Conversion
100 Maple Road
Amherst, New York

DRAWING NO.:
S-100
DATE:
11/11/11
DRAWING NAME:
Site
Plan

DRAWING NO.:
C-100
PROJECT NO.: 201.102



SITE LEGEND

	PROPOSED DRIVE
	PROPOSED SIDEWALK
	PROPOSED ASPHALT PAVE
	MARKED OF PARKING SPACES
	PROPOSED SIGN

NOTE: DIMENSIONS AND TYPING INFORMATION PROVIDED BY OTHER CAROLINA WOOD MORRIS, LLC. ASSUMED TO BE RESPONSIBILITY FOR CONTACT.

SCALE: 1" = 20' - 0"

SITE LEGEND

	METAL HANDICAP SIGN, MATCHING SIGN IN PAVE
	MATCH EXISTING CURBS OR SIGNOUT IN PAVE
	EXISTING SIDEWALK
	MATCH EXISTING SIDEWALK
	PROPOSED PAVEMENT MARKINGS MATCH EXISTING PAVEMENT

SITE LEGEND

	CONCRETE
	ASPHALT
	CONCRETE SIDEWALK
	STANDARD CITY ASPHALT
	HANDICAPPED PARKING SIGN
	HANDICAPPED CURBS

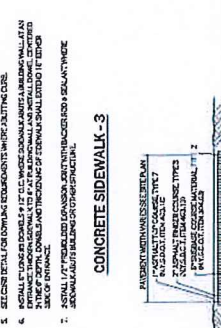
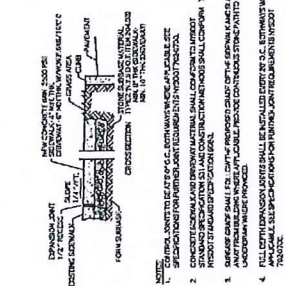
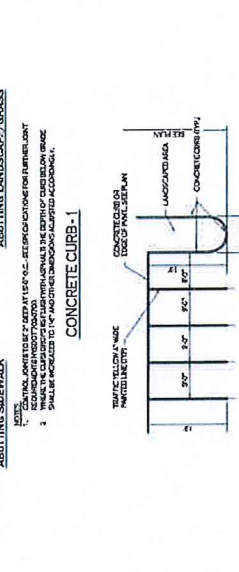
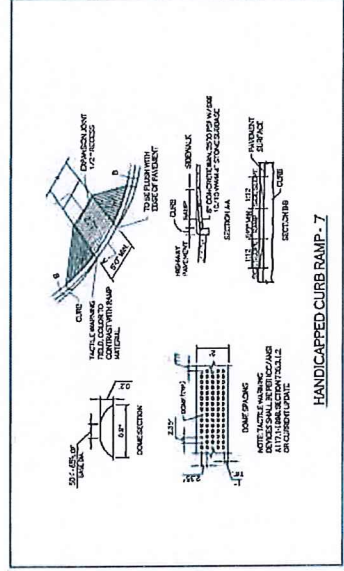
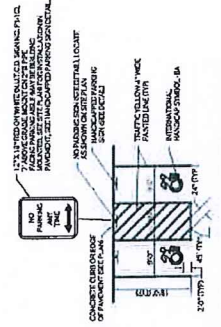
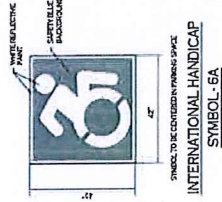
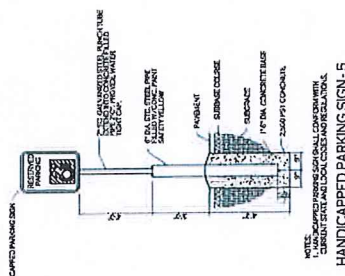
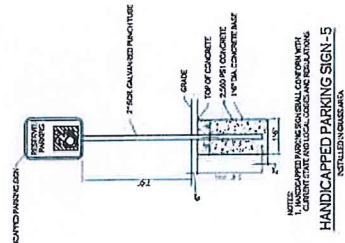
EXISTING DRIVE
PROPOSED DRIVE
PROPOSED SIDEWALK

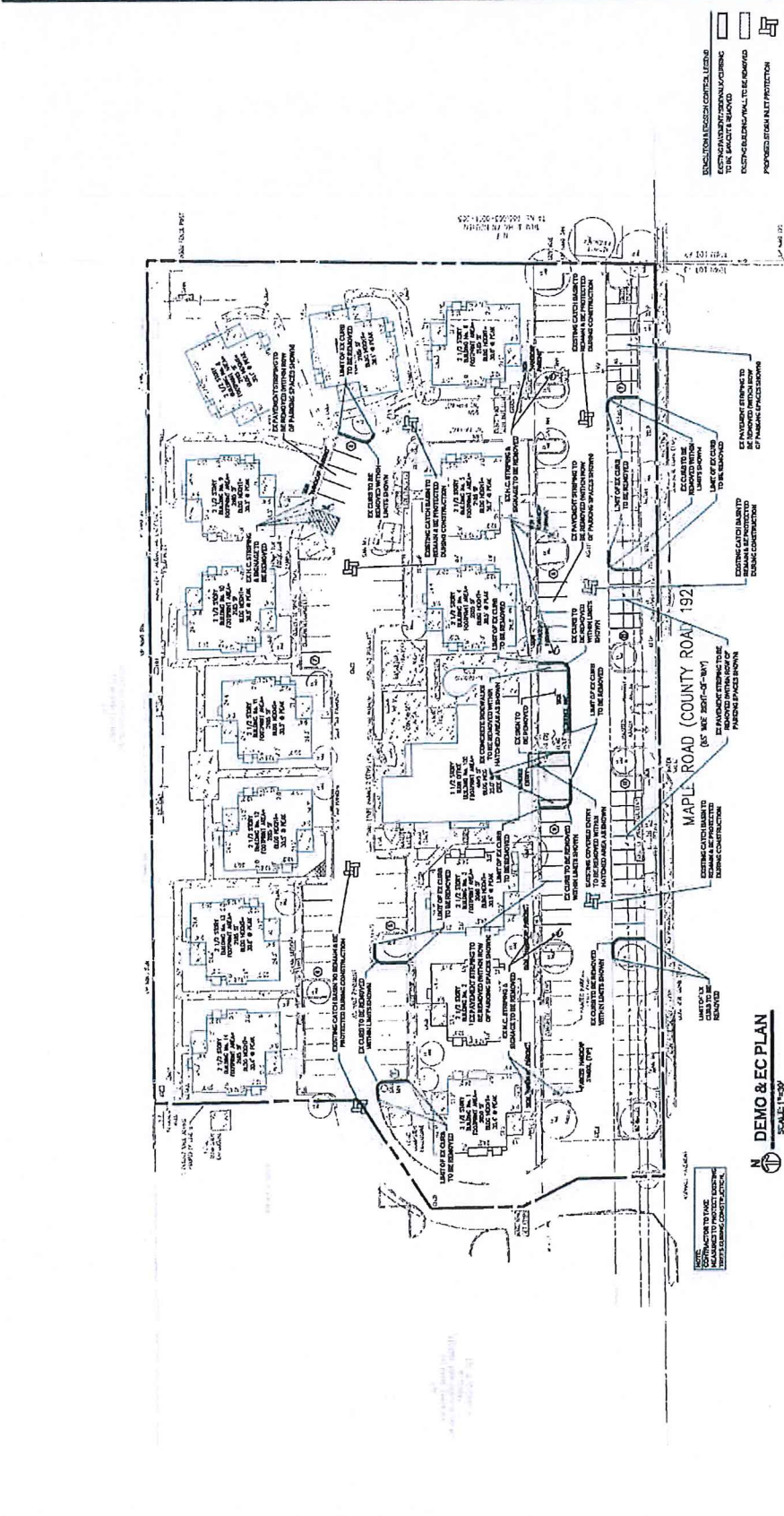
PARKING SPACES
EXISTING DRIVE
PROPOSED DRIVE

N
SITE PLAN
SCALE: 1" = 20'

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NO.	DESCRIPTION





- GENERAL NOTES:**
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.
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- REVISIONS:**
1. [Revision 1]
 2. [Revision 2]
 3. [Revision 3]
 4. [Revision 4]
 5. [Revision 5]
 6. [Revision 6]
 7. [Revision 7]
 8. [Revision 8]
 9. [Revision 9]
 10. [Revision 10]
 11. [Revision 11]
 12. [Revision 12]

**Exhibit 4 – PowerPoint Presentation –
Public Hearing held by the Town of Amherst
Zoning Board of Appeals on July 21, 2020**

Town of Amherst Zoning Board of Appeals

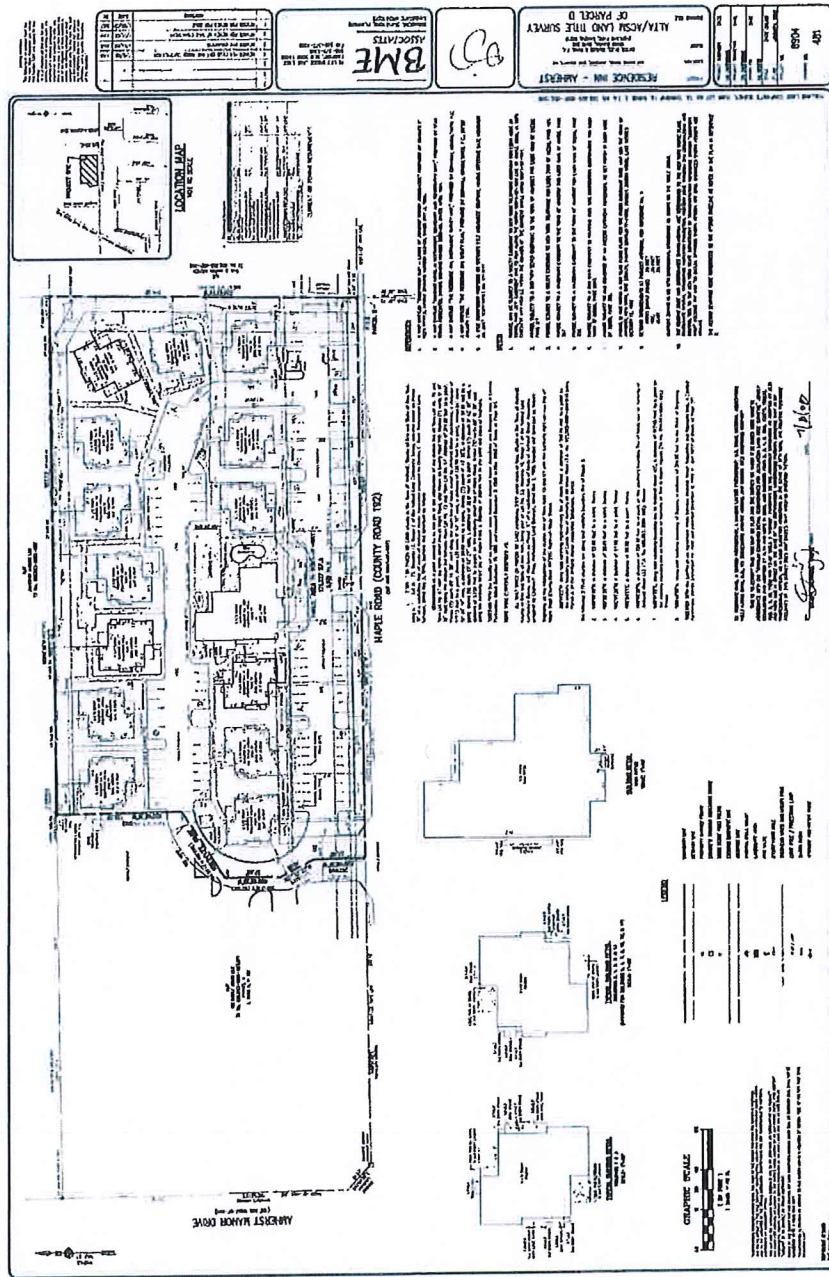
Date: July 21, 2020

Address: 100 Maple Road

Applicants: PEG Properties, LLC and Rockgate Inns, L.P.

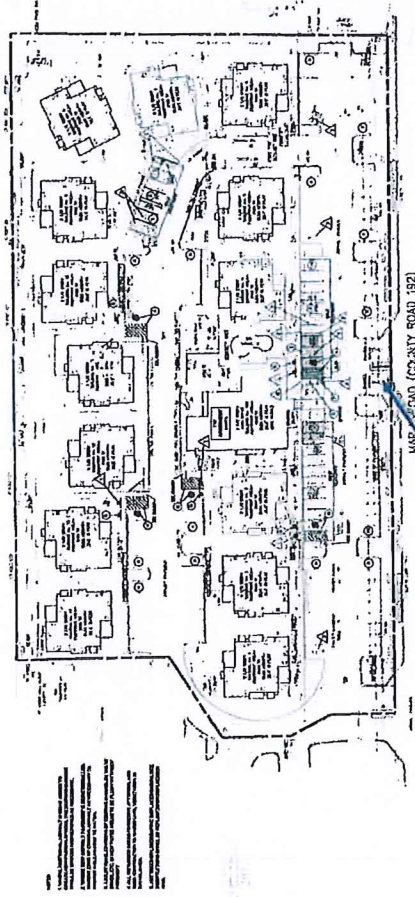
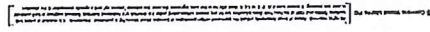


- Continuation of Public Hearing held on June 16th
- Applicant: PEG Properties, LLC
- Project Site: 100 Maple Road
- Zoning Classification: General Business District ("GB")
- Size of Project Site: 3.93 acres
- Existing Use: 112 room Residence Inn opened in 1986
- Owned by Rockgate Inns, L.P. since opening
- 14 two-story buildings, administrative and lobby building and related site improvements
- 117 existing parking spaces



Description of Residential Redevelopment Project:

- 112 apartments for lease
- 84 studios
- 24 one-bedroom units
- 120 parking spaces [increased to 125 parking spaces]
- Extensive interior renovations
- Clean up landscaping, improved lighting, repair roofs, bike storage, expand exercise room
- Replacement of existing pole sign with a new ground sign
- Alternate Site Plan depicts 130 parking spaces



Requested Area Variance for Ground Sign Setback has been Withdrawn

Symbol	Description
○	Proposed Building Footprint
□	Existing Building Footprint
△	Proposed Parking Space
△	Existing Parking Space
△	Proposed Landscape Area
△	Existing Landscape Area
△	Proposed Exercise Room
△	Existing Exercise Room
△	Proposed Bike Storage
△	Existing Bike Storage
△	Proposed Lighting
△	Existing Lighting
△	Proposed Sign
△	Existing Sign
△	Proposed Setback
△	Existing Setback



PROJECT NAME:
New Construction
Apartment Conversion
100 Maple Road
Amherst, New York

DATE:
PROJECT NO.:
C-100



Updated Site Plan:

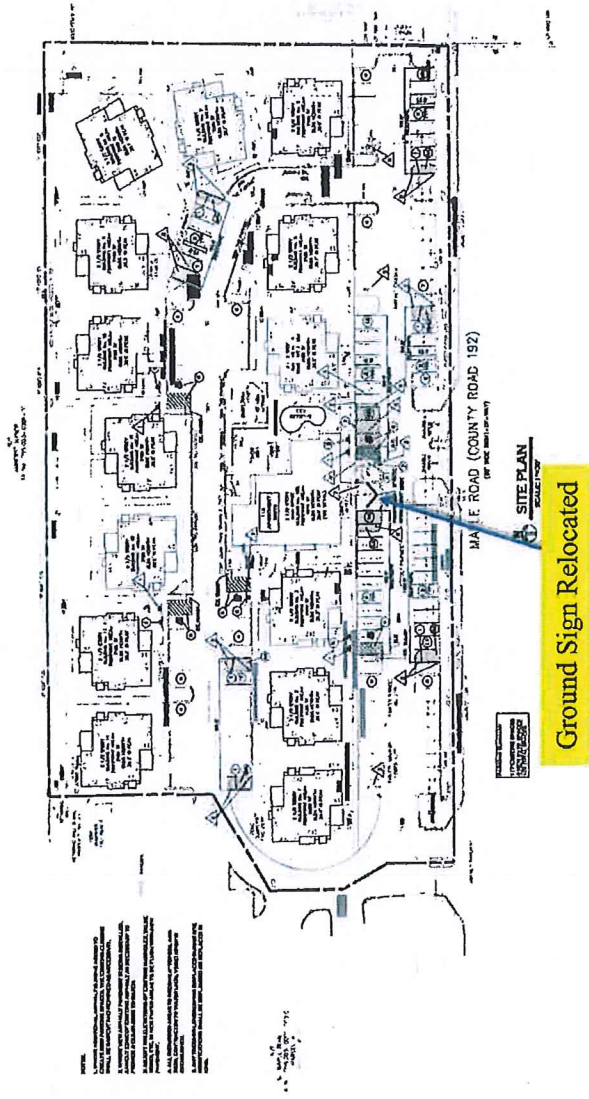
- Ground Sign relocated to eliminate previously requested setback variance
- Number of parking spaces increased from 120 to 125

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PROJECT NAME: Apartment Conversion
PROJECT ADDRESS: 100 Maple Road
CITY: Amherst, New York

DATE: 02/12/10
PROJECT NO.: C-100
PROJECT NAME: Apartment Conversion
PROJECT ADDRESS: 100 Maple Road
CITY: Amherst, New York



NOTES:
 1. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
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Parking Demand Assessment Prepared by SRF Associates:

- In order to evaluate the peak parking demand for the residential redevelopment project, SRF Associates, a reputable traffic engineering firm, conducted a peak demand parking analysis [Exhibit 5 of the Application]
- The peak hour demand, respective of weekday and weekend demands, is projected to occur at 7:00 PM on a January weekend
- Projected peak hour demand for the project (i.e., the busiest hour of the busiest weekday of the year) is 119 spaces
- Parking demand accumulations for the peak weekday and weekend are presented in Table 2 of the Parking Demand Assessment Report

Table 2: Parking Demand Projections:

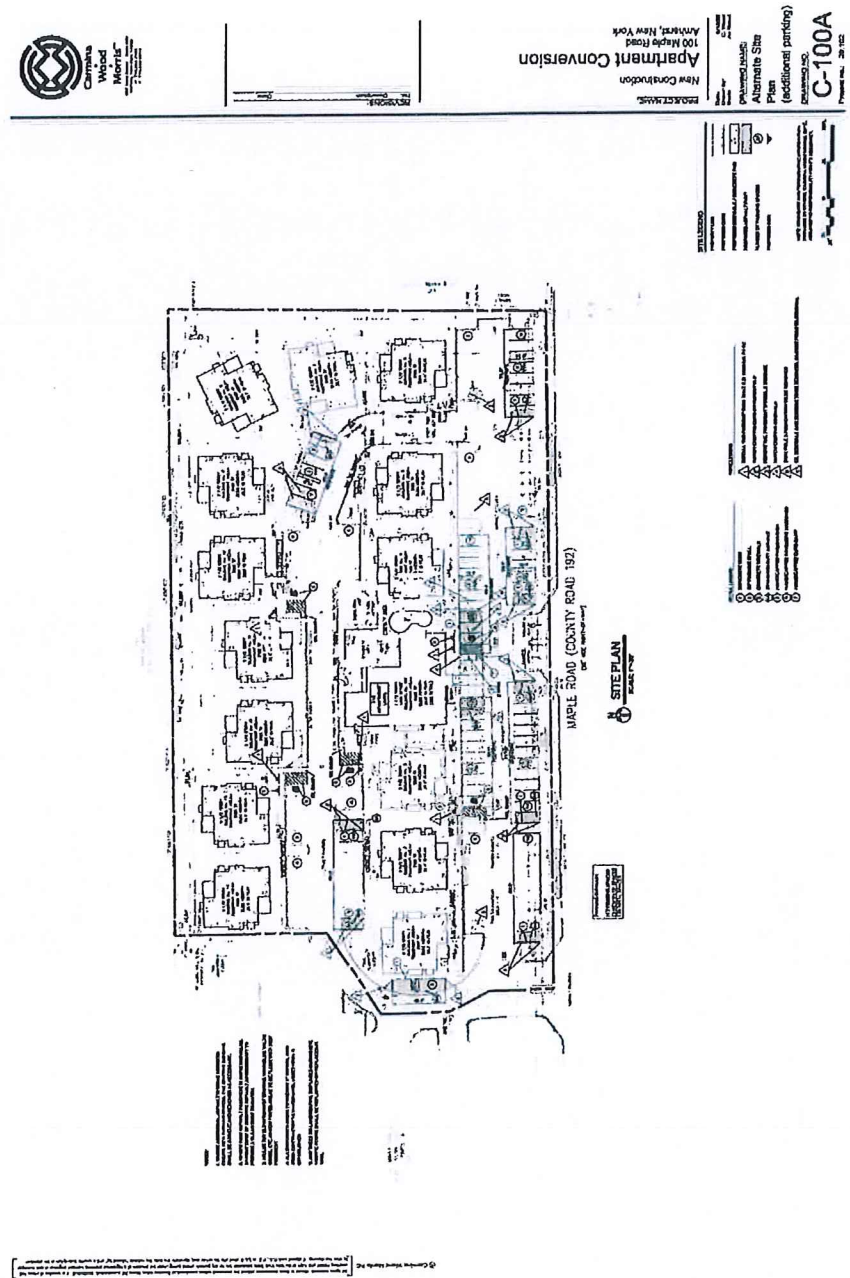
Land Use	Weekday	Weekend
Residential	114	119
Planned Supply	125 [120 previously]	125 [120 previously]
Surplus Parking Spaces:	11 spaces [6 spaces previously]	6 spaces [1 space previously]

Parking Demand Assessment Prepared by SRF Associates:

- Peak demand parking analysis prepared by SRF Associates does not include a downward adjustment of the parking demand based on the Applicant's on-site regulation of the use of the parking spaces - The Applicant will also be restricting parking and reducing the demand for parking spaces via implementation of the following:
 - Lease agreements with every residential tenant will restrict each unit to only 1 parking space - Each residential unit will be issued 1 parking tag that will need to be visible within vehicles while parked on the site
 - Parking spaces in excess of those required by the tenants of the residential units will be utilized as visitor parking and will be designated as such [13 visitor parking spaces]
 - Any parking space that is not utilized by an individual residential unit because the tenant does not have a vehicle will be made available to other units and/or utilized as visitor parking
 - Bike storage areas will be available at designated areas throughout the Project
 - Bike storage within each of the residential units
 - Increased number of parking spaces to 125
 - Appropriate Signage
 - Full-time on-site property manager
 - Stringent penalties in the lease agreements for non-compliance with parking provision in the lease agreements
- Alternate Site Plan [Drawing C-100A] prepared by Carmina Wood Morris to evaluate the possibility of installing additional parking spaces on the Project Site in the future if determined to be necessary - Implementation of the Alternate Site Plan would result in 5 additional parking spaces for a total of 130 parking spaces.

Alternate Site Plan [Drawing C-100A]:

- 130 parking spaces



Description of Requested Variances:

- 1. The number of off-street parking spaces for the proposed multifamily project consisting of the conversion of the existing Residence Inn into 112 apartment units is less than required pursuant to Section 7-1-6A of the Zoning Code [224 parking spaces required vs. 125 parking spaces proposed].
 - Number of parking spaces increased from 120 to 125
- 2. The proposed 112 first floor dwelling units within the proposed redevelopment project do not comply with Section 4-3-2A of the Zoning Code.
 - The 112 first floor dwelling units consist of the conversion of the existing Residence Inn suites within the existing buildings into studio and one-bedroom apartments.

Town Law Section 267-b(3)(b):

- Statutorily mandated balancing test:
- “The benefits to the applicant if the area variances are granted as weighed against the detriments to the health, safety and welfare of the neighborhood or community.”
- Benefits that will be received by the Applicant if the requested relief is granted:
 - 1. The Applicant will be able to redevelop the Project Site consisting of 112 one-bedroom attached dwelling units with an appropriate number of parking spaces (120 parking spaces proposed) as determined by the Parking Demand Assessment Report for the redevelopment project prepared by SRF Associates, a reputable traffic engineering firm.
 - 2. The residential redevelopment project will result in substantial benefits to the Town of Amherst via avoiding the possibility that the existing Residence Inn becomes vacant.
 - 3. The substantial investment to be made by the Applicant in connection with the residential redevelopment project will result in an appropriate long-term use of the Project Site.

Town Law Section 267-b(3)(b):

- **Criteria #1: Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variances.**
 - No. Residential redevelopment project will result in positive long-term positive impacts and will not result in detriments to nearby properties
- **Criteria #2: Whether the benefits sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an area variances.**
 - No. It would not be possible for the Applicant to receive the benefits it is seeking without the granting of the requested relief
- **Criteria #3: Whether the requested area variances are substantial**
 - Requested area variance is not substantial – Key is whether any “harm” would result
 - Peak parking demand analysis conducted by SRF Associates
- **Criteria #4: Whether the proposed variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.**
 - No. A completed Short Environmental Assessment Form was submitted with the Variance Application
 - Redevelopment Project
- **Criteria #5: Whether the alleged difficulty was self-created.**
 - Town Law §267-b(3)(b) expressly this criteria cannot be sole basis for decision
 - Zoning Code does not contain separate parking requirement for studio and one-bedroom units

Town Law Section 267-b(2)(b):

- A determination has been issued that a use variance is required for the 1st floor residential units since the redevelopment project does not include any 1st floor commercial use in any of the 14 existing buildings
- **“Unnecessary Hardship” Test**
- New York Town Law § 267-b(2) states as follows:
- “No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located, (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and, (4) that the alleged hardship has not been self-created.”

Town Law Section 267-b(2)(b):

- Section 4.4 of the Zoning Code is titled “General Business District (GB)” and governs the use of property that is zoned GB.
- Section 4.4-2A of the Zoning Code sets forth the categories of land uses expressly permitted in the GB zoning district. The categories of expressly permitted uses are upper story dwelling units and the following:
 - Ambulance service; Daycare center, nursery or other private school; Minor utilities; Place of worship; Public works construction yard; Advertising agency; Animal grooming, cat boarding facility, hospital or veterinarian; Antiques and second-hand merchandise store; Apparel and accessories store; Apparel repair and alterations and shoe repair shop; Archival center; Bakery or confectionary shop (retail); Bank; Beauty or barber shop; Book and stationery store; Commercial recreation activities, indoor; Contracting or construction services; Department store; Dog day care facility; Drug store; Employment agency; Farm and garden supply store; Farm equipment sales or service; Food store; Funeral home; Gymnasium or health club; Hardware store; Home furnishing store; Home garden store; House and camping trailer sales, camping equipment and accessories and related repair and service; Household fixture and appliance sales or service; Jewelry store; Job printing or photography store; Ice store; Laundromat, cleaning and dyeing outlets and pickup; Liquor store; Motel or hotel; Motion picture theater or live theater; Nurseries for sale of plants, shrubs, and trees; Office; Passenger terminal; Personal training facility; Photographic store; Photography studio; Printing and photocopying store; Plumbing store; Postal store or post office; Radio or television station; Recording studio; Restaurant with drive-through; Restaurant without drive-through or outdoor dining; Retail services; Sexually oriented cabaret or theater, or sexually oriented motion picture theater; Sexually oriented media store, sex shop; Shops for custom work for the making of articles to be sold only at retail on the premises; Sporting goods and bicycle store; Tattoo parlor/body art studio; Variety store; Vehicle parts sales; Vehicle sales (new), rental, leasing and related repair; used vehicle sales and vehicle rental in conjunction with new vehicle sales only; and Wholesale store
- None of the allowable uses in the GB zoning district are feasible

Town Law Section 267-b(2)(b):

- **Criteria #1:** The applicant cannot realize a reasonable return, provided that the lack of return is substantial as demonstrated by competent financial evidence
- On April 23, 2020, Rockgate Inns, L.P., entered into a Purchase and Sale Agreement for the sale of the Project Site to PEG Properties, LLC. The Purchase and Sale Agreement contains various contingencies including a contingency for the purpose PEG Properties, LLC seeking the required governmental approvals for its intended redevelopment of the Project Site as a multifamily project consisting of 112 units for lease
- The hotel was well-performing to the point where Marriott provided a 10-year extension to an already extended Franchise Agreement
- The Marriott International Franchise Agreement under which the hotel operates as a Residence Inn by Marriott will expire in December 2022
- Marriott has advised the owner that it will not be renewing the Franchise Agreement for the existing hotel since Marriott has granted a new Residence Inn franchise to another developer to build in the Amherst Market
- Buildings on the Project Site are functionally obsolete to continue as a hotel due to separate building configuration

Town Law Section 267-b(2)(b):

- **Criteria #1:** The applicant cannot realize a reasonable return, provided that the lack of return is substantial as demonstrated by competent financial evidence
- The Residence Inn began to lose occupancies and room revenues in the last few years with a very steep decline of occupancy levels and revenues in 2019 which continued into 2020.
- In March 2020, the Covid-19 pandemic severely adversely affected the entire hotel industry and, in particular, the existing Residence Inn.
- Occupancy and rates are down with May having finished with a 26 percent occupancy rate at an average of \$86 per day, a level of performance that is not adequate for the hotel to remain open.
- According to nearly every report, including the report of Marriott International, the hotel industry is not projected to recover until sometime after 2021 and may not be restored to its prior level of operations until even later than that.
- Locating a buyer or securing a different franchise for the purpose of the continued operation of a hotel at the Project Site is difficult if not impossible.
- Over the last three years, the total net cash flow is approximately -\$430,000.00.00
- During 2020, the total net cash flow is approximately -\$330,000.00
- Purchase price to be paid by PEG Properties, LLC is only slightly more than the amount of the existing mortgage
- Project Site is at risk of becoming vacant if the requested use variance is not granted by the ZBA

Town Law Section 267-b(2)(b):

- **Criteria #2:** The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood
- The hardship does not apply to other nearby properties in the vicinity of the Project Site
- Residence Inn in financial distress with distinct possibility of becoming vacant
- **Criteria #3:** The requested use variance, if granted, will not alter the essential character of the neighborhood
- Granting of a use variance will not alter the essential character of the neighborhood
- Planned improvements will result in positive long term benefits in terms of appearance and character of the Project Site
- **Criteria #4:** The alleged hardship is not self-created
- Existing hardship is not self-created given that the financial situation is not attributable to the owner

Proposed Condition:

- Updates have been made to the Town’s Comprehensive Plan and Zoning Code
- Per Figure 6A (titled “Commercial and Mixed-Use Designations”) of the Comprehensive Plan, the Project Site has been designated as appropriate for Shallow Corridor 3 (“SC-3”) zoning designation
- Zoning Code amended by the Town Board on September 3, 2019 to include new “Mixed Use Districts”
- Pursuant to Section 5A-9-1 of the Zoning Code (titled “Parking, Loading and Stacking”), the parking requirement for “Multi-family dwelling, upper-story dwelling, assisted group living and senior citizen housing is 1 space per one or two-bedroom unit”
- Proposed Condition: Peg Properties, LLC shall file an application with the Town of Amherst seeking to amend the zoning classification of the Project Site to Shallow Corridor 3 (“SC-3”) within 3 months of closing on the purchase of the Project Site

Conclusion:

- Requesting that the ZBA issue a negative declaration pursuant to SEQRA and grant the requested area variance and use variance subject to the proposed condition
- Questions...