



Project Applicant

Renaissance BESS A LLC, Renaissance BESS B LLC, Renaissance BESS C LLC, and Renaissance BESS D LLC

c/o Carson Power, 39 Broadway, 32nd Floor, New York, NY 10006

Project Address and Property Owner

- Property address: 360–370 Youngs Road, Williamsville, NY 14221
- Project parcel owner: R.Q.C. Ltd
- Tax Parcel (SBL): 81.02-3-1.1

Project Overview

The Applicant submitted the Renaissance BESS Major Site Plan application to the Town of Amherst Planning Department on **August 6, 2026**. On **August 7, 2026**, the Planning Department circulated the application materials for coordinated departmental review, with comments requested by September 2, 2026.

The following Town departments and outside reviewing agencies provided comments, approvals, or coordination correspondence. Reviews are organized by the date of each reviewer's earliest correspondence, with later correspondence grouped under the same reviewer:

1. **Buffalo Niagara International Airport / Niagara Frontier Transportation Authority (BNIA/NFTA):** Initial aviation comments dated **August 10, 2026**; subsequent NFTA SEQR coordination response dated **September 14, 2026**, concurring with the Town's Lead Agency designation and providing FAA/aviation coordination requirements.
2. **Alan Herberger - Senior Plumbing Inspector:** Plumbing Department approval dated **August 11, 2026**.
3. **Emily Murphy - Town Assessor:** Assessor's Office approval dated **August 18, 2026** from Bonnie B. Arnold, Real Property Appraiser.
4. **Douglas Gesel - Supervising Code Enforcement Officer:** Building Department site-compliance approval dated **August 21, 2026**.
5. **Jessica Boudreau, P.E. - Project Manager, Engineering Services Division:** Engineering Services comments dated **August 21, 2026**.
6. **Vaishali Reberholt, P.E. - Assistant Town Engineer:** Sanitary Sewer comments dated **August 25, 2026**.

7. **Krista Halt - Senior Fire Inspector / Amherst Fire Safety Committee:** Initial fire review comments dated **August 25, 2026**. Additional Main-Transit Fire Department coordination dated **September 16, 2026** addressed the Draft Emergency Response Plan and training scheduling.
8. **Vaishali Reberholt, P.E. - Stormwater Management Officer:** SWPPP comments dated **August 31, 2026**.
9. **Chris Schregel - Traffic/Safety Coordinator:** Traffic Safety comments dated **September 3, 2026**.
10. **Erie County Department of Environment and Planning (ECDEP) - David Hall, Senior Planner:** Comments dated **September 9, 2026**, including consent to the Town of Amherst acting as SEQR Lead Agency.
11. **Daniel J. Ulatowski, AICP - Zoning Enforcement Officer:** Zoning comments included in the Planning Department review dated **September 10, 2026**.
12. **Planning Department Staff - Transmitted by Greg Dionne, Assistant Planner:** Planning Staff comments dated **September 10, 2026**.
13. **Jeffrey Szatkowski - Landscape Architect:** Landscape comments included in the Planning Department review dated **September 10, 2026**.
14. **Addressing coordination / GIS distribution:** Assessor's Office memorandum dated **September 10, 2026**, issued by Liz Fickhesen, Real Property Appraiser, and copied to Brian Barnes, Senior GIS Analyst, revised the property address from 370 Youngs Road to 360–370 Youngs Road.
15. **Town Attorney's Office - Steven B. Bengart, Esq.:** Town Attorney comments dated **September 15, 2026**.
16. **Erie County Department of Public Works (ECDPW), Division of Highways - Garrett M. Hacker, P.E., Supervisor of Engineering:** Review dated **September 17, 2026** states no concerns with the Site Plan and identifies required Highway Work Permits for Utility Work and Non-Utility Work within the Wehrle Road (CR-290) right-of-way.

The coordinated review correspondence summarized above has been received from the applicable reviewing agencies and Town departments. The comments and the Applicant's responses follow. Receipt of review correspondence does not constitute final approval or resolution of every comment.

Responses to Coordinated Review Comments

NFTA / BNIA Review

Buffalo Niagara International Airport | August 10, 2026

From: Samantha Brenzel, Senior Aviation Planner

Niagara Frontier Transportation Authority | September 14, 2026

From: James Lavelle, Director, Health Safety & Environmental Quality

The initial BNIA review dated August 10, 2026 and the subsequent NFTA response dated September 14, 2026 address FAA coordination, potential pilot glare, and advance notification to the Air Traffic Control Tower. The responses below address both letters.

NFTA | Lead agency statement

NFTA concurred with the Town serving as Lead Agency and determined that the proposed development is not expected to have a significant impact concerning the NFTA.

Applicant response: Acknowledged. No corrective action requested.

BNIA / NFTA | Comment 1

The August 10, 2026 BNIA review identifies the proposed project as being near the approach slope to Runway 23. The September 14, 2026 NFTA review identifies the project as being in the vicinity of multiple runways. Coordination with the FAA is required to determine whether notice must be filed pursuant to FAA Form 7460-1, "Notice of Proposed Construction or Alteration."

Applicant response: The Applicant has completed the applicable FAA coordination and filed the required notice with the FAA. The FAA subsequently issued a Determination of No Hazard to Air Navigation. A copy of the FAA determination has been provided as part of the revised submission package.

BNIA / NFTA | Comment 2

If any additional lighting is proposed, potential pilot glare must be considered in the design and placement of lighting fixtures.

Applicant response: No permanent exterior lighting is proposed as part of the project. Any temporary construction or maintenance lighting will be evaluated for potential pilot glare in its design and placement. In addition, the Applicant and/or its contractor will notify the applicable BNIA Air Traffic Control Tower at least 72 hours prior to commencement of construction activities, consistent with the BNIA/NFTA coordination requirements.

BNIA / NFTA | Comment 3

Regardless of whether formal FAA coordination is required, the Air Traffic Control Tower should be notified at least 72 hours in advance of construction.

Applicant response: Acknowledged. The Applicant and/or its contractor will notify the applicable BNIA Air Traffic Control Tower at least 72 hours prior to commencement of construction activities.

Building Department – Plumbing

Town of Amherst | August 11, 2026

From: Alan D. Herberger, Sr. Plumbing Inspector

The Proposed Major Site Plan is Approved as Submitted – Plumbing Dept.

Applicant response: Acknowledged. No corrective action requested.

Assessor's Office

Town of Amherst | August 18, 2026

From: Bonnie B. Arnold, Real Property Appraiser

Site plan approved as submitted

Applicant response: Acknowledged. No corrective action requested.

Building Department – Code Enforcement

Town of Amherst | August 21, 2026

From: Doug Gesel, Supervising Code Enforcement Officer

Approved as Submitted

* This review was for site compliance by the Building Department only.

Applicant response: Acknowledged. No corrective action requested.

* Final approval will come from the Planning Department

Applicant response: Acknowledged. No corrective action requested.

*This approval does not grant permission to start construction.

Applicant response: Acknowledged. The Building Department's site-compliance review does not constitute final Planning Department approval or authorization to begin construction.

Engineering Services Division

Town of Amherst Engineering Department | August 21, 2026

From: Jessica Boudreau, P.E., Project Manager

MAJOR SITE PLAN IS APPROVED WITH THE FOLLOWING CONDITIONS:

(Based on Plans dated 8/5/26 & SWPPP Report dated July 2026)

Engineering | Comment 1

Stormwater calculations shall be performed showing peak flow attenuation of the post developed 25 year 24 hour storm event to that of the existing condition's 10 year 24 hour storm event, in accordance with Town requirements.

Applicant response: The SWPPP and stormwater calculations have been updated to demonstrate attenuation of the post-development 25-year, 24-hour storm event to the existing-condition 10-year, 24-hour storm event. See Page 17 of the SWPPP.

Engineering | Comment 2

Erie County approval is required for all work within their ROW, including the storm connection, prior to construction.

Applicant response: ECDPW provided its review dated September 17, 2026 and stated that it has no concerns with the Site Plan. The letter identifies required Erie County Highway Work Permits for Utility Work and Non-Utility Work within the Wehrle Road (CR-290) right-of-way. The Applicant will coordinate all proposed County right-of-way work, including the storm connection, with ECDPW and obtain the applicable approvals and permits before construction of that work. The ECDPW review letter does not replace the required permits.

Engineering | Comment 3

Utility as-builts shall be provided to the Engineering Services Division after construction of the proposed improvements.

Applicant response: Acknowledged. Utility as-builts will be provided to the Engineering Services Division following construction of the proposed improvements.

Sanitary Sewer Review

Town of Amherst Engineering Department | August 25, 2026

From: Vaishali Reberholt, P.E., CPESC, Assistant Town Engineer

SITE PLAN (SANITARY) APPROVED WITH CONDITIONS

Sanitary | Unnumbered comment

The site plan identifies the existing sanitary sewer main at the southwest corner of the property; however, it does not show the full extent of the existing public sanitary sewer infrastructure. Additionally, the location of the existing sanitary lateral is not shown. Please revise the site plan to clearly show the full extent of the existing public sanitary sewer infrastructure and the location of the existing sanitary lateral.

Applicant response: The full extent of the existing public sanitary sewer infrastructure and the location of the existing sanitary lateral are shown on the submitted ALTA/NSPS Land Title Survey and have also been incorporated into the Site Plan. See Page C-001 of the Site Plan. The proposed BESS project does not conflict with or interfere with the existing public sanitary sewer infrastructure or sanitary lateral.

Fire Review and Additional Fire Department Coordination

Amherst Fire Chiefs' Association Inc. / Amherst Fire Safety Committee | August 25, 2026

From: Krista Halt, Liaison to Amherst Fire Safety Committee

Fire Review | Comment 2 (checked item)

Section 506 FCNYS 2020 – Key Boxes – A fire department Knox key box is required for access to building keys.

Applicant response: The Site Plan has been updated to include the required Knox key box and Fire Department access information. See Page C-100 of the Site Plan. The location of the Knox key box and the applicable site access procedures will also be reviewed and highlighted during on-site Fire Department training prior to the facility becoming operational.

3. Section 507 FCNYS 2020 – Fire Protection Water Supplies

Fire Review | Comment 3.D (checked item)

Section 507.5.1 – provide an additional Fire Hydrant within 400 feet of the most remote point of the building (as the fire hose would be laid out) or within 600 feet if the building is equipped with a Fire Sprinkler system.

Applicant response: The Site Plan has been updated to show a new privately owned fire hydrant near the project access road/gate and the required 400-foot coverage to the most remote portion of the storage system, measured as the fire hose would be laid out. See Page C-100 of the Site Plan. Maintenance and accessibility requirements for the private hydrant have also been incorporated into Section 5.2, General Site Maintenance, on Page 4 of the Operations and Maintenance Plan.

Fire Review | COMMENTS: 1

Provide an additional hydrant within 400 feet of the remote part of the storage system.

Applicant response: The Site Plan has been updated to show the proposed private hydrant near the project access road/gate and the required coverage, as described in the response to checked Item 3.D above. The hydrant proposed in response to this comment is the same private fire hydrant identified in the response to Comment 3.D, and its proposed location satisfies the applicable distance requirement for both comments. See Page C-100 of the Site Plan.

Fire Review | COMMENTS: 2

How will the fire access road to the gate be maintained in winter? We suggest installing a triangular gate with a Knox lock so in the event of higher snow, the gate will still swing open.

Applicant response: The proposed gate will be a manually operated, non-electric swinging gate with the required Knox access. A triangular gate is not proposed due to site security requirements and the need to maintain controlled access to the BESS facility. To address the Fire Department's winter-access concern, the Operations and Maintenance Plan has been updated to include specific snow removal and winter maintenance requirements for the access road and gate area. Snow removal and winter maintenance are addressed in Section 4.2 on Page 3 of the Operations and Maintenance Plan and Section 5.1 on Page 13 of the Emergency Response Plan. Following snowfall events, the access road and gate area will be cleared as necessary to ensure the gate can fully open and emergency vehicle access is maintained at all times.

Additional Fire Department Coordination

Main-Transit Fire Department | September 16, 2026

From: John Connolly, EMS Lieutenant

Main-Transit Fire Department advised that Lieutenant John Connolly has been designated by Chief Adam Karl as the Fire Department point of contact for the Renaissance BESS project. Lieutenant Connolly reviewed the Draft Emergency Response Plan and indicated that it appears complete and well organized.

The Fire Department also requested that BESS training for Main-Transit Fire Department and its mutual aid partners be scheduled after November 1, 2026, due to the Department's existing training schedule.

Applicant response: Acknowledged. The Applicant will continue coordinating directly with Lieutenant Connolly and Chief Karl and will schedule BESS training for Main-Transit Fire Department and applicable mutual aid partners after November 1, 2026, as requested by the Fire Department.

SWPPP Review

Town of Amherst Engineering Department | August 31, 2026

From: Vaishali Reberholt, P.E., CPESC, SMO

SITE PLAN SWPPP NOT APPROVED

SWPPP | Comment 1

The Water Quality calculations do not reflect what is shown on the plans. The calculations indicate that the dry swale is treating the entire site, but the plan shows otherwise.

Applicant response: The SWPPP and water quality calculations have been updated to match the drainage areas and dry swale treatment area shown on the plans. See Page 16 of the SWPPP.

SWPPP | Comment 2

Stormwater calculations shall be performed showing peak flow attenuation of the post-developed 25-year storm event to that of the existing condition's 10-year storm event, in accordance with Town requirements.

Applicant response: The SWPPP and stormwater calculations have been updated to demonstrate the required attenuation. The calculations address the post-development 25-year, 24-hour storm event and the existing-condition 10-year, 24-hour storm event, consistent with Engineering Services Division Comment 1 dated August 21, 2026. See Page 17 of the SWPPP.

SWPPP | Comment 3

The filter sock should be shown in locations where it will not interfere with proposed site improvements, such as trees. The sock shall be located where disturbed soil is at a higher elevation (the east, north, and west side of the project site).

Applicant response: The Site Plan has been updated to revise the filter sock locations to avoid conflicts with proposed improvements, including trees, and to locate the controls along the higher-elevation disturbed areas on the east, north, and west sides of the site. See Page C-200 of the Site Plan.

SWPPP | Comment 4

The SWPPP indicates that the disturbance will be over 5 acres and be phased, but the plans and application indicate that the disturbance will be under 5 acres. Please revise.

Applicant response: The SWPPP has been updated to provide disturbance-area and phasing information consistent with the Site Plan and application. See Page 5 of the SWPPP.

SWPPP | Comment 5

Regarding Notice of Termination, a digital as-built is required to be submitted to the Town of Amherst before the Notice of Termination Form will be signed.

Applicant response: Acknowledged. The required digital as-built will be submitted to the Town of Amherst following construction and before the Notice of Termination Form is signed.

SWPPP | Comment 6

The SWPPP Preparer Form and Owner/Operator Form need to be signed.

Applicant response: The SWPPP Preparer Form will be completed and signed by the appropriate preparer. The Owner/Operator Form will remain blank at this stage because the final facility owner/operator has not yet been determined. The final owner/operator will be identified and the applicable Owner/Operator Form will be completed prior to issuance of the building permit.

SWPPP | Comment 7

The detail for the dry swale does not match the detail in the NYSDEC Design Manual. The stone drainage layer should be 10", not 6" as shown in the plan set. A pea gravel diaphragm should exist next to any roadway (impervious) surface.

Applicant response: The dry swale detail has been updated to show a 10-inch stone drainage layer and the required pea gravel diaphragm adjacent to roadway/impervious surfaces. See Page C-603 of the Site Plan

Traffic Safety Review

Town of Amherst Traffic Safety Board | September 3, 2026

From: Christopher P. Schregel, Traffic Safety Coordinator

*MAJOR SITE PLAN REVIEW IS
APPROVED WITH CONDITION*

Traffic Safety | Comment 1

All loading and unloading of equipment shall be accommodated on-site. Wehrle Dr shall not be utilized for such activities.

Applicant response: Addressed. All loading and unloading of equipment will occur on-site within the designated laydown area. Wehrle Drive will not be used for these activities. The designated laydown area is identified on Page C-200 of the Site Plan.

Erie County Department of Environment and Planning Review

Erie County Department of Environment and Planning | September 9, 2026

From: David Hall, Senior Planner

Erie County | Lead agency statement

Pursuant to New York General Municipal Law (GML) Section 239(m), and Article 8 of the New York Environmental Conservation Law, the Erie County Department of Environment and Planning (DEP) has reviewed the above-referenced project referred by the Town of Amherst on August 10, 2026, and consents to the Town acting as SEQR Lead Agency.

Applicant response: Acknowledged. No action required.

Erie County | First bullet

According to the Erie-Niagara Framework for Regional Growth, the project is located within a Developed Area, which promotes development of vacant and underutilized sites with existing infrastructure.

Applicant response: Acknowledged. No action required.

Erie County | Second bullet

As noted in the draft Erie County Community Climate Action Plan, the addition of utility-scale Battery Energy Storage Systems to the electrical grid can ease the transition to renewable instead of greenhouse gas-emitting energy sources. These facilities allow for a more resilient electrical grid with the capacity to store energy generated during off-peak times and provide power during high-demand situations, and will generally help meet the climate action goals of Erie County and New York State.

Applicant response: Acknowledged. No action required.

Erie County | Third bullet

The project site is adjacent to the site of the Erie Community College (ECC) North Campus at 6205 Main Street, which is zoned as Community Facilities District (CF). The Town should ensure that the landscaping proposed on plan L-100 Landscape Plan complies with the requirements detailed in Town Zoning Code Section 7-2-4B(1) High Impact Screening to sufficiently screen the facility from the ECC North Campus. The developer should clarify who will be responsible for watering and maintenance of the proposed landscaping.

Applicant response: Screening toward the ECC North Campus has been maximized to the extent practicable within the available site area, while accounting for the National Fuel Gas right-of-way and the space required for stormwater management improvements identified in the SWPPP. The Applicant requests the Town's review and acceptance of the proposed screening arrangement, as further discussed in the responses to Zoning Comments 2 and 3. The final owner/operator will be responsible for the ongoing watering, establishment, and maintenance of the approved landscaping and screening.

The Applicant has also been coordinating directly with ECC North Campus regarding the project. An educational session with students regarding BESS technology and potential future job opportunities is scheduled for October 14, 2026 at 1:45 p.m., and a broader informational event is scheduled for October 14, 2026 at 6:00 p.m. in Lecture Hall B207 to provide students and the campus community with an opportunity to learn more about the project and battery energy storage systems generally.

To date, ECC has not raised any specific concerns regarding the project and has expressed interest in opportunities for student engagement.

Erie County | Fourth bullet

The Town should ensure that the developer provides an Operations and Maintenance Plan that details its schedule for periodic maintenance and field inspection of the facility.

Applicant response: The Applicant has provided an Operations and Maintenance Plan identifying the schedule and frequency of periodic facility maintenance and field inspections. See Page 4 and 5 of the Operations and Maintenance Plan.

Erie County | Closing statement

This review pertains to the above-referenced Action submitted to Erie County DEP. This letter should not be considered sufficient for any County approvals. The applicant and/or its contractors must still obtain any other permits and regulatory approvals applicable to this project.

Applicant response: Acknowledged. The Applicant will obtain applicable County permits and regulatory approvals before undertaking the work requiring those authorizations. The required ECDPW highway work permits are addressed in the responses to the September 17, 2026 ECDPW review.

Zoning Enforcement Officer Review

Town of Amherst Planning Department | September 10, 2026

Transmitted by: Greg Dionne, Assistant Planner

Not approvable for the following reasons:

Zoning | Comment 1

Unable to verify compliance with §203-6-12-6.F of Town Code. Provide technical justification for the four (4) utility pole installations. Include any construction standard/policy required by National Grid. Installation of any new utility pole shall be positioned at the public road right-of-way. Provide a construction detail for any new utility pole and overhead connection detail. Identify the location of all existing utility poles along the north side of Wehrle Drive, and those that are connection points.

Applicant response: The Application is for four separate 5 MW BESS projects, with the four separate project LLCs identified in the project information. From a utility perspective, each project requires a separate interconnection and associated pole. This configuration is consistent with the Public Service Commission's rules regarding project size, as set forth in Case 15-E-0557, Order Amending Standardized Interconnection Requirements, and the Standardized Interconnection Requirements and Application Process for New Distributed Generators and/or Energy Storage Systems 5 MW or Less Connected in Parallel with Utility Distribution Systems (Section 1A).

Accordingly, the four proposed poles correspond to the four separate 5 MW projects and their respective interconnections; they are not four redundant poles serving a single project.

Customer-side riser poles are proposed on private property and outside the National Fuel Gas right-of-way. Existing utility poles along the north side of Wehrle Drive and the final connection points are within the public ROW and will be determined by National Grid. Final utility-owned pole locations, overhead connection details, and applicable construction standards will be established by National Grid as the utility design progresses.

Zoning | Comment 2

Sufficient screening of mechanical equipment is not provided pursuant to §203-7-2-4.C(1) of Town Code.

Applicant response: The proposed mechanical equipment screening has been designed to satisfy the requirements of §203-7-2-4.C(1) to the maximum extent practicable within the site constraints, including the National Fuel Gas right-of-way and required stormwater management areas. The proposed combination of fencing, landscaping, and retained vegetation provides the required screening of mechanical equipment from surrounding properties and public areas, consistent with the screening provisions referenced in Zoning Comment 3.

Zoning | Comment 3

High Impact Screening is not provided between the project and all adjacent properties and roadways as required by §203-6-12-6.E, and as outlined in §203-7-2-4.B(1) of Town Code.

Applicant response: The proposed High Impact Screening has been designed to satisfy the applicable requirements of §203-6-12-6.E and §203-7-2-4.B(1) to the maximum extent practicable within the site constraints, including the National Fuel Gas right-of-way and required stormwater management areas. The proposed combination of retained vegetation, fencing, and landscaping provides the required screening between the project and adjacent properties and roadways.

Where existing vegetation is retained as part of the screening arrangement, the work-limit line has been shown on the Site Plan drawings and will be delineated in the field prior to site clearing to protect the vegetation relied upon for screening. See Page C-200 of the Site Plan.

Zoning | Comment 4

The draft Emergency Response Plan will be considered incomplete until such time that the Fire Inspector provides written comments specific to his/her review of such draft document.

Applicant response: The Applicant has incorporated the comments provided by Fire Inspector Krista Halt into the Emergency Response Plan. On September 16, 2026, Lieutenant John Connolly, the designated Main-Transit Fire Department point of contact, advised that he had reviewed the Draft Emergency Response Plan and that it appears complete and well organized.

Planning Department Staff Review

Town of Amherst Planning Department | September 10, 2026

Transmitted by: Greg Dionne, Assistant Planner

Planning Staff | Comment 1

Provide a survey from a Licensed Professional Surveyor and legal description of the property involved with this request.

Applicant response: The ALTA/NSPS Land Title Survey referenced in the Sanitary Sewer response have been included with the revised submission. A legal description of the project property has been provided following Site Plan approval and prior to issuance of the building permit.

Planning Staff | Comment 2

Add any proposed easements to all site drawings.

Applicant response: The Site Plan has been updated to show the proposed landscaping and access easements on Page C-100. All existing easements affecting the site are shown on Page C-001 of the Site Plan.

Planning Staff | Comment 3

Provide a fire access plan with truck turning templates and the location of all existing/proposed hydrants.

Applicant response: The proposed fire apparatus access road is less than 150 feet in length. Pursuant to New York State Fire Code Appendix D, Section D103.4, dead-end fire apparatus access roads 150 feet or less in length do not require a turnaround. Accordingly, a separate truck-turning template or turnaround plan is not required for the proposed access configuration.

The proposed private hydrant is identified on Page C-100 of the Site Plan. Existing public hydrants are located off-site on adjacent parcels to the southwest and northeast of the project site and are not located on the Applicant's parcel.

The Applicant has also submitted a supplemental PDF containing an internal project layout identifying the relative locations of the proposed and existing hydrants, together with street-view screenshots documenting the off-site hydrant locations. The internal layout is provided solely for the purpose of identifying hydrant locations and should not be relied upon for engineering, design, construction, dimensional, or permitting purposes.

Planning Staff | Comment 4

Increase the height of the sound wall and vehicular gate chain-link fence to 10 feet in height, sufficient to screen all equipment within the BESS compound from view at the property lines. Provide a manufacturer's cut sheet for the sound wall.

Applicant response: Addressed. The Site Plan has been updated to show the sound wall and vehicular gate chain-link fence at 10 feet in height, as called out on Sheet C-100. The applicable sound wall and fence details have also been added to Sheet C-602, and the manufacturer's cut sheet for the sound wall is included with the revised submission.

Planning Staff | Comment 5

On the plans, indicate where the sound wall fence transitions to the vehicular gate chain link fence.

Applicant response: The Site Plan has been updated to identify the transition between the sound wall and vehicular gate fence. See Page C-101 of the Site Plan.

Planning Staff | Comment 6

Specify concrete as the material for the curb cut apron and update all relevant references in the site plan drawings to reflect concrete.

Applicant response: The Site Plan has been updated to specify concrete for the curb-cut apron, with all relevant references throughout the plan set revised accordingly. See Page C-603 of the Site Plan.

Planning Staff | Comment 7

Provide details on all proposed interconnection equipment and any other above-ground equipment or structures shown on the site plans, including meter boards, transformers, utility structures, etc.

Applicant response: The Applicant has provided manufacturer data sheets and available technical information for the proposed customer-owned interconnection and above-ground equipment. The submitted data sheets have been highlighted to identify the specific equipment dimensions applicable to the proposed project.

Detailed design information for utility-owned equipment cannot be provided by the Applicant because the final equipment selection, configuration, and installation details are controlled by National Grid and have not yet been finalized by the utility. The Applicant does not have authority to specify or modify National Grid-owned equipment.

The final utility-owned equipment and connection details will be established by National Grid as the interconnection design progresses. Any such utility design refinements will remain within the established interconnection area and will not expand or materially alter the approved project footprint. Spec sheets for utility-owned infrastructure will be made available prior to issuance of the building permit and will be reflected in the IFC drawings and as-builts provided to the Town.

Planning Staff | Comment 8

On drawing C-101, identify each of the proposed utility structures and interconnection equipment.

Applicant response: Due to space limitations on Drawing C-101, individual equipment identification and callouts could not be clearly incorporated on that sheet. The Applicant has instead submitted Sheet E-1.0, which identifies the proposed utility structures and interconnection equipment.

Sheet E-1.0 is provided solely for the purpose of identifying the equipment associated with the Site Plan and should not be relied upon for dimensions, final equipment locations, construction, permitting, or any other design purpose. Final utility-owned equipment and connection details remain subject to National Grid design and coordination, as addressed in the response to Zoning Comment 1.

9. On drawing C-602:

Planning Staff | Comment 9.a

For detail #8 (bollards), change “neutral color” to “earth-toned color”.

Applicant response: C-602 has been updated to revise the bollard color description to “earth-toned color.”

Planning Staff | Comment 9.b

For detail #1 (sound wall), specify the opacity, an earth-toned color, and the common material name of the panels.

Applicant response: C-602 has been updated to specify the sound wall opacity, earth-toned color, and common panel material name using the manufacturer’s information.

Planning Staff | Comment 9.c

For detail #2 (vehicular gate chain link fence), provide details on the proposed HDPE/PVC vinyl slats, specify their color to match the color of the sound wall, and remove any reference to the use of fabric.

Applicant response: A manufacturer data sheet for the proposed HDPE/PVC vinyl slats has been included with the revised submission. The slat information was not incorporated directly into the Site Plan drawing set. The proposed slats will be coordinated to match the color of the sound wall, and fabric screening is not proposed.

Planning Staff | Comment 10

Within the site plan drawing set, provide renderings of the proposed project after completion of construction and after 5 years of landscaping growth. Such renderings should include all proposed elements, including but not limited to, driveways, plantings, utility poles, interconnection equipment outside of the compound, fencing, etc.

Applicant response: Renderings showing the project following construction and after five years of landscaping growth are included with this submission package. The renderings depict the proposed driveways, plantings, utility poles, interconnection equipment outside the compound, fencing, and other visible project elements. Because the renderings were prepared by a separate project vendor, they have been submitted as a separate document rather than incorporated directly into the Site Plan drawing set.

Planning Staff | Comment 11.a

The Decommissioning Cost Estimate in Appendix B, on page 12, appears to be low based on brief research, which indicates estimated decommissioning costs of \$35-\$90 per kWh. Review Appendix B, revise as necessary, and provide any additional justification or evidence of the cost estimates.

Applicant response: The Decommissioning Cost Estimate was prepared and stamped by a licensed professional engineer with experience in BESS projects. In response to the Town's comment, the estimate has been revised to increase the assumed BESS disposal cost, resulting in an approximately 20% increase in the total estimated decommissioning cost. The revised estimate is included in Appendix B of the updated Decommissioning and Site Restoration Plan.

Planning Staff | Comment 11.b

Update Appendix A, on page 11. The Town of Amherst contacts should be listed as follows:

i. Town of Amherst – Building Department, Mark Berke, Commissioner of Building, 716-631-7080, mberke@amherst.ny.us

ii. Town of Amherst – Fire Chiefs, Krista Halt, Senior Fire Inspector, 716-631-7140, khalt@amherst.ny.us

iii. Town of Amherst – Zoning Enforcement Officer, Daniel Ulatowski, Assistant Planning Director and Zoning Enforcement Officer, 716-631-7058, dulatowski@amherst.ny.us

iv. Town of Amherst – Town Attorney, Steven Bengart, Town Attorney, 716-631-7030, sbengart@amherst.ny.us

Applicant response: The Applicant has included an updated Appendix A with the Town contacts listed above in the revised submission.

Planning Staff | Comment 12

In the provided "Noise Study Results" from GZA GeoEnvironmental of NY, on page 7, it is stated that octave band sound levels may be provided upon request. Update the sound study to provide these octave band sound level results.

Applicant response: GZA completed supplemental octave-band modeling for the proposed BESS at both 40% and 100% operating load and provided modeled octave-band sound levels at each of the seven evaluated receivers. The supplemental analysis evaluates frequencies from 31.5 Hz through 8,000 Hz and is included with this submission package. GZA also confirmed that the Town of Amherst Noise Code and Battery Energy Storage Systems Local Law do not establish octave-band-specific limits; accordingly, the supplemental results are provided for informational purposes and were not compared against Town octave-band limits or ambient sound levels.

The actual supplemental tables begin with the 40% operating condition results and include the modeled octave-band levels at each receiver.

Planning Staff | Comment 13

A favorable determination from the Federal Aviation Administration (FAA), as mentioned on Page 3 in the provided "Supplemental Information Memorandum for the Full Environmental Assessment Form," will be required prior to final site plan approval.

Applicant response: The Applicant has obtained the FAA determinations and has included copies within the revised submission package. See also the response to BNIA/NFTA Comment 1.

Planning Staff | Comment 14

Prior to final approval, the petitioner shall reach a Community Benefit Agreement (CBA) with the Town Attorney's office in connection with the petitioner's seeking of a payment-in-lieu-of-taxes (PILOT) agreement with the Amherst Industrial Development Agency (AIDA), as stated on page 2 of the submitted "Memorandum: Battery Energy Storage System (BESS) Fire Safety and Community Benefit Overview". Such CBA shall include provisions for providing any equipment, training, or other resources deemed necessary by the Fire Chiefs for emergency response purposes.

Applicant response: The Applicant will coordinate with the Town Attorney's Office and AIDA regarding the Community Benefit Agreement and its relationship to the proposed PILOT and Host Community Agreement processes. The Applicant requests confirmation of the acceptable sequencing of these agreements relative to Planning Board action and final site plan approval.

The CBA coordination will include Fire Department equipment, training, and other emergency-response resources identified as necessary by the Fire Chiefs and within reason. The Applicant also acknowledges the Town Attorney's recommendation to consider submitting a draft CBA before the Planning Board public hearing.

Planning Staff | Comment 15.a

On page 7, correct "Williamson High School" to "Williamsville South High School"

Applicant response: The ERP has been updated to correct the school name to "Williamsville South High School" in Section 4.1 on Page 7.

Planning Staff | Comment 15.b

On page 8 and page 25, a fire hydrant is identified adjacent to the southwestern corner of the existing commercial building on the site, however, no fire hydrant appears to be present in that location and the site plan drawings do not identify an existing or proposed fire hydrant in that location. Clarify if this is a proposed hydrant and add to the site plan drawings, as applicable.

Applicant response: The ERP has been updated to identify the proposed private fire hydrant near the project access road/gate, as shown in Section 3.2 on Page 8. The Site Plan has also been updated to show the proposed hydrant on Page C-100, consistent with the ERP.

The Applicant has also included a supplemental PDF showing an overhead view of the project site and surrounding area identifying the proposed and existing hydrant locations, together with street-view screenshots documenting the existing off-site hydrants. The supplemental PDF is provided for reference and location-identification purposes.

Planning Staff | Comment 15.c

On page 8, correct the total number of MP2XL cabinets.

Applicant response: The ERP has been updated on Page 8 to reflect the correct total number of MP2XL cabinets, consistent with the current project layout.

Planning Staff | Comment 15.d

On Page 13, it is stated that the "BESS facility will be provided with external multi-spectrum infrared (IR) flame detectors." Provide details on the proposed IR flame detectors, and identify their location and viewshed on the site plan drawings.

Applicant response: The Site Plan has been updated on Sheet C-100 to call out the requirement for IR cameras. Final IR camera locations and viewsheds will be determined prior to issuance of the Building Permit. The Emergency Response Plan has also been updated to address the IR camera system in Section 5.3 on Page 13.

Planning Staff | Comment 15.e

Under Section 5.1 (Site Access), add provisions for timely snow removal.

Applicant response: Addressed. Section 5.1 on Page 13 of the ERP has been updated to include provisions for timely snow removal to maintain emergency access to the site. The access road and gate area will be cleared as necessary following snowfall events to ensure the manually operated, non-electric swinging gate can fully open and emergency vehicle access is maintained.

16. The following items need to be addressed or corrected on the Environmental Assessment Form submitted for review

Planning Staff | Comment 16 / Item B.e

Item B.e Check "Yes" and add ECDPW (curb cut) and ECDEP (239-m referral)

Applicant response: The FEAF has been updated to check "Yes" and add ECDPW for the curb cut and ECDEP for the 239-m referral. The required Utility Work and Non-Utility Work permits identified in ECDPW's September 17, 2026 letter will also be reflected in the final governmental approvals listing.

Planning Staff | Comment 16 / Item B.f

Item B.f Check “Yes” and add BNIA/NFTA

Applicant response: The FEAF has been updated to check “Yes” and add BNIA/NFTA.

Planning Staff | Comment 16 / Item C.2.a

Item C.2.a Check “Yes” for both questions

Applicant response: The FEAF has been updated to check “Yes” for both questions.

Planning Staff | Comment 16 / Item D.1.a

Item D.1.a Provide an answer

Applicant response: The FEAF has been updated to provide the requested answer.

Planning Staff | Comment 16 / Item D.2.e.

Item D.2.e. Provide answers for all questions in that section

Applicant response: The FEAF has been updated to complete all questions in this section.

Planning Staff | Comment 16 / Item D.2.k

Item D.2.k Confirm answer

Applicant response: The FEAF response has been reviewed and confirmed.

Planning Staff | Comment 16 / Item D.2.m.i

Item D.2.m.i Add operational noise

Applicant response: The FEAF has been updated to address operational noise.

Planning Staff | Comment 16 / Item E.1.a

Item E.1.a Check “Other” and specify Educational Campus (ECC)

Applicant response: The FEAF has been updated to check “Other” and specify Educational Campus (ECC).

Planning Staff | Comment 16 / Item E.1.d.i

Item E.1.d.i Add YMCA, ECC, and Russell J. Salvatore Baseball Park

Applicant response: The FEAF has been updated to add YMCA, ECC, and Russell J. Salvatore Baseball Park.

Planning Staff | Comment 16 / Item E.5.c

Item E.5.c Check “No”

Applicant response: The FEAF has been updated to check “No.”

Planning Staff | Comment 17

Note that any other SEQR-related issues raised during the review process for this site plan must be addressed prior to action by the Planning Board.

Applicant response: Acknowledged. The Applicant will address any remaining SEQR-related issues raised during the review process prior to Planning Board action.

Planning Staff | Comment 18

Provide the required reserved 4" x 6" area in the lower right-hand corner of all drawings for official Town use.

Applicant response: The drawings have been updated to reserve the required 4-inch by 6-inch area in the lower right-hand corner for official Town use.

Planning Staff | Comment 19

Please provide an 8½" x 11" reduction of the site plan and an electronic version of any revised plans, amended or additional materials submitted for review.

Applicant response: An 8.5-inch by 11-inch Site Plan reduction has been provided as part of the resubmission package.

Landscape Architect Review

Town of Amherst Planning Department | September 10, 2026

Transmitted by: Greg Dionne, Assistant Planner

Landscape | Comment 1

All previously required trees and shrubs from the previously approved site plan must be shown on the site plan, shown and labeled on the landscaping plan, and alive and in a vigorous condition, as per §203-7-2-7 of Town Code. All dead or missing plants shall be replaced or re-planted in the locations shown on plan. See annotated attachment indicating the missing plants from SP-1979-42_B.

Applicant response: The site and landscaping plans have been updated to show and label the required trees and shrubs using the previously approved Site Plan. See drawing L-100 of the Site Plan. Dead or missing required plantings will be replaced or replanted in the locations shown on the approved plan.

Landscape | Comment 2

On drawing L-100, substitute the arborvitae shrubs to a spruce or other large juniper shrub less susceptible to deer browse.

Applicant response: L-100 has been updated to replace the proposed arborvitae with spruce or another large juniper shrub less susceptible to deer browse.

3. Add the following notes to drawing L-100:

Landscape | Comment 3.a

"Once approved, all existing trees and shrubs on the landscaping plan must be alive and in a vigorous condition as per §203-7-2-7 of Town Code."

Applicant response: L-100 has been updated to include the requested landscaping condition note.

Landscape | Comment 3.b

“Petitioner and petitioner's contractor shall take all reasonable measures to protect existing trees which are to be preserved from all possible types of root, trunk, and limb damage; including but not limited to, retaining walls which prevent filling on top of roots or excavating tree roots as per §203-7-2-3.B(3) of Town Code.”

Applicant response: Drawing L-100 has been updated to include the requested tree-protection note. Where existing trees and shrubs are retained for screening, the work-limit line has been shown on the Site Plan drawings and will be delineated in the field prior to site clearing in the vicinity of the required yard area. See Page C-200 of the Site Plan.

Landscape | Comment 3.c

“Non-single-family residential properties which may be viewed from residential uses, public streets or public park areas shall screen all roof, ground and wall mounted mechanical equipment (utility structures, multiple meter boards, generators, air conditioning units, backflow preventer [RPZ] hot boxes, etc.) from view at ground level of the property line, as per §203-7-2-4.C(1) of Town Code.”

Applicant response: Drawing L-100 has been updated to include the requested mechanical equipment screening note. The proposed screening arrangement, National Fuel Gas right-of-way constraint, and space needed for stormwater management are addressed in the responses to Zoning Comments 2 and 3. The proposed arrangement remains subject to the Town’s review and acceptance.

Landscape | Closing review statement

This is a review only and does not insinuate that the application has been determined to be complete nor approval of the Major Site Plan. Final approval of the site plan will occur after Planning Board approval, any conditions imposed by that board are addressed, and approved Major Site Plan drawings are issued by this department. Should you have questions regarding this correspondence, please contact Scott A. Marshall, Principal Planner at smarshall@amherst.ny.us or Greg Dionne, Assistant Planner at gdionne@amherst.ny.us.

Applicant response: Acknowledged. The Applicant understands that the review correspondence does not constitute a determination of application completeness or final Site Plan approval.

Town Attorney Review

Town of Amherst Town Attorney’s Office | September 15, 2026
From: Steven B. Bengart, Esq., Town Attorney

Town Attorney | Comment 1

The Full Environmental Assessment Form must be updated to address the Planning Department’s requested revisions. Part 1, Question B must identify all required governmental approvals from involved agencies.

Applicant response: The FEAF has been updated to identify the known governmental approvals and involved agencies applicable to the project, including ECDPW, ECDEP, and BNIA/NFTA, consistent with the Planning Department comments. The required County highway work permits identified in ECDPW's September 17, 2026 letter will also be reflected in the final governmental approvals listing. The Applicant will confirm that the final listing is consistent with the applicable FAA determination and other project approvals.

Town Attorney | Comment 2

Submit a survey of the property at 370 Youngs Road identifying applicable easements. Copies of any recorded easements must also be provided for review.

Applicant response: The survey and revised Site Plan identify the applicable existing easements. Copies of the existing recorded easement documents have been provided with the submission.

The Site Plan has also been updated to show the proposed landscaping and access easements associated with the project on Page C-100 of the Site Plan. The proposed utility easement will also be identified, as addressed in Planning Staff Comment 2. Documentation for proposed easements will be provided separately as it is prepared and finalized.

Town Attorney | Comment 3

The Town Attorney recommends that the Planning Board require a Community Benefit Agreement pursuant to Town Code §203-6-12-6.O in connection with the Applicant's anticipated PILOT agreement. The Applicant should consider submitting a draft Community Benefit Agreement prior to the Planning Board public hearing.

Applicant response: Acknowledged. The Applicant will continue coordinating with the Town Attorney's Office and AIDA regarding the Community Benefit Agreement in connection with the proposed PILOT. The Applicant acknowledges the recommendation to consider submitting a draft before the Planning Board public hearing and will coordinate the preparation and timing of that submission with the Town. See also the response to Planning Staff Comment 14 regarding agreement sequencing.

Town Attorney | Comment 4

The Decommissioning Cost Estimate appears low and should be reviewed. The Decommissioning Plan must also include a mechanism for re-evaluating the amount of the required surety every five years.

Applicant response: The Decommissioning Plan already includes a requirement for the decommissioning cost estimate and associated financial security to be reviewed and updated every five years, as set forth on Page 10 of the Decommissioning Plan. In response to the Town's comments regarding the current estimate, the assumed BESS disposal cost has been increased, resulting in an approximately 20% increase in the total estimated decommissioning cost. The revised cost estimate is included in Appendix B of the updated Decommissioning and Site Restoration Plan, consistent with the response to Planning Staff Comment 11.a.

Erie County Department of Public Works Review

Erie County Department of Public Works, Division of Highways | September 17, 2026

From: Garrett M. Hacker, P.E., Supervisor of Engineering

Based on its review of the Site Plan, the Erie County Department of Public Works indicated that it has no concerns with the proposed project.

ECDPW | Permit Requirement 1

The Developer will be required to apply and obtain an Erie County Highway Work Permit for Utility Work for the construction of utilities within the Wehrle Road (CR-290) highway right-of-way.

Applicant response: Acknowledged. The Applicant will apply for and obtain the required Erie County Highway Work Permit for Utility Work prior to construction of utilities within the Wehrle Road (CR-290) highway right-of-way. The proposed storm connection and any associated County right-of-way work will be coordinated with ECDPW as part of the applicable permitting process.

ECDPW | Permit Requirement 2

The Developer will be required to apply and obtain an Erie County Highway Work Permit for Non-Utility Work for the construction of a commercial driveway within the Wehrle Road (CR-290) highway right-of-way.

Applicant response: Acknowledged. The Applicant will apply for and obtain the required Erie County Highway Work Permit for Non-Utility Work prior to construction of the commercial driveway within the Wehrle Road (CR-290) highway right-of-way.

Conclusion

The Applicant has received all required review comments and has addressed each comment in this response. Where an item cannot yet be fully resolved, this response identifies the reason and the remaining coordination or documentation required.

The Applicant looks forward to continuing coordination with Town staff and the reviewing agencies and to presenting the revised project to the Planning Board on October 15. We also welcome the opportunity to engage with the Board, staff, and community at the October 14 ECCC meeting at 6:00 p.m., Lecture Hall B207.