



JOINT APPLICATION FORM

For Permits for activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

**1. Applications To:**

**>NYS Department of Environmental Conservation**  Check here to confirm you sent this form to NYSDEC.

Check all permits that apply:  Dams and Impoundment Structures  Tidal Wetlands  Water Withdrawal  
 Stream Disturbance  401 Water Quality Certification  Wild, Scenic and Recreational Rivers  Long Island Well  
 Excavation and Fill in Navigable Waters  Coastal Erosion Management  Incidental Take of Endangered / Threatened Species  
 Docks, Moorings or Platforms  Freshwater Wetlands

**>US Army Corps of Engineers**  Check here to confirm you sent this form to USACE.

Check all permits that apply:  Section 404 Clean Water Act  Section 10 Rivers and Harbors Act  
 Is the project Federally funded? Yes  No   
 If yes, name of Federal Agency: \_\_\_\_\_  
 General Permit Type(s), if known: NWP29 \_\_\_\_\_  
 Preconstruction Notification:  Yes  No

**>NYS Office of General Services**  Check here to confirm you sent this form to NYSOGS.

Check all permits that apply:  
 State Owned Lands Under Water  Utility Easement (pipelines, conduits, cables, etc.)  Docks, Moorings or Platforms

**>NYS Department of State**  Check here to confirm you sent this form to NYSDOS.

Check if this applies:  Coastal Consistency Concurrence

**2. Name of Applicant**  Taxpayer ID (if applicant is NOT an individual)

Mailing Address  Post Office / City  State  Zip

Telephone  Email

Applicant Must be (check all that apply):  Owner  Operator  Lessee

**3. Name of Property Owner (if different than Applicant)**

Mailing Address  Post Office / City  State  Zip

Telephone  Email

**For Agency Use Only** | Agency Application Number:

**4. Name of Contact / Agent**  
 Tom Somerville (Earth Dimensions, Inc.)  
 Mailing Address: 1091 Jamison Road  
 Post Office / City: Elma  
 State: NY Zip: 14059  
 Telephone: 716-655-1717 Email: tsomerville@earthdimensions.com

**5. Project / Facility Name**  
 4300 Transit Road subdivision & Townhomes  
 Property Tax Map Section / Block / Lot Number: 16.00-2-20  
 Project Street Address, if applicable: 4300 Millersport Highway  
 Post Office / City: Amherst  
 State: NY Zip: 14228  
 Provide directions and distances to roads, intersections, bridges and bodies of water:  
 The site is located on the northwest side of Millersport Highway on the west side of New Road and north side of Smith Road.  
 Town: Amherst Village: County: Erie Stream/Waterbody Name: Tributary to Ransom Creek  
 Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:  
 Latitude: 43 ° 03 ' 20.56N " Longitude: 78 ° 43 ' 41.91W "

**6. Project Description:** Provide the following information about your project. Continue each response and provide any additional information on other pages. **Attach plans on separate pages.**

a. Purpose of the proposed project:  
 The project purpose is the construction of a 38 patio homes and 13 townhouses on a 66.89-acre parcel.

b. Description of current site conditions:  
 The site is currently vacant and is dominated by a mown field with trees.

c. Proposed site changes:  
 Proposed site changes include the development of a 38 patio homes and 13 townhouses. The project will impact 0.39 acre of federally jurisdictional wetland. A 0.59 acre wetland creation area will be created on-site.

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):  
 The proposed project encompasses an 23 acre development area on a 66.89 acre site.

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:  
 The project does not involve dredging of material.

f. Is tree cutting or clearing proposed?  Yes If Yes, explain below.  No  
 Timing of the proposed cutting or clearing (month/year): unknown  
 Number of trees to be cut: Acreage of trees to be cleared: 0.5 acre

g. Work methods and type of equipment to be used:

Typical work methods will be used to complete the construction of the project. Equipment will include the use of excavators and dozers.

h. Describe the planned sequence of activities:

Following installation of erosion control devices, topsoil will be stripped within the work area and stockpiled. Earthwork and rough grading will occur followed by utility installation, building and parking lot construction and final grading/stabilization.

i. Pollution control methods and other actions proposed to mitigate environmental impacts:

Silt fencing and/or silt sock will be used to control sedimentation into the regulated wetland/waterway.

j. Erosion and silt control methods that will be used to prevent water quality impacts:

Installation of stabilized construction entrances where accessing the site from public roads. Installation of perimeter silt sock/fence, installation of the proposed detention basins to act as a sediment traps, installation of temporary inlet protection at all existing and new inlets within the work area. Disturbed areas will be topsoiled and seeded in a timely manner. An E&SC plan will be prepared in accordance with NYDEC requirements.

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:

The project site contains approximately 34.84 acres of federally jurisdictional wetland. The project has been designed to avoid all but 0.39 acre of wetland. Several alternatives have been explored; the least impacting to wetlands is provided as the current plan.

l. Proposed use:  Private  Public  Commercial

m. Proposed Start Date:  Estimated Completion Date:

n. Has work begun on project?  Yes If Yes, explain below.  No

o. Will project occupy Federal, State, or Municipal Land?  Yes If Yes, explain below.  No

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:

LRB 2006-00698  
DEC 9-1422-00452

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?

Yes If Yes, list below.  No

Town of Amherst Site Plan Approval  
Erie County Health Department Approval

**7. Signatures.**

Applicant and Owner (If different) must sign the application.  
 Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willfully falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

Signature of Applicant

Date

*[Handwritten Signature]*

FEB 2, 2024

Applicant Must be (check all that apply):  Owner  Operator  Lessee

Printed Name

Title

Fred Cimato

Owner

Signature of Owner (if different than Applicant)

Date

Printed Name

Title

Signature of Contact/Agent

Date

*[Handwritten Signature]*

2/2/24

Printed Name

Title

Thomas Somerville

Ecologist

**For Agency Use Only**

**DETERMINATION OF NO PERMIT REQUIRED**

Agency Application Number

(Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

Agency Representative:

Printed Name

Title

Signature

Date