

Application for Site Plan Amendment
 42-50 Dodge Road
 Mixed-Use Project - Site "A" of Muir
 Woods Property
Applicant: Sawyers Landing LLC
Date: April 21, 2025



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TOWN OF AMHERST PLANNING DEPARTMENT

Application for Major Site Plan Review

For Official Use

File #: _____ **Acreage** 17.42 **Fee \$** 1,215.00

**Address Verified by
 Assessor's Office**

VERIFIED BY _____ DATE _____

Site Plan Review

**Fill In
 Applicable Fees**

1 acre or less	\$1,250.00	_____
Each Additional acre or fraction thereof	\$ 650.00/acre	_____
Amendments to Site Plans	\$1,200.00	<u>1,200.00</u>
Request for Relief of / or Change to Conditions of Site Plan Approval	\$1,200.00	_____
Request for Extension of Site Plan Approval	\$ 450.00	_____

Stormwater Pollution Prevention Plan

1-4.99 Acres	\$ 500.00	_____
5-10 Acres	\$ 750.00	_____
>10 Acres	\$1,000.00	_____

Affidavit Fee for Public Hearing

\$ 15.00 _____

TOTAL FEE: \$ 1,200.00

**Materials Received by
 Planning Department**

RECEIVED BY _____ DATE _____

**Materials Accepted by
 Town Clerk & Fee Paid**

ACCEPTED BY _____ DATE _____

To Be Completed By Applicant

Petitioner: Name: Sawyers Landing LLC c/o Sean W. Hopkins, Esq.

Address: 35 California Drive, Suite 100

Williamsville, New York 14221

city state zip code

Phone: 510-4338 Fax: _____ E Mail: shopkins@hsmlegal.com

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

Name: Jon Barniak

Address: Carmina Wood Design

80 Silo City Row, Suite 100

Buffalo

New York

14203

city

state

zip code

Phone: . 716.501.5766 Fax: _____

E Mail: jbarniak@carminawooddesign.com

Project Location (must be verified by Town Assessor's Office):

Address: 42-50 Dodge Road

SBL No(s): 40.08-3-13.1/A

Project Name: Mixed-Use Project

Project Description: _____

The Applicant is seeking the approval a Site Plan Amendment in connection with the request to subdivide the Project Site into ninety-one (91) lots as depicted on the Subdivision Map prepared by Mark Andrews of GPI Engineering dated April 15, 2025. A reduced-size copy of the Subdivision Map is attached as Exhibit "3". The narrative provided at Exhibit "2" provides a more detailed Project Description.

If this petition is an amendment to a previously approved site plan, please describe the proposed changes (include type and size of existing structures and number of existing parking spaces):

There are not any substantive changes to the Site Plan Amendment approved by the Planning Board on March 20, 2025. A copy of the resolution adopted by the Planning Board granting approval of the Site Plan Amendment is provided at Exhibit "4". The Zoning Board of Appeals granted Open Development Area Approval for lots without frontage on a public roadway during its meeting on February 18, 2025. A copy of the resolution adopted by the Zoning Board of Appeals granting Open Development Area Approval is provided at Exhibit "5".

Gross Floor Area (non-residential):	<u>0</u> existing	<u>131,464 sq. ft.</u> proposed	<u>131,464 sq. ft.</u> total
Number of Residential Units:	<u>0</u> existing	<u>199</u> proposed	<u>199</u> total
Number of Parking Spaces:	<u>0</u> existing	<u>401</u> proposed	<u>401</u> total
Acreage of Parcel:	<u>17.42 Acres</u>		
Frontage on Public Roads:	<u>The parcel has approximately 1,120 ft. on Dodge Road and approximately 120 ft. of frontage on Sweet Home Road.</u>		
Existing Zoning District(s)	<u>NCD</u>		

[Note: A completed Part 1 of the Full Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act ("SEQRA") with Page 5[a] and Attachments "A" and "B" is attached as Exhibit "1" of this Site Plan Amendment Application.]

**Exhibit 1 – Part 1 of the Full Environmental Assessment
Form prepared pursuant to the State Environmental
Quality Review Act (“SEQRA”) with attached Page 5[a]
and Attachments “A” and “B”**

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 1485 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 data-bbox="430 865 1177 896" style="text-align: center;">[Note: The Town has an adopted Waterfront Revitalization Program.] <li data-bbox="121 892 1485 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 data-bbox="121 919 1485 951">iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No 		

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? 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): _____
 _____ [Note: The project will not have any impacts on the West Erie Canal Corridor.]

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

If Yes, identify the plan(s): _____

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?

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)? Mixed-use project consisting of commercial space and various residential unit types.

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? **[Note: The 87 one-family units consist of attached townhome units for sale.]** 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>	The build-out of the residential components will be based on market conditions.
Initial Phase	_____	_____	_____	_____	
At completion of all phases	_____	_____	_____	_____	

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

If Yes, There will be 13,700 sq. ft. of commercial space in each of the two mixed-use buildings.

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): _____

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 (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of 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): _____

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): _____

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? Yes No
 If Yes: **[Note: An updated Traffic Impact Study prepared by Passero Associates dated June 24, 2024 was previously submitted based on the current project layout.]**
 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

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

l. Hours of operation. Answer all items which apply.
 i. During Construction:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____
 ii. During Operations:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____

The hours of operation during "During Operations" as listed above apply to the first floor commercial space in the two mixed-use buildings. The hours are estimates since the tenants that will lease the first floor commercial space including both office and retail tenants have not yet been identified.

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____ 	

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: _____

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:

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:

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:

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:

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: _____

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: _____

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: _____

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: _____

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No 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: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres</p>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Species and listing (endangered or threatened): _____ _____ _____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Species and listing: _____ - The Project Sponsor does not believe that Spiny Softshell is present on Site A of the Muir Woods property.</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____</p>	
E.3. Designated Public Resources On or Near Project Site	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No 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: _____ _____ _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> Designating agency and date: _____</p>	

<p>e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No [No impact letter issued by SHPO on October 10, 2001.]</p>
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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

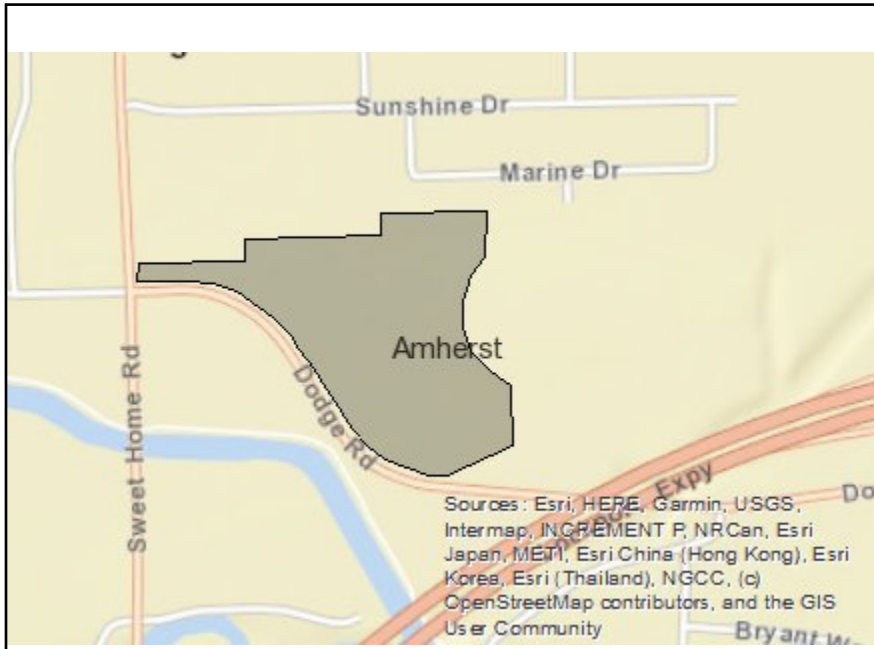
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Sawyers Landing LLC Date April 21, 2025

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

Attached to this Part 1 of the Full Environmental Assessment Form are copies of the Wetland Permit issued by the NYSDEC on July 25, 2024 for the recreational trail [Attachment "A"] and the No Impact Letter issued by SHPO dated October 10, 2021 [Attachment "B"]. The proposed subdivision of the Project Site will not result in any potentially significant adverse environmental impacts.

EAF Mapper Summary Report



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



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres): 34.6
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	TE-33
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No

E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	Yes
E.2.p. [Rare Plants or Animals - Name]	Spiny Softshell
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]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:Heritage Heights Elementary School
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

**Attachment "A" of Part 1 of Full Environmental
Assessment Form - Wetland Permit DEC ID
9-1422-00398] issued by the New York State Department
of Environmental Conservation dated
July 25, 2024**



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
SAWYER'S LANDING LLC
43 Central Ave
LANCASTER, NY 14086
(716) 912-0969

Facility:
MUIR WOODS DEVELOPMENT
1121 N French Rd
Amherst, NY 14228

CIMINELLI MUIR WOODS, LLC
50 Fountain Plz Ste 500
Buffalo, NY 14202
(716) 631-8000

Facility Location: in AMHERST in ERIE COUNTY

Facility Principal Reference Point: NYTM-E: 191.586 NYTM-N: 4770.823
Latitude: 43°01'38.9" Longitude: 78°47'07.2"

Authorized Activity: Construction of a new bike path, measuring approximately 830 linear feet in length and permanently impacting approximately 0.58-acres of the regulated 100' wide adjacent area of NYSDEC Freshwater Wetland TE-33. No direct impact to Freshwater Wetland TE-33 itself is authorized as part of this project. The project is located at the facility location listed above.

Permit Authorizations

Freshwater Wetlands - Under Article 24

Permit ID 9-1422-00398/00003

New Permit

Effective Date: 7/25/2024

Expiration Date: 7/24/2027

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: LISA M CZECHOWICZ, Regional Permit Administrator
Address: NYSDEC Region 9 Headquarters
700 Delaware Ave
Buffalo, NY 14209

Authorized Signature: _____

Lisa M. Czechowicz

Date 7 / 25 / 2024



Distribution List

NYSDEC Region 9 Division of Law Enforcement
Chuck Rosenburg, NYSDEC Region 9 Bureau of Ecosystem Health
Molly Bebak, NYSDEC Region 9 Division of Water
Town of Amherst
Jody M. Celeste, Earth Dimensions, Inc.
Ciminelli Muir Woods, LLC

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: FRESHWATER WETLANDS

- 1. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by various, including pages 1-3 of Joint Application Form (3 pgs), "Overall Site Plan" (1 pg), "Grading Plan - Recreation Trail" (1 pg), and "Monument and Tree Planting Plan" (1 pg), 6 pages DEC date-stamped 3/1/24 attached to this permit.
- 2. Conditions Prevail Over Plans** If any condition of this permit conflicts with the approved plans, the permit condition shall prevail over the plans.
- 3. Notice of Intent to Commence Work** The Permittee shall notify the Department 3 to 5 days prior to the commencement of work on the project by emailing DEP.R9@dec.ny.gov, at attention to Matthew Smith, Environmental Analyst I, and Charles Rosenburg, NYSDEC Region 9 Bureau of Ecosystem Health. The email needs to include the permit number, permittee name and the project start date.
- 4. Siltation Prevention Measures** Siltation prevention measures, such as silt fencing, sediment traps, settling basins and/or filter bags, as deemed necessary and appropriate for the situation, shall be installed and maintained during the project, to prevent movement of silt and turbid waters from the project site into NYS Freshwater Wetland TE-33, its associated 100' wide adjacent area, and/or any other watercourse, stream, water body or wetland.



5. Install Monuments The permittee shall install a minimum of nine (9) monuments along the edge of the bike path as shown in the final NYSDEC approved site plan. The monuments shall be 30-inch long 5/8-inch rebar and cap embedded flush and in the center of the top exposed surface of concrete in a minimum 4-inch diameter, 4.5-foot long section of PVC Schedule 40 drain pipe filled with concrete, extending vertically 1.5 - 2 feet above existing grade at each location. The caps shall say "Wetland Conservation Area, Do Not Disturb, Survey Marker."

6. Work Within Area Depicted on Plans No impacts to Freshwater Wetland TE-33 or its 100' wide adjacent area located outside of monuments are authorized by this permit. Other than impacts directly associated with work authorized by this permit, Freshwater Wetland TE-33 and its regulated 100'-wide adjacent area must be left in an undisturbed condition.

7. Minimize Adverse Impacts to Wetlands, Wildlife, Water All work must be performed in a manner which minimizes adverse impacts to wetlands, wildlife, water quality and natural resources.

8. Invasive Species (Non-native Vegetation) To prevent the unintentional introduction or spread of invasive species, the permittee must ensure that all construction equipment be cleaned of mud, seeds, vegetation and other debris before entering any approved construction areas within the 100' wide regulated wetland adjacent area of NYS Freshwater Wetland TE-33.

9. Equipment Storage 100' from Wetland, Water Body All equipment and machinery shall be stored, refueled, and safely contained greater than 100 feet landward of the regulated wetland or water body at the end of each work day. This will serve to avoid the inadvertent leakage of deleterious substances into the regulated area.

10. Disposal of Material All excess construction materials shall be immediately removed from the project area upon project completion. Materials may be used at another permitted site, recycled, disposed of at a NYSDEC-approved landfill, or disposed of at an upland site, as appropriate for the material and in accordance with all local, state and federal regulations. Disposal in wetlands and/or regulated 100' wide wetland adjacent areas (including regulated areas of NYS Freshwater Wetland TE-33), other surface waters, or in 100-year floodplains is strictly prohibited.

11. Seed, Mulch Disturbed Areas All areas of soil disturbance resulting from this project must be seeded with an appropriate erosion control seed mix and mulched with straw or hydro-mulched immediately upon completion of the project.

12. Temporary Mulch, Final Seeding If seeding is impracticable due to the time of year, a temporary mulch shall be applied and final seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth but not more than six months after project completion.

13. Establish Vegetative Cover The permittee must ensure the establishment of at least 90 percent vegetative cover across all project disturbed areas by the end of the first complete growing season after completion of construction.

14. Long-term Plant Survival The permittee must ensure a minimum of 85% survival of plantings by the end of five growing seasons. If this goal is not met, the permittee must re-evaluate the restoration project in order to determine how to meet the mitigation goal and submit plans to be approved to the NYSDEC Region 9 Bureau of Ecosystem Health via email at R9BEH@dec.ny.gov.



15. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

16. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

17. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

18. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.



2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 9 Headquarters
700 Delaware Ave
Buffalo, NY14209

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

**Attachment "B" of Part 1 of Full Environmental
Assessment Form - SHPO No Impact Determination
Letter dated October 10, 2001**



New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

October 10, 2001

Carolyn A. Pierce
CCRG
105 Robie Avenue
Buffalo, New York 14214

Dear Ms. Pierce:

Re: SEORA
Muir Woods Mixed-Use Development
Amherst/Erie County
01PR0345

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Parks, Recreation and Historic Preservation Law, Section 14.09.

Based upon this review, it is the OPRHP's opinion that your project will have No Impact upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Director

RLP:cmp

RECEIVED

OCT 16 2001

**GIMNELLI DEVELOPMENT
COMPANY, INC.**

**Exhibit 2 – Description of the Proposed Mixed-Use
Project - 42-50 Dodge Road
[Site “A” of the Muir Woods Property]**

EXHIBIT 2 OF SITE PLAN AMENDMENT APPLICATION

DESCRIPTION OF PROPOSED SITE PLAN AMENDMENT 42-50 DODGE ROAD [SITE “A” OF MUIR WOODS PROPERTY]

The proposed project consists of a modifications of the mixed-use project that received Site Plan Amendment Approval from the Planning Board on March 20, 2025 to be located at 42-50 Dodge Road [Site “A” of Muir Woods Property] (the “Project Site”). The Project Site is properly zoned for the proposed mixed-use project. The mixed-use project consists of the subdivision of the Project Site into ninety-one (91) lots to accommodate the approved mixed-use project consisting of the following: two 4-story mixed use buildings [approximately 13,700 sq. ft. of 1st floor commercial space per building along with 5 first floor apartments and 51 upper floor apartments], a 4-story climate-controlled storage building, 87 two-story townhomes for sale on individual lots along with all related site improvements depicted on the engineered plans prepared by Carmina Wood Design. A reduced size copy of the Subdivision Map prepared by Mark Andrews, PLS, of GPI Engineering dated April 15, 2025 is provided at Exhibit "3".

For purposes of the review process, the proposed mixed-use project has been defined broadly to include all required discretionary approvals and permits as well as all site improvements including the request to subdivide the Project Site into ninety-one (91) lots, the proposed driveway connections to Dodge Road, access aisles, parking spaces, driveways, wetland impacts, lighting, landscaping, on-site storm water management improvements, sanitary sewer and water lines and connections and all other required utility improvements.¹ The project purpose is to develop 50 Dodge Road as an innovative mixed-use project on property that has been designated for

¹ A completed Part 1 of the Full Environmental Assessment Form with attached Page 5[a] and Attachments “A” and “B” is provided at Exhibit “1”.

development for several decades. The proposed mixed-use project is a Type I action pursuant to SEQRA. The Town Board issued an Amended Findings Statement pursuant to the State Environmental Quality Review Act ("SEQRA") on October 19, 2020 to allow mixed-use development of the Project Site.² Additionally, on October 19, 2020, the Town Board also adopted a resolution to amend the Town's Comprehensive to designate the Project Site as appropriate for mixed-use development.³

² A copy Resolution 2024-773 as adopted by the Town of Amherst Town Board on October 15, 2024 for the purpose of Issuing an Amended Findings Statement pursuant to the State Environmental Quality Review Act ("SEQRA") for allowing updated mixed-use development on the Project Site is provided at Exhibit "6".

³ A copy of Resolution 2020-792 as Adopted by the Town of Amherst Town Board on October 19, 2020 for the purpose of approving an Amendment to the Town of Amherst Comprehensive Plan to accommodate mixed-use development on the Project Site is provided at Exhibit "7".

**Exhibit 3 – Reduced Size Copy of Map Cover as
Prepared by Mark Andrews of GPI Engineering
dated April 15, 2025**

**Exhibit 4 – Site Plan Amendment
Resolution Adopted by the Planning
Board on March 20, 2025**

TOWN OF AMHERST
PLANNING BOARD
SITE PLAN RESOLUTION (NCD)
SP-2021-05_A

PETITIONER

Sawyers Landing LLC
c/o Sean Hopkins, Esq.
Hopkins Sorgi & McCarthy
35 California Dr., Suite 100
Williamsville, NY 14221

PROPERTY LOCATION

42-50 Dodge Road

MAR 24 2025 PM 12:55

WHEREAS the Town of Amherst Planning Board on Thursday, January 16 and February 20, 2025 held public hearings on a site plan for the proposed Sawyer's Landing Mixed Use Project – Residential Unit/Commercial Use Revisions and Parcel Split (Muir Woods Site A); and

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

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

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

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

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

- A. The proposed site plan is consistent with the development plan if one is required.
- B. The proposed site plan is consistent with the purpose and specific requirements of the Zoning Ordinance and generally consistent with the policies of the Comprehensive Plan.
- C. Adequate services and utilities will be available prior to occupancy.
- D. The site plan is consistent with all other applicable laws.
- E. Pursuant to Local Law #3-82, as amended, the Planning Board has determined that the requirements of SEQR are complete and that the subject proposal is not expected to have a significant adverse effect on the environment. The previously undertaken SEQR process included a DEIS, FEIS and culminated in the Town Board's issuance of a SEQR Findings Statement on December 17, 2007. Lead Agency was re-established for review of the proposed amendment to the Findings Statement to allow the proposed mixed-use development, and the Findings Statement was revised on October 15, 2024.

TOWN OF AMHERST
PLANNING BOARD
SITE PLAN RESOLUTION (NCD)
SP-2021-05_A

PETITIONER

Sawyers Landing LLC

PROPERTY LOCATION

42-50 Dodge Road

MAR 24 2025 PM 12:55

F. Wetland permits were issued for this project by NYSDEC on December 17, 2019 and the US Army Corps of Engineers under Section 404 of the Clean Water Act on December 12, 2019. Both permits authorize work on the project until November 30, 2024.

G. The Site Plan is consistent with all other applicable laws.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board, in accordance with Section 8-15-9 of the Zoning Ordinance, approves said Site Plan, subject to the following conditions:

1. That all dumpsters/trash containers and all mechanical equipment, utility structures, multiple meter boards, generators, and similar appurtenances, including those which are mounted on any part of a primary structure shall be appropriately screened with a fence, wall, and/or landscaping. Provide gate on dumpster enclosure that shall be closed whenever dumpster is not being serviced and enclosure shall be high enough to enclose entire dumpster within.
2. That as-built record drawings, including location of utilities, be provided to the Engineering Department prior to issuance of a Certificate of Occupancy by the Building Department.
3. That the requirements in the Town of Amherst Traffic-Safety Board letter dated February 27, 2025 are addressed to the satisfaction of that board.
4. That the requirements or concerns raised by the Zoning Enforcement Officer, Planning Department Staff and Town's Landscape Architect in the Town of Amherst Planning Department letter dated February 27, 2025 be addressed to the satisfaction of the officer, staff and landscape architect.
5. That the concerns raised and easements required by the Town of Amherst Right-of-Way Agent in their letter dated January 9, 2025 be addressed to the satisfaction of the agent and filed copies of the easements are provided to the Town of Amherst Planning Department.
6. That the requirements or concerns raised in the Town of Amherst Stormwater Management Officers letter dated February 3, 2025 are addressed to the satisfaction of the officer.
7. That an address plan and street names be approved for the development as required by the Amherst Fire Chiefs Association in the letter dated February 3, 2025.
8. That the requirements and or concerns raised in the Town of Amherst Engineering Department letter dated March 6, 2025 relating to sanitary sewer facilities be addressed to the satisfaction of that department.
9. That the requirements and or concerns raised in the Town of Amherst Engineering Department-Engineering Services Division letter dated March 10, 2025 be addressed to the satisfaction of that division.

TOWN OF AMHERST
PLANNING BOARD
SITE PLAN RESOLUTION (NCD)
SP-2021-05_A

PETITIONER

Sawyers Landing LLC

PROPERTY LOCATION

42-50 Dodge Road

- MAR 24 2025 PM 12:55
10. That the petitioner and or his/her contactor obtain any required permits for work within the Dodge Road right-of-way from Erie County Department of Public Works – Highway Division.
 11. That the site plan be further amended to provide an area for students to wait along the Dodge Road frontage for the school bus, which may include amenities such as a covered area or benches and, that provisions be made for additional pedestrian routes connecting through the development and to the public sidewalk along Dodge Road all of which shall be maintained by the owner.

The foregoing resolution was adopted by the Town of Amherst Planning Board, March 20, 2025; moved by Davis; seconded by Kahn; ayes 6; noes 0; absent 1 (O'Rourke).



Michael J. Chmiel, Planning Board Chair

3/24/25

Date

SM/ac

X:\Current_Planning\Files\Site Plans\2021\SP-2021-05_A_(42-50_Dodge_Rd)_2024\SP-2021-05_A_resolution_032025.doc

cc: Commissioner of Building

Approved Plan: Carmina Wood Design

Town Engineer

Received: February 13, 2025

Town Clerk

Fire Chiefs

Traffic/Safety Coordinator

Highway Superintendent

NYSDEC

ECDEP

ECDPW-Highways

NYS DOT

Sean Hopkins, Hopkins Sorgi & McCarthy, 35 California Dr., Suite 100, Williamsville, NY 14221

William Severyn, Severyn Development, 43 Central Ave. Suite 300, Lancaster, NY 14086

David Sutton, Sutton Architects, 5409 Main St, 2nd Floor, Williamsville, NY 14221

Jon Barniak, Carmina Wood Morris, 487 Main St, Suite 500, Buffalo, NY 14203

Exhibit 5 – Resolution adopted by the Zoning Board of Appeals on February 18, 2025 granting Open Development Area Approval



Zoning Board of Appeals

5583 Main Street
Amherst, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 02/18/25 06:30 PM
Department: Zoning Board of Appeals
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 30033

ZBA ITEM (ID # 30033)

APPROVED

42-50 Dodge Road - ODA Request

WHEREAS, **Sawyers Landing LLC** has made application for an Open Development Area, under

Section: 280-a(3)

of the New York State Town Law for the property owned by him/her at :

40-50 Dodge Road within a NCD-ND Zoning District

The petitioner desires to construct **townhomes** on two separate development parcels which do not have public road frontage, whereas, Chapter 204 of the Amherst Town Code (Subdivision of Land), Section 3-5-3 requires all building lots to abut a public dedicated street or have or private drive or have access to such street or drive via a public alley, AND

WHEREAS, a public hearing was held on **February 18, 2025** after proper notice, AND

WHEREAS, pursuant to section 280-a(3) of New York State Town Law an applicant may appeal to the Zoning Board of Appeals for an area variance for relief from the requirements for building lots to be on public dedicated street, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variance is not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable

change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variance requested is the minimum variance that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT an Open Development Area approval for the subject property.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erik A. Goergen, Member
SECONDER:	Ronald Shubert, Member
AYES:	Bray, Shubert, Parker, Goergen
ABSENT:	Philips

**Exhibit 6 – Resolution 2024 –773 as Adopted by the
Town of Amherst Town Board on October 15, 2024 for
the Purpose of Issuing an Amended Findings Statement
pursuant to the State Environmental Quality Review Act
("SEQRA") for Mixed-Use Project at 50 Dodge Road
[Site "A" of Muir Woods Property]**



Amherst Town Board

5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 10/15/24 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 29466

RESOLUTION 2024-773

ADOPTED AS AMENDED

Amendment to the SEQR Certification of Findings and the Filed Declaration of Restrictions for “Muir Woods - Site A” and Adoption of a Local Law for Amendment #77 to the Audubon Development Plan and Zoning Map for 17.42± Acres of Land from NCD-RI to NCD-LC. [50 Dodge Road (Portion) (NCD); Z-2002-09_E]

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR have been completed, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of August 27, 2024 to amend the “Development Program” within the SEQR Findings Statement approved by the Town Board on September 27, 2021 to permit “Site A” located at the western end of the overall Muir Woods site located at 50 Dodge Road (NCD) to be developed as a mixed-use residential/commercial project consisting of a different mix of residential units than that outlined in the findings statement adopted on September 27, 2021, and be it further

RESOLVED, that the filed Declaration of Restrictions for “Muir Woods Site A” be amended, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of August 27, 2024 that the proposed New Community District Local Center (NCD-LC) use classification at 50 Dodge Road (portion) is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that in accordance with Section 203-8-3 and Section 203-8-15 of the Town Code (Zoning), the Town Board adopts Local Law (#___) to amend the Audubon Development Plan and Town Zoning Map.

10/1/2024

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0. The public hearing was opened at 7:03 PM.

Attorney Sean Hopkins, presented.

The following speakers addressed the Town Board:

Tom Wesibeck, 48 Drawbridge Ct

Don Smith, 201 N Long St

John Trabert, 234 Mt Vernon Rd

Kathy Aquilina, 215 Maple Rd

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the October 15th Town Board meeting, seconded by Councilmember Berger and unanimously approved 4-0. The public hearing was closed at 7:36 PM.

10/15/2024

A motion to approve was made by Supervisor Kulpa and seconded by Councilmember Berger. A motion was then made by Councilmember Berger to amend, seconded by Councilmember Marinucci and unanimously approved 4-0. Amendment adds the underlined language. A motion to approve as amended was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 4-0.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqueline Berger, Councilmember
AYES:	Kulpa, Berger, Szukala, Marinucci
ABSENT:	Lavin

**Exhibit 7 – Resolution 2020-792 as Adopted by the
Town of Amherst Town Board on October 19, 2020 for
the Purpose of Approving an Amendment to the Town
of Amherst Comprehensive Plan**



Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 10/19/20 07:00 PM
Department: Town Clerk
Initiated by: **Kathleen Cooper**
Co-Sponsored by:

DOC ID: 22365

RESOLUTION 2020-792

ROLL CALL VOTE (ADOPTED)

Amendment to the Comprehensive Plan for "Muir Woods - Site A" (1081 N. French Road)

Amendment to the Comprehensive Plan for
"Muir Woods - Site A"
[1081 North French Road (NCD); BCPA-2020-02]

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR have been completed, and be it further

RESOLVED, that pursuant to NYS Town Law Section 272-a and Section 11.6 of the Town Comprehensive Plan, the Town Board concurs with the findings of the Planning Board as stated in their resolution of August 20, 2020 to amend the Conceptual Land Use Plan (Figure 6) and the University Focal Planning Area (Figure 21) of the Comprehensive Plan for "Muir Woods - Site A" located at 1081 North French Road (NCD) to permit mixed-use residential/commercial use on Site A.

For additional information (copy & paste link):

https://share.amherst.ny.us:443/docman/doc_files_list.php?hash=uaaidrbq0hjn0mkelzsugvr62

10/06/2020

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 4-0. The public hearing was opened at 7:51 PM.

Sean W. Hopkins, Esq., presented for both resolution #791 and #792 and answered questions from the Board.

There were no speakers from the public, therefore Supervisor Kulpa moved to adjourn the public hearing and set a Decision Date for October 19th. The motion was seconded by Councilmember Lavin and unanimously approved 4-0. The public hearing was adjourned at 8:13 PM.

10/19/2020

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was opened at 7:07 PM.

Sean W. Hopkins, Esq., presented.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the public hearing, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was closed at 7:18 PM.

A motion to approve the Negative Declaration was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and approved 4-1 (nay, Bucki). A motion to adopt the resolution was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and approved via Roll Call vote 4-1 (nay, Bucki).

RESULT: **ROLL CALL VOTE (ADOPTED) [4 TO 1]**
MOVER: Brian J. Kulpa, Supervisor
SECONDER: Jacqueline Berger, Deputy Supervisor
AYES: Kulpa, Berger, Lavin, Szukala
NAYS: Bucki