
**Exhibit 1 – Narrative Providing Justification
for Amherst IDA’s Financial Assistance**

EXHIBIT 1

NARRATIVE PROVIDING ADDITIONAL JUSTIFICATION FOR REQUESTED AMHERST IDA ASSISTANCE

I. Description of the Proposed Use Project:

The proposed project consists of the development of a portion of 1081 North French Road (“Project Site”) that is zoned New Community District (“NCD”) as a student housing project including required on-site and off-site improvements consisting of the extension of John James Audubon Parkway to the north as a public roadway (with a required on-site roundabout) to be dedicated to the Town of Amherst; off-site roadway improvement including a roundabout at the location of the I-990 ramps and ramp exiting lane widenings as required by the NYS Department of Transportation;¹ and, extensions of both off-site electrical and sanitary sewer infrastructure necessary to develop the Project Site.²

The Phase I student housing project on the Project Site consists of 208 units (830 beds) and there will be 666 parking spaces. A color concept plan depicting the proposed project is provided at Exhibit “3” and it is important to mention that the color concept plan includes the potential

¹ The Town of Amherst is seeking Break-in-Access Approval from the NYS Department of Transportation for the northerly extension of John James Audubon Parkway for the purpose of providing access to the Project Site. The NYS Department of Transportation has advised the Town that it will be necessary for the northerly extension of John James Audubon Parkway to consist of a public roadway to be dedicated to the Town and also that off-site improvements consisting of a roundabout and exiting ramp lane widenings are required in connection with the pending request for Break-in-Access approval.

² Copies of the plans for the off-site electric improvements necessary for electrical service to be provided by National Grid to be extended to the Project Site are provided at Exhibit “6” and copies of the plans for the necessary off-site extension of sanitary sewer infrastructure to the Project Site are provided at Exhibit “7”.

future northerly extension of the NFTA light rail and its terminus along with a future park and ride lot on the future Phase 2 property (directly east of the Project Site).³

The proposed student housing project has been the subject of a coordinated environmental review pursuant to the State Environmental Quality Review Act (“SEQRA”). On August 5, 2019, the Town Board issued an Amended Findings Statement to allow the Project Site to be developed a student housing.⁴ A copy of the Amended Findings Statement as issued by the Town Board pursuant to SEQRA on is provided at Exhibit “3”.⁵ On November 12, 2019, the Town Board adopted Resolution 2019-1030 for the purpose of issuing a Special Use Permit for dormitory use. A copy of Resolution 2019-1030 is provided at Exhibit “4”.

On April 15, 2021, the Planning Board granted Site Plan Approval for the student housing project.⁶ On September 8, 2021, the NYSDOT Property Executive Review Group (“PERG”) approved the Application submitted by the Town of Amherst for Break-in-Access approval to allow the northerly extension of John James Audubon Parkway as a public roadway to be dedicated to the Town.⁷

³ The future Phase 2 project has not been approved and is not included in this AIDA Application.

⁴ The project is a Type I action pursuant to SEQRA. The Town Board conducted a coordinated environmental review pursuant to SEQRA of the request to allow student housing on Site “B” of the overall Muir Woods Property (including 1081 North French Road) and none of the involved or interested agencies expressed any objections to the Town Board acting as the designated lead agency or expressed any concerns that student housing on the site would result in any potentially significant adverse environmental impacts.

⁵ The Town Board issued an Amended Findings Statement on October 19, 2020 in connection with the proposed mixed-use development of Site “A” of the overall Muir Woods property.

⁶ A copy of the resolution adopted by the Planning Board on April 15, 2021 granting Site Plan Approval is attached as Exhibit “9”.

⁷ A copy of the resolution adopted by the NYSDOT Property Executive Review Group (“PERG”) on September 8, 2021 granting Break-in-Access approval is attached as Exhibit “10”.

On October 21, 2021, the New York State Department of Transportation issued a Use and Occupancy Permit for the purpose of granting temporary access for the purpose of construction of the northern extension of John James Audubon Parkway as a public roadway to be dedicated to the Town of Amherst.⁸

II. Justification for Requested Assistance from the Town of Amherst Industrial Development Agency:

The Applicant is seeking a PILOT, an exemption of sales tax on construction materials and a partial mortgage tax exemption from the Town of Amherst Industrial Development Agency (“AIDA”) in order for the project to be economically feasible. The development of the Project Site for student housing involves extraordinary infrastructure improvements and the proposed ten (10) year term PILOT would be limited to only these required extraordinary project expenses that are projected to cost nearly \$5,000,000.00 as depicted in the Table below.

Aspen Muir Woods	
<u>Extraordinary Offsite or Public Benefit Costs</u>	
W/S Line Extension w/ Forcemain	\$2,051,943
JJA Extension w/ Onsite Roundabout	\$876,169
DOT Roundabout	\$350,000
DOT Lane Widening	\$275,000
DOT - Design & Engineering	\$50,000
Paved Recreational Trail	\$145,733
National Grid - Non-refundable Line Extension Costs	\$1,198,026
TOTAL COSTS	\$4,946,871

The proposed PILOT is limited to the extraordinary infrastructure expenses that are necessary to development Project Site as student housing. The proposed PILOT does not include typical on-site improvements such as the student housing buildings and clubhouse, access aisles

⁸ A copy of the Use and Occupancy Permit issued by the New York State Department of Transportation on October 21, 2021 is provided at Exhibit “11”.

and landscaping, the required on-site stormwater management system, landscaping, etc. During the term of the proposed PILOT, the project will generate substantial tax revenue of several hundred thousand dollars per year for taxing jurisdictions including the Town, the Sweet Home Central School District and Erie County that would not be realized in the absence of the approval of the requested AIDA assistance. In addition to the requested PILOT, the Applicant is seeking a sales tax exemption on construction materials which is necessary for the project to be economically feasible. The Applicant began the process of seeking the required approval and permits for the proposed project on April 15, 2019 and the project budgeting was prepared more than one year prior to the dramatic unforeseen increase of construction costs resulting from the ongoing Covid-19 pandemic and the increased uncertainty with respect the student housing industry.

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

The proposed project is consistent with the adopted Bicentennial Comprehensive Plan (“Comprehensive Plan”). In connection with its decision issuing an Amended Findings Statement pursuant to SEQRA on August 5, 2019 to allow the Project Site to be developed a student housing, the Town Board determined that the proposed use was consistent with the Comprehensive Plan.⁹

⁹ The Town Board’s resolution specifically referred to the Planning Board’s findings. During its meeting on June 20, 2019, the Planning Board adopted a resolution by a unanimous vote recommending the Town Board’s approval of the Amended Findings Statement to allow student housing on the Project and its findings were as follows: A. The proposed amendment meets the intent and objectives of a New Community District as expressed in Subsection 1-1.1; B.) The proposed amendment meets all the requirements of Section 5-2-3 through 5-2-6; C.) The proposed amendment is conceptually sound in that it meets present and future community needs; D.) There are or will be adequate services and utilities available or proposed to be made available in the construction of the development; and, E.) The proposed Amendment to the Development Plan is consistent with the Town Comprehensive Plan.

Figure 6 of the adopted Comprehensive Plan consists of the Conceptual Land Use Plan for the Town of Amherst. The Conceptual Land Use Plan is intended to communicate the overall direction of future development in the Town. Figure 6 designates the Project Site as being appropriate for Mixed Residential and Commercial Office use. A copy of Figure 6 of the Comprehensive Plan is provided at Exhibit “8”. The proposed project is consistent with the description of Mixed Residential contained in the adopted Comprehensive Plan.

Chapter 5 of the Comprehensive Plan is titled “Economic Development” and provides support for the IDA granting incentives for the proposed mixed-use project. Section 5.2 of the Comprehensive Plan sets forth the economic goal of the Town as including creation of a strong tax base and providing development in convenient and accessible locations. One of policies as set forth on Page 5-3 of the Comprehensive Plan in implementing the Town’s economic goal and policies is as follows: “Target economic development policies, programs, capital expenditures, and incentives to attract and retain higher paying employment and promote desired forms and locations of development and redevelopment.”¹⁰ The proposed project represents an example of a desired form of development at an appropriate location. The requested PILOT that is necessary for the project to be economically feasible and that is limited to only extraordinary infrastructure costs is consistent with the Town’s goal of creating a strong tax base and encouraging student housing at an appropriate location that has been designated for development including a northerly extension of John James Audubon Parkway for nearly 50 years.

IV. Conclusion:

¹⁰ See Policy 5-1 for Economic Development.

The Applicant respectfully requests that the Board of Directors approve the requested financial assistance for the proposed project for the reasons described within the Application including this supporting narrative.