



**TOWN OF AMHERST PLANNING DEPARTMENT**  
*Request for Bicentennial Comprehensive Plan Amendment*

For Official Use

File #: BCPA-2024-02      Acreage 62.07      Fee \$ 15.00

Address Verified by  
 Assessor's Office \_\_\_\_\_  
 VERIFIED BY      DATE

Application Received  
 by Planning Department *JM 8/19/2024*  
 ACCEPTED BY      DATE

Materials & Fee Paid to Town Clerk \_\_\_\_\_  
 ACCEPTED BY      DATE

Fill In  
Applicable Fees

COMPREHENSIVE PLAN AMMENDMENT	\$0*	_____
AFFIDAVIT FEE FOR PUBLIC HEARING	\$15	<u>\$15.00</u>

*\*Fee schedule subject to change by future Town Board action\**

**TOTAL FEE:**      \$15.00

**TO BE COMPLETED BY APPLICANT**

**Petitioner:**

Name: SBLC Development Corporation c/o Sean Hopkins, Esq.

Address: 5500 Main Street, Suite 343

Williamsville, NY 14221

City      State      Zip Code

Phone: 716.510-4338      Fax \_\_\_\_\_

Email: shopkins@hsmlegal.com

**Owner of Land** (if different than above):

Name: 1. Anthony Cimato - 1790 North French Road [SBL No. 27.04-1-12]; 2. North Forest  
Address: Development Corp. - 1920 North French Road [SBL No. 27.04-1-20]; 3. SBLC  
Development Corp. - Portion of 999 Campbell Boulevard [SBL No. 27.00-2-29; and 4.  
1860 North French Road Road [SBL No. 27.04-1-16.1] - SBLC Development Corp.]  
City State Zip Code  
Phone: 716.510-4338 Fax \_\_\_\_\_  
E Mail: shopkins@hsmlegal.com

**Representative** (Architect, Engineer, Landscape Architect, Surveyor or Attorney):

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City State Zip Code  
Phone: \_\_\_\_\_ Fax \_\_\_\_\_  
E Mail: \_\_\_\_\_

**Petitioner's interest in property**

- Option to purchase
- Owner
- Other (explain) The parcels at 1790 and 1920 North French Road are owned by related entities.

The parcels will be merged into a single parcel owned by SBLC Development Corp.

**The following are all others having an interest in this application and join herein with the petitioner named above:** (describe extent of interest; attach sheets as needed)

Not Applicable  
\_\_\_\_\_  
\_\_\_\_\_

**Street address(es) of land subject to Bicentennial Comprehensive Plan Amendment:**

1790 North French Road, 1920 North French Road and Portion of 999 Campbell Boulevard & Portion of 1860 North  
SBL #(s): SBL No. 27.04-1-12, 2. SBL No. 27.04-1-20; and SBL No. 27.00-2-29 French Road [SBL:  
27.04-1-16.1]

**INFORMATION ON REQUEST**

**1. The undersigned hereby requests the Honorable Town Board to amend the following text sections of the Bicentennial Comprehensive Plan:**

**Section(s) #/page(s):** No applicable.

**Note:** If the requested amendment does not involve a map change, skip #2 and #3.

**2. The undersigned hereby requests the Honorable Town Board to amend the Conceptual Land Use Map (Figure 6) and/or Commercial and Mixed-Use Designations (Figure 6A) as follows:**

**FROM:**

- Rural Residential
- Single Family Residential
- Mixed Residential
- Medium Residential
- Commercial/ Mixed Use\*
- Special Use Center
- Commercial-Office
- Industrial-Office
- Community Facilities
- Educational Campus
- Recreation, Open Space, & Greenways
- Agriculture
- Transportation

**\*Additional Designations in Figure 6-A:**

- Suburban Center
- Suburban Corridor
- Traditional Areas

**TO:**

- Rural Residential
- Single Family Residential
- Mixed Residential
- Medium Residential
- Commercial/ Mixed Use\*
- Special Use Center
- Commercial-Office
- Industrial-Office
- Community Facilities
- Educational Campus
- Recreation, Open Space, & Greenways
- Agriculture
- Transportation

**\*Additional Designations in Figure 6A:**

- Suburban Center
- Suburban Corridor
- Traditional Areas

**3. Other Bicentennial Comprehensive Plan Map Amendments (if applicable):**

Figure # or Name: Figure 6

**4. Information on prospective action (to be provided in separate attachment):**

A. Description of any prospective action: [See Exhibit "4"]

B. Rationale for request of amendment: [See Exhibit "5"]

1. How will the requested amendment to the Bicentennial Comprehensive Plan consistent with *Section 2.2 (Vision Statement)*?
2. How will the requested amendment to the Bicentennial Comprehensive Plan consistent with *Section 2.3 (Key Initiatives)*?

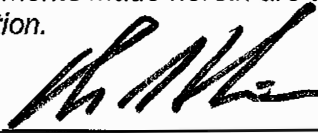
C. How is the requested amendment align with the defined policies in Sections; [See Exhibit "6"]

1. *3.0 Land Use and Development?*
2. *4.0 Natural and Cultural Resources?*
3. *5.0 Economic Development?*
4. *6.0 Transportation?*
5. *7.0 Infrastructure?*
6. *8.0 Housing & Neighborhoods?*
7. *9.0 Community Facilities & Services?*

**SECTION 809 CERTIFICATION**

The undersigned certifies that all information required to be disclosed pursuant to Section 809 of the General Municipal Law (see below) is as follows:

*The undersigned swears or affirms that all statements made herein are true, that all drawings submitted correctly show the situation involved in this petition.*



\_\_\_\_\_  
Signature of Petitioner

Subscribed and sworn to before me this 19th day of August

, 2024

Notary Public, Erie County, New York

Marianne Brautlacht

MARIANNE BRAUTLACHT  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 01/14/2026

**N.Y.S. General Municipal Law - Section 809 Disclosure in certain applications:**

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provision of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state office or any office or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them
  - (a) is the applicant, or
  - (b) is an officer, director, partner or employee of the applicant, or
  - (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
  - (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such applicant, petition or request.
3. In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party Officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four or section two of the election law.
4. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

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**Exhibit 1- List of Parcels and Ownership  
Information**

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**EXHIBIT 1 OF BCPA APPLICATION**

1. 1790 North French Road [SBL No. 27.04-1-12] – Owner: Anthony Cimato
2. 1860 North French Road [SBL No. 27.04-1-16.1] – Owner: SBLC Development Corp.
3. 1920 North French Road [SBL No. 27.04-1-20] – Owner: North Forest Development Corp.
4. Portion of 999 Campbell Boulevard [SBL No. 27.00-2-29] – Owner: SBLC Development Corp.

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**Exhibit 2 - Part 1 of Full  
Environmental Assessment Form  
with Attachments "A" to "C"**

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**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:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
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):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:



**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, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> <li data-bbox="121 829 1477 861">i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li data-bbox="121 892 1477 924">ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li data-bbox="121 924 1477 955">iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul>		

**C. Planning and Zoning** [Note: The Town has an approved Local Waterfront Revitalization Program. EAF Mapper checked the response to Question Bi(ii) as No.]

**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?  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):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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?

\_\_\_\_\_

\_\_\_\_\_

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? \_\_\_\_\_

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

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

d. What parks serve the project site?  
\_\_\_\_\_  
\_\_\_\_\_

**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)?  
\_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres  
b. Total acreage to be physically disturbed? \_\_\_\_\_ acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ 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 \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ 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?  Yes  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	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  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?  Yes  No  
 If Yes,

*i.* Purpose of the impoundment: \_\_\_\_\_

*ii.* If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

*iii.* If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

*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): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  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?

- 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?  Yes  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?  Yes  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?  Yes  No  
 If Yes:

*i.* Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

[A copy of the Wetland Delineation Verification Letter issued by Charles P. Rosenburg of the NYS Dept. of Environmental Conservation on January 22, 2022 is provided at Attachment "B". A copy of the Jurisdictional Determination issued by the U.S. Army Corps of Engineers for 1920 North French Road dated March 14, 2023 is provided at Attachment "C".]

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: \_\_\_\_\_ 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: \_\_\_\_\_
- 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: \_\_\_\_\_

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

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 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): \_\_\_\_\_

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

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of 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

• Do existing sewer lines serve the project site?  Yes  No  
 • Will a line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_

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?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
     \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
     \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_

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)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  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?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_

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?  Yes  No  
 If Yes:  
 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)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No  
 If Yes:  
 i. Estimate methane generation in tons/year (metric): \_\_\_\_\_  
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No  
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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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? [An updated Traffic Impact Report is being prepared by Passero Associates.]  Yes  No  
 If Yes:  
 i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.  
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_  
 iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_  
 iv. Does the proposed action include any shared use parking?  Yes  No  
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_  
 vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No  
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No  
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No  
 If Yes:  
 i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_  
 iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></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>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></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)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></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"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <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"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul>	

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**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			



c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

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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?  Yes  No  
If Yes,  
i. Identify Facilities:  
\_\_\_\_\_

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e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  

- Dam height: \_\_\_\_\_ feet
- Dam length: \_\_\_\_\_ feet
- Surface area: \_\_\_\_\_ acres
- Volume impounded: \_\_\_\_\_ gallons OR acre-feet

ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection:  
\_\_\_\_\_

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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?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  

- If yes, cite sources/documentation: \_\_\_\_\_

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:  
\_\_\_\_\_

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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?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
\_\_\_\_\_

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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?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database      Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database      Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
\_\_\_\_\_

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iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
\_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- 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?  Yes  No
- Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_%

c. Predominant soil type(s) present on project site: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  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)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either *i* or *ii*, 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?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- 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?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
 \_\_\_\_\_

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i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: \_\_\_\_\_

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

<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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site      <input type="checkbox"/> Historic Building or District</p> <p style="margin-left: 20px;">ii. Name: _____</p> <p style="margin-left: 20px;">iii. Brief description of attributes on which listing is based: _____</p>
<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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe possible resource(s): _____</p> <p style="margin-left: 20px;">ii. Basis for identification: _____</p>
<p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Identify resource: _____</p> <p style="margin-left: 20px;">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 style="margin-left: 20px;">iii. Distance between project and resource: _____ miles.</p>
<p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Identify the name of the river and its designation: _____</p> <p style="margin-left: 20px;">ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>

**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 \_\_\_\_\_ Date \_\_\_\_\_

Signature Sean Hopkins Title \_\_\_\_\_



**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 - Stream Name]	837-44
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):103.0, NYS Wetland (in acres):38.7
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	TE-18, TE-19

E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
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

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**Attachment A of Part 1 of Full EAF -  
List of Parcels Comprising the  
Project Site**

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TOWN OF AMHERST  
 State Environmental Quality Review  
**ENVIRONMENTAL ASSESSMENT FORM**  
 -- ADDENDUM --

1. For each applicable category of proposed new structures, including additions to existing structures, provide the following information for all soil types on the project site (according to Soil Survey of Erie County, NY; Table 11, Building Site Development, pp 294-305):

Soil Name	Shallow excavations	Dwellings without basements	Dwellings with basements	Small commercial buildings	Local roads and streets
Getzville silt loam	X	X	X	X	X
Swormville clay loam	X	X	X	X	X
Wayland soils complex	X	X	X	X	X

2. Is your property located: On Youngs Road between Dodge and Klein Roads?  Yes  No  
 On Wehrle Dr. between Spindrift Dr. and Oakwood Rd?  Yes  No

*If so, the property may be within an area of the Town that is affected by a moratorium on connections to the sanitary sewer system.*

3. Are there alternative locations on the site for this project?  Yes  No

4. Location and size of real property owned by petitioner within one (1) mile of subject proposal:

\_\_\_\_\_

5. Are you aware of current or future plans or intentions by others in the Town of Amherst to develop property within 1000± ft. of the present project request:  Yes  No

Describe \_\_\_\_\_

*(Potential environmental impacts from adjacent or nearby projects undergoing the approval process will receive a coordinated environmental review to determine cumulative effects on common receivers (e.g. traffic and drainage corridors) and other relevant environmental concerns.)*

6. Maximum number of vehicular trips to be generated per peak hour upon completion of project 131  
 Source: \_\_\_\_\_

7. Will blasting occur during construction?  Yes  No

8. Does the project propose to connect and be tributary to the public sanitary sewer system?  Yes  No

9. Proposed net additional gallons per day (gpd) of sanitary sewer discharge upon completion of project:  
34,420 average flow 137,680 peak flow.

*(Average flows of 2,500 gpd or greater will require an Engineer's Report that includes a detailed downstream sewer capacity analysis and the identification of and commitment to required I/I offset work during peak wastewater flow conditions.)*

10. Based on the Town's 2011 Reconnaissance Level Survey of Historic Resources, is your property 'blue-rated' for historic significance?  Yes  No



**ATTACHMENT “A” OF PART 1 OF FULL ENVIRONMENTAL ASSESSMENT  
FORM – LIST OF PARCELS COMPRISING THE PROJECT SITE AND  
OWNERSHIP INFORMATION**

1. 1790 North French Road [SBL No. 27.04-1-12] – Owner: Anthony Cimato
2. 1860 North French Road [SBL No. 27.04-1-16.1] – Owner: SBLC Development Corp.
3. 1920 North French Road [SBL No. 27.04-1-20] – Owner: North Forest Development Corp.
4. Portion of 999 Campbell Boulevard [SBL No. 27.00-2-29] – Owner: SBLC Development Corp.

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**Attachment B of Part 1 of Full EAF -  
Wetland Delineation Verification Letter  
issued by Charles P. Rosenberg of the  
NYS Dept. of Environmental  
Conservation on January 22, 2022**

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# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, Region 9  
700 Delaware Avenue, Buffalo, NY 14209  
P: (716) 851-7010 | F: (716) 851-7005  
www.dec.ny.gov

January 22, 2024

Fred Cimato  
Cimato Enterprises  
9220 Transit Road  
East Amherst, New York 14051

Dear Fred Cimato:

## **Wetland TE-18 Delineation Verification SBLC Property Town of Amherst, Erie County**

This letter serves as notification that I verified the wetland delineation performed by Earth Dimensions, Inc. (EDI) of Freshwater Wetland TE-18 within the SBLC property (1790 & 1860 North French Road, 999 Campbell Blvd; Parcels 27.00-2-29; 27.04-1-16.1; & 27.04-1-12) in the Town of Amherst, Erie County. I field inspected EDI's delineated wetland boundaries on July 26, 2023. I verified a portion of EDI-delineated wetland W2, from delineation flags W2-1 to W2-40 and W2-99 to W2-143, is part of State-jurisdictional Freshwater Wetland TE-18 and that the location of this wetland is accurately depicted in EDI's delineation map (Figure 6, enclosed here) of their April 20, 2023 wetland delineation report. A 100-foot wide regulated adjacent area surrounds Wetland TE-18.

My field inspection also determined the following areas are not part of Wetland TE-18 since they are located greater than 50 meters from the field-delineated boundary of wetland W2/Wetland TE-18: the remaining portion of EDI-delineated wetland W2 (north of delineation flags W2-40 and W2-99), EDI-delineated wetlands W1 and W3, and wetlands observed within the adjoining 1920 North French Road parcel.

Please note that Wetland TE-19 is no longer a State-regulated freshwater wetland following a November 2016 field inspection that determined the total area of its associated wetlands is less than the 12.4-acre size threshold for state wetlands jurisdiction and the wetlands do not qualify for state wetlands jurisdiction under the NYSDEC's "unusual local importance" designation.

Please be aware that wetland boundaries may change over time and this letter does not fix wetland boundaries indefinitely. If you would like to document the precise boundaries of the wetlands that comprise Wetland TE-18 relative to the property boundaries, it is your responsibility to have the wetland boundaries surveyed. If you choose to complete a survey, the wetland boundary survey map should be submitted to me for verification. A copy of this Department's *Requirements for Wetland Survey and Mapping* is enclosed. Please note that a surveyed wetland boundary that has been verified by this Department will be considered valid for five years.



Fred Cimato  
January 22, 2024  
Page 2

In 1975, the New York State Legislature passed the Freshwater Wetlands Act to preserve and protect wetlands and their functions, such as flood protection and fish and wildlife habitat. The New York State Department of Environmental Conservation is required to map all wetlands protected by this law, and to make those maps available for inspection in all local government clerks' offices. Certain activities within the wetland or its regulated 100-foot adjacent area require a permit from this Department, including but not limited to filling, clearing vegetation, draining, and construction. Contact our Division of Environmental Permits Office for information about permit requirements at:

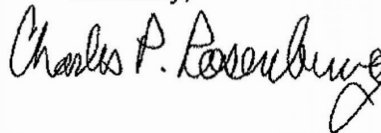
New York State Department of Environmental Conservation  
Division of Environmental Permits  
700 Delaware Avenue  
Buffalo, New York 14209  
Telephone: (716) 851-7165

Finally, please be advised that the U.S. Army Corps of Engineers may also have wetland and stream jurisdiction irrespective of the Department of Environmental Conservation. For more information, you may contact the Corps at:

United States Army Corps of Engineers Regulatory Branch  
478 Main Street  
Buffalo, New York 14202  
Telephone: (716) 879-4330

If you have any questions about this wetland delineation verification, feel free to contact me in the Buffalo office at (716) 851-7024 or [Charles.Rosenburg@dec.ny.gov](mailto:Charles.Rosenburg@dec.ny.gov).

Sincerely,



Charles P. Rosenberg  
Region 9 BEH Habitat Protection Manager

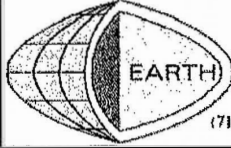
CPR:ck

Encl: Earth Dimensions Wetland Delineation Map (Figure 6)  
Requirements for Wetland Survey and Mapping

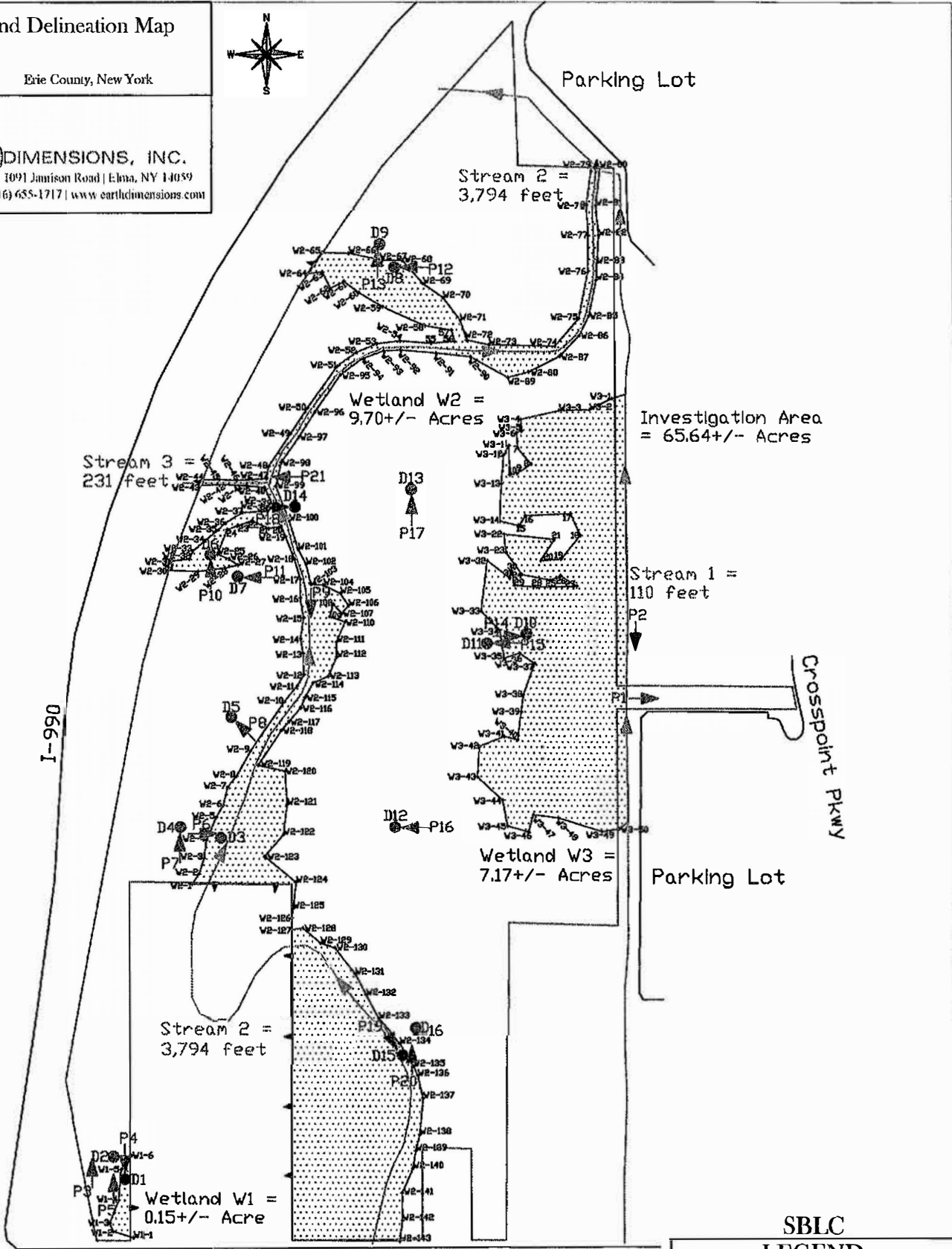
cc: Tom Somerville, Earth Dimensions, Inc.  
Wetland TE-18 file

Figure 6 - Wetland Delineation Map

Town of Amherst Erie County, New York



**EARTH DIMENSIONS, INC.**  
 1091 Jamison Road | Elma, NY 14059  
 (716) 635-1717 | www.earthdimensions.com



I-990

North French

Parking Lot

Stream 2 = 3,794 feet

Stream 3 = 231 feet

Wetland W2 = 9.70+/- Acres

Investigation Area = 65.64+/- Acres

Stream 1 = 110 feet

Wetland W3 = 7.17+/- Acres

Parking Lot

Wetland W1 = 0.15+/- Acre

Crosspoint Pkwy

**SBLC LEGEND**

- Limits of Investigation
- Streams
- Wetland Boundary Flag
- Wetland Area
- Photo Location
- Data Point Location

Scale: 0 200 400'

Map Date: April 13, 2023/ TJS for EDI  
 Revised:

Base Map Provided By: Trimble Geo 7X

File Name: Delineation Map.dwg

EDI Project Code: W23E07a

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**Attachment C of Part 1 of Full EAF -  
Jurisdictional Determination issued  
by the U.S. Army Corps of  
Engineers for 1920 North French  
Road dated March 14, 2023**

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**DEPARTMENT OF THE ARMY**  
US ARMY CORPS OF ENGINEERS, BUFFALO DISTRICT  
478 MAIN STREET  
BUFFALO, NY 14202-3278

March 14, 2024

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination for Department of the Army  
Processing No. LRB-2023-00911

Elliot Lasky  
PO Box 1454  
Williamsville, New York 14231  
Email: [elasky@forbesdevcorp.com](mailto:elasky@forbesdevcorp.com)

Dear Mr. Lasky:

I have reviewed the approved jurisdictional determination (JD) request submitted by Earth Dimensions, Inc. for an for the approximate 5.71-acre review area located north and adjacent to North French Road, in the Town of Amherst, Erie County, New York (latitude 43.0351 N, and longitude -78.7532 W), as shown on sheets 1-2 of 2.

I have determined that the review area as depicted on attached Sheets 1-2 of 2 is comprised entirely of dry land and contains no potential aquatic resources regulated under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899. Therefore, a Department of Army permit is not required for any activities occurring within the review area.

Enclosed is an approved JD. This approved JD will remain valid for a period of five (5) years from the date of this correspondence unless new information warrants revision of the approved JD before the expiration date. At the end of this period, a new aquatic resource delineation will be required to support any request for a new JD.

Further, the delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular review area identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination for Department of the Army Processing No. LRB-2023-00911

Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above JD, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Katherine McCafferty  
Regulatory Appeals Officer  
US Army Corps of Engineers  
Great Lakes and Ohio River Division  
550 Main Street, Room 10780  
Cincinnati, Ohio 45202-3222  
Phone: 513-684-2699 Fax: 513-684-2460  
e-mail: katherine.a.mccafferty@usace.army.mil

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete; that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **May 12, 2024**.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

A copy of this letter has been sent to Earth Dimensions, Inc.

Questions pertaining to this matter should be directed to me at (716) 879-4240, by writing to the following address: U.S. Army Corps of Engineers, 478 Main Street, Buffalo, New York 14202, or by e-mail at: Shaina.R.Souder@usace.army.mil

Sincerely,



Shaina Souder  
Biologist

Enclosures





DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, BUFFALO DISTRICT  
478 MAIN STREET  
BUFFALO, NEW YORK 14202-3278

CELRB-TD-R

14 March 2024

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Approved Jurisdictional Determination in accordance with the "Revised Definition of 'Waters of the United States'"; (88 FR 3004 (January 18, 2023) as amended by the "Revised Definition of 'Waters of the United States'; Conforming" (8 September 2023) ,<sup>1</sup> *LRB-2023-00911 [MFR 1 of 1]*<sup>2</sup>

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.<sup>3</sup> AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.<sup>4</sup>

On January 18, 2023, the Environmental Protection Agency (EPA) and the Department of the Army ("the agencies") published the "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule"). On September 8, 2023, the agencies published the "Revised Definition of 'Waters of the United States'; Conforming", which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023) ("*Sackett*").

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA),<sup>5</sup> the 2023 Rule as amended,

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<sup>1</sup> While the Revised Definition of "Waters of the United States"; Conforming had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

<sup>2</sup> When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, the territorial seas, or interstate water that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

<sup>3</sup> 33 CFR 331.2.

<sup>4</sup> Regulatory Guidance Letter 05-02.

<sup>5</sup> USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

## 1. SUMMARY OF CONCLUSIONS.

- a. The review area is comprised entirely of dry land (i.e., there are no waters such as streams, rivers, wetlands, lakes, ponds, tidal waters, ditches, and the like in the entire review area and there are no areas that have previously been determined to be jurisdictional under the Rivers and Harbors Act of 1899 in the review area).

*A review of the submitted delineation report, which included wetland data points, showed no evidence of wetland criteria (hydrology, hydrophytic vegetation, and hydric soils) being present, and no evidence of aquatic resources/waters within the 5.71-acre review area, as described in item 3 below and as shown on attached map sheets 1 and 2 of 2.*

*During a September 18, 2023 site visit, the forested area was walked through from the north. Specifically, I checked the location of Data point 2, due to the mixed vegetation (hydrophytic and upland vegetation) recorded on the data form. The forested area consisted of Facultative and Facultative Wet vegetation with some upland species intermixed; the area seemed remnant or transitional of wetland but lacked hydrology throughout the site. The adjacent property to the west was walked the same day and similar forested and non-forested areas had evidence of hydrology (standing water, saturation, drainage patterns) and none of these things were observed on this site. The observations made during the site visit were consistent with the dry land reported in the submitted delineation report.*

*An in-office resource review supports that there are no aquatic resources within the review area. The U.S. Geographical Survey topographic map does not show waters within the review area but does show wetland symbols north of the review area and a dotted, blue-line stream feature to the east of the review area starting at the northeast corner (outside the review area). The U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) web soil survey listed the following soils within the review area: Ge – Getzville silt loam with a hydric rating of 85 within the forested portion of the review area and Sw – Swormville clay loam with a hydric rating of 10 located in the maintained residential portion of the review area. The soils information supports that there is possibility of wetland conditions forming in these soils. The U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) maps do shows wetland in the forested area of the review area, labeled as PFO1Bd – [P] Palustrine [FO] Forested [1] Broad-leafed deciduous [B] Seasonally Saturated [d] partially drained/ditched and another water adjacent to the review area to the east consisting of a blue-line labeled R4SBC – [R] Riverine [SB] Streambed, [C]*

**CELRB-TD-R**

**SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of Sackett v. EPA, 143 S. Ct. 1322 (2023), LRB-2023-00911**

*seasonally flooded. A review of aerial imagery suggests some saturation some areas in the forested areas in the April 25,2020 oblique imagery. However, more recent aerial imagery (Google Earth dated November 2021, May 2022, and May 2023 do not show any saturation or evidence of hydrology.*

*The Antecedent Precipitation Tool (APT) was conducted for the aerial dates, USACE site visit date, and delineation date.*

<i>Latitude</i>	<i>Longitude</i>	<i>Date</i>	<i>Date explanation</i>	<i>PDSI Value</i>	<i>PDSI Class</i>	<i>Season</i>	<i>Antecedent Precip Score</i>	<i>Antecedent Precip Condition</i>
43.0351	-78.7532	9/18/2023	Date of USACE site visit	1.47	Mild wetness	Wet Season	15	Wetter than Normal
43.0351	-78.7532	9/1/2020	Date of delineation	-1.32	Mild drought	Wet Season	9	Drier than Normal
43.0351	-78.7532	4/25/2020	Oblique Aerial (Connect Explorer)	-0.17	Normal	Wet Season	13	Normal Conditions
43.0351	-78.7532	5/8/2022	Google Earth aerial	2.04	Moderate wetness	Wet Season	11	Normal Conditions
43.0351	-78.7532	5/17/2023	Google Earth aerial	1.22	Mild wetness	Wet Season	15	Wetter than Normal
43.0351	-78.7532	11/23/2021	Google Earth aerial	3.6	Severe wetness	Wet Season	14	Normal Conditions

*The APT indicates a period of minor drought on the date of the delineation, September 1, 2020. No wetland criteria were reported at any of the data points, not just hydrology. The APT report of drought conditions at the date of the site visit, which recorded no wetland conditions, indicates that the area is not wetland during normal conditions. The date of the USACE site visit was reported as wetter than normal conditions and hydrology indicators were not observed, supporting that hydrology is not typical within the review area even with wetter than normal conditions. The aerial/oblique imagery all reported normal conditions except for May 2023. No evidence of hydrology was observed in aerial/oblique*

*imagery except for the April 25, 2020 oblique, which was reported as normal conditions during the wet season.*

*Based on a detailed review of the submitted delineation report, a detailed in-office resource analysis, and the observations made during the September 18, 2023 USACE site visit as described above, it has been determined that the 5.71-acre review area is completely comprised of dry land and does not contain any aquatic resources or waters of the United States.*

2. REFERENCES.

- a. "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule")
- b. "Revised Definition of 'Waters of the United States'; Conforming" 88 FR 61964 (September 8, 2023))
- c. *Sackett v. EPA*, 598 U.S. \_\_\_, 143 S. Ct. 1322 (2023)

3. REVIEW AREA. *An approximately 5.71-acre review area with relatively flat topography, located north and adjacent to North French Road, in the town of Amherst, Erie County, New York. The northern portion of the review area is forested. The southern portion of the review area is a single-family residential home with maintained (mowed) lawn. (Latitude: 43.0351, Longitude: -78.7532) See map sheets 1 and 2 of 2.*

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED. *N/A.*

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER. *N/A.*

6. SECTION 10 JURISDICTIONAL WATERS<sup>6</sup>: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic

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<sup>6</sup> 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.<sup>7</sup> N/A.

7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.
  - a. Traditional Navigable Waters (TNWs) (a)(1)(i): N/A.
  - b. The Territorial Seas (a)(1)(ii): N/A.
  - c. Interstate Waters (a)(1)(iii): N/A.
  - d. Impoundments (a)(2): N/A.
  - e. Tributaries (a)(3): N/A.
  - f. Adjacent Wetlands (a)(4): N/A.
  - g. Additional Waters (a)(5): N/A.
8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES
  - a. Describe aquatic resources and other features within the review area identified in the 2023 Rule as amended as not "waters of the United States" even where they otherwise meet the terms of paragraphs (a)(2) through (5). Include the type of excluded aquatic resource or feature, the size of the aquatic resource or feature

---

<sup>7</sup> This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

CELRB-TD-R

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), LRB-2023-00911

within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).<sup>8</sup> N/A.

- b. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).  
N/A.
9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.
- a. *Corps of Engineers' site visit: September 18, 2023. In-Office resource evaluation: September 15, 2023, October 2, 2023, and February 27, 2024.*
  - b. *Submitted Aquatic Resource Delineation Report: "Wetland Delineation Report, 1920 North French Road, Town of Amherst, NY," dated November 2, 2020 and includes data forms dated September 1, 2020; prepared for Elliot Lasky; Prepared by Davey Resource Group. Submitted to the USACE by Earth Dimensions, Inc on September 15, 2023.*
  - c. *U.S. Geological Survey Hydrologic Atlas: HA-730.  
\_X\_ USGS NHD data.  
\_X\_ USGS 8 and 12 digit HUC maps.*
  - d. *U.S. Geological Survey map(s). Cite scale & quad name:  
<https://ngmdb.usgs.gov/topoview/viewer/> - USGS; Tonawanda East - NY; 2019 – and as provided in the submitted delineation report.*
  - e. *Natural Resources Conservation Service Soil Survey. Citation:  
<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx> - Erie County, New York; accessed September 15, 2023 and as provided in the submitted delineation report.*
  - f. *National wetlands inventory map(s). Cite name:  
<https://www.fws.gov/program/national-wetlandsinventory/wetlands-mapper>, accessed on February 27, 2024 and as provided in the delineation report.*

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<sup>8</sup> 88 FR 3004 (January 18, 2023)

CELRB-TD-R

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of Sackett v. EPA, 143 S. Ct. 1322 (2023), LRB-2023-00911

- g. *State/local wetland inventory map(s): New York State Department of Environmental Resource Mapper - <https://gisservices.dec.ny.gov/gis/erm/>.*
- h. *Photographs:*
  - *Aerial (Name & Date): Google Earth aerial imagery November 2021, May 2022, May 2023. Connect Explorer Oblique imagery dated April 25, 2020 - <https://explorer.eagleview.com/>.*
  - *Other (Name & Date): Photographs included in the delineation report, dated September 1, 2020.*
- i. *Antecedent Precipitation Tool conducted for dates: September 18, 2023 – date of USACE site visit, 9/1/2020 – date of delineation, April 25, 2020 date of oblique imagery, and dates of Google Earth aerials – November 23, 2021, May 8, 2022, May 17, 2023.*

10. OTHER SUPPORTING INFORMATION. N/A.

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

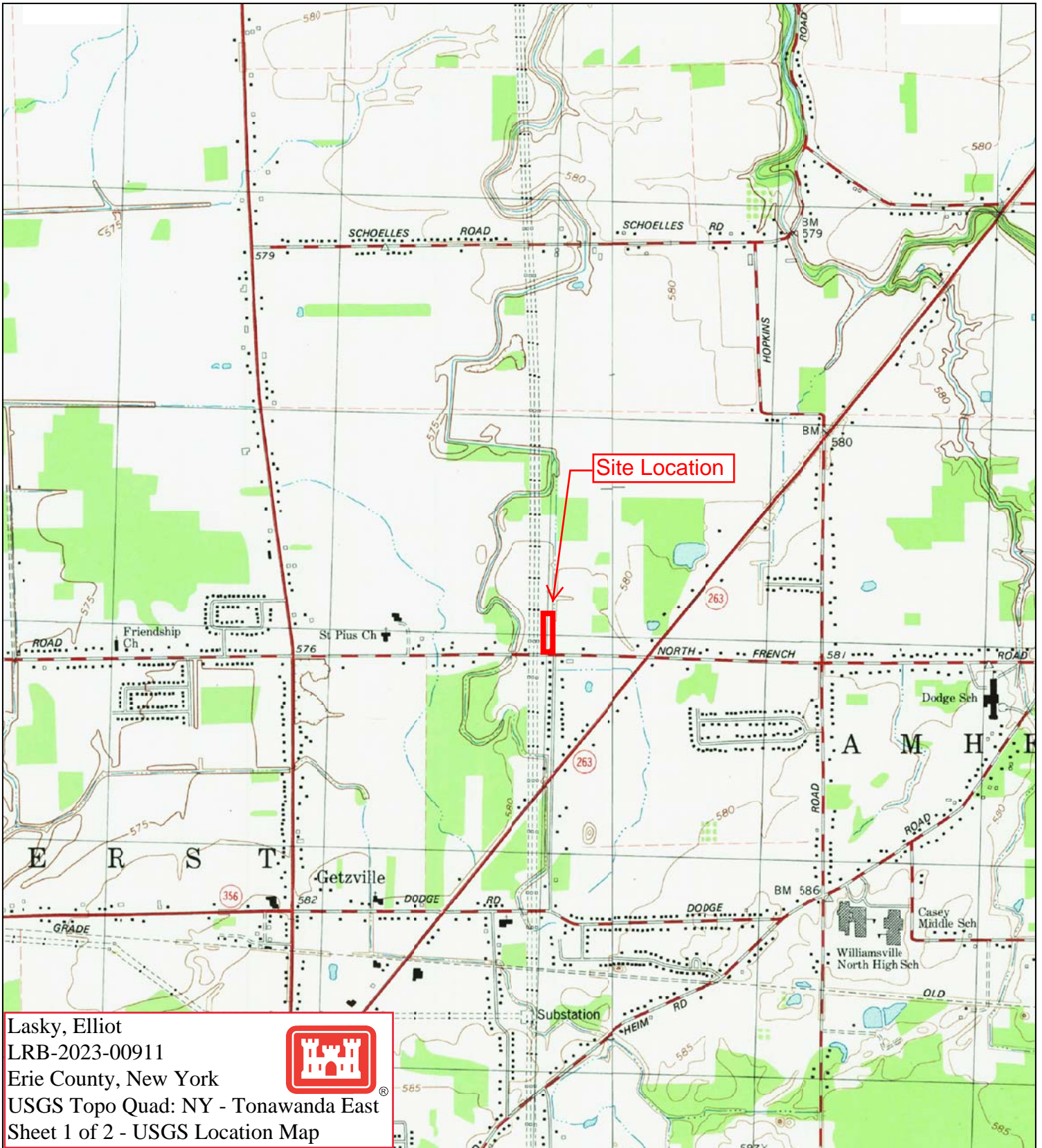
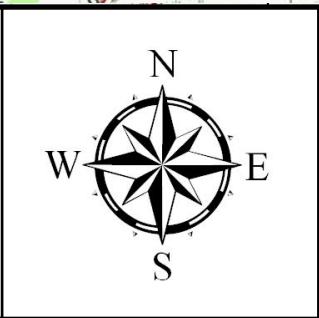


Figure 1: USGS Quadrangle Map  
 Tonawanda East Quadrangle  
 Scale 1: 24,000



Town of Amherst  
 Erie County, New York  
 Prepared for:  
 Mr. Elliot Lasky



1920 North French Road Sample Map



Lasky, Elliot  
LRB-2023-00911  
Erie County, New York  
USGS Topo Quad: NY - Tonawanda East  
Sheet 2 of 2 -Aquatic Resource Delineation  
Map - Dry land determination



50 ft



**WILSON**  
ENVIRONMENTAL  
TECHNOLOGIES, INC.

Note: The mapped points were recorded using a Garmin Handheld GPS and are not survey accurate.

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Lasky, Elliot		File Number: LRB-2023-00911	Date: March 14, 2024
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL WITHOUT PREJUDICE		C
	PERMIT DENIAL WITH PREJUDICE		D
X	APPROVED JURISDICTIONAL DETERMINATION		E
	PRELIMINARY JURISDICTIONAL DETERMINATION		F

### SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable**

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

**D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial**

You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration**

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

**F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable**

You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision you may contact:

Shaina Souder  
U.S. Army Corps of Engineers  
478 Main St,  
Buffalo, New York 14202  
Phone: (716)879-4240  
Email: Shaina.R.Souder@usace.army.mil

If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:

Katherine McCafferty  
Regulatory Appeals Officer  
US Army Corps of Engineers  
Great Lakes and Ohio River Division  
550 Main Street, Room 10780  
Cincinnati, Ohio 45202-3222  
Phone: 513-684-2699 Fax: 513-684-2460  
e-mail: katherine.a.mccafferty@usace.army.mil

**SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

<hr/> <p>Signature of appellant or agent.</p>	Date:
Email address of appellant and/or agent:	Telephone number:

---

**Exhibit 3 – Reduced Size Copy of the  
Concept Site Plan [Drawing C-100] for the  
Project as Prepared by Carmina Wood  
Morris DPC [Note: Full Size Copy of the  
Concept Site Plan is also attached]**

---

REVISIONS:

No.	Description	Date
4/1/24	Added Federal wetlands	
6/1/24	Updated Federal wetlands	
6/1/24	Updated per Owner Comments	
8/1/24	Updated per wetland delineation	

**PRELIMINARY**  
NOT FOR CONSTRUCTION

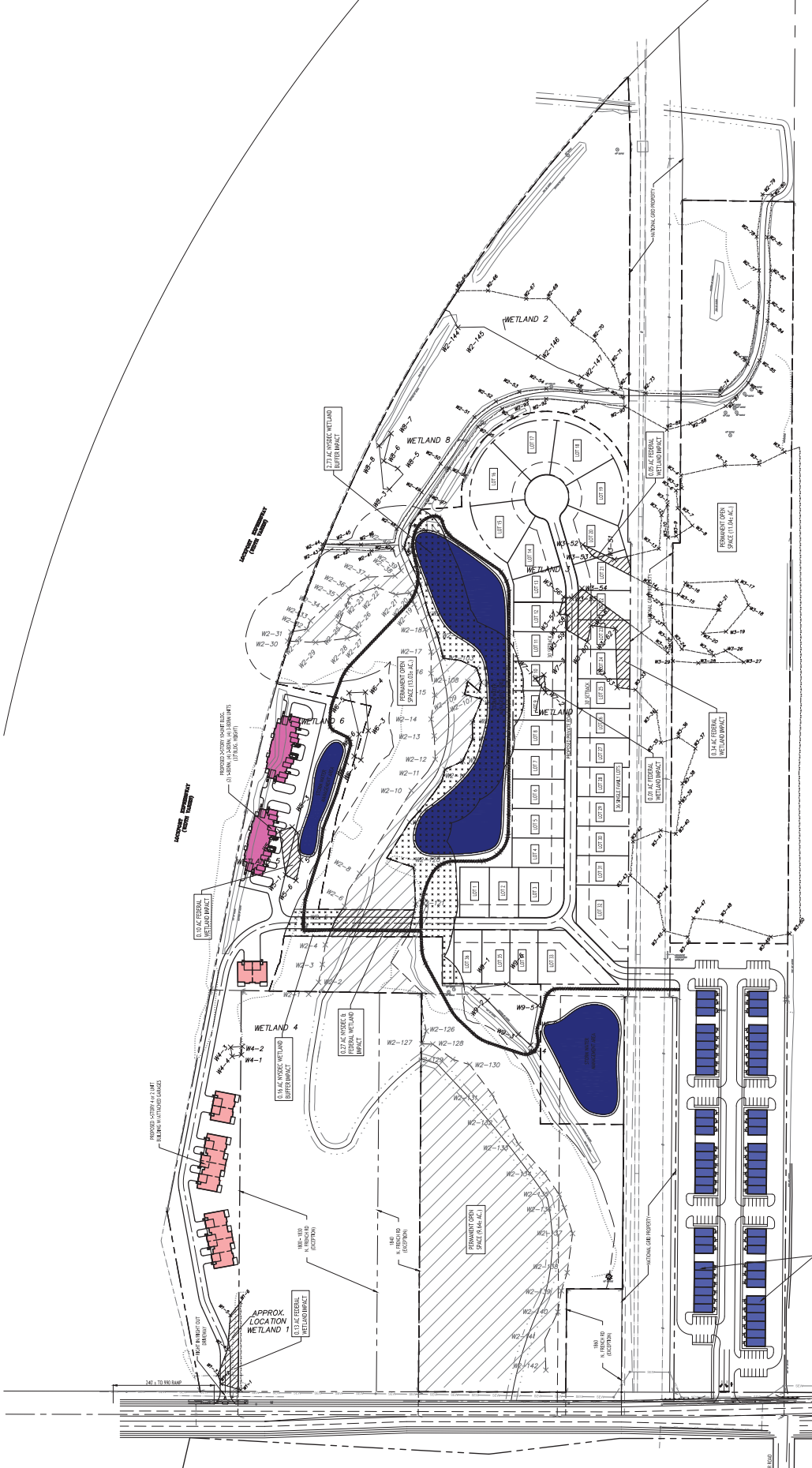
DRAWING NAME:  
**Concept Site Plan**

Date: 7/18/24  
Drawn By: J. Wood  
Scale: As Shown  
DRAWING NO.: **C-100**

Project No.: 23-4131



THE DESIGNER HAS CONDUCTED A VISUAL ANALYSIS OF THE SITE. CARMINWOOD ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THIS ANALYSIS.



**WETLANDS**

WETLANDS	427 AC
WETLAND IMPACTS	234 AC
WETLANDS TO BE REMOVED	137 AC
WETLANDS TO BE PRESERVED	290 AC
TOTAL WETLANDS	427 AC

**RESIDENTIAL USE SUMMARY**

APART 6-UNIT, 2-UNIT, 1-UNIT	43
TOTAL RESIDENTIAL UNITS	43
TOTAL RESIDENTIAL FLOOR AREA	57,000 SF

**COMMERCIAL USE SUMMARY**

COMMERCIAL USE	14,000 SF
TOTAL COMMERCIAL FLOOR AREA	14,000 SF

**PARKING**

RESIDENTIAL PARKING	14 SPACES
COMMERCIAL PARKING	14 SPACES
TOTAL PARKING	28 SPACES

**CONCEPT SITE PLAN**  
SCALE: 1" = 110'

This drawing, if drawn with A.C., J.C., or L.C.S., shall not be used, signed, or otherwise used for any purpose other than that for which it was prepared. The designer shall not be held responsible for the accuracy of the information provided in this drawing. The designer shall not be held responsible for the accuracy of the information provided in this drawing. The designer shall not be held responsible for the accuracy of the information provided in this drawing.

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**Exhibit 5 – Responses to Questions in Section  
4A of the of the Bicentennial Comprehensive  
Plan Application**

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## EXHIBIT 4

### RESPONSES TO QUESTION IN SECTION 4A OF BICENTENNIAL COMPREHENSIVE PLAN APPLICATION

Section 4A of the BCPA Application requests that information be provided regarding the description of any prospective action. The Project Sponsor is seeking to develop the parcels comprising the Project Site as a mixed-residential project based on the Residential District Three (“R-3”) and Multifamily Residential District Five (“MFR-5”) zoning classifications as depicted on the Concept Site Plan [Drawing C-100]. A reduced size copy of the Concept Zoning Plan [Drawing C-100 – Date: 08/19/24] is provided at **Exhibit “3”** and a full size copy is also attached.

The proposed mixed-residential project consists of the following components:

1. 57 townhome style units with attached garages;
2. 36 lots for detached single-family homes;
3. 32 multifamily units; and
4. All related site improvements including roadways, stormwater management, landscaping, lighting, utility improvements and connections

The proposed action has been defined broadly to include all required discretionary approvals and permits needed from governmental agencies. A copy of the completed Part 1 of the Full Environmental Assessment Form with Attachments “A to “C” is provided at **Exhibit “2”**. The proposed project is a Type I action pursuant to SEQRA. A full-size copy of the Concept Site Plan [Drawing C-100] prepared by Carmina Wood Morris DPC is attached and a reduced-size copy is also attached as **Exhibit “3”**.

The proposed mixed-residential project requires Figure 6 [titled “Conceptual Land Use Plan”] of the Comprehensive Plan to be amended. A marked-up color copies of Figure 6 of the Comprehensive Plan are attached as **Exhibit “7”**. Figure 6 of the Comprehensive Plan designates



the Project Site as appropriate for “Recreation, Open Space and Greenways”. The Project Sponsor is requesting that the designation be amended to “Medium Residential”.

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**Exhibit 5 – Responses to Questions in Section  
4B of the of the Bicentennial Comprehensive  
Plan Application**

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## EXHIBIT 5

### RESPONSES TO QUESTIONS IN SECTION 4B OF BICENTENNIAL COMPREHENSIVE PLAN APPLICATION

Section 4B of the BCPA Application requests that information be provided in support of the rationale for a requested Comprehensive Plan Amendment in the context of the following two (2) questions:

1. **How will the requested amendment to the Bicentennial Comprehensive Plan be consistent with *Section 2.2 (Vison Statement)*?**
2. **How will the requested amendment to the Bicentennial Comprehensive Plan be consistent with *Section 2.3 (Key Initiatives)*?**

Section 2.2 of the Comprehensive Plan is titled “Vision Statement” and states that the Town is renowned for an exceptional quality of life that derives from three fundamental attributes:

- **Livability:** Our healthy neighborhoods, outstanding public facilities and services, and active community life make Amherst an exceptional place to live and raise a family.
- **Community Character:** We wisely manage growth to preserve natural and historic resources, maintain green space throughout the community, and revitalize older neighborhoods and commercial corridors while accommodating quality new development.
- **Shared Direction:** As partners in the renewed prosperity of the Buffalo-Niagara region, we work together with neighboring communities and institutions and balance our multiple roles as a premier residential community and a complementary regional center of economic, cultural, and educational activity.

Section 2.2 of the Comprehensive Plan states that the Town’s Vision of the Future is defined the Town’s quality of life based on the following valued **characteristics of community**:

#### **LIVABILITY**

- Our **livable neighborhoods** offer a range of lifestyle and housing choices in urban, suburban, and rural settings.
- Pedestrian-friendly, interconnected, mixed-use **development patterns** provide citizens with convenient access to services and facilities and encourage walking, biking, and use of public transportation as alternatives to automobile trips.

- A safe, functionally efficient, and well-maintained **transportation system** provides choices for citizens through interconnected roadways, sidewalks, bike lanes, multi-use and natural trails, and transit options.
- The **community facilities and services** offered by the Town and other providers such as accessible parks and recreational programs, outstanding public schools, and public safety services that help maintain our reputation as one of the safest communities in America, are an integral part of our exceptional quality of life.
- Our active **community life** – culture and entertainment, sports and recreation, programs for people of all ages, and other activities, events, and places for people to gather – provides opportunities for all citizens to participate and enjoy shared experiences.

## COMMUNITY CHARACTER

- Vibrant **older neighborhoods**, such as Eggertsville, Snyder, Swormville, Getzville, and Williamsville, and the **commercial areas** serving them are revitalized and attract continuing investment.
- We protect and preserve valued **open spaces** and **natural and scenic resources** throughout the community.
- We respect our **history and heritage** by preserving historic resources and by remembering and interpreting Amherst’s history for future generations.
- We maintain a clean, **healthy environment** by dedicating resources to protect against noise, light, air, and water pollution.
- We set high standards for the **quality of development and redevelopment** to complement our established community character.
- The **visual character** of the Town is enhanced by landscaping, protection of woodlands and tree canopy, and careful attention to the design of roadways, scenic corridors, and public places.

## SHARED DIRECTION

- The Town takes a leadership role in promoting **intergovernmental cooperation** and in pursuing partnership initiatives to address issues shared with our neighboring communities.
- Our healthy, **diverse economy** provides a strong tax base and good job opportunities, contributing to the retention of our talented youth and attracting others to live, work, and invest in our community.

- In **carefully managing growth**, we **balance** the benefits of economic development with the need to maintain livability and preserve community character.
- The Town, together with the **University at Buffalo and other educational institutions**, work together to address issues of common concern, such as retaining young people in the community, diversifying the economy, and strengthening neighborhoods around the campuses.
- **Town government** exercises leadership, responds to the concerns of citizens, and challenges them to become positively involved in community affairs.

The requested Comprehensive Plan Amendment to accommodate the proposed mixed-use project is consistent with the Town’s Vision of the Future since it will offer a range of housing choices in a suburban setting in a mixed-use environment with a substantial portion of the Project Site consisting of Permanent Open Space. The proposed residential project will not result in any potentially significant adverse impacts to important environmental resources. The proposed residential project will also enhance the visual character of the Project Site by providing extensive landscaping on the vacant site.

The project will also contribute to the Town’s strong tax base without the need for any public infrastructure improvements since the Project Site represents an infill site with access to public infrastructure including North French Road and the surrounding roadway network including the I-990, sanitary sewer infrastructure, etc.

Section 2.3 of the Comprehensive Plan is titled “Key Initiatives”. It states that there are four (4) Key Initiatives proposed to provide a focus for the Town’s efforts to achieve the Vision Statement. These initiatives represent areas in which the Town will “raise the bar” in order to move towards a position of excellence consistent with the Vision.

- ***Aesthetic/Community Character:*** To be renowned for the beauty, character, and environmental quality of the Town – its parks, greenways, tree canopy, and protected open space; a diverse environment, including areas with rural character; walkable, livable neighborhoods; and high aesthetic standards for commercial development. Examples of Comprehensive Plan policies that will support this initiative include:

- 3-5 Apply design standards to enhance community character and sense of place
- 3-6/6-1 Designate “special character roads” as scenic corridors and apply design standards to maintain their appearance
- 3-13 Designate a town-wide open space and greenway network to be achieved through a variety of mechanisms
- 4-11 Implement a “Greening Amherst” planting initiative consistent with a program to manage the “Town Landscape”
- **Education:** To become known as a leading national "knowledge-based" community that has set high standards for public education and fully integrated a major university into the life of the community. Areas of potential focus include economic development, sports and culture, information and research-based technologies, and life-long learning initiatives. The following Comprehensive Plan policies will support this initiative:
  - 5-4 Work with educational institutions on lifelong learning and other programs to train, attract, and retain a skilled workforce
  - 5-7 Work with UB to create mixed-use activity centers around the periphery of the campuses
  - 5-8 Work with UB to promote more educational, social, and cultural ties to the Town and to reinforce the role of both campuses as activity centers.
  - 5-9 Establish an ongoing, collaborative planning structure with UB
- **Revitalization:** To become a model for effective reinvestment and revitalization of older neighborhoods and commercial areas, through creative use of investment incentives targeted toward revitalization and reduced pressure for the development of raw land at the suburban-rural fringe. Examples of relevant Comprehensive Plan policies include:
  - 3-8 Provide tax incentives for reinvestment, revitalization, and redevelopment of commercial properties and housing in older areas with significantly less emphasis on new “greenfield” development
  - 3-9 Rezone and/or provide incentives for reuse of underutilized/ obsolescent land for economically viable uses
  - 3-10 Tailor commercial zoning districts to the unique physical characteristics of older commercial areas in need of revitalization

8-7 Initiate a neighborhood revitalization program to promote revitalization of designated neighborhoods through measures such as code enforcement, capital improvements, and design standards

- **Governance:** To exercise leadership at the local and regional levels by:
  - Retaining the Town's reputation for excellent services and facilities while ensuring fiscal balance
  - Establishing a framework for managing development that promotes predictability, fairness, and quality and eliminates conflicts over development decisions

Examples of relevant Comprehensive Plan policies include:

3-16 Improve the predictability and consistency of the zoning and other development approval processes through the application of clear town- wide land use policies

3-17 Set clear standards for development quality to increase the level of certainty in the development review and approval process

9-1 Establish an on-going system to identify and prioritize community facility and service needs

9-8 Reconcile needs for community facilities and services with the fiscal capacity of the Town through the capital programming process

The requested Comprehensive Plan Amendment to accommodate the proposed mixed-use project is consistent with the applicable Key Initiatives as listed above including “Aesthetic/Community Character” since it will enhance the visual character of the Project Site and result in the creation of a sense of place. The project is consistent with the “Revitalization” Key Initiative since the Project Site represents an infill location serviced by existing public infrastructure as opposed to a “greenfield” development. The requested rezoning of the Project Site from SA to R-3 and MFR-5 is consistent of the policy referenced on Page 2-6 of the Comprehensive Plan of rezoning sites that are underutilized.

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**Exhibit 6 – Responses to Questions in Section  
4C of the of the Bicentennial Comprehensive  
Plan Application**

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## **EXHIBIT 6**

### **RESPONSES TO QUESTIONS IN SECTION 4C OF BICENTENNIAL COMPREHENSIVE PLAN APPLICATION**

Section 4C of the BCPA Application requests that information be provided regarding the reasons the Comprehensive Plan Amendment aligns with the defined policies in Sections 3-9 of the Comprehensive Plan. As described in Exhibit “4” of this Application, the Project Sponsor is seeking to develop the three parcels comprising the “Project Site” as a residential project based on the MFR-5 and R-3 zoning classifications. The entire Project Site is currently zoned Suburban Agriculture District (“SA”).

The proposed project consists of the following components:

1. 57 townhome style units with attached garages;
2. 36 lots for detached single-family homes;
3. 32 multifamily units; and
4. All related site improvements including roadways, stormwater management, landscaping, lighting, utility improvements and connections

A full-size copy of the Concept Site Plan [Drawing C-100] prepared by Carmina Wood Morris DPC is attached and a reduced-size copy is also attached as **Exhibit “3”**.

The proposed residential project requires Figure 6 [titled “Conceptual Land Use Plan”] and of the Comprehensive Plan to be amended. A copies of Figure 6 of the Comprehensive Plan is attached as **Exhibit “7”**. Figure 6 of the Comprehensive Plan designates the Project Site as appropriate for “Recreation, Open Space & Greenways”. The Project Sponsor is requesting that the designation of the Project Site be amended to “Medium Residential Use”.

**I. CONSISTENCY WITH POLICIES IN SECTION 3 OF THE COMPREHENSIVE PLAN (TITLED “LAND USE AND DEVELOPMENT”):**

Section 3 of the Comprehensive Plan is titled “Land Use and Development” and according to Section 3.2 the Goal is “An interconnected mix of land uses that includes revitalized older neighborhoods and commercial centers and corridors, quality new development, vibrant activity centers, agriculture, and green spaces throughout the community.”<sup>1</sup> The six (6) Objectives for “Land Use and Development” as set forth in Section 3 of the Comprehensive Plan are as follows:

- **Promote the development/revitalization of walkable higher density, mixed-use centers surrounded by lower density development;**
- **Implement context-sensitive zoning and incentives to improve the quality and appearance of non-residential development;**
- **Encourage revitalization and reinvestment in older neighborhoods and commercial corridors in Amherst;**
- **Target capital improvements to leverage private investment and enhance community appearance;**
- **Establish a town-wide network of parks, open spaces, and greenway corridors; and**
- **Improve the predictability and consistency of the development review and decision-making process<sup>2</sup>**

**POLICIES:**

**A. Development Patterns:**

According to the language on Page 3-4, “[T]he Comprehensive Plan land use policies should guide the distribution of development, but are not intended to alter the amount of development in Amherst. The Plan is a tool to redistribute densities to appropriate locations while

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<sup>1</sup> See Page 3-4 of the Comprehensive Plan.

<sup>2</sup> See Page 3-4 of the Comprehensive Plan.

maintaining lower density development in the surrounding areas. This will result in more sustainable land use patterns that help to implement objectives such as promoting pedestrian-friendly development; preserving open space; and establishing centers of community activity.”

### **3-1 Expand provisions and incentives for mixed-use development of commercial centers.**

The proposed Comprehensive Plan Amendment to accommodate a residential project is consistent Policy 3-1 since it will result in a residential project at a location in close proximity to large office parks including Cross Pointe Business Park and also with direct access to the I-990. The mixture of residential uses on the Project Site directly adjacent to the Cross Pointe Business Park will result in a mixed-use area. The conceptual layout of the of the project as depicted on the Concept Site Plan [Drawing C-100] is Page 3-5 of the Comprehensive Plan states that the following strategies can be used to achieve mixed use development:

- **Provide a focus for new development and revitalization in the Town, consistent with protecting the character of adjacent residential areas; and**
- **Enhance the viability of surrounding neighborhoods by providing identifiable centers of community activities such as shopping, work, recreation, and meetings**

The proposed residential project is consistent with the above two strategies since it will assist the Town in its continued efforts to encourage residential projects in close proximity to large office parks. Additionally, the proposed project is consistent with many the advantages of mixed-use forms of development set forth on Pages 3-5 to 3-7 of the Comprehensive Plan including the following:

- **To provide added economic incentive and flexibility for revitalization of aging and obsolescent commercial areas**
- **To provide additional housing opportunities and choices, including higher density and affordable housing in appropriate areas**
- **To provide a more compact livable and walkable alternative to the prevalent pattern of commercial strip development and separated uses**

- **To provide a focus for new development, infill, and redevelopment of commercial centers, as opposed to furthering strip commercial development along corridors such as Main Street, Sheridan Drive, Maple Road, North French Road, and Millersport Highway**
- **To promote development that supports pedestrian and bicycle travel as well as transit use, thereby reducing auto usage and resulting roadway congestion and air pollution**
- **To encourage higher density centers of activity that exhibit high-quality design and a sense of place**
- **Mix of uses<sup>3</sup>**
- **Connectivity and integration of uses**
- **Urban design amenities**
- **Active street frontage**
- **Compactness**
- **Convenient vehicular and pedestrian/bicycle access from surrounding neighborhoods**
- **Modified parking layout<sup>4</sup>**

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<sup>3</sup> The text on Page 3-7 of the Comprehensive Plan states: “It should be noted that certain types of use mixes offer little or no benefit and may exacerbate land use conflicts and traffic congestion. These may include, for example, disconnected out parcels for gas stations, fast food, or other forms of strip commercial development. Because such uses emphasize vehicular access, their use in a mixed-use development should be discouraged.” The proposed residential project does not represent a discouraged form of a mixture of land uses.

<sup>4</sup> The text on Page 3-7 of the Comprehensive Plan states as follows: “In order to achieve a walkable, integrated development with an active street frontage, parking must be carefully designed. Parking is typically ancillary to the development, located behind or to the sides of buildings, with clearly defined pedestrian walkways that link parking to nearby buildings.” The project has been designed to avoid large parking lot and the parking areas will include interior landscaping and dark sky compliant lighting.

**3-2 Encourage compact, pedestrian-friendly development through Planned Residential options, including but not limited to neo-traditional design.**

Policy 3-2 does not apply to the Comprehensive Plan Amendment since the Project Sponsor is not seeking to develop the Project Site based on a Planned Residential District (PRD) option as described on Pages 3-7 and 3-8 of the Comprehensive Plan.

**3-3 Modify provisions of the Suburban Agricultural District to reduce conversions of rural to suburban development patterns.**

The Project Site is not appropriately located for long-term agricultural use given its location directly next to the I-990 and at a location serviced by public infrastructure.

**3-4 Reduce future new commercial development in North Amherst and along highway strips.**

The residential project will not result in any commercial development on the Project Site.

**B. Development Character:**

**3-5 Employ design standards to enhance community appearance and a strong identity and character.**

Policy 3-5 states “[T]hat Design standards are effective tools to guide and shape new development and revitalization initiatives and are important in addressing such issues as impacts on the visual character of public roadways and on adjacent residential areas.”<sup>5</sup> The text accompany Policy 3-5 states that Design standards should address the following nine “Development Considerations”:

- Landscaping and lighting;
- Screening of visually obtrusive elements;
- Placement of building and parking areas;
- Use and placement of land use transitions;

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<sup>5</sup> See Page 3-10 of the Comprehensive Plan.

- General building design;
- Scale;
- Access and connectivity;
- Public safety; and
- Signage

The proposed residential project will be consistent with above list of “Development Considerations” and will include extensive landscaping as well as screening and the on-site lighting will comply with the Town’s stringent lighting standards. A Landscape Plan and Photometric Plan will for the project will both need to be approved in connection with a future request for Site Plan Approval and Subdivision from the Planning Board for the proposed project.

The layout of the proposed project as depicted on the Concept Site Plan [Drawing C-100] is suitable in terms of the design and placement of land-use transitions since the higher density portion of the project consisting of attached townhomes with garages will be located along the North French Road frontage and the eastern portion of the Project Site that is adjacent to Cross Pointe Business Park.<sup>6</sup> The mixed-use components of the project are consistent with the language regarding “Streetscape, access and connectivity” on Pages 3-11 and 3-12 of the Comprehensive Plan since there will only be two curb cuts onto North French Road that will provide access to the mixture of residential uses. North French Road is an Erie County Highway.<sup>7</sup>

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<sup>6</sup> The relevant text on Page 3-11 of the Comprehensive Plan states, “Many of Amherst’s commercial and mixed-use areas are directly adjacent to residential areas with varying distances between them. When dissimilar land uses are located adjacent to one another undesirable impacts may result. These impacts can be mitigated through thoughtful design and purposeful placement of transitional space, landscaping, and screening. Guidelines for providing effective transitions should be included in the Town Zoning Code (*Amended 12-11-17; BCPA-2017-01*).

<sup>7</sup> The relevant text on Pages 3-11 and 3-12 of the Comprehensive Plan states, “The Town’s Context-Sensitive Highway Design Report provides guidance on issues such as street geometry, sidewalks and bicycle use, and streetscape elements such as trees, lighting, and other aesthetic

While the signage for the proposed project has not yet been designed, the signage will be consistent with the architectural style and scale of buildings.<sup>8</sup>

**3-6 Apply context-sensitive design standards to designated character roads.**

The layout of the project will ensure there is landscaping and an upscale appearance along the North French Road.

**3-7 Protect and retain the identity of special places through design guidelines.**

Policy 3-7 does not apply to the Comprehensive Plan Amendment since the Project Site is not located as described on Page 3-13 of the Comprehensive Plan.<sup>9</sup>

**C. Reinvestment:**

**3-8 Consider tax incentives for reinvestment, revitalization, and redevelopment of commercial properties and housing in older areas with less emphasis on new "greenfield" development.**

The proposed Comprehensive Plan Amendment to accommodate a proposed residential project is consistent Policy 3-8 since it will result in a project that has been designed to consider

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elements. Access and connectivity considerations include limiting the number of curb cuts, providing vehicular/pedestrian connections.”

<sup>8</sup> The relevant text on Pages 3-11 and 3-12 of the Comprehensive Plan states, The relevant text on Pages 3-11 and 3-12 of the Comprehensive Plan states, “Signs can play an important role in defining the character and context of an area. Sign regulations and standards need to be more sensitive to the local context, improve aesthetic character, and reduce “visual clutter” along commercial corridors. In general, signage should be consistent with the architectural style and scale of buildings and be an integral component of the building and site.

<sup>9</sup> The text accompany Policy 3-7 states as follows: “Certain places within the Town of Amherst have a special identity defined by factors such as historic character (e.g., former “hamlets” such as Getzville and Swormville), geographic location (e.g., at a highway interchange or gateway entrance to the Town), or presence of an important community resource (e.g., a major park, public or private buildings or open space, or an educational campus).”

environmental resources including no impacts to the on-site jurisdictional NYSDEC Freshwater Wetland.

**3-9 Advance the redevelopment and revitalization of underutilized, obsolete, and vacant properties for economically viable uses.**

The proposed Comprehensive Plan Amendment to accommodate a residential project is consistent Policy 3-9 since it will result in a residential project on underutilized property that is vacant and not properly zoned for a long-term economically viable use.<sup>10</sup>

**3-10 Target capital investments to improve the aesthetic character of key locations within the Town.**

The proposed Comprehensive Plan Amendment to accommodate the proposed residential project is consistent Policy 3-10 since it will result in a substantial investment of funds that will improve the aesthetic character of a key location on the north side of North French Road between the I-990 and Cross Pointe Business Park.

**3-11 Initiate public capital investment projects to encourage/support private investment.**

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<sup>10</sup> The text on Page 3.17 of the Comprehensive Plan describes “Suburban Centers and Corridors” as one of the identified land use scenarios in which revitalization may occur or be desired and states as follows: “Suburban areas typically include larger parcels connected by higher speed thoroughfares without many walkable connections and may have little existing place identity. These centers and corridors may not be able to accommodate contemporary forms of retail and other commercial uses and may require revitalization through reinvestment, redevelopment, or retrofitting existing buildings/sites to remain competitive. Goals for revitalizing these areas include 1) creating opportunities for incremental change, 2) improving the relationship between streets and buildings, 3) improved accessibility through accommodation for multiple modes of travel, and 4) managing vehicular access on major roadways. (Amended 9-3-19; BCPA-2017-01A)



Policy 3-11 does not apply to the Comprehensive Plan Amendment since the proposed mixed-use and residential project is not dependent on a public capital investment project.

**E. Open Space System:**

**3-12 Designate a town-wide open space and greenway network to be achieved through a variety of mechanisms.**

While Policy 3-12 does not apply to the Comprehensive Plan Amendment, it is important to mention that a substantial portion of the Project Site will consist of permanent open space and there will be an on-site recreational trail.

**3-13 Encourage conservation development with incentives for the dedication of open space in private developments.**

The project layout includes a substantial amount of permanent open space. Per Policy 3-13, the Project Sponsor would be willing to dedicate the permanent open space within the private development to the Town.

**3-14 Initiate a public open space acquisition program consistent with the open space, recreation, and greenway network.**

Policy 3-14 does not apply to the Comprehensive Plan Amendment.

**F. Development Review and Approval Process:**

**3-15 Improve the predictability and consistency of the rezoning and other development approval processes through the application of clear town-wide land use policies.**

**3-16 Set clear standards for development quality to increase the level of certainty in the development review and approval process.**

**3-17 Provide for periodic review and revision of the Comprehensive Plan and development regulations.**

Policies 3-15 to 3-17 as set forth above are not specifically applicable to the Comprehensive Plan Amendment and pertain more generally to the review processes to be utilized for proposed projects in the Town.

**II. CONSISTENCY WITH POLICIES IN SECTION 4 OF THE COMPREHENSIVE PLAN (TITLED “NATURAL AND CULTURAL RESOURCES”):**

Section 4 of the Comprehensive Plan is titled “Natural and Cultural Resources and according to Section 4.3 of the Comprehensive Plan the Goal is “Sensitive environmental and cultural resources identified and preserved as part of the physical fabric of the community”.<sup>11</sup> The two (2) Objectives for “Land Use and Development” set forth in Section 4 of the Comprehensive Plan are as follows:

- **Establish an interconnected open space network that incorporates significant natural and cultural resources.**
- **Protect sensitive environmental resources through improved regulations, policies, and management, including:**
  - **Water resources and wetlands**
  - **Air quality**
  - **Trees and woodlands**
  - **Historic and cultural resources**<sup>12</sup>

There are fourteen (14) policies contained in Chapter 4 of the Comprehensive Plan and the policies pertain largely to the appropriate consideration of environmental resources in connection with proposed projects. It is important to mention that the Project Site does not consist entirely of a wetland subject to the jurisdiction of the New York State Department of Environmental Conservation as depicted on Figure 7 of the Comprehensive Plan [titled “Water Resources”].

The project has been designed and scaled back compared to the previously proposed mixed-use and residential project in connection with an effort to minimize wetland impacts to the

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<sup>11</sup> See Page 4-2 of the Comprehensive Plan.

<sup>12</sup> See Page 4-2 of the Comprehensive Plan.

maximum extent practicable. The layout of the project has been designed deliberately to minimum impacts to the NYSDEC Wetland TE-18 and the regulated 100 ft. Adjacent Area.

The proposed residential project will also be required to comply with the stringent stormwater quality and quantity standards of the New York State Department of Environmental Conservation and the stormwater quantity standards of the Town of Amherst.

**III. CONSISTENCY WITH POLICIES IN SECTION 5 OF THE COMPREHENSIVE PLAN (TITLED “ECONOMIC DEVELOPMENT”):**

Section 5 of the Comprehensive Plan is titled “Economic Development” and according to Section 5.2 of the Comprehensive Plan the Goal is “A Town with a strong tax base and ample economic opportunities for a diverse base of employers and employees, housed in attractive, state-of-the-art commercial developments in convenient and accessible locations.” The five (5) Objectives for “Economic Development” as set forth in Section 5 of the Comprehensive Plan are as follows:

- Maintain Amherst’s strong tax base
- Attract more high-paying jobs to the Town
- Ensure that economic development and redevelopment respect the character and quality of life of Amherst’s residential communities
- Capitalize on the presence of the University at Buffalo to leverage University-related economic development opportunities
- Build partnerships with development agencies, private industry, and educational and research institutions to promote economic development in Amherst and throughout the region<sup>13</sup>

**POLICIES:**

**A. Tax Base and Employment:**

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<sup>13</sup> See Pages 5-2 and 5-3 of the Comprehensive Plan.

According to the language on Page 5-3, “A healthy tax and employment base are essential not only to Amherst’s economy, but also to the Town’s quality of life. Studies have shown that commercial retail, office, and industrial development partially subsidize the cost of providing high-quality community facilities and services to residents. Without such development, the burden on residential taxpayers would be significantly higher. Competitive employment is also important in providing economic opportunities to Amherst residents.” The Project Site currently consists of vacant land that generates insubstantial annual tax revenues. The proposed project will dramatically increase the annual property tax revenues to be received by the Town, the school district and Erie County and a large portion of the residential components consisting of multifamily units for lease will not generate a substantial demand for educational services.

**5-1 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.**

The proposed Comprehensive Plan Amendment to accommodate a residential project is consistent Policy 5-1 since high quality housing is a necessity to attract higher paying employment opportunities.

**5-2 Build flexibility into non-residential zoning so that options are available for the various stages of business development.**

Policy 5-2 does not apply to the Comprehensive Plan Amendment.

**5-3 Promote economic development through collaborations between government, educational institutions, health care organizations, and private industries.**

While Policy 5-3 does not specifically apply to the Comprehensive Plan Amendment, it is important to mention that the Project Site is located in close proximity to private industries including the large Cross Pointe Business Park directly to the east. There are numerous businesses in nearby office parks that employ individuals who will benefit from having the ability to live in

an upscale residential unit with direct and easy access their place of employment as well as the I-990.

**5-4 Work with educational institutions on lifelong learning and other programs to train, attract, and retain a skilled workforce.**

Policy 5-4 does not apply to the Comprehensive Plan Amendment.

**B. Community Character and Quality of Life:**

**5-5 Promote commercial development patterns that reduce neighborhood impacts.**

The proposed Comprehensive Plan Amendment to accommodate a residential project is consistent with Policy 5-5. The Project Site is located on the north side of North French Road, which is an Erie County Highway that bisects the Town in an east-west direction and is more suitable for a residential project rather than the very limited uses expressly permitted in the existing Suburban Agriculture (“SA”) zoning district.

**5-6 Adopt commercial development standards for neighborhood compatibility with context sensitive design guidelines.**

The proposed Comprehensive Plan Amendment to accommodate a mixed-use and residential project is consistent with Policy 5-6 since the layout of the project as depicted on the Concept Site Plan has been designed to be generally consistent with the standards set forth in Section 5A of the Zoning Code [titled “Mixed Use Districts”].

**C. University of Buffalo:**

Policies 5-7 to 5-9 of the Comprehensive Plan pertain to the synergies that can result from collaboration between the Town and the University of Buffalo and as such do not apply to the proposed Comprehensive Plan Amendment. It is important to mention that the Project Site is not located very far from the UB North Campus and as such would offer the thousands employees of

SUNY who work at the UB North Campus with housing that is directly accessible to the campus via the I-990.

**D. Regional Economic Development:**

Policies 5-10 and 5-11 of the Comprehensive Plan pertain to the benefits that can result from a healthy economy in Western New York and positioning the Town as a regional technology center. An important aspect of positioning the Town as a regional technology center is providing various types of high quality housing choices for employees and the proposed mixed-use and residential project will result in high quality attached and detached housing units at a very convenient location with easy access to the I-990.

**III. CONSISTENCY WITH POLICIES IN SECTION 6 OF THE COMPREHENSIVE PLAN (TITLED “TRANSPORTATION”):**

Section 6 of the Comprehensive Plan is titled “Transportation” and according to Section 6.2 of the Comprehensive Plan the Goal is “An efficient, multi-modal transportation system that accommodates the automobile, maintains neighborhood character, and emphasizes alternative means of travel, including walking, biking, and public transportation.”

The four (4) Objectives for “Transportation” as set forth in Section 6 of the Comprehensive Plan are as follows:

- **Create a roadway network that improves efficiency and connectivity while preserving neighborhood character;**
- **Develop the existing bicycle/pedestrian system into a townwide, interconnected network that facilitates connections between vehicular and non-vehicular transportation;**
- **Work with the Niagara Frontier Transportation Authority to provide adequate public transit service, particularly to mixed use activity centers identified in the Conceptual Land Use Plan; and**

- **Establish a town traffic assessment and planning capability to manage and maintain local highways<sup>14</sup>**

**POLICIES:**

**A. Road Network:**

**6-1 Designate roadway corridors for application of context sensitive design standards to maintain their character.**

North French Road is designated as Minor Arterial on Figure 9 of the Comprehensive Plan [titled “Future Thoroughfare System”]. The proposed project is consistent with Policy 6-1 since the project layout includes a focus on the limited North French Road and includes on-site pedestrian friendly amenities such as sidewalks and a recreational trail.

**6-2 Modify the Town’s engineering standards for roadways to reduce neighborhood impacts.**

Policy 6-2 does not apply to the Comprehensive Plan Amendment since the proposed project which includes infrastructure to be designed based on current standards.

**6-3 Establish a town highway planning capability to manage the local road network.**

Policy 6-3 does not apply to the Comprehensive Plan Amendment.

**6-4 Enhance transportation system capacities through operational improvements, including improved access management and a comprehensive signal-timing plan.**

Policy 6-4 does not apply to the Comprehensive Plan Amendment. It is important to mention that the Project Sponsor has authorized Passero Associates to prepare a Traffic Impact Study to evaluate the potential traffic impacts that will result from the proposed residential project. The Traffic Impact Study will be submitted to the Planning Department once it has been finalized.

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<sup>14</sup> See Pages 6-3 and 6-4 of the Comprehensive Plan.

**6-5 Undertake a capital program to maintain or improve the efficiency of the existing road system.**

Policy 6-5 does not apply to the Comprehensive Plan Amendment.

**6-6 Accept a certain level of traffic congestion as a “given” and expand investments in alternative transportation modes and compact, mixed-use development patterns.**

The text on Pages 6-14 and 6-15 of the Comprehensive Plan states as follows: “Given the limits placed on future roadway improvements by funding constraints and the need to preserve neighborhood character, combined with Amherst’s established and growing function as a regional employment center, it is not expected that the above policies will “solve” congestion problems in the Town. Instead, the Comprehensive Plan transportation policies involve a shift away from an emphasis on functional efficiency for the automobile towards a more balanced transportation system that achieves other community objectives. As described in Sections B and C below, this shift includes expanded investment in facilities to support alternative travel modes (e.g., trails, sidewalks, bikeways, and transit).<sup>15</sup> Equally important is the coordination of transportation and land use policies to promote compact, mixed-use development patterns that reduce automobile dependency and encourage walking.”

The proposed Comprehensive Plan Amendment to facilitate the proposed residential project is not inconsistent with Policy 6-6 since the layout has been designed to encourage on-site walking between the various land use components.

**B. Bicycle/Pedestrian Network:**

**6-7 Develop a comprehensive bicycle network, using a rating system to identify and prioritize improvements.**

Policy 6-7 does not apply to the Comprehensive Plan Amendment.

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<sup>15</sup> The reference to B and C relates to Policies 6-7 to 6-9 of the Comprehensive Plan.



**6-8 Develop a comprehensive pedestrian network of sidewalks, crosswalks, and trails.**

Policy 6-8 does not apply to the Comprehensive Plan Amendment.

**C. Transit Service:**

**6-9 Work with NFTA to improve transit service and provide connections to activity centers (e.g., UB and Eggertsville).**

Policy 6-9 does not apply to the Comprehensive Plan Amendment.

**IV. CONSISTENCY WITH POLICIES IN SECTION 7 OF THE COMPREHENSIVE PLAN (TITLED “INFRASTRUCTURE”):**

Section 7 of the Comprehensive Plan is titled “Infrastructure” and according to Section 7.2 of the Comprehensive Plan the Goal is as follows: “Well-maintained and cost-effective infrastructure systems that provide public water, sewer, stormwater, and other utility services within the Town of Amherst, consistent with Comprehensive Plan policies to promote sustainable land use and economic development and protect natural resources.”

The two (2) Objectives for “Infrastructure” as set forth in Section 7 of the Comprehensive Plan are as follows:

- **Establish a town-wide program with plans and policies to effectively manage stormwater runoff, including flooding and stormwater quality; and**
- **Maintain and upgrade existing sanitary sewer infrastructure to support existing and projected needs. Limit future service extensions to those needed to serve development areas designated on the Conceptual Land Use Plan<sup>16</sup>**

**POLICIES:**

**A. Stormwater Management:**

**7-1 Develop a program to address flooding and other stormwater management issues in coordination with other responsible agencies.**

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<sup>16</sup> See Page 7-3 of the Comprehensive Plan.

Policy 7-1 does not apply to the Comprehensive Plan Amendment which states the Town should implement flood mitigation measures as recommended in the Town Flood Mitigation Plan Report and the Ransom Creek Improvement Study.

**7-2 Implement “low impact development” standards and techniques designed to reduce the quantity and improve the quality of stormwater runoff from development.**

Policy 7-2 does not specifically apply to the Comprehensive Plan Amendment. However, it is important to that during the future Site Plan and Subdivision review processes for the proposed residential project, engineered plans will be required to demonstrate compliance with the stringent stormwater quality and quantity standards of the New York State Department of Environmental Conservation. Engineered plans and a SWPPP with Engineer’s Report will accompany the future submission of Site Plan and Subdivision Applications.

**B. Sanitary Sewer System:**

**7-3 Give priority to repairs to existing infrastructure systems, rather than extensions to serve new greenfield development.**

The proposed Comprehensive Plan Amendment to accommodate a residential project is consistent Policy 7-3 since the Project Site is serviced by existing sanitary sewer infrastructure. The mixed-use and residential project will also be required to comply with the NYSDEC Inflow and Infiltration policy that applies to specified categories of projects that will generate a daily average of greater than 2,500 gpd of daily sanitary sewer flow.

**7-4 Redefine the boundaries of the Consolidated Sanitary Sewer District in the northern part of the Town to exclude rural and agricultural areas designated for protection and include areas designated for more intensive development. Promote the importance of proper maintenance of private disposal systems or septic systems to limit sewer extensions into protected areas. (Amended 09-08-15; BCPA-2014-01)**

Policy 7-4 does not apply to the Comprehensive Plan Amendment.

V. **CONSISTENCY WITH POLICIES IN SECTION 8 OF THE COMPREHENSIVE PLAN (TITLED “HOUSING AND NEIGHBORHOODS”):**

Section 8 of the Comprehensive Plan is titled “Housing and Neighborhoods” and according to Section 8.2 of the Comprehensive Plan the Goals are as follows

- **Decent and affordable housing choices available to all residents;** and
- **Healthy and diverse neighborhoods, including conserved and revitalized older parts of Amherst<sup>17</sup>**

The three (3) Objectives for “Housing and Neighborhoods” as set forth in Section 8.2 of the Comprehensive Plan are as follows:

- **Ensure the availability of housing affordable to all socioeconomic groups in Amherst;**
- **Promote a diverse housing stock, with higher density housing focused on mixed-use activity centers; and**
- **Implement a coordinated program to conserve and revitalize Amherst’s neighborhoods.<sup>18</sup>**

**POLICIES:**

A. **Affordable Housing:**

**8-1 Continue existing housing policies that promote home ownership and affordability.**

The Project Sponsor is willing to consider a workforce housing component if feasible and this topic will be discussed with the Amherst IDA. The residential component includes lots for detached single-family homes that will promote home ownership in the Town.

**Housing Diversity:**

**8-2 Promote the development of a variety of housing types.**

The text on Pages 8-3 and 8-4 of the Comprehensive Plan states as follows:

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<sup>17</sup> See Page 8-2 of the Comprehensive Plan.

<sup>18</sup> See Page 8-3 of the Comprehensive Plan.

“Approximately two-thirds of Amherst’s current housing stock consists of single-family detached homes, with the remainder comprised of a mix of duplexes, townhouses, apartments, and other living arrangements (e.g., dormitories and assisted living). Recent housing development has consisted mostly of multifamily units and single-family detached, suburban subdivisions. Demographic trends will reinforce the need for a more diverse housing stock to accommodate groups such as the elderly, empty nesters, and students. As previously noted, housing diversity enhances affordability and, if properly managed, can contribute to neighborhood stability and character. Older neighborhoods like Eggertsville, for example, could benefit from decreasing household sizes and the increasing appeal of traditional development, which make smaller homes in pedestrian-oriented neighborhoods more attractive.

The Town should encourage the proportional development of diverse housing types and price levels, including single-family detached (at a variety of lot sizes), townhouses, condominiums, apartments, and housing as part of mixed-use developments. Higher density housing should be located to complement established residential areas through appropriate standards for location and design (see Policies 8-3 and 8-5).”

The proposed Comprehensive Plan Amendment to accommodate a mixed-use and residential project is consistent Policy 8-2 since the project includes various housing types including attached townhomes with garages to be located on the east side of the Project Site on property to be rezoned to MFR-5 as well as traditional multifamily buildings to be located on the western side of the Project Site on property to be rezoned to MFR-5. The on-site residential units for lease are consistent with demographic trends demonstrating there is an increased demand for apartments and townhomes for lease in communities in Western New York including the Town of Amherst.

**8-3 Encourage higher density residential uses in mixed-use developments and other appropriate locations.**

The language contained on Page 8-4 of the Comprehensive Plan discuss the benefits of higher density residential uses at appropriate locations that decrease the potential impacts of development on sensitive lands and also states that that incorporating mixed-use activity centers

will help maintain and reinforce the character of established neighborhoods. The Project Site is located on the north side of North French Road between the I-990 and Cross Pointe Business Park and the SA zoning is inconsistent with nearby land uses and zoning classifications.

**8-4 Work with UB to establish mixed-use centers around the periphery of both campuses.**

Policy 8-4 does not apply to the Comprehensive Plan Amendment.

**8-5 Establish standards for multi-family housing to promote high quality design and neighborhood compatibility.**

The text on Page 9-8 and 9-9 of the Comprehensive Plan states as follows:

“Policy 8-5 addresses the need to manage the location of higher density housing to ensure that it does not negatively affect the overall character of Amherst’s neighborhoods. Equally important is the establishment of standards addressing the design and appearance of multi-family housing and its relationships to adjoining land uses. In addition to improving the quality and livability of multi-family developments for residents and improving the “fit” of these developments into the community, design standards will also help to create a more positive public perception of multi-family housing. A greater public tolerance of multi-family housing will ultimately aid the Town in preserving open space and providing alternatives to single-family detached units that are dependent on automobile use.

Design standards should address the creation of multi-family housing via renovation or redevelopment of existing properties as well as new development. Design standards should also address the creation of multi-family housing for the elderly and other special needs residents. The standards should address all forms of multi-family housing including apartments, townhouses, and mixed-use developments.”

The proposed Comprehensive Plan Amendment to accommodate a residential project that is consistent Policy 8-5 since the multifamily buildings will feature a high quality appearance with a diverse range of materials.

**B. Neighborhood Revitalization:**

**8-6 Provide incentives for residential property repairs and improvements on a town-wide basis.**

Policy 8-6 does not apply to the Comprehensive Plan Amendment.

**8-7 Initiate a Neighborhood Conservation Program to promote revitalization of designated neighborhoods through measures such as code enforcement, capital improvements, and design standards.**

Policy 8-7 does not apply to the Comprehensive Plan Amendment.

**8-8 Promote the revitalization of older commercial areas as a focus of neighborhood activity and include support for building and property maintenance code enforcement.**

Policy 8-8 does not apply to the Comprehensive Plan Amendment since the Project Site is not located in designated older commercial area in the southern and western portions of the Town.

**8-9 Encourage participation from residents when the Town is developing action/improvement plans for specific neighborhoods.**

Policy 8-9 does not specifically apply to the Comprehensive Plan Amendment but is important to mention that the review process for the proposed residential project will involve multiple public hearings to be held by both the Planning Board and the Town Board.

**VI. CONSISTENCY WITH POLICIES IN SECTION 9 OF THE COMPREHENSIVE PLAN (TITLED “COMMUNITY FACILITIES AND SERVICES”):**

Section 9 of the Comprehensive Plan is titled “Community Facilities and Services” and according to Section 9.2 of the Comprehensive Plan the Goal is as follows

- **Community facilities and services that meet residents’ needs and contribute to the Town’s high quality of life<sup>19</sup>**

The three (3) Objectives for “Community Facilities and Services” as set forth in Section 9.2 of the Comprehensive Plan are as follows:

- **Establish standards or performance criteria to determine community facility and service needs; and**
- **Enhance the role of public facilities as centers of neighborhood and community activity; and**

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<sup>19</sup> See Page 9-2 of the Comprehensive Plan.

- **Provide quality facilities and services cost effectively by managing expenses and diversifying revenue sources**

There are nine (9) policies contained in Chapter 9 of the Comprehensive Plan and with the exception of Policies 9-4 and 9-5 these policies do not specifically apply to the Comprehensive Plan Amendment since the proposed project does not consist of a community facilities project.

**B. Community Facilities as Activity Centers:**

**9-4 Integrate community facilities within mixed-use activity centers.**

Policy 9-1 that is referenced within Policy 9-4 pertains to the need for the Town to identify and prioritize community facilities and service needs. While the proposed residential project does not consist of a community facility use, the Project Site is accessible to various Town parks and other community facility amenities in the Town.

**C. Community Facility and Service Costs:**

**9-5 Allow continued growth of the nonresidential tax base consistent with the Comprehensive (Land Use) Plan.**

The relevant text states as follows: “Amherst’s nonresidential (commercial retail, office and industrial) development partially subsidizes the costs of providing community facilities and services to residents. National studies have shown that commercial development derives excess revenues as compared to residential development. Results from a similar local study by the AIDA confirm these findings for Amherst. Thus growth in the nonresidential tax base is needed if the Town of Amherst (and other providers such as the public school districts) is to continue to provide quality facilities and services at rates affordable to taxpayers. Nonresidential development and redevelopment should be managed to be consistent with Comprehensive Plan goals, objectives, and policies for Land Use and Development and other elements, and with the mixed-use activity centers should wherever possible include existing or new community facilities. concept of balance

between economic development, livability, and community character expressed in the Vision Statement.”

The project will contribute to the Town’s growth of its overall tax base quite substantially since the Project Site currently generates insubstantial annual property tax revenues. Given the mixture of residential land uses, the Project Sponsor anticipates that the project will have positive net impact for taxing jurisdictions including the Town of Amherst, the school district and Erie County.



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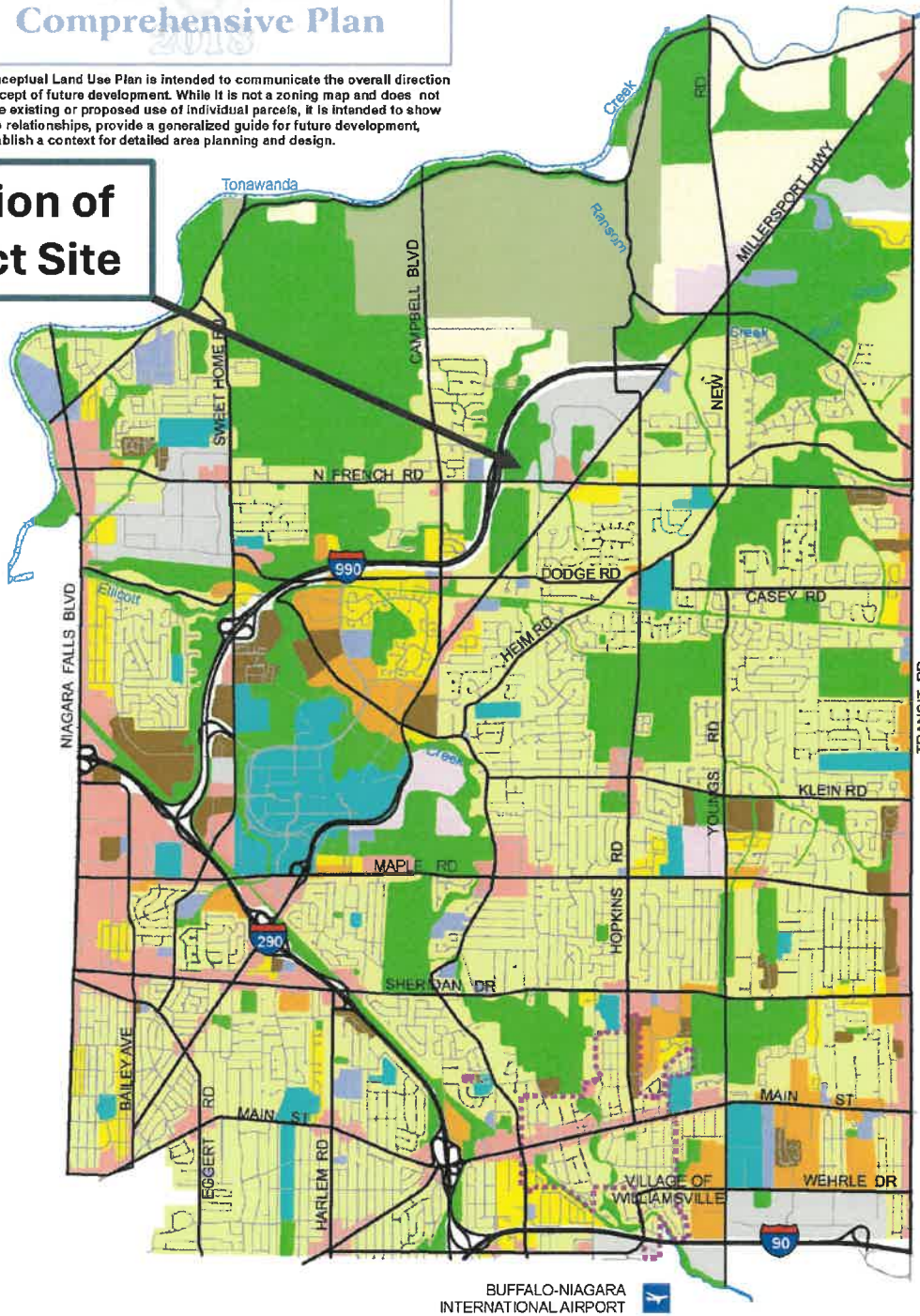
**Exhibit 7 – Color Copy of Figure 6 of  
the Bicentennial Comprehensive Plan**

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# Town of Amherst Bicentennial Comprehensive Plan

The Conceptual Land Use Plan is intended to communicate the overall direction and concept of future development. While it is not a zoning map and does not show the existing or proposed use of individual parcels, it is intended to show land use relationships, provide a generalized guide for future development, and establish a context for detailed area planning and design.

## Location of Project Site



### Conceptual Land Use Plan

Rural Residential	Special Use Center	Recreation, Open Space & Greenways
Single Family Residential	Commercial - Office	Agriculture
Mixed Residential	Industrial - Office	Transportation
Medium Residential	Community Facilities	Surface Water
Commercial / Mixed Use*	Educational Campus	Village of Williamsville Boundary

#### SOURCE NOTES:

Original Source Data Provided by the Town of Amherst Information Technology Department, URS Corporation and Wallace Roberts & Todd, LLC

Map Compiled by the Town of Amherst Planning Department

Date: December 2020

\* See Map Figure 6-A for Additional Designations

### FIGURE 6

