Site Plan Application & Supporting Documentation Consisting of Exhibit "1" to "7"
4774 & 4780 Sheridan Drive
Date: April 22, 2024

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Major Site Plan Review

For Official Use

File #: _____ **Acreage** _____ **Fee $** _____

Address Verified by Assessor's Office _____ (VERIFIED BY / DATE)

Materials Received by Planning Department _____ (RECEIVED BY / DATE)

Fee Paid to Town Clerk _____ (RECEIVED 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	_____
Request for Relief of / 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:	**$**_____

To Be Completed By Applicant

Petitioner:

Name: 4780 Sheridan Drive LLC c/o Sean Hopkins, Esq.

Address: 5500 Main Street, Suite 343

Williamsville (city) NY (state) 14221 (zip code)

Phone: 716-510-4338 Fax: _____

E Mail: shpokins@hsmlegal.com

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

Name: Patrick Sheedy, Jr. PE - Carmina Wood Design

Address: 487 Main Street, Suite 500

Buffalo (city) NY (state) 14203 (zip code)

Phone: 716-842-3165 Fax:

E Mail: psheedy@carminawooddesign.com

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

Address: 4774 & 4780 Sheridan Drive

SBL No(s): 68.12-1-10 & 68.12-1-11

Project Name: Proposed Multi-Family

Project Description: See Exhibit 2 - Proposed multi-family development consisting of 11, 2-unit buildings with attached garages to include associated site, utility, lighting and landscape improvements. All existing buildings and features on site are to be demolished.

Part 1 of the Full Environmental Assessment Form with Page 5[a] and Attachments A and B is attached as Exhibit "1".

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):

	existing	proposed	total
Gross Floor Area (non-residential):	1,825 sf	0 sf	0 sf
Gross Floor Area Residential:	3,600 sf	39,270 sf	39,270 sf
Number of Residential Units:	2	22	22
Number of Parking Spaces:	0	96	96

Acreage of Parcel: 0.67 ac - 4774 Sheridan Drive
(list each parcel separately) 4.36 ac - 4780 Sheridan Drive

Frontage on Public Roads: 215.35' - Sheridan Drive
(list each road separately)

Existing Zoning District(s) R-4

Town of Amherst Planning Department, 5583 Main Street, Williamsville, NY 14221
(716) 631-7051; Fax: (716) 631-7153; Web: www.amherst.ny.us

Exhibit 1 of Site Plan Application – Part 1 of Full Environmental Assessment Form Prepared pursuant to the State Environmental Quality Review Act ("SEQRA") with Page 5[a] and Attachment "1" and "2"

Full Environmental Assessment Form
Part 1 - Project and Setting

Prepared By: Sean Hopkins, Esq.
Hopkins Sorgi & McCarthy PLLC
5500 Main Street, Suite 343
Williamsville, NY 14221
Tel: 716.510-4338
E-mail: shopkins@hsmlegal.com

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 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Proposed Residential Project		
Project Location (describe, and attach a general location map): 4774 and 4780 Sheridan Drive - Town of Amherst - Erie County		
Brief Description of Proposed Action (include purpose or need): The proposed project ("action") consists of the development of the parcels at 4774 and 4780 Sheridan Drive ("Project Site") as a residential project consists of eleven buildings each comprised of two-homes [22 total units]. The proposed action has been defined broadly to include all all proposed site improvements as well as all required discretionary approvals and permits needed from involved agencies including entry into the NYSDEC Brownfield Cleanup Program. The project purpose is to develop the Project Site as a low density residential project per the recommended land use in Figure 6 of the Town's adopted Comprehensive Plan. The proposed project is an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") and will not result in any potentially significant adverse environmental impacts. The Town Board completed an environmental review of the project pursuant to SEQRA and issued a Negative Declaration on February 5, 2024. A copy of the negative declaration issued by the Town Board is provided at Attachment "A".		
Name of Applicant/Sponsor: 4780 Sheridan Drive LLC c/o Sean Hopkins, Esq.	Telephone: 716.510-4338 E-Mail: shopkins@hsmlegal.com	
Address: 5500 Main Street, Suite 343		
City/PO: Williamsville	State: NY	Zip Code: 14221
Project Contact (if not same as sponsor; give name and title/role): Same as above.	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Estate of Edith Fruehauf, Rudolph Gleason and Greta Gleason	Telephone: E-Mail:	
Address: 4780 Sheridan Drive		
City/PO: Williamsville	State: NY	Zip Code: 14221

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 ☐Yes ☑No		
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Planning Board - Site Plan Approval	April 22, 2024
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☐Yes ☐No		
e. County agencies ☑Yes ☐No	ECDOH - Sewer and ECWA - Water	To be Determined
f. Regional agencies ☐Yes ☐No		
g. State agencies ☑Yes ☐No	NYSDOT - Highway Work Permit , NYSDEC - Brownfield Cleanup, SPDES Permit and DSCA	To be Determined
h. Federal agencies ☐Yes ☐No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☐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):

NYS Heritage Areas: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?
Residential District Four ("R-4")

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? Amherst Central Schools

b. What police or other public protection forces serve the project site?
Town of Amherst Police Department

c. Which fire protection and emergency medical services serve the project site?
Hutchinson Hose Company

d. What parks serve the project site?
Amherst State Park

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)? Low density residential consisting of two-unit homes for sale.

b. a. Total acreage of the site of the proposed action? 5.03 acres
b. Total acreage to be physically disturbed? 5.03 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 5.03 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? ☑ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase		22		
At completion of all phases		22		

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

If Yes,

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: stormwater management area

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☑ Other specify: Stormwater runoff

iii. If other than water, identify the type of impounded/contained liquids and their source. Not applicable.

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: 0.25 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): Earth Fill - The stormwater management area does not constitute a dam regulated by the NYSDEC.

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.

_____

_____

i*v.* 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: 4,840 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: Erie County Water Authority
- 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: 4,840 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): _____

Sanitary wastewater

_____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☑Yes ☐No

If Yes:

- Name of wastewater treatment plant to be used: Town of Amherst Wastewater Treatment Facility
- Name of district: Town of Amherst
- 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 2.20 acres (impervious surface)

_____ Square feet or 5.03 acres (parcel size)

ii. Describe types of new point sources. Building roofs, asphalt driveway

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)?

On-site stormwater management facility

- 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 (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (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:

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 ½ 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):

local grid _____

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: 7am to 5pm
- Saturday: 7am to 5pm [as needed]
- Sunday: n/a
- Holidays: n/a

ii. During Operations:

- Monday - Friday: n/a
- Saturday: n/a
- Sunday: n/a
- Holidays: n/a

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☑ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

Temporary and unavoidable storm term noise impacts resulting from the use of construction equipment during construction of the proposed project

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☑ No

Describe: _____

n. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Proposed on site lighting is dark sky compliant and in compliance with all Town of Amherst lighting regulations.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

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? ☐ Yes ☐ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities:_____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- 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): Golf course

ii. If mix of uses, generally describe:

Mixture of uses including Park Country Club Golf Course and residential uses including single-family and multifamily.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	1.4	2.20	+ 0.8
• Forested	0.0	0.0	0.0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.0	0.0	0.0
• Agricultural (includes active orchards, field, greenhouse etc.)	0.0	0.0	0.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.0	0.0	0.0
• Wetlands (freshwater or tidal)	0.0	0.0	0.0
• Non-vegetated (bare rock, earth or fill)	0.0	0.0	0.0
• Other Describe: Greenspace and landscaping	3.63	2.83	- 0.8

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:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

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:

There is contamination on the project site resulting from its historical use as a nursery [herbicides and pesticides].

_____

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? > 40 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:

Schoharie silt loam	84 %
Urban Land-Odessa complex	16 %
	%

d. What is the average depth to the water table on the project site? Average: 36 feet

e. Drainage status of project site soils:

☐	Well Drained:	% of site
☐	Moderately Well Drained:	% of site
☑	Poorly Drained	100 % of site

f. Approximate proportion of proposed action site with slopes:

☑	0-10%:	100 % 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? [There are not any wetlands subject to the jurisdiction of either the USACE or NYSDEC located on 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: _____

m. Identify the predominant wildlife species that occupy or use the project site:
Typical suburban species

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No
If Yes:
i. Describe the habitat/community (composition, function, and basis for designation):
ii. Source(s) of description or evaluation:
iii. Extent of community/habitat:
- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

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? ☐ Yes ☑ No

If Yes:
i. Species and listing (endangered or threatened):

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? ☐ Yes ☑ No

If Yes:
i. Species and listing:

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No
If yes, give a brief description of how the proposed action may affect that use:

E.3. Designated Public Resources On or Near Project Site

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? ☐ Yes ☑ No
If Yes, provide county plus district name/number:

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No
i. If Yes: acreage(s) on project site?
ii. Source(s) of soil rating(s):

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No
If Yes:
i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent:

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No
If Yes:
i. CEA name:
ii. Basis for designation:
iii. Designating agency and date:

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? ☐ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

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? ☑ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No

If Yes: [Copy of SHPO No Impact Letter dated December 14, 2018 is provided at Attachment "B".]

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☑ Yes ☐ No

If Yes:

i. Identify resource: Amherst State Park, Glen Park, Audubon Town Park

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): local park

iii. Distance between project and resource: 1-4 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

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 4780 Sheridan Drive LLC Date April 22, 2024

Signature Sean Hopkins Title Attorney for Project Sponsor

PRINT FORM

EAF Mapper Summary Report

Friday, June 16, 2023 10:58 AM

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]	No
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.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
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]	No
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]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

TOWN OF AMHERST ATTACHMENT
State Environmental Quality Review
ENVIRONMENTAL ASSESSMENT FORM

1. For each applicable category of proposed <u>new</u> structures, including additions to existing structures, provide the following information for all soil types on the project site (*according to Soil Survey of Erie County, NY; Table 11, Building Site Development, pp 294-305):*

Soil Name	Shallow excavations	Dwellings without basements	Dwellings with basements	Small commercial buildings	Local roads and streets
Schoharie silt loam	✓				✓
Urban Land Odessa complex	✓				✓

2. If the Soil survey indicates either "severe" or "moderate" suitability for the proposed types of construction, a geotechnical and hydrological analysis based on one test per 3.5 acres of project area must be provided (per Town Board resolution, 3/17/03, amended 6/16/03).

   ✓ Geotechnical report attached _____ Not applicable

3. Is your property located: On Youngs Road between Dodge and Klein Roads? ☐ Yes ☑ No
   On Wehrle Dr. between Spindrift Dr. and Oakwood Rd? ☐ Yes ☑ No

   If so, the property may be within an area of the Town that is affected by a moratorium on connections to the sanitary sewer system.

4. Are there alternative locations on the site for this project? ☐ Yes ☑ No

5. Location and size of real property owned by petitioner within one (1) mile of subject proposal:
   4774 Sheridan Drive - 0.67 ac
   4780 Sheridan Drive - 4.36 ac

6. Are you aware of current or future plans or intentions by others in the Town of Amherst to develop property within 1000± ft. of the present project request: ☐ Yes ☑ No

   Describe_____

   (Potential environmental impacts from adjacent or nearby projects undergoing the approval process will receive a coordinated environmental review to determine cumulative effects on common receivers (e.g. traffic and drainage corridors) and other relevant environmental concerns.)

7. Maximum number of vehicular trips to be generated per hour upon completion of project 12
   Source: ITE Trip Generator

8. Will blasting occur during construction? ☐ Yes ☑ No

9. Does the project propose to connect and be tributary to the public sanitary sewer system? ☑ Yes ☐ No

10. Proposed net additional gallons per day (gpd) of sanitary sewer discharge upon completion of project:

    4,840 average flow 20,897 peak flow.

    (Please note that average flows of 2,500 gpd or greater will require an Engineer's Report that includes a detailed downstream sewer capacity analysis and the identification of and commitment to required I/I offset work during peak wastewater flow conditions.)

Attachment A of Part 1 of Full EAF – Negative Declaration issued by the Town Board on February 5, 2024

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, AICP
Planning Director

Daniel J. Ulatowski, AICP
Assistant Planning Director

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:	Town of Amherst Town Board	**Project**: Z-2023-07	
Address:	5583 Main Street Williamsville, NY 14221 (716) 631-7051	**Date**:	February 5, 2024

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action:	Rezoning Request.
SEQR Status:	Unlisted Action
Description of Action:	Rezoning of 5.03± acres of land from Residential District 3 (R-3) to Residential District 4 (R-4) to allow for a potential future development of the subject site as attached single-family residential homes
Location:	4774 & 4780 Sheridan Drive, Town of Amherst, Erie County, New York
Petitioner:	RAS Development Company LLC

Reasons Supporting This Determination

Based on information submitted by the applicant, including a Full Environmental Assessment Form (EAF) - Part 1, a complete rezoning application, concept plan, and a Focused Environmental Analysis Summary prepared by Environmental Advantage, a preliminary staff analysis was undertaken. Based on the results of the EAF Part 2 and compared to the criteria listed in Section 617.7, all indications are that the proposed rezoning of 5.03 ± acres of land from Residential District 3 (R-3) to Residential District 4 (R-4) for the potential future development of the subject site as attached single-family residential homes will not have a significant impact on the environment, as follows:

1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Town Engineering Department on October 18, 2023 reviewed the application and EAF submitted on July 17, 2023, the Geotechnical Engineering Report prepared by Ray M. Teeter, P.E. and submitted on July 18, 2023 and had no objection or comments on the proposed rezoning.

2. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. A Landscape/Tree preservation Plan shall be required of the applicant upon submittal of a site plan application for development of the site at which stage all landscape requirements of the Zoning Ordinance will be met.

3. The project is not expected to create any material conflict with the Town Comprehensive Plan. The project will comply with all regulations of the Town Zoning Ordinance before final site plan approval is granted. The Town Building Department on July 27, 2023 reviewed the application and EAF submitted on July 17, 2023, and has no objection or comments on the proposed rezoning.

4. The project is within an area identified by the State as potentially containing significant cultural or archeological resources, nor will it impair the character or quality of important historical resources. In a letter dated December 14, 2018 the NYS Office of Parks, Recreation, Historic Preservation stated that no properties including archaeological and/or historical resources will be impacted by this project.

5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The subject request is for rezoning from Residential District 3 (R-3) to Residential District 4 (R-4). Neighboring uses are detached single-family residential to the north, south, east and west, zoned R-3; therefore, the project is consistent with surrounding land use.

6. The proposed rezoning to Residential District 4 (R-4) for a proposed potential future development of the subject site as attached single-family residential homes will not cause a major change in the use of either the quantity or type of energy.

7. The rezoning to Residential District 4 (R-4) for the proposed potential future development of the subject site as attached single-family residential homes will not create any hazard to human health based on the following.

   The Fire Chief's Association on August 18, 2023, has reviewed the rezoning request and supporting documentation and has no objection to or adverse comments on the proposed rezoning.

   A Focused Environmental Site Assessment, was prepared by Environmental Advantage Inc. on August 17, 2021. The results of the report describe that the evidence of historical metal-based pesticides was identified below NYSDEC/NYSDOH unrestricted site use levels in NYSDEC 6 NYCCR Subpart 375-6 with two exceptions. Once remediated to applicable NYDEC standards it is not anticipated that the project will create a hazard to human health. Further reporting to the NYSDEC may be required based on future potential field work at the subject site.

8. The rezoning to Residential District 4 (R-4) will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The proposed potential future development of the subject site as attached single-family residential homes will be consistent with the scale of surrounding land uses.

9. The rezoning to Residential District 4 (R-4) for the proposed potential future development of the subject site as attached single-family residential homes will not significantly increase the number of people using the site over its previous level of use.

10. Review by the Town Traffic/Safety Board on August 8, 2023 indicates that significant negative traffic impacts are not expected to result from the proposed project.

11. Coordinated reviews of the project have been undertaken by Town Departments including the Town Assessor on December 1, 2023, and Right-of-Way Agent on July 24, 2023 along with outside agencies including the Williamsville Central School District on July 25, 2023. These reviews have not identified any significant environmental issues and indicate that the proposal will not have a significant damaging impact on the environment.

12. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to be causing significant negative environmental impacts.

Thomas J. Voigt, Assistant Planner — date 2/13/2024

Brian J. Kulpa, Supervisor — date 2/15/24

TV/ac
X:\Current_Planning\Files\Rezonings\2023\Z-2023-07_(4774_&_4780_Sheridan_Dr)_2023\Z-2023-07_TB SEQR neg dec 020524.docx
cc: Amherst Town Clerk
Amherst Building Department
ECDEP
NYSDEC
NYSDOT
RAS Development Company LLC
Sean Hopkins

Attachment B of Part 1 of Full EAF – SHPO No Impact Determination Letter dated December 14, 2018

NEW YORK STATE OF OPPORTUNITY. | Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

December 14, 2018

Dr. Doug Perrelli
Univ Buffalo Archaeological Survey
Anthropology 380 MFAC Ellicott
Buffalo, NY 14261

Re: DEC
Proposed Residential Development Project
4774 and 4780 Sheridan Drive, Amherst, Erie County, NY
18PR07939

Dear Dr. Perrelli:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the report prepared by the Archaeological Survey (University at Buffalo) entitled "Phase I Archaeological Reconnaissance Survey of a Proposed Residential Development at 4780 Sheridan Drive, Town of Amherst, Erie County, New York" (Hartner & Whalen December 2018), in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources.

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project. This recommendation pertains only to the Project Area examined during the above-referenced investigation. It is not applicable to any other portion of the project property. Should the project design be changed OPRHP recommends further consultation with this office.

If further correspondence is required regarding this project, please refer to the project number (PR) noted above. If you have any questions, I can be reached at 518-268-2218 or via email at Josalyn.Ferguson@parks.ny.gov.

Sincerely,

Josalyn Ferguson (B.A., M.A.)
Historic Preservation Specialist/Archaeology *via e-mail only*

c.c. Charles Vandrei, DEC

Exhibit 2 – Project Description

EXHIBIT 2

PROJECT DESCRIPTION - PROPOSED RESIDENTIAL PROJECT
4774 & 4780 SHERIDAN DRIVE

I. Description of the Proposed Residential Project:

The Applicant is seeking Site Plan Approval from the Planning Board in connection with the proposed multifamily project to be located on the two contiguous parcels located at 474 and 4780 Sheridan Drive (the "Project Site"). A reduced-size survey of the Project Site is attached as **Exhibit "3"**. The proposed residential project consist of eleven two-unit buildings for residential use along with all related site improvements depicted on the Site Plan [Drawing C-100] prepared by Carmina Wood Design. Reduced-size copies of the Site Plan and Landscape Plan are attached as **Exhibit "4"** and full-size copies are also included with the engineered plans. Reduced-size of the color rendering and floor plan for the residential buildings are attached as **Exhibit "5"**.

A completed Part 1 of the Full Environmental Assessment Form with Attachments "A" and "B" as prepared pursuant to the State Environmental Quality Review Act ("SEQRA") is provided at **Exhibit "1"**.[1]

[1] The proposed project ("action") consists of the development of the parcels at 4774 and 4780 Sheridan Drive ("Project Site") as a residential project consists of eleven buildings each comprised of two-homes [22 total units]. The proposed action has been defined broadly to include all proposed site improvements as well as all required discretionary approvals and permits needed from involved agencies including entry into the NYSDEC Brownfield Cleanup Program. The project purpose is to develop the Project Site as a low density residential project per the recommended land use in Figure 6 of the Town's adopted Comprehensive Plan. The proposed project is an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") and will not result in any potentially significant adverse environmental impacts. The Town Board completed an environmental review of the project pursuant to SEQRA and issued a Negative Declaration on February 5, 2024. A copy of the negative declaration issued by the Town Board is provided at Attachment "A" of the Part 1 of the Full EAF attached as Exhibit "1."

The Town Board adopted Resolution No. 2023-957 for the purpose of approving an amendment of the zoning classification of the Subject Parcel from R-3 to R-4 subject to six (6) conditions as follows:

1. That the density of the project site shall not exceed 4.4 units per acre.

2. That the use of the project site to be rezoned from R-3 to R-4 shall be limited to two (2) unit-attached townhomes only.

3. That the maximum allowable height of any residential building on the project site as measured from finished grade shall be thirty (30) feet.

4. That the project site's contaminated soil be remediated to Track 1 Unrestricted standards under the purview of, and in accordance with the NYSDEC's Brownfield Cleanup Program.

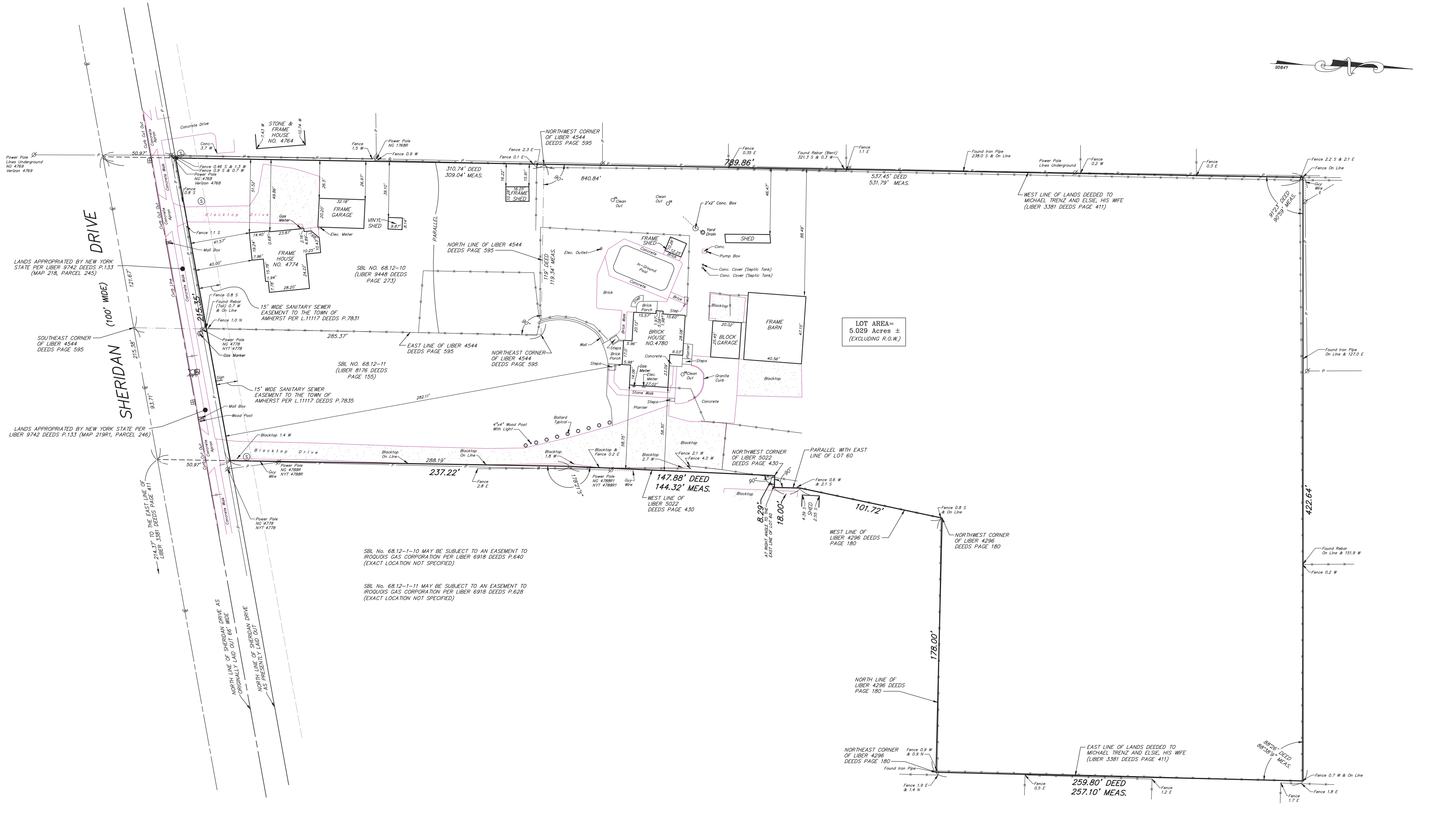
5. That proposed buildings numbered 9 and 11 on the attached site concept plan prepared by Carmina Wood Design dated 12/15/2023 shall not have any upper story windows along the north facing walls.

6. That the conditions stated above shall be memorialized via the recording of a Declaration of Restrictions at the Erie County Clerk's Office.

A copy of Resolution 2023-957 as adopted by the Town Board on February 5, 2024 is provided at **Exhibit "6".** The project layout complies with the zoning condition imposed by the Town Board on February 5, 2024 and the clean-up of the on-site contamination to Track 1 Unrestricted standard will be completed in accordance with the standards of the NYSDEC's Brownfield Cleanup Program.[2]

[2] A copy of correspondence from Robert Savarino to the Town Board dated January 22, 2024 with information pertaining to the clean-up of contamination at the Project Site per the NYSDEC Brownfield Program requirements is provided at **Exhibit "7"**.

Exhibit 3 – Reduced Size Copy of Survey of the Project Site



NOTE:

PARCEL (SBL NO. 68.12-11) IS SUBJECT TO PRIVILEGES, EASEMENTS AND RIGHTS OF WAY FOR GAS WELL, GAS HOUSE AND GAS LINE OR LINES OR WATER LINE, BY LIBER 4218 DEEDS PAGE 539, LIBER 4296 DEEDS PAGE 180 & LIBER 5022 DEEDS PAGE 430.

30 0 30 60 90
1 Inch = 30 ft.

LEGEND

Ø	UTILITY / SERVICE POLE	R.O.W.	RIGHT OF WAY
WV	WATER LINE VALVE	CONC.	CONCRETE
	FIRE HYDRANT	INV.	INVERT
⊞	D.I. (DROP INLET – STORM)	M.H.	MANHOLE
Ⓓ	MANHOLE (STORM)	—G—	GAS LINE
Ⓔ	MANHOLE (ELECTRIC)	—W—	WATER LINE
TR	MANHOLE (TRAFFIC)	—T—	TELEPHONE LINE
Ⓢ	MANHOLE (SANITARY)	—E—	ELECTRIC LINE
Ⓣ	MANHOLE (TELEPHONE)	—P—	UTILITY LINES
Ⓖ	GASLINE MARKER	—C—	CABLE LINES
GV	GAS LINE VALVE	D.	DEED
	LIGHT STANDARD	M.	MEASURED
—o—	SIGN	L.	LIBER
H.C.	HANDICAP	P.	PAGE

INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: Liber 9448 Deeds Page 273, Liber 8176 Deed Page 155

NOTE: PROPERTY CORNER MONUMENTS WERE NOT PLACED AS PART OF THIS SURVEY.

THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT STANDARDS FOR LAND SURVEYS ADOPTED BY THE BAR ASSOCIATION OF ERIE COUNTY AT THE REQUEST OF Morgan Homes of Western New York

FRANCIS C. DELLES NYSPLS No. 050477

Millard, MacKay & Delles
LAND SURVEYORS, LLP
150 AERO DRIVE
BUFFALO, NEW YORK 14225
PHONE (716) 631-5140 ~ FAX 631-3811

AMEND: "A"
SURVEY DATE: 11-26-18
©DRAWING DATE: 12-2-18
SCALE: 1" = 30'

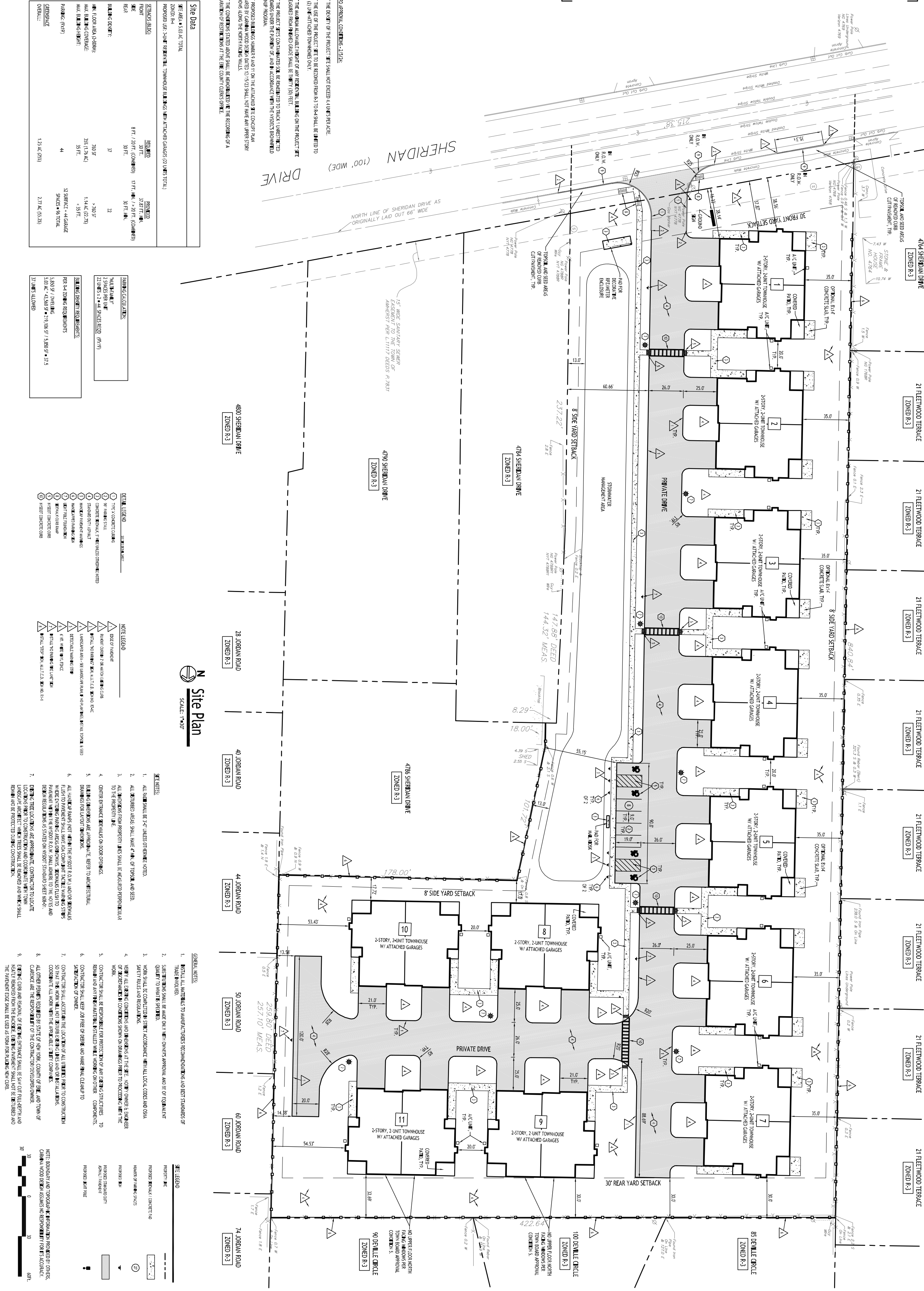
BOUNDARY SURVEY

PART OF LOT 60 SECTION ____ TOWNSHIP 12 RANGE 7 OF THE: Holland Land Company's SURVEY – Erie COUNTY, N.Y.

SURVEY OF: 4774 & 4780 Sheridan Drive, Town of Amherst

SBL No. 68.12-1-10&11

Exhibit 4 – Reduced-Size Copies of the Site Plan and Landscape Plan



REVISIONS:		
No.	Description	Date

Proposed Multi-Family

4774 & 4780 Sheridan Drive
Amherst, NY

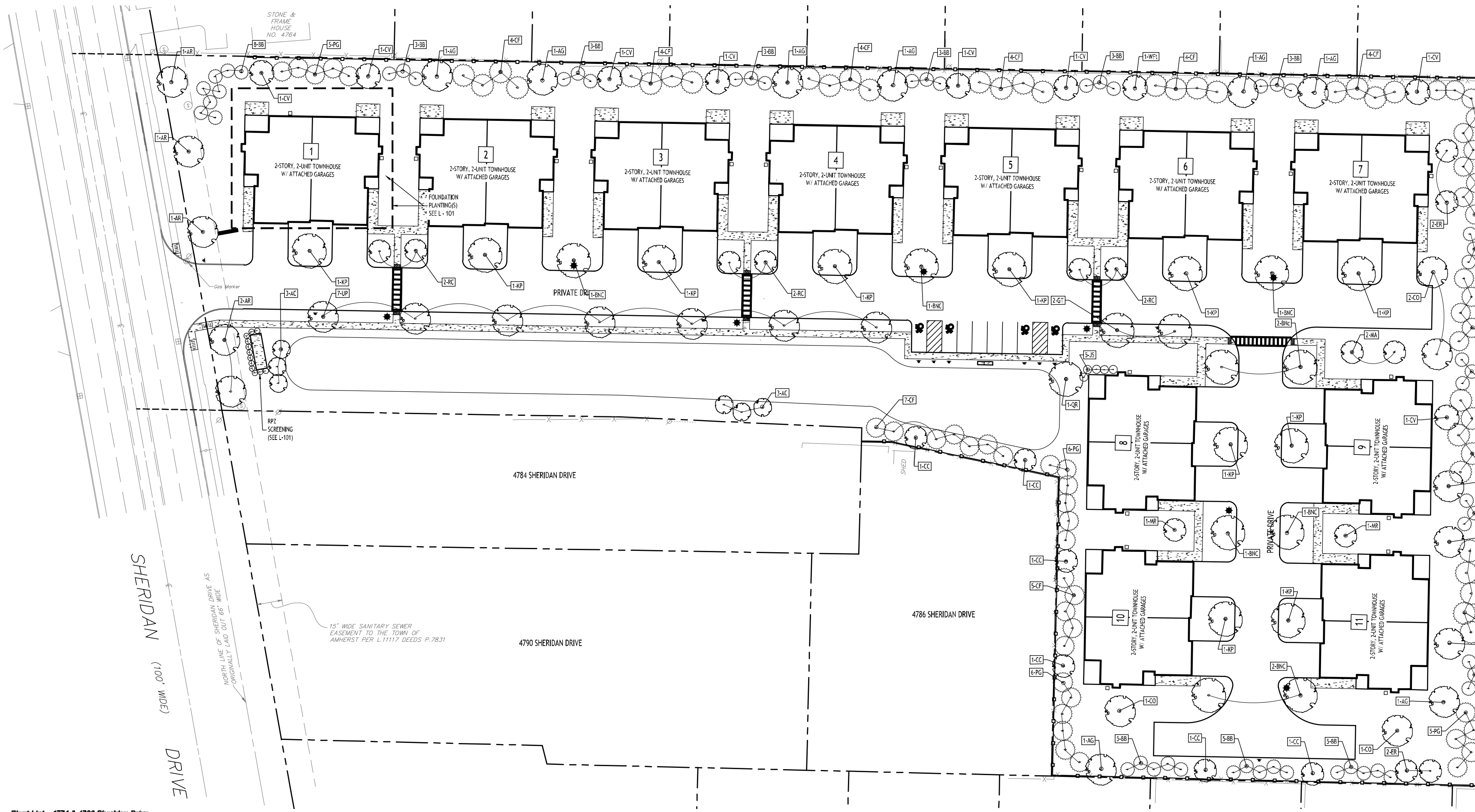
CARMINAWOOD DESIGN
Buffalo | Utica | Greensboro

DRAWING NAME:
Site Plan

Date: 4/22/24
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.
C-100

Project No. 23-4091



Plant List – 4774 & 4780 Sheridan Drive

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
DECIDUOUS TREES					
AR	5	Acer rubrum 'Autumn Flame'	Autumn Flame Maple	2½"-3"Cal.	B&B; Grows to 40 ft, high, 35 ft. wide
BNC	8	Betula nigra 'Cully'	Heritage River Birch	12 ft. high min	B&B; Multi-stem, min. 3 major stems
CO	4	Celtis occidentalis 'Prairie Pride'	Prairie Pride Common Hackberry	2½"-3"Cal.	B&B; Grows to 40 ft, high, 35 ft. wide
GT	7	Gleditsia triacanthos inermis 'Suncole'	Skyline Honeylocust	2½"-3"Cal.	B&B; Grows to 45 ft, high, 35 ft. wide
KP	15	Koelreuteria paniculata	Goldenrain Tree	2½"-3"Cal.	B&B; Grows to 30-40 ft. high and wide
QR	3	Quercus rubra	Red Oak	2½"-3"Cal.	B&B; Grows to 75 ft, high, 60 ft. wide
UA	7	Ulmus americana 'Princeton'	Princeton Elm	2½"-3"Cal.	B&B; Grows to 65 ft, high, 45 ft. wide
SMALL/ORNAMENTAL TREES					
AC	6	Amelanchier canadensis	Shadblow Serviceberry	8' High Min.	B&B; Height to 20 ft., width to 20 ft.
AG	11	Amelancjier grandiflora 'Autumn Brilliance'	Autumn Brilliance Serviceberry	8' High Min.	B&B; Height to 20 ft., width to 20 ft.
CC	6	Crataegus crusgalli inermis 'Cruzam'	Crusader Hawthorn	1¾"-2" Cal.	B&B; Height to 15 ft., width to 15 ft.
CV	9	Chionanthus virginicus	White Fringe Tree	8' High Min.	B&B; Height to 18 ft., width to 20 ft.
ER	4	Cercis canadensis	Eastern Redbud	8' High Min.	B&B; Height to 18 ft., width to 20 ft.
MA	4	Malus 'Adirondack'	Adirondack Crabapple	1¾"-2" Cal.	B&B; Height to 18 ft., width to 10 ft.
MR	6	Malus 'JFS KW5'	Royal Raindrops Crabapple	1¾"-2" Cal.	B&B; Height to 20 ft., width to 15 ft.
EVERGREEN TREES					
CF	42	Abies concolor	White Fir	5' High min.*	B&B; Full to Ground
PG	48	Picea glauca	White Spruce	5' High min.*	B&B; Full to Ground
BB	53	Picea pungens 'Baby Blue Eyes'	Baby Blue Eyes Colorado Spruce	5' High min.*	B&B, Full to Ground; grows 15 to 30 ft. tall, 15 ft. wide.
				*Measured from bottom of leader	
SHRUBS					
CP	66	Chamaecyparis pisifera 'FARROWCGMS'	Soft Serve Gold False Cypress	36 " High Min.	No. 7 Cont.; Grows 6-10 ft. high, 5-6 ft. wide
DG	66	Diervilla 'G2X88544'	Kodiak Orange Diervilla	24" High Min.	Grows to 4 ft. high and wide
HS	66	Hydrangea serrata 'SMNMAKTSR'	Tuff Stuff Red Hydrangea	24" High Min.	No. 5 Cont.; grows 3-4 ft. high and wide
JS	5	Juniperus scopulorum 'Blue Moffat'	Blue Moffat Juniper	4' High Min.	B&B: Grows to 15 ft. tall, 6 ft. wide.
ORNAMENTAL GRASS/GROUND COVER					
AMU	77	Aronia melanocarpa 'UCONNAM165'	Low Scape Mound Aronia	12" High Min.	No. 2 Cont.; Grows 1-2 feet high and 2-3 ft. wide
CA	12	Calamagrostis x acutiflora 'Karl Foerster'	Karl Foerster Feather Reed Grass	No. 3 Cont.	Grows 2-5 ft. high, 2-3 ft. wide

NOTE: All planting beds and trees shall receive a minimum 3-inch depth of dark shredded hardwood bark mulch

Landscape Plan

N

SCALE: 1"=30'

LANDSCAPE NOTES:

1. ALL PLANTS INSTALLED SHALL MEET OR EXCEED THE MINIMUM REQUIREMENTS AS NOTED ON THE PLANS AND IN THE LATEST EDITION ON THE AMERICAN STANDARD FOR NURSERY STOCK, BY THE AMERICAN ASSOCIATION OF NURSERYMEN, ANSI 260.1

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS OWN QUANTITY TAKEOFF, THE QUANTITIES SHOWN ARE A MINIMUM AND ARE FOR REFERENCE ONLY.

3. THE CONTRACTOR SHALL PERFORM A ROUGH FIELD STAKEOUT OF ALL PLANTING MATERIAL LOCATIONS AND CONTACT THE OWNERS FIELD REPRESENTATIVE PRIOR TO ACTUALL INSTALLING. THE PLANTING MATERIAL LOCATIONS SHOWN ON THE PLANS ARE TO CONVEY THE DESIGN INTENT ONLY, ACTUAL LOCATIONS WILL BE FINALIZED BY THE OWNERS FIELD REPRESENTATIVE AT THE TIME OF INSTALLATION.

4. THE CONTRACTOR IS HEREBY NOTIFIED THAT IF UNDERGROUND UTILITIES EXIST IN THE VICINITY OF THE PLANTINGS, ALL PROPOSED PLANTINGS SHALL BE INSTALLED A MINIMUM OF 5' FROM ANY UNDERGROUND UTILITY, CONTACT THE OWNERS FIELD REPRESENTATIVE IF PLANTINGS SHOWN ON THE PLANS VIOLATE THIS SITUATION.

5. ALL TREES SHALL BE INSTALLED A MINIMUM OF 20' FROM ANY OVERHEAD ELECTRIC LINES.

6. PLANTING BACKFILL MIXTURE SHALL CONSIST OF 3 PARTS TOPSOIL, 1 PART PEAT MOSS, ⅓ PART MILORGANITE.

7. STAKE TREES IMMEDIATELY FOLLOWING INSTALLATION.

8. ALL PLANTED AREAS SHALL RECEIVE A 3" LAYER OF SHREDDED HARDWOOD BARK MULCH WITH "PREEN".

9. ALL DISTURBED AREAS NOT RECEIVING PLANTINGS (INCLUDING RIGHT-OF-WAYS) SHALL BE SEEDED.

10. THE AREAS ON THE PLAN TO BE SEEDED SHALL HAVE 4" MINIMUM OF TOPSOIL, DISK PLOWED, LEVELED AND HAND RAKED SMOOTH. SURFACE SHALL BE ROLLED TO REMOVE LUMPS.

11. ALL SEEDED AREAS SHALL BE HYDROSEEDED IN ACCORDANCE WITH THE SPECIFICATION INDICATED. WHERE REQUIRED BY CLIMATIC CONDITIONS, SLOPE OR SEASON OF PLANTING, SOD MAY BE SUBSTITUTED FOR SEEDING IN ORDER TO ACHIEVE THE REQUIRED COVERAGE.

12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING, MOWING AND OTHER MAINTENANCE TO SEEDED AREAS UNTIL THE PROJECT IS ACCEPTED BY THE OWNER, THIS SHALL INCLUDE WATERING DAILY FOR 15 DAYS OR AS REQUIRED BY WEATHER CONDITIONS AND RE-SEEDING OF THIN SPOTS FOLLOWING THE GERMINATION OF THE SEEDS.

PLANTING NOTES:

1. ALL INTERIOR LANDSCAPED AREAS SHALL HAVE A MINIMUM PLANTING SOIL DEPTH OF THREE (3) FEET AND BE FREE FROM ALL FORMS OF CONSTRUCTION DEBRIS AND FOREIGN MATERIAL.
2. ALL TREE PIT SAUCERS, SHRUB BEDS, ORNAMENTAL GRASS BEDS, AND PERENNIAL FLOWER BEDS SHALL RECEIVE "PREEN" HERBICIDE AND THREE (3) INCHES DEPTH OF DARK SHREDDED HARDWOOD BARK MULCH.
3. ALL SEASONAL FLOWER BEDS SHALL BE A MINIMUM OF TWELVE (12) INCHES DEEP WITH A WELL-BLENDED MIXTURE OF 50% PEAT MOSS & 50% SCREENED TOPSOIL. SEASONAL FLOWER BEDS SHALL RECEIVE "PREEN" HERBICIDE. NO MULCH SHALL BE INSTALLED IN THE SEASONAL FLOWER BEDS.
4. ALL DECIDUOUS AND EVERGREEN TREES SHALL BE STAKED WITH THREE (3) TREE STAKES AS PER TREE PLANTING DETAIL.

LANDSCAPE LEGEND

DECIDUOUS TREE

SMALL TREE

EVERGREEN TREE/SHRUB

SHRUB

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS, CARMINA WOOD DESIGN ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

30' 0 30 60'ft.

CARMINAWOOD DESIGN
Buffalo | Utica | Greensboro

Proposed Multi-Family

4774 & 4780 Sheridan Drive
Amherst, NY

REVISIONS:

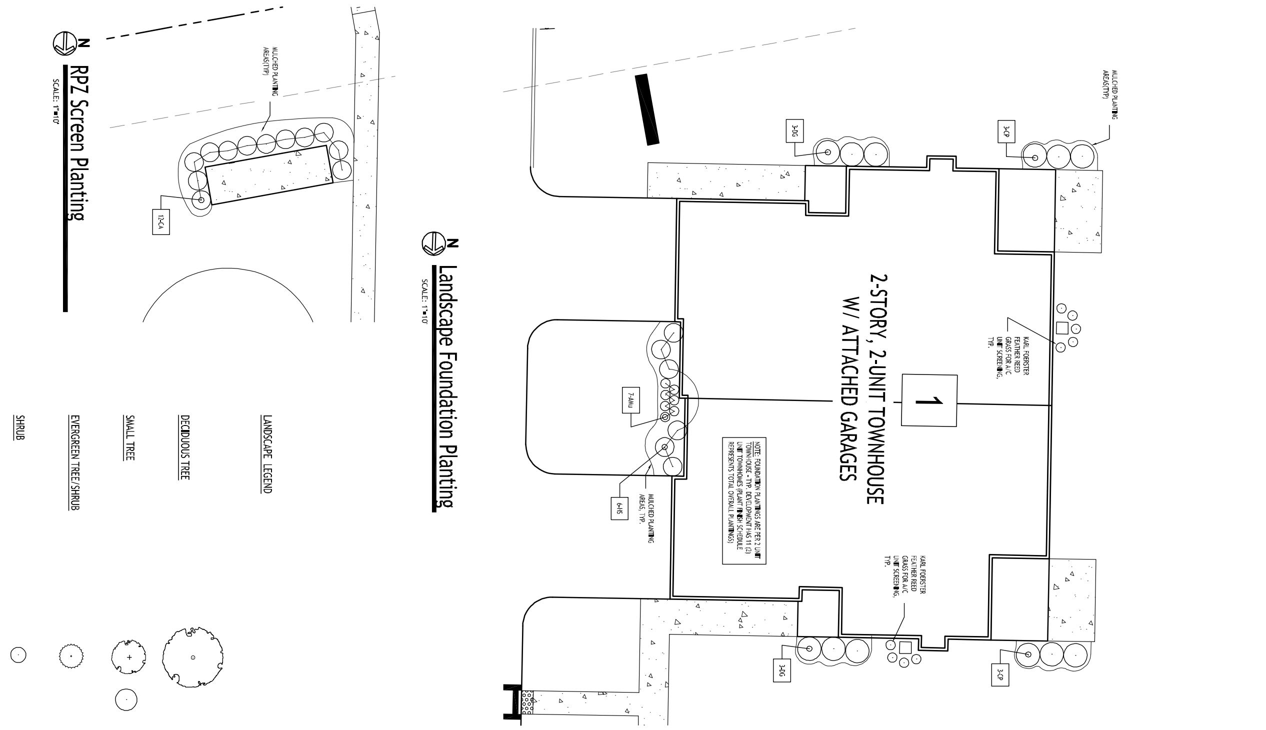
No.	Description	Date

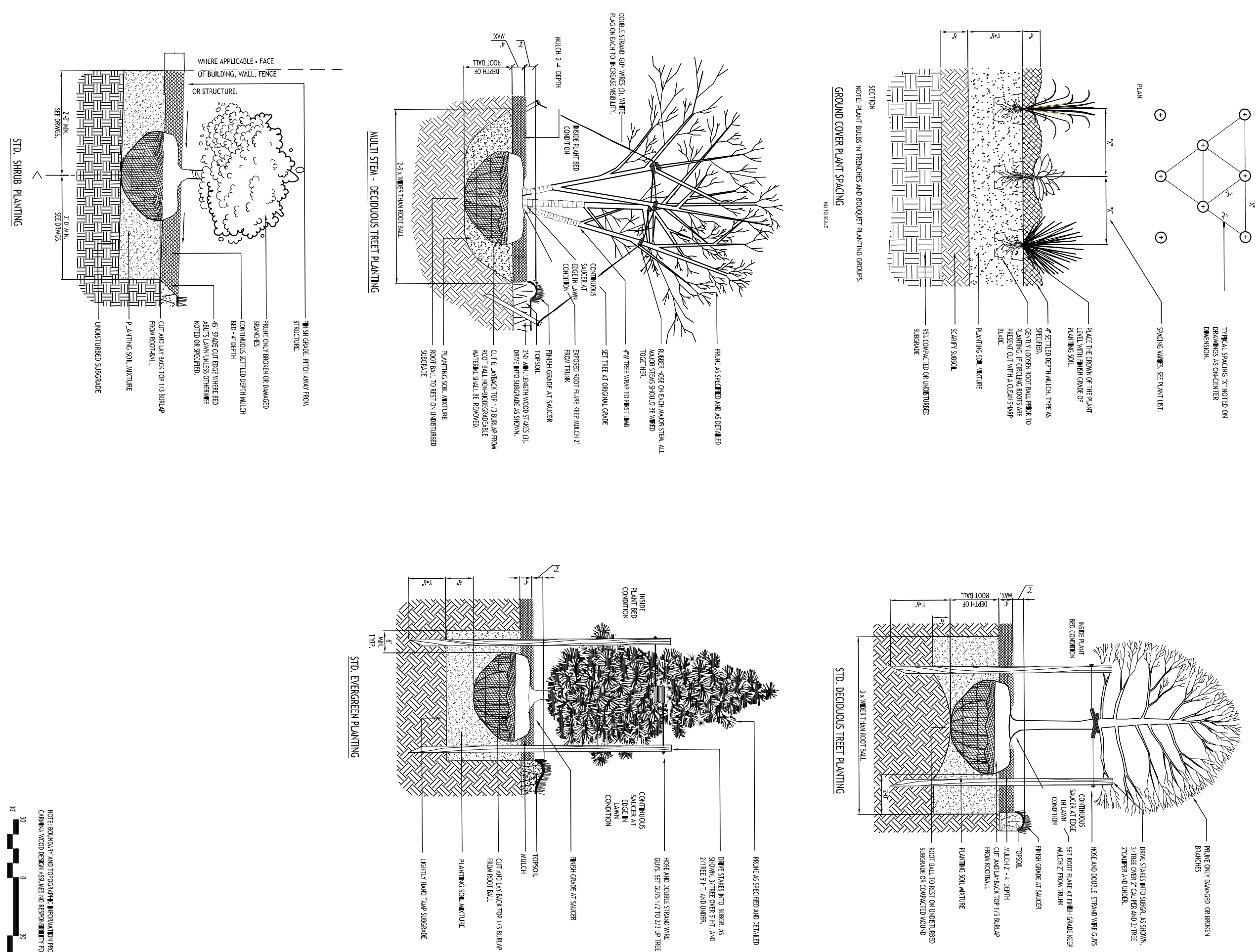
DRAWING NAME:
Landscape Plan

Date: 4/22/24
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.
L-100

Project No: 23-4091





REVISIONS:

No.	Description	Date

Proposed Multi-Family

4774 & 4780 Sheridan Drive
Amherst, NY

CARMINAWOOD DESIGN
Buffalo | Utica | Greensboro

DRAWING NAME:
Landscape Foundation Plans Details

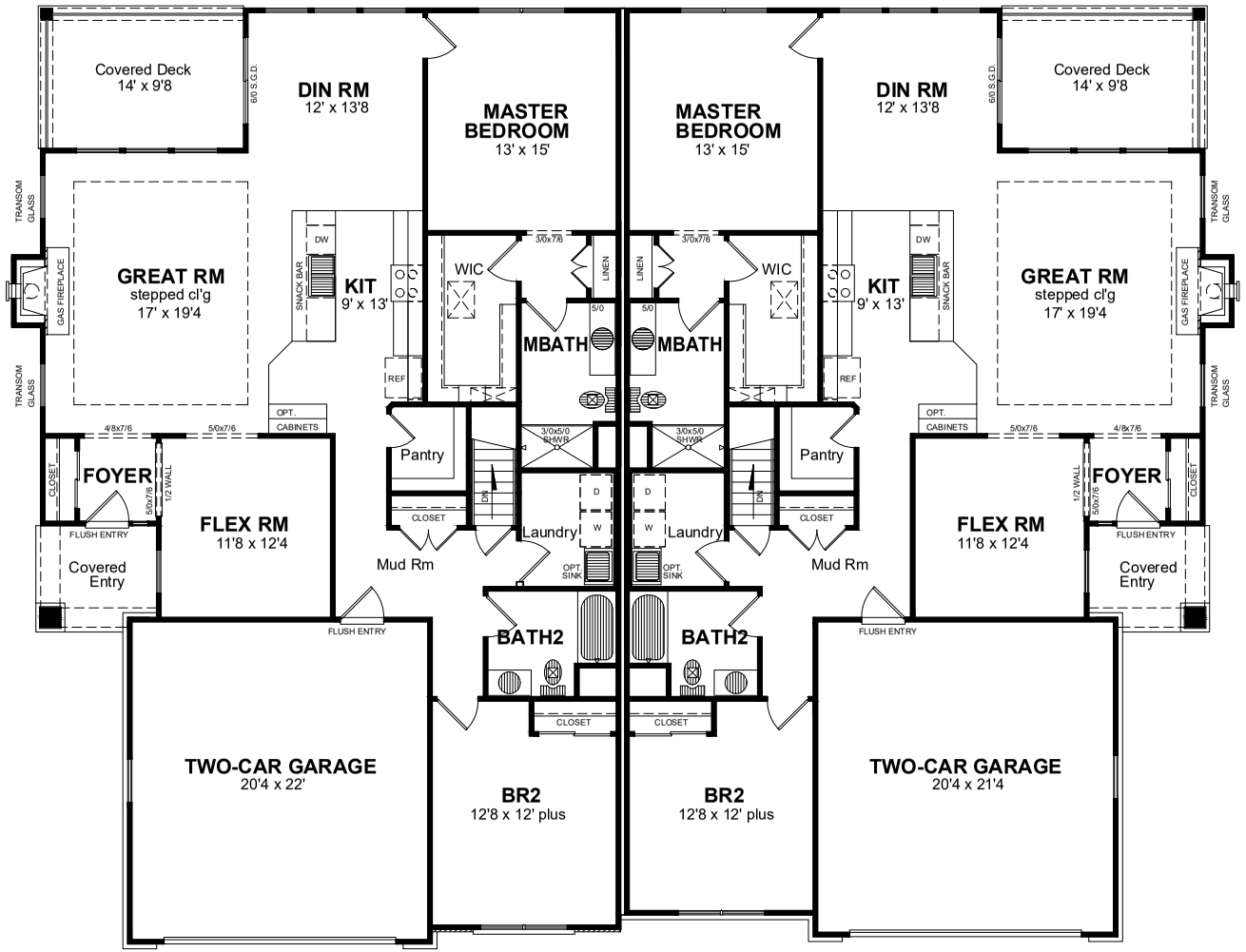
Date: 4/22/24
Drawn By: P. Sheedy
Scale: As Noted

DRAWING NO.
L-101

Project No. 23-4091

Exhibit 5 – Reduced-Size Copies of the Floor Plan and Color Rendering Plan

Conceptual Front Elevation



Unit A
Main Floor 1,785 Sq.Ft.
W – 40-0'
D – 64'-6"

Unit B
Main Floor 1,772 Sq.Ft.
W – 40-0'
D – 64-0'

Exhibit 6 – Resolution Adopted by the Town Board on February 5, 2024

TOWN OF AMHERST

TOWN CLERK'S OFFICE

5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
(716) 631-7021
FAX (716) 631-7152
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Timothy Koller
Deputy Town Clerk

CERTIFICATE OF TOWN CLERK

I, Francina J. Spoth, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY, as follows:

That the attached Resolution 2023-957 "Adoption of Local Law to Amend the Zoning Map (4774 & 4780 Sheridan Drive, Z-2023-07)" is a true and exact copy of the Resolution enacted by the Town Board at its meeting on February 5, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 9th day of February, 2024.

Fran J Spoth

Francina J. Spoth
Town Clerk
Town of Amherst, Erie County, NY

Sworn to before me
This 9th day of February, 2024

Notary Public

TIMOTHY J. KOLLER
No. 01KO6263885
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 06/11/2024

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

Francina J. Spoth
Town Clerk

Meeting: 02/05/24 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 28261 **RESOLUTION 2023-957** **ADOPTED AS AMENDED**

Adoption of Local Law to Amend the Zoning Map (4774 & 4780 Sheridan Drive, Z-2023-07)

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR are complete, 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 October 19, 2023 that the proposed Residential District 4 zoning at 4774 & 4780 Sheridan Drive is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that in accordance with Section 203-8-3 of the Town Code (Zoning), the Town Board adopts Local Law (#_____) to amend the Town Zoning map subject to the following conditions as recommended by the Planning Board:

1. That the density of the project site shall not exceed 4.4 units per acre.
2. That the use of the project site to be rezoned from R-3 to R-4 shall be limited to two (2) unit-attached townhomes only.
3. That the maximum allowable height of any residential building on the project site as measured from finished grade shall be thirty (30) feet.
4. That the project site's contaminated soil be remediated to Track 1 Unrestricted standards under the purview of, and in accordance with the NYSDEC's Brownfield Cleanup Program.
5. That proposed buildings numbered 9 and 11 on the attached site concept plan prepared by CarminaWood Design dated 12/15/2023 shall not have any upper story windows along the north facing walls.
6. That the conditions stated above shall be memorialized via the recording of a Declaration of Restrictions at the Erie County Clerk's Office.

12/4/2023
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was opened at 8:54 PM.

Sean Hopkins, Esq., presented.

The following speakers spoke in opposition:
Sharon Easterbrook, 80 Tristan Ln

Alicia Schreier, 79 Tristan Ln

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the December 18th Town Board meeting, seconded by Councilmember Lavin and unanimously approved 5-0. The public hearing was closed at 9:23 PM.

12/18/2023
Councilmember Berger made a motion to adjourn to the second Town Board meeting in January, seconded by Councilmember Szukala and unanimously approved 5-0.

1/22/2024
Supervisor Kulpa made a motion to adjourn, seconded by Councilmember Berger and unanimously approved 5-0.

2/5/2024
A motion to approve was made by Supervisor Kulpa and seconded by Councilmember Lavin. A motion to amend was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. Amendment adds the underlined language. A motion to approve as amended was made by Supervisor Kulpa, seconded by Councilmember Berger and approved 4-1 (nay, Marinucci).

RESULT:	**ADOPTED AS AMENDED [4 TO 1]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala
NAYS:	Marinucci

Exhibit 6 – Correspondence from for Robert Savarino to Town Board dated January 22, 2024 with Attachments

RAS DEVELOPMENT I, LLC
4758 NORTH FRENCH RD.
EAST AMHERST, NY 14051

January 22, 2024

Brian J. Kulpa, Supervisor
Town of Amherst Town Board
5583 Main Street
Williamsville, NY 14221

Re: Rezoning of 4774 & 4780 Sheridan Drive from R-3 to R-4 (Z-2023-07)
Applicant/Project Sponsor: RAS Development I, LLC
File No. 10015.22

Dear Supervisor Kulpa and Councilmembers:

As the Town Board is aware, my company is requesting to amend the zoning classification of the above-referenced property located at 4774 and 4780 Sheridan Drive ("Project Site") from R-3 to R-4 to accommodate a residential project consisting exclusively of upscale two-family residential units for sale.

I want to inform you about my company's actions in response to concerns raised by residents at recent public meetings, particularly regarding the soil remediation of the Project Site. The comments are listed below in *italics* followed by responses.

1. *"Should the cleanup occur, what level will it be cleaned up to?"*

Response:

Based on recent input, RAS has decided to remediate the contaminated property to NYSDEC's Track 1 Unrestricted Standard, which is the "highest level" of contamination cleanup. The NYSDEC's Track 1 Unrestricted Standard requires that 100% of the contamination must be removed from the Project Site. We suggest that this NYSDEC Track 1 Unrestricted Standard for the cleanup be added to our list of proposed zoning conditions previously submitted to the Town Board that will be subject to a Declaration of Restrictions to be recorded at the County Clerk's Office.

2. *"How long will it take to clean up the property?"*

Response:

Given the type of contamination and the size of the Project Site, we believe the actual on-site remediation will only last for approximately four (4) weeks. Once the cleanup has occurred, the NYSDEC will issue a Certificate of Completion and a copy will be provided to the Town.

3. "The remediation of the property will cause a health issue and should not be pursued."

Response:

The thought that a contaminated site should be left in its existing contaminated condition instead of the implementation of a privately funded cleanup under the strict safety standards of the State's environmental and health agencies (both the NYSDEC and the NYS Department of Health) is perplexing. It is also conceivable that the surrounding residents have and will continue to face a risk of airborne contaminants given the documented contaminated condition of the Project Site.

Concerning the actual cleanup becoming a potential health issue, I want to emphasize that all NYSDEC Brownfield Cleanup Program sites must, at a minimum, have a required State Department of Health Community Air Monitoring Plan ("CAMP"). I have attached the CAMP requirements to this letter as **Attachment "1"**. Brownfield Cleanup sites have a strict daily reporting requirement of air data to NYSDEC and the NYSDOH including mitigating strategies to counter airborne particles and the positioning of multiple mobile air stations on the perimeter of the Project Site during cleanup activities. The NYSDEC does not allow dust to leave the site, or dirt to be tracked onto the roadways, and remediation activities will not be performed during windy conditions. This is a much more robust monitoring process than the typical development of a site that is not contaminated. The Project Site will also be fenced and screened and under the constant supervision of the NYSDEC. Additionally, my Company's environmental engineer will be present on the site at all times during remediation.

4. "How will we know what the actual cleanup plan is, are we told, do we have a say?"

Response:

The NYSDEC Brownfield Application involves the public to improve the process of investigating and cleaning up contaminated sites, and to enable citizens to participate more fully in decisions that affect their health, environment, and social well-being.

NYSDEC provides opportunities for citizen involvement and encourages early two-way communications with citizens before decision-makers form or adopt final positions. Involving citizens affected and interested in site investigation and cleanup programs is important for many reasons. These include:

- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment
- Improving public access to, and understanding of, issues and information related to a particular site and that site's investigation and cleanup process
- Providing citizens with early and continuing opportunities to participate in NYSDEC's site investigation and cleanup process
- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community

- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties increases understanding of site and community issues and concerns, and improves decision-making.

This Citizen Participation (CP) Plan provides information about how NYSDEC will inform and involve the public during the investigation and cleanup of the Project Site. By way of illustration, I am submitting a list of NYSDEC Citizen Participation ("CP") activities and the timing of those activities as **Attachment "2"**.

I am also submitting as **Attachment "3"**, a BCP process flowchart to further illustrate the Brownfield Cleanup Program process and the relationship of the Citizen Participation activities.

We believe this letter contains important information for the consideration of the Town Board and the Planning Department. As such, RAS is respectfully requesting that the Town Board table its issuance of a decision during its meeting to be held on Monday, January 22nd until its next meeting to be held on **Monday, February 5th at 7:00 p.m.**

Please feel free to contact me at (716) 908-8322 or by e-mail at robert.savarino@ccim.net if you have any questions regarding this letter.

Thank you for your anticipated cooperation.

Sincerely,

Robert A. Savarino

Robert A. Savarino
President

attachments

cc: Jacqueline Berger, Councilmember
Shawn Lavin, Councilmember
Angela Marinucci, Councilmember
Michael Szukala, Councilmember
Francina J. Spoth, Town Clerk
Timothy J. Koller, Deputy Town Clerk
Daniel C. Howard, AICP, Planning Director
Thomas Voigt, Assistant Planner
Martin Pollowy, Esq., Town Attorney
Sean W. Hopkins, Esq., Hopkins Sorgi & McCarthy, PLLC
Patrick Sheedy, Jr., P.E., Carmina Wood Design DPC

Attachment “1”

New York State Department of Health
Community Air Monitoring Plan ("CAMP") Requirements
For Brownfield Cleanup Program Sites

Appendix C1
New York State Department of Health
Generic Community Air Monitoring Plan

Overview

A Community Air Monitoring Plan (CAMP) requires real-time monitoring for volatile organic compounds (VOCs) and particulates (i.e., dust) at the downwind perimeter of each designated work area when certain activities are in progress at contaminated sites. The CAMP is not intended for use in establishing action levels for worker respiratory protection. Rather, its intent is to provide a measure of protection for the downwind community (i.e., off-site receptors including residences and businesses and on-site workers not directly involved with the subject work activities) from potential airborne contaminant releases as a direct result of investigative and remedial work activities. The action levels specified herein require increased monitoring, corrective actions to abate emissions, and/or work shutdown. Additionally, the CAMP helps to confirm that work activities did not spread contamination off-site through the air.

The generic CAMP presented below will be sufficient to cover many, if not most, sites. Specific requirements should be reviewed for each situation in consultation with NYSDOH to ensure proper applicability. In some cases, a separate site-specific CAMP or supplement may be required. Depending upon the nature of contamination, chemical- specific monitoring with appropriately-sensitive methods may be required. Depending upon the proximity of potentially exposed individuals, more stringent monitoring or response levels than those presented below may be required. Special requirements will be necessary for work within 20 feet of potentially exposed individuals or structures and for indoor work with co-located residences or facilities. These requirements should be determined in consultation with NYSDOH.

Reliance on the CAMP should not preclude simple, common-sense measures to keep VOCs, dust, and odors at a minimum around the work areas.

Community Air Monitoring Plan

Depending upon the nature of known or potential contaminants at each site, real-time air monitoring for VOCs and/or particulate levels at the perimeter of the exclusion zone or work area will be necessary. Most sites will involve VOC and particulate monitoring; sites known to be contaminated with heavy metals alone may only require particulate monitoring. If radiological contamination is a concern, additional monitoring requirements may be necessary per consultation with appropriate DEC/NYSDOH staff.

Continuous monitoring will be required for all ground intrusive activities and during the demolition of contaminated or potentially contaminated structures. Ground intrusive activities include, but are not limited to, soil/waste excavation and handling, test pitting or trenching, and the installation of soil borings or monitoring wells.

Periodic monitoring for VOCs will be required during non-intrusive activities such as the collection of soil and sediment samples or the collection of groundwater samples from existing monitoring wells. “Periodic” monitoring during sample collection might reasonably consist of taking a reading upon arrival at a sample location, monitoring while opening a well cap or

overturning soil, monitoring during well baling/purging, and taking a reading prior to leaving a sample location. In some instances, depending upon the proximity of potentially exposed individuals, continuous monitoring may be required during sampling activities. Examples of such situations include groundwater sampling at wells on the curb of a busy urban street, in the midst of a public park, or adjacent to a school or residence.

VOC Monitoring, Response Levels, and Actions

Volatile organic compounds (VOCs) must be monitored at the downwind perimeter of the immediate work area (i.e., the exclusion zone) on a continuous basis or as otherwise specified. Upwind concentrations should be measured at the start of each workday and periodically thereafter to establish background conditions, particularly if wind direction changes. The monitoring work should be performed using equipment appropriate to measure the types of contaminants known or suspected to be present. The equipment should be calibrated at least daily for the contaminant(s) of concern or for an appropriate surrogate. The equipment should be capable of calculating 15-minute running average concentrations, which will be compared to the levels specified below.

1. If the ambient air concentration of total organic vapors at the downwind perimeter of the work area or exclusion zone exceeds 5 parts per million (ppm) above background for the 15-minute average, work activities must be temporarily halted and monitoring continued. If the total organic vapor level readily decreases (per instantaneous readings) below 5 ppm over background, work activities can resume with continued monitoring.

2. If total organic vapor levels at the downwind perimeter of the work area or exclusion zone persist at levels in excess of 5 ppm over background but less than 25 ppm, work activities must be halted, the source of vapors identified, corrective actions taken to abate emissions, and monitoring continued. After these steps, work activities can resume provided that the total organic vapor level 200 feet downwind of the exclusion zone or half the distance to the nearest potential receptor or residential/commercial structure, whichever is less - but in no case less than 20 feet, is below 5 ppm over background for the 15-minute average.

3. If the organic vapor level is above 25 ppm at the perimeter of the work area, activities must be shutdown.

4. All 15-minute readings must be recorded and be available for State (DEC and NYSDOH) personnel to review. Instantaneous readings, if any, used for decision purposes should also be recorded.

Particulate Monitoring, Response Levels, and Actions

Particulate concentrations should be monitored continuously at the upwind and downwind perimeters of the exclusion zone at temporary particulate monitoring stations. The particulate monitoring should be performed using real-time monitoring equipment capable of measuring particulate matter less than 10 micrometers in size (PM-10) and capable of integrating over a period of 15 minutes (or less) for comparison to the airborne particulate action level. The equipment must be equipped with an audible alarm to indicate exceedance of the action level. In addition, fugitive dust migration should be visually assessed during all work activities.

1. If the downwind PM-10 particulate level is 100 micrograms per cubic meter (mcg/m^3) greater than background (upwind perimeter) for the 15-minute period or if airborne dust is observed leaving the work area, then dust suppression techniques must be employed. Work may continue with dust suppression techniques provided that downwind PM-10 particulate levels do not exceed 150 mcg/m^3 above the upwind level and provided that no visible dust is migrating from the work area.

2. If, after implementation of dust suppression techniques, downwind PM-10 particulate levels are greater than 150 mcg/m^3 above the upwind level, work must be stopped and a re-evaluation of activities initiated. Work can resume provided that dust suppression measures and other controls are successful in reducing the downwind PM-10 particulate concentration to within 150 mcg/m^3 of the upwind level and in preventing visible dust migration.

3. All readings must be recorded and be available for State (DEC and NYSDOH) and County Health personnel to review.

December 2009

Appendix C2
Fugitive Dust and Particulate Monitoring

A program for suppressing fugitive dust and particulate matter monitoring at hazardous waste sites is a responsibility on the remedial party performing the work. These procedures must be incorporated into appropriate intrusive work plans. The following fugitive dust suppression and particulate monitoring program should be employed at sites during construction and other intrusive activities which warrant its use:

1. Reasonable fugitive dust suppression techniques must be employed during all site activities which may generate fugitive dust.

2. Particulate monitoring must be employed during the handling of waste or contaminated soil or when activities on site may generate fugitive dust from exposed waste or contaminated soil. Remedial activities may also include the excavation, grading, or placement of clean fill. These control measures should not be considered necessary for these activities.

3. Particulate monitoring must be performed using real-time particulate monitors and shall monitor particulate matter less than ten microns (PM10) with the following minimum performance standards:

(a) Objects to be measured: Dust, mists or aerosols;
(b) Measurement Ranges: 0.001 to 400 mg/m3 (1 to 400,000 :ug/m3);
(c) Precision (2-sigma) at constant temperature: +/- 10 :g/m3 for one second averaging; and +/- 1.5 g/m3 for sixty second averaging;
(d) Accuracy: +/- 5% of reading +/- precision (Referred to gravimetric calibration with SAE fine test dust (mmd= 2 to 3 :m, g= 2.5, as aerosolized);
(e) Resolution: 0.1% of reading or 1g/m3, whichever is larger;
(f) Particle Size Range of Maximum Response: 0.1-10;
(g) Total Number of Data Points in Memory: 10,000;
(h) Logged Data: Each data point with average concentration, time/date and data point number
(i) Run Summary: overall average, maximum concentrations, time/date of maximum, total number of logged points, start time/date, total elapsed time (run duration), STEL concentration and time/date occurrence, averaging (logging) period, calibration factor, and tag number;
(j) Alarm Averaging Time (user selectable): real-time (1-60 seconds) or STEL (15 minutes), alarms required;
(k) Operating Time: 48 hours (fully charged NiCd battery); continuously with charger;
(l) Operating Temperature: -10 to 50^{o} C (14 to 122^{o} F);
(m) Particulate levels will be monitored upwind and immediately downwind at the working site and integrated over a period not to exceed 15 minutes.

4. In order to ensure the validity of the fugitive dust measurements performed, there must be appropriate Quality Assurance/Quality Control (QA/QC). It is the responsibility of the remedial party to adequately supplement QA/QC Plans to include the following critical features: periodic instrument calibration, operator training, daily instrument performance (span) checks, and a record keeping plan.

5. The action level will be established at 150 ug/m3 (15 minutes average). While conservative,

this short-term interval will provide a real-time assessment of on-site air quality to assure both health and safety. If particulate levels are detected in excess of 150 ug/m3, the upwind background level must be confirmed immediately. If the working site particulate measurement is greater than 100 ug/m3 above the background level, additional dust suppression techniques must be implemented to reduce the generation of fugitive dust and corrective action taken to protect site personnel and reduce the potential for contaminant migration. Corrective measures may include increasing the level of personal protection for on-site personnel and implementing additional dust suppression techniques (see paragraph 7). Should the action level of 150 ug/m3 continue to be exceeded work must stop and DER must be notified as provided in the site design or remedial work plan. The notification shall include a description of the control measures implemented to prevent further exceedances.

6. It must be recognized that the generation of dust from waste or contaminated soil that migrates off-site, has the potential for transporting contaminants off-site. There may be situations when dust is being generated and leaving the site and the monitoring equipment does not measure PM10 at or above the action level. Since this situation has the potential to allow for the migration of contaminants off-site, it is unacceptable. While it is not practical to quantify total suspended particulates on a real-time basis, it is appropriate to rely on visual observation. If dust is observed leaving the working site, additional dust suppression techniques must be employed. Activities that have a high dusting potential--such as solidification and treatment involving materials like kiln dust and lime--will require the need for special measures to be considered.

7. The following techniques have been shown to be effective for the controlling of the generation and migration of dust during construction activities:

(a) Applying water on haul roads;
(b) Wetting equipment and excavation faces;
(c) Spraying water on buckets during excavation and dumping;
(d) Hauling materials in properly tarped or watertight containers;
(e) Restricting vehicle speeds to 10 mph;
(f) Covering excavated areas and material after excavation activity ceases; and
(g) Reducing the excavation size and/or number of excavations.

Experience has shown that the chance of exceeding the 150ug/m3 action level is remote when the above-mentioned techniques are used. When techniques involving water application are used, care must be taken not to use excess water, which can result in unacceptably wet conditions. Using atomizing sprays will prevent overly wet conditions, conserve water, and provide an effective means of suppressing the fugitive dust.

8. The evaluation of weather conditions is necessary for proper fugitive dust control. When extreme wind conditions make dust control ineffective, as a last resort remedial actions may need to be suspended. There may be situations that require fugitive dust suppression and particulate monitoring requirements with action levels more stringent than those provided above. Under some circumstances, the contaminant concentration and/or toxicity may require additional monitoring to protect site personnel and the public. Additional integrated sampling and chemical analysis of the dust may also be in order. This must be evaluated when a health and safety plan is developed and when appropriate suppression and monitoring requirements are established for protection of health and the environment.

Attachment “2”

Citizen Participation (CP) Activities
(at a minimum) During the BCP Process

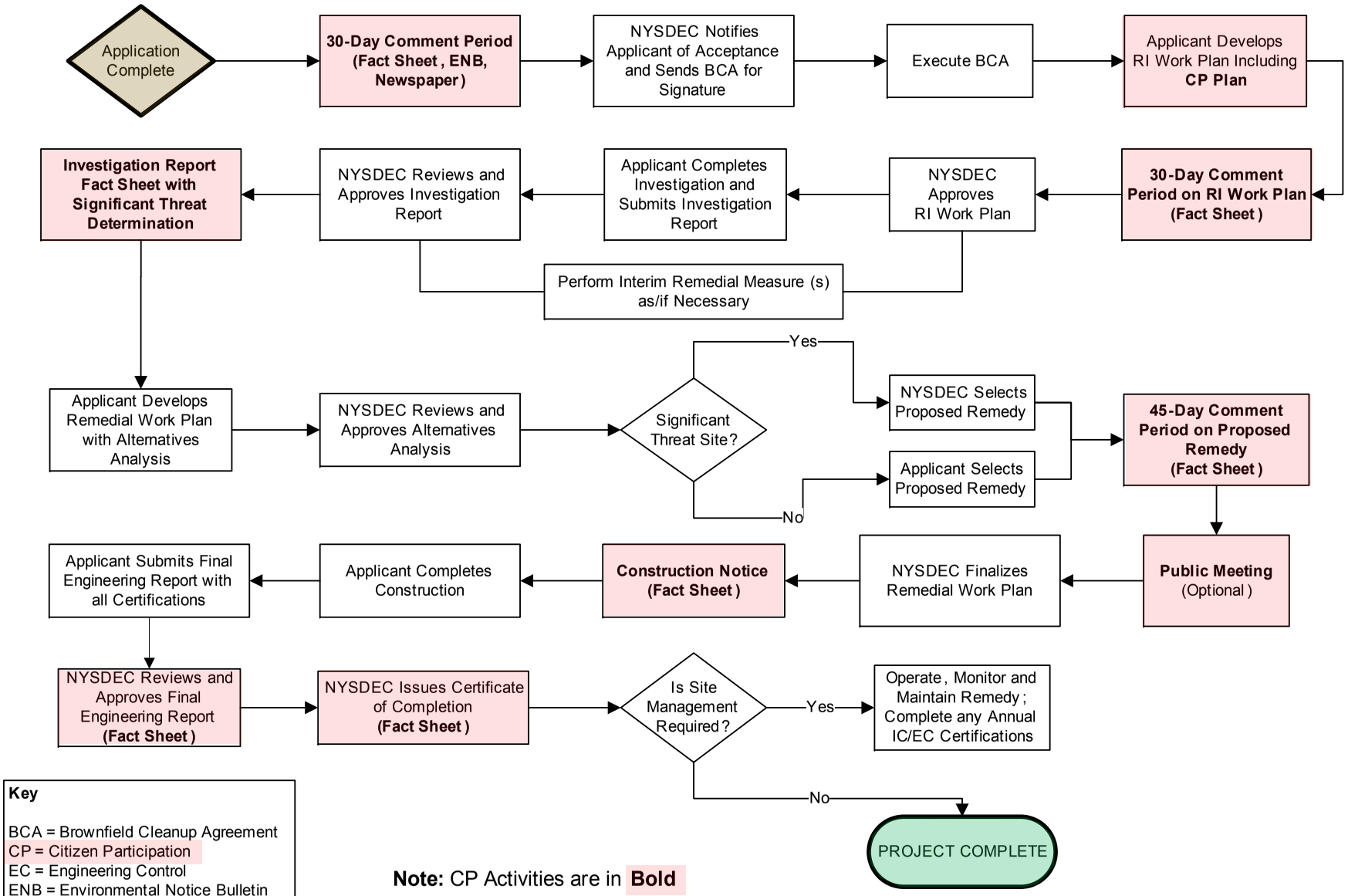
Citizen Participation (CP) Activities (at a minimum) During BCP Process

Citizen Participation Activities	Timing of CP Activity(ies)
Application Process:	
• Prepare site contact list • Establish document repository(ies)	At time of preparation of application to participate in the BCP.
• Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period • Publish above ENB content in local newspaper • Mail above ENB content to site contact list • Conduct 30-day public comment period	When NYSDEC determines that BCP application is complete. The 30-day public comment period begins on date of publication of notice in ENB. End date of public comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice, and notice to the site contact list should be provided to the public at the same time.
After Execution of Brownfield Site Cleanup Agreement (BCA):	
• Prepare Citizen Participation (CP) Plan	Before start of Remedial Investigation **Note:** Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the BCA.
Before NYSDEC Approves Remedial Investigation (RI) Work Plan:	
• Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan • Conduct 30-day public comment period	Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet.
After Applicant Completes Remedial Investigation:	
• Distribute fact sheet to site contact list that describes RI results	Before NYSDEC approves RI Report
Before NYSDEC Approves Remedial Work Plan (RWP):	
• Distribute fact sheet to site contact list about draft RWP and announcing 45-day public comment period • Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager) • Conduct 45-day public comment period	Before NYSDEC approves RWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day public comment period.
Before Applicant Starts Cleanup Action:	
• Distribute fact sheet to site contact list that describes upcoming cleanup action	Before the start of cleanup action.
After Applicant Completes Cleanup Action:	
• Distribute fact sheet to site contact list that announces that cleanup action has been completed and that NYSDEC is reviewing the Final Engineering Report • Distribute fact sheet to site contact list announcing NYSDEC approval of Final Engineering Report and issuance of Certificate of Completion (COC)	At the time the cleanup action has been completed. **Note:** The two fact sheets are combined when possible if there is not a delay in issuing the COC.

Attachment “3”

NYSDEC Brownfield Cleanup Program Process Flowchart
Including Citizen Participation (CP)

NYSDEC Brownfield Cleanup Program Process Including Citizen Participation (CP)



Key

BCA = Brownfield Cleanup Agreement
CP = Citizen Participation
EC = Engineering Control
ENB = Environmental Notice Bulletin
IC = Institutional Control
RI = Remedial Investigation

Note: CP Activities are in **Bold**