



March 12, 2026

Jeff Szatkowski
Town of Amherst Planning Department
5583 Main Street
Williamsville, New York 14221

DEC Freshwater Wetlands
Parcel Jurisdictional Determination
75 Tupelo Lane Property
Town of Amherst, Erie County

Dear Jeff Szatkowski,

This letter serves as notification that the New York State Department of Environmental Conservation (DEC) has determined that your 75 Tupelo Lane property, Parcel 26.06-8-33, in the Town of Amherst contains freshwater wetlands and freshwater wetlands 100-foot adjacent area (AA) regulated by DEC pursuant to Article 24 of the Environmental Conservation Law (ECL).

I remotely evaluated, using multiple years of aerial imagery supported by other map resources on the DEC's GIS, and verified that the consultant-delineated wetland boundaries are accurately depicted in LaBella September 2025 wetland delineation report (as shown on the enclosed delineation map). All three delineated wetlands (wetlands 1 - 3) are DEC-jurisdictional.

The table below identifies the jurisdictional wetlands and 100-foot adjacent areas (AA) that occur within the parcel, as well as wetland class and associated classification characteristic(s).

Table with 5 columns: Wetland ID, Wetland/AA Location, Jurisdictional Criteria, Classification (I, II, III, IV), Classification Rationale. Row 1: LaBella wetlands 1-3 (Wetland TE-45), Entire Parcel, Previously Mapped Wetland; Unusual Importance Criterion (Urban Area), II, Located Within or Partially Within an Urban Area.

This determination shall remain valid for five years from the date of this letter (through 3/11/2031).

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A freshwater wetlands permit from DEC is required for any regulated activity planned or proposed to be undertaken within regulated wetlands or their regulated adjacent areas.

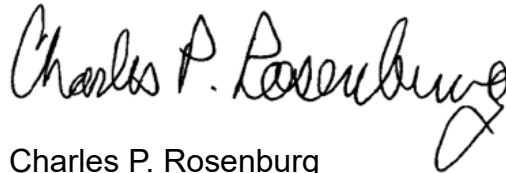
A new freshwater wetlands delineation is necessary to determine the precise boundary of jurisdictional wetlands areas on the subject parcel for permitting purposes, as the previous DEC wetland delineation is greater than 5 years old.

Pursuant to ECL section 24-0301(4), there is a rebuttable presumption that areas meeting the definition of Freshwater Wetland are regulated and subject to permit requirements. If you believe this jurisdictional determination has been made in error, you may request an initial consultation with DEC by scheduling a meeting on the parcel or property (contact DEC Region 9 Bureau of Ecosystem Health at [R9BEH@dec.ny.gov](mailto:R9BEH@dec.ny.gov)) to review the jurisdictional determination, pursuant to 6 NYCRR 664.9.

Please note, this letter relates only to DEC freshwater wetlands jurisdiction and does not relieve you of the responsibility of obtaining any other DEC permits, or any permits or approvals that may be required from other agencies or municipalities.

If you have any questions or concerns regarding this determination, please contact me at 716-851-7024 or [Charles.Rosenburg@dec.ny.gov](mailto:Charles.Rosenburg@dec.ny.gov).

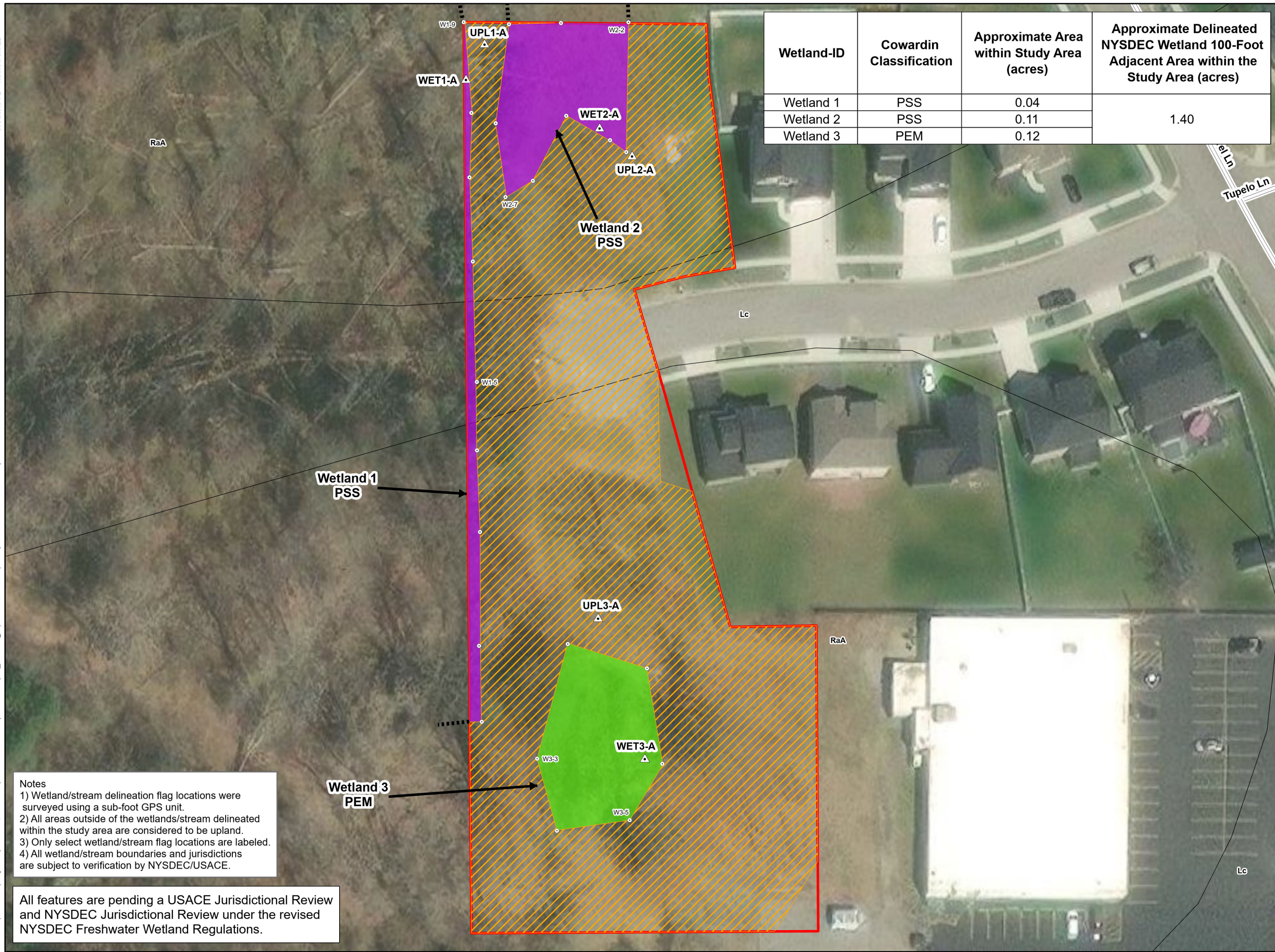
Sincerely,



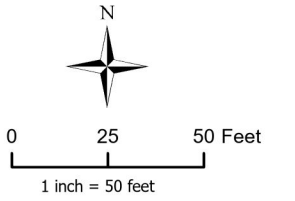
Charles P. Rosenberg  
Region 9 BEH Habitat Protection Manager

CPR/dsm

CC: Mandi Ohar, Ecologist NYSDEC Bureau of Ecosystem Health  
Lisa Czechowicz., NYSDEC Regional Permit Administrator  
Jody M. Celeste, LaBella  
Wetlands File TE-45 Tupelo Park



| Wetland-ID | Cowardin Classification | Approximate Area within Study Area (acres) | Approximate Delineated NYSDEC Wetland 100-Foot Adjacent Area within the Study Area (acres) |
|------------|-------------------------|--|--|
| Wetland 1  | PSS                     | 0.04                                       | 1.40   |
| Wetland 2  | PSS                     | 0.11                                       |  |
| Wetland 3  | PEM                     | 0.12                                       |  |



**Legend**

- Study Area
- Data Point Location
- Wetland/Stream Flag Location
- Scrub-Shrub Wetland (PSS)
- Emergent Wetland (PEM)
- Delineated NYSDEC Wetland 100-Foot Adjacent Area
- Approximate Offsite Wetland/Stream Boundary
- Road
- Soil

Sources:  
 1. Study Area: Created by LaBella using information provided by the client.  
 2. Basemap: Maxar, Microsoft, 2023  
 3. Mapped soils data were obtained from the NRCS online Soil Data (soildatamart.nrcs.usda.gov).

**Notes**  
 1) Wetland/stream delineation flag locations were surveyed using a sub-foot GPS unit.  
 2) All areas outside of the wetlands/stream delineated within the study area are considered to be upland.  
 3) Only select wetland/stream flag locations are labeled.  
 4) All wetland/stream boundaries and jurisdictions are subject to verification by NYSDEC/USACE.

All features are pending a USACE Jurisdictional Review and NYSDEC Jurisdictional Review under the revised NYSDEC Freshwater Wetland Regulations.

**Wetland and Stream Delineation Survey**

**FIGURE 4**