

SJL Wetlands, LLC

P.O. Box 47
Warsaw, NY 14569
716-912-7965

October 6, 2025

Scott A. Marshall, Principal Planner
Town of Amherst Planning Department
5583 Main Street
Williamsville, NY 14221

Re: Comprehensive Plan Amendment [BCPA-2025-01]
Proposed Multifamily Project - 2190-2200 Wehrle Drive
Applicant/Project Sponsor: Young Development Inc.

Mr. Marshall:

This letter is being submitted on behalf of Young Development Inc. in connection with the above referenced pending request to amend the Town's Comprehensive Plan to accommodate a proposed multifamily project.

Pursuant to the NYSDEC wetland regulations that went into effect on January 1, 2025, it was necessary for our firm to conduct a new wetland delineation of the property at 2190-2200 Wehrle Drive ("Project Site") since the Project Site is located in an Urban Area as defined by the New York State Department of Environmental Conservation ("NYSDEC"). Three (3) copies of the Wetland Delineation Report that I prepared based on the wetland delineation conducted at the Project Site dated August 31, 2025 are enclosed.

The results of the Wetland Delineation Report revealed the presence of five (5) small wetland areas totaling 0.874± acre on the Project Site. As set forth in Section 6 of the Wetland Delineation Report, based on the current Waters of the United States (WOTUS) guidance and 6 NYCRR Part 664 (Freshwater Wetlands Jurisdiction and Classification) regulations in effect as of the date of the Wetland Delineation Report, the following is recommended:

(1) Since the wetland areas are not connected to or directly abutting a Relatively Permanent Water (RPW), they are not regulated by USACE under Section 404 of the Clean Water Act based on the federal guidance in place as of the date of this report and therefore would not require a Section 404 permit in order for the project to move forward.

(2) Since the subject site falls within an urban area as defined by the U.S. Census Bureau, the identified wetlands would be regulated by NYSDEC as one of the eleven (11) categories of "Wetlands of Unusual Importance" with no minimum size required for regulation purposes based on the Part 664 regulations that went into effect on January 1, 2025. NYSDEC regulates a 100-foot upland adjacent area to the wetland. If the proposed project avoids impacts to the wetland and 100-foot upland adjacent area, it is our professional opinion that the project may move forward without the requirement for an Article 24 permit. If, however, wetland or 100-foot upland adjacent area impacts are required, the project will likely require an Article 24 permit from NYSDEC.

A copy of my submission to the NYSDEC dated September 11, 2025 to Mandi Ohar of the NYSDEC requesting a Jurisdictional Determination is provided at Attachment "A" of this letter.

In connection with the effort to minimize the potential adverse environmental impacts associated with the proposed development of the Project Site as a multifamily project to the maximum extent practicable, the Project Sponsor has worked with Carmina Wood Design to prepare an updated Concept Site Plan [Drawing C-100 – Date: 09/03/24. A copy of the updated Concept Site Plan is provided at Attachment "B" of this letter.

The updated project layout reflects a reduction of the project density to 270 units and the concerted effort to avoid any adverse impacts to the five (5) small wetland areas totaling 0.874± acre on the Project Site that are potentially subject to the jurisdiction of the NYSDEC. The updated project would result in 6.31 acres of impacts to the regulated 100 ft. Adjacent Area of the potential wetlands subject to the jurisdiction of the NYSDEC, which will require a permit to be obtained from the NYSDEC.

This letter and the relevant project documentation referenced herein provides the Town Board, acting in its capacity as the lead agency, with information enabling it to take a hard look at potential wetland impacts and to conclude that the proposed multifamily project will not result in any potentially significant adverse wetland impacts.

If you have any questions, please contact me at (716) 912-7965 or via e-mail at Scott@SJLWetlandsLLC.com.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Scott J. Livingstone".

SJL WETLANDS, LLC

Scott J. Livingstone, President

cc: Daniel Howard, Planning Director
Town of Amherst Town Board
Bryan Young, Young Development Inc.
Sean Hopkins, Esq.
Patrick Sheedy Jr., P.E

Attachment A

SJL Wetlands, LLC

P.O. Box 47
Warsaw, NY 14569
716-912-7965

September 11, 2025

25-067

Sent via email to: R9BEH@DEC.ny.gov

Mandi Ohar
New York State Department of Environmental Conservation
Region 9 – Bureau of Ecosystem Health
700 Delaware Avenue
Buffalo, NY 14209

**Re: Request for Consultant Option Jurisdictional Determination
2190 Wehrle Drive
Town of Amherst, Erie County, New York**

Dear Ms. Ohar:

SJL Wetlands LLC (SJL), on behalf of Young Development, Inc., is requesting a Parcel JD – Consultant option for the above referenced project site. A wetland delineation was conducted by SJL Wetlands LLC, the results of which are included in this submission in a report dated August 31, 2025.

This jurisdictional determination request is being submitted per the requirements set forth in NYSDEC's "Parcel JD- Consultant Option". The attached report includes the name and contact information of the property owner, the location of the parcel (including street address, county, town and tax map identification numbers), a summary of the wetlands identified within the investigation area and other pertinent information. My contact information, as the consultant, is found at the top of this letter.

The proposed Wetland Classification for Wetlands 1-4 is Class II since they are "located wholly within, or is partially within, an urban area as defined and identified in the '2020 Census Qualifying Urban Areas and final Criteria Clarifications By The United States Census Bureau' (December 2022)" per Part 664.5(b)((7).

Shapefiles of the identified wetlands are attached to the email submittal included in this request.

We appreciate your attention to this matter and look forward to your response to this request. If you have any questions, please contact me at (716) 912-7965 or email Scott@SJLWetlandsLLC.com.

Very truly yours,
SJL Wetlands, LLC

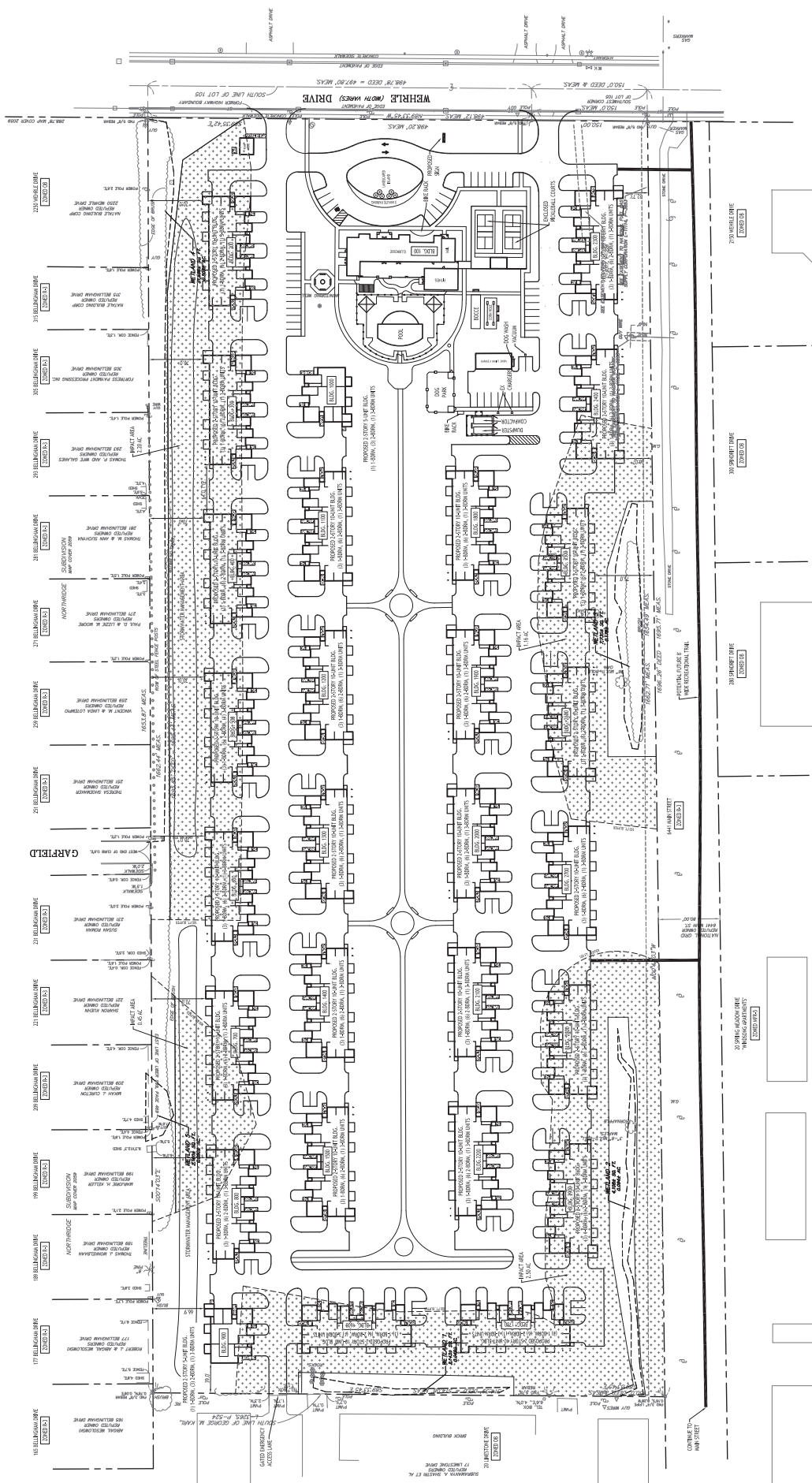


Scott J. Livingstone
President

Cc: Bryan Young, Young Development, Inc.

Attachment B

NOTE: BOUNDARY AND TOPOGRAPHIC REPRESENTATION PROVIDED IS OTHERS. CARMIN/WOOD DESIGN ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.



N
Site Plan
SCALE: 1"=40'

TOTAL LOT AREA		TOTAL IMPERV AREA		TOTAL PAVED AREA	
4.37 AC (300,000 sq ft)		7.34 AC (508,000 sq ft)		4.37 AC (300,000 sq ft)	

TOTAL LOT AREA		TOTAL IMPERV AREA		TOTAL PAVED AREA	
4.37 AC (300,000 sq ft)		7.34 AC (508,000 sq ft)		4.37 AC (300,000 sq ft)	

TOTAL LOT AREA		TOTAL IMPERV AREA		TOTAL PAVED AREA	
4.37 AC (300,000 sq ft)		7.34 AC (508,000 sq ft)		4.37 AC (300,000 sq ft)	

TOTAL LOT AREA		TOTAL IMPERV AREA		TOTAL PAVED AREA	
4.37 AC (300,000 sq ft)		7.34 AC (508,000 sq ft)		4.37 AC (300,000 sq ft)	

TOTAL LOT AREA		TOTAL IMPERV AREA		TOTAL PAVED AREA	
4.37 AC (300,000 sq ft)		7.34 AC (508,000 sq ft)		4.37 AC (300,000 sq ft)	

TOTAL LOT AREA		TOTAL IMPERV AREA		TOTAL PAVED AREA	
4.37 AC (300,000 sq ft)		7.34 AC (508,000 sq ft)		4.37 AC (300,000 sq ft)	

TOTAL LOT AREA		TOTAL IMPERV AREA		TOTAL PAVED AREA	
4.37 AC (300,000 sq ft)		7.34 AC (508,000 sq ft)		4.37 AC (300,000 sq ft)	

TOTAL LOT AREA		TOTAL IMPERV AREA		TOTAL PAVED AREA	
4.37 AC (300,000 sq ft)		7.34 AC (508,000 sq ft)		4.37 AC (300,000 sq ft)	

TOTAL LOT AREA		TOTAL IMPERV AREA		TOTAL PAVED AREA	
4.37 AC (300,000 sq ft)		7.34 AC (508,000 sq ft)		4.37 AC (300,000 sq ft)	

TOTAL LOT AREA		TOTAL IMPERV AREA		TOTAL PAVED AREA	
4.37 AC (300,000 sq ft)		7.34 AC (508,000 sq ft)		4.37 AC (300,000 sq ft)	

TOTAL LOT AREA		TOTAL IMPERV AREA		TOTAL PAVED AREA	
4.37 AC (300,000 sq ft)		7.34 AC (508,000 sq ft)		4.37 AC (300,000 sq ft)	

TOTAL LOT AREA		TOTAL IMPERV AREA		TOTAL PAVED AREA	
4.37 AC (300,000 sq ft)		7.34 AC (508,000 sq ft)		4.37 AC (300,000 sq ft)	

TOTAL LOT AREA		TOTAL IMPERV AREA		TOTAL PAVED AREA	
4.37 AC (300,000 sq ft)		7.34 AC (508,000 sq ft)		4.37 AC (300,000 sq ft)	

TOTAL LOT AREA		TOTAL IMPERV AREA		TOTAL PAVED AREA	
4.37 AC (300,000 sq ft)		7.34 AC (508,000 sq ft)		4.37 AC (300,000 sq ft)	

TOTAL LOT AREA		TOTAL IMPERV AREA		TOTAL PAVED AREA	
4.37 AC (300,000 sq ft)		7.34 AC (508,000 sq ft)		4.37 AC (300,000 sq ft)	