

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.



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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:

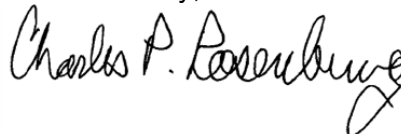
New York State Department of Environmental Conservation
Division of Environmental Permits
700 Delaware Avenue
Buffalo, New York 14209
Telephone: (716) 851-7165

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.

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

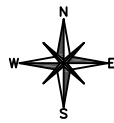
cc: Tom Somerville, Earth Dimensions, Inc.
Wetland TE-18 file

Figure 6 - Wetland Delineation Map

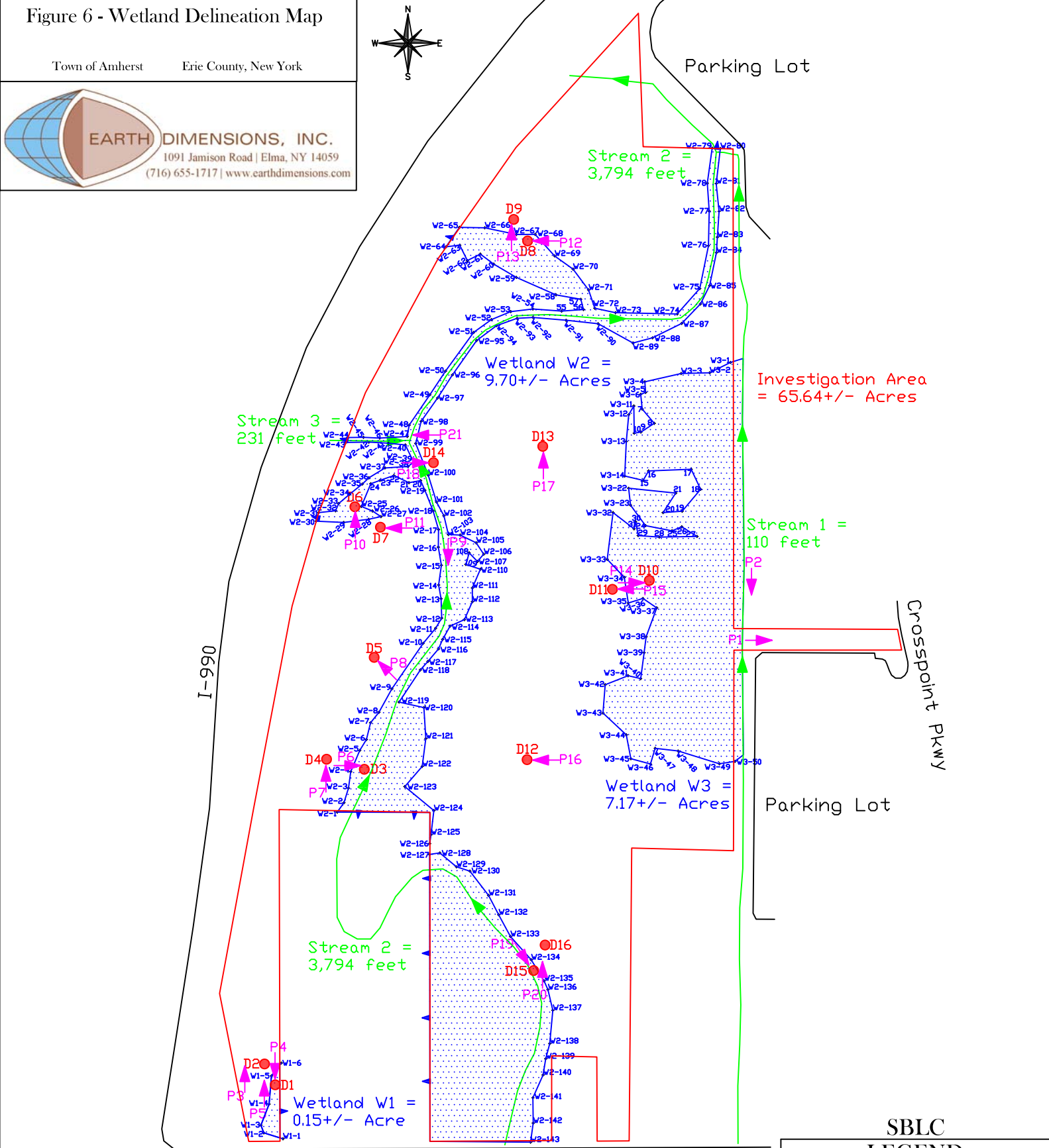
Town of Amherst Erie County, New York



EARTH DIMENSIONS, INC.
 1091 Jamison Road | Elma, NY 14059
 (716) 655-1717 | www.earthdimensions.com



Parking Lot



Investigation Area = 65.64 +/- Acres

Stream 3 = 231 feet

Wetland W2 = 9.70 +/- Acres

Stream 1 = 110 feet

Wetland W3 = 7.17 +/- Acres

Stream 2 = 3,794 feet

Wetland W1 = 0.15 +/- Acre

SBLC LEGEND

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

Scale:
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