Wetland Delineation Report

for

3765 SHERIDAN DRIVE

Town of Amherst

Erie County, New York

for

Dominic Massaro

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

July 10, 2026
Project Code: **25-088**

Wetland Delineation Report

3765 SHERIDAN DRIVE

Prepared By:

SJL WETLANDS, LLC
PO BOX 47
WARSAW, NEW YORK 14569

Prepared For:

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MK DEVELOPMENT LLC
8525 PORTER ROAD
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716-609-0351

REPORT DATE: July 10, 2026

PROJECT CODE: 25-088

PROJECT INFORMATION

Project Name	3765 Sheridan Drive
Street Address	3765 Sheridan Drive
SBL Number	67.12-5-79
Town	Amherst
County	Erie
State	New York
Latitude/Longitude (NAD83)	42.97827°N, -78.79431°W
Investigation Area	1.87± Acres
USGS 7.5 Minute Topographical Map	Buffalo Northeast Quadrangle
Waterway	N/A
Hydrologic Unit Code	04270101
Date of Delineation	September 22, 2025
Point of Contact	Scott Livingstone (716) 912-7965 Scott@SJLWetlandsLLC.com
Engineer	Carmina Wood Design
Property Owner	LMK Realty Associates LLC
Authority	Section 404
Permit/Letter Being Requested	Jurisdictional Determination

TABLE OF CONTENTS

EXECUTIVE SUMMARY

MK Development, LLC has proposed a multi-family residential development located on the south side of Sheridan Drive in the Town of Amherst, County of Erie, State of New York. MK Development, LLC has retained SJL Wetlands, LLC (SJL) to complete a wetland delineation report that would allow the U.S. Army Corps of Engineers (USACE) and New York State Department of Environmental Conservation (NYSDEC) to determine their jurisdictional authority over the investigation area under Section 404 of the Clean Water Act and Articles 15 (Protection of Waters) and 24 (Freshwater Wetlands) of the New York State Environmental Conservation Law.

A preliminary review of available information pertaining to vegetation, soils, and hydrology in the project area was implemented prior to conducting a field investigation at the site. Sources of information included the United States Geological Survey Topography, Natural Resources Conservation Service Web Soil Survey, U.S. Fish and Wildlife Service National Wetland Inventory, NYSDEC Environmental Resource Mapper, USGS Streamstats and FEMA floodplain maps.

SJL applied methodology specified by the Corps of Engineers Wetlands Delineation Manual (January 1987) and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region Version 2.0 (January 2012) and NYSDEC Freshwater Wetlands Delineation Manual (July 1995) to perform a delineation of Federal and State jurisdictional wetlands within the site. SJL identified one (1) wetland area totaling 0.17± acre within the investigation area. The identification number of the wetland, acreage and boundary flags are as follows:

TABLE 1: WETLAND SUMMARY

Wetland Identification #	Geographic Center (WGS84)		Boundary Flag #	Total Acreage On-site	Wetland Type (Cowardin)	Wetland Type (Reschke)
	Latitude	Longitude				
Wetland 1	42.97816	-78.79498	W1-1 through W1-12	0.17±	PSS1A	Shrub Swamp
Total Wetland Acreage:				0.17±		

SECTION I: INTRODUCTION

MK Development LLC has proposed a multi-family residential development located on the south side of Sheridan Drive in the Town of Amherst, County of Erie, State of New York. The project has been given the name 3765 Sheridan Drive and is located on USGS 7.5 minute quadrangle map indexed as Buffalo Northeast (Figure 1). The field work was completed on September 22, 2025. The wetland flags placed by SJL were field located by Nussbaumer & Clarke, Inc.

MK Development LLC has retained SJL to complete a wetland delineation study at this site. The investigation is intended to define the extent of USACE and NYSDEC jurisdiction over the project area pursuant to Section 404 of the Clean Water Act and Articles 15 (Protection of Waters) and 24 (Freshwater Wetlands) of the New York State Environmental Conservation Law.

SJL has performed a wetland delineation study at the site under guidelines specified by the *Corps of Engineers Wetlands Delineation Manual*, dated January 1987 and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region version 2.0* (January 2012) as well as the NYSDEC Freshwater Wetlands Delineation Manual (July 1995).

This report considers the 6 NYCRR Part 664 regulations that went into effect on January 1, 2025. The Part 664 regulations that went into effect on January 1, 2025 encompass regulation over all wetlands greater than 12.4 acres (until January 1, 2028 when the minimum size threshold is reduced to 7.4 acres) as well as wetlands of any size that fall into any of eleven (11) categories of "Wetlands of Unusual Importance" as defined in Part 664.6 of the code. Since the January 1, 2025 Part 664 regulations were nullified in Albany County Supreme Court on April 8, 2026, and NYSDEC did not appeal this decision, the agency is moving forward under the pre-2025 regulation except in cases where a wetland exceeds 12.4 acres in size, whether or not it was identified as a Freshwater Wetland on the pre-2025 Freshwater Wetland maps. The following is a statement issued by NYSDEC on May 10, 2026: *"Please note that on April 8, 2026, the Albany County Supreme Court issued a decision affecting DEC freshwater wetlands regulations. DEC has evaluated the decision and its potential implications on our permitting and enforcement programs. Pursuant to Environmental Conservation Law Article 24, DEC will continue to exercise jurisdiction over wetlands 12.4 acres or larger and previously mapped wetlands, i.e., those wetlands of unusual local importance under the prior version*

of Part 664, until DEC promulgates new regulations. DEC is committed to the continuation of New York State's protection of wetlands and the many environmental and economic benefits they provide.".

SECTION II: SITE DESCRIPTION

The 3765 Sheridan Drive site is comprised of a 1.87± acre irregular shaped investigation area located to the south of Sheridan Drive which is outlined on Figure 1 and depicted on the Wetland Delineation Map included in Appendix A (Figure 6).

The natural topography of the 3765 Sheridan Drive is gently sloping, mostly due to the historical fill placed over much of the site many years ago. A remnant asphalt parking area, now overgrown, is located in the central portion of the site. Much of the upland portion of the site contains remnant non-soil fill including concrete and rebar. The upland within the investigation area consists of a successional shrubland community within an old fill area. The wetland area was found to consist of a shrub swamp community. The vegetative communities of the investigation area are described according to *Ecological Communities of New York State* (Edinger et al. 2014).

SECTION III: RESOURCE MAPS

A. SUMMARY OF FINDINGS

Various resource maps were reviewed to facilitate the completion of a wetland delineation study. The results of the review are summarized as follows:

1. USGS 7.5 Minute Topographical Map

The USGS quadrangle map (Figure 1) depicts the investigation area on the Buffalo Northeast Quadrangle map. The figure depicts the gently sloping topography of the site.

2. USFWS National Wetlands Inventory Map

The National Wetlands Inventory (NWI) map (Figure 2) obtained from the USFWS Wetland Mapper fwsprimary.wim.usgs.gov/wetlands/apps/wetlandsmapper displays a small area in the western portion of the investigation area as a forested wetland.

3. Natural Resources Conservation Service Soils Map

The NRCS Soil Map (Figure 3) depicts the investigation area obtained from the Web Soil Survey. As shown on that figure, the site has the following soil types:

Soil Conservation Service Legend

Map Unit Symbol	Map Unit Name	Hydric Rating
CfB	Cayuga silt loam, 3 to 8 percent slopes	0
CoA	Churchville silt loam, 0 to 3 percent slopes	5
In	Ilion silt loam	90

4. NYSDEC Freshwater Wetlands Map

The NYSDEC Freshwater Wetlands map (Figure 4) obtained from the online NYSDEC Environmental Resource Mapper displays nearly the entire investigation area as an “informational” wetland area.

5. USGS StreamStats Drainage Map

The USGS StreamStats map (Figure 7) does not indicate any streams or drainage features that flow through the investigation area.

6. FEMA Flood Map

The Federal Emergency Management Agency (FEMA) flood map (Figure 8) obtained from the National Flood Hazard Layer on-line map indicates no FEMA-designated floodplains or floodways within the investigation area.

SECTION IV: FIELD INVESTIGATION PROCEDURES

SJL applied methodology specified by the Corps of Engineers Wetlands Delineation Manual (January 1987) and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region Version 2.0 (January 2012) and NYSDEC Freshwater Wetlands Delineation Manual (July 1995) to perform a delineation of Federal and State jurisdictional wetlands within the site.

SECTION V: RESULTS AND CONCLUSIONS

SJL has completed a wetland delineation study at 3765 Sheridan Drive located in the Town of Amherst, Erie County, New York. The wetland delineation study identified one (1) wetland area totaling 0.17± acres present within the site.

As depicted on Figure 5, the upland portion of the site was dominated by a successional shrubland community. The wetland area was identified as a shrub swamp community. The vegetative communities of the investigation area are described according to Ecological Communities of New York State (Edinger et al. 2014).

The successional shrubland community was dominated by common buckthorn (*Rhamnus cathartica*) and cockspur hawthorn (*Crataegus crus-galli*).

Wetland W1 is a 0.17± acre shrub swamp community dominated by (Rhamnus cathartica) and (Glyceria striata).

SECTION VI: RECOMMENDATIONS

One (1) wetland was identified based on the Army Corps of Engineers Wetlands Delineation Manual (January 1987) and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region Version 2.0 (January 2012) and NYSDEC Freshwater Wetlands Delineation Manual (July 1995). Based on the current Waters of the United States (WOTUS) guidance and 6 NYCRR Part 664 (Freshwater Wetlands Jurisdiction and Classification) regulations in effect as of the date of this report, the following is recommended:

(1) Wetland 1 does not appear to have a continuous connection to a WOTUS based on current guidance and would not meet criteria to be regulated by USACE under Federal Section 404 regulations. It is our understanding that the proposed project will not impact the identified wetland and, therefore, it is our opinion that the project may move forward without the requirement for an Approved Jurisdictional Determination or a Section 404 permit from USACE or any coordination with that agency.

(2) There are no previously mapped Article 24 wetlands on the site and there are no wetlands that meet the current 12.4 acre minimum size threshold to be regulated by NYSDEC under Article 24 per the current Part 664 standards. Therefore, NYSDEC has no jurisdiction over any wetlands at this site and the project may move forward without the need for an Article 24 permit or any coordination with NYSDEC relative to Article 24.

3765 SHERIDAN DRIVE

APPENDIX A – FIGURES

Figure 1: USGS Topographical Map
Source: apps.nationalmap.gov/viewer

N

PROJECT CODE: 25-088
Map Date: 12/24/2025

3765 Sheridan Drive

TOWN OF AMHERST ERIE COUNTY, NY

SJL Wetlands, LLC
PO Box 47
Warsaw, NY 14569

Figure 2: National Wetlands Inventory Map

Source: [illegible]

N

PROJECT CODE: 25-088

Map Date: 12/24/2025

3765 Sheridan Drive

TOWN OF AMHERST ERIE COUNTY, NY

SJL Wetlands, LLC
PO Box 47
Warsaw, NY 14569

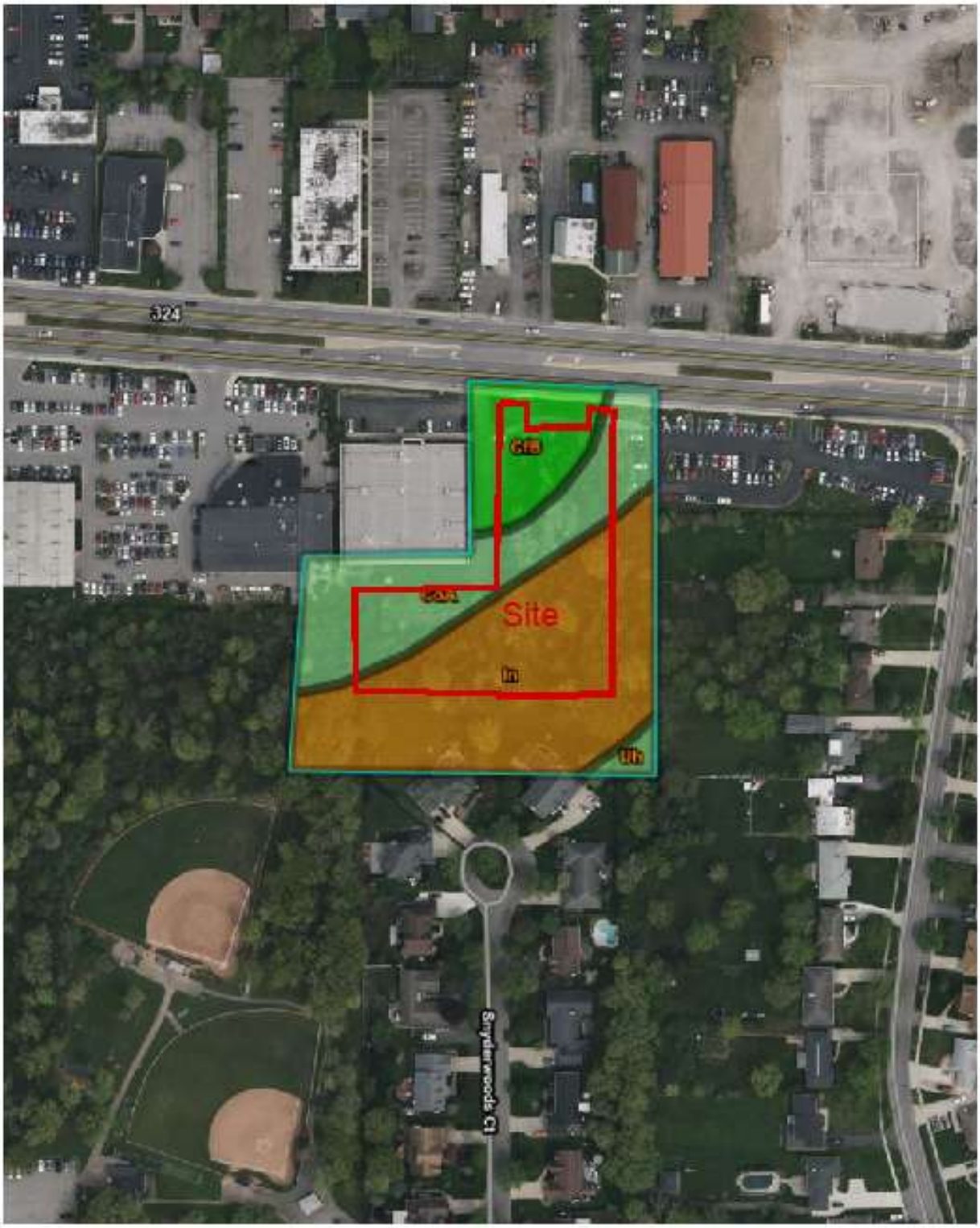

Figure 3: Web Soil Survey Map

Source: http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx

PROJECT CODE: 25-088

Map Date: 12/24/2025

3765 Sheridan Drive

TOWN OF AMHERST ERIE COUNTY, NY

SJL Wetlands, LLC
PO Box 47
Warsaw, NY 14569

Figure 4: NYSDEC Environmental Resource Mapper
Source: https://gisservices.dec.ny.gov/gis/erm/

N

PROJECT CODE: 25-088
Map Date: 12/24/2025

3765 Sheridan Drive

TOWN OF AMHERST ERIE COUNTY, NY

SJL Wetlands, LLC
PO Box 47
Warsaw, NY 14569

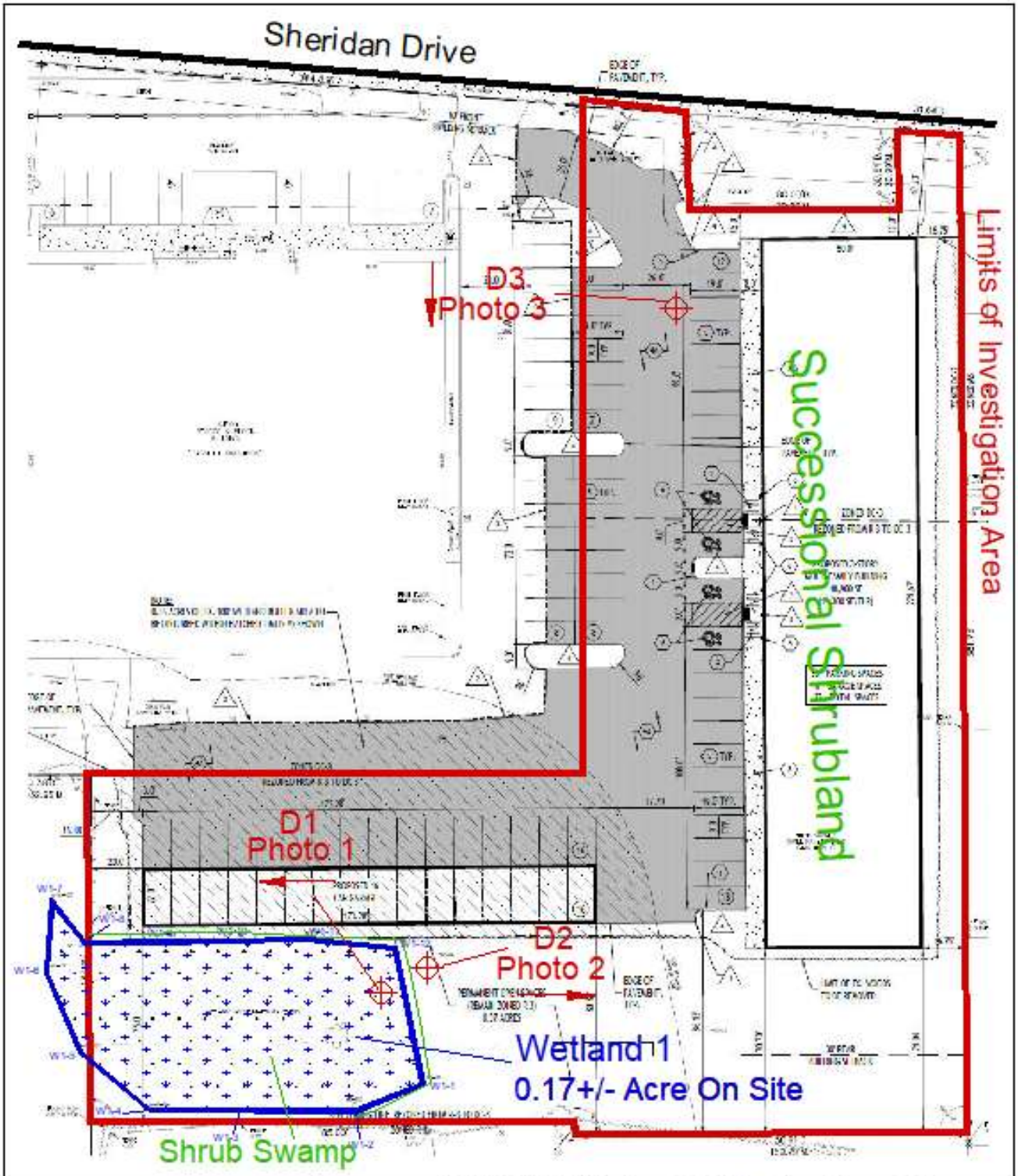

Figure 5: Ecological Communities Map

N

PROJECT CODE: 25-088

Map Date: 12/24/2025

3765 Sheridan Drive

TOWN OF AMHERST ERIE COUNTY, NY

SJL Wetlands, LLC
PO Box 47
Warsaw, NY 14569

LEGEND:

WETLAND AREA

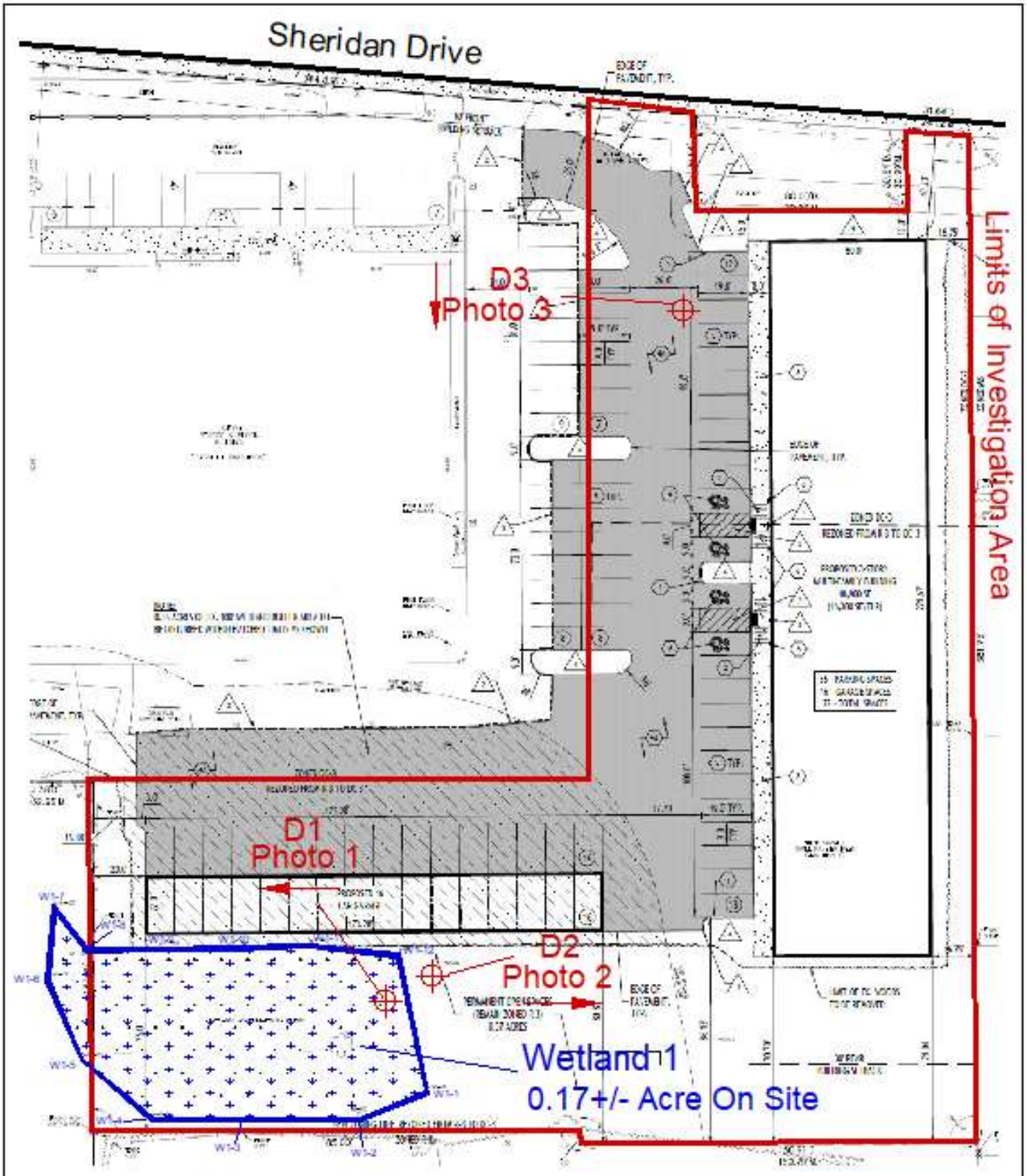

Figure 6: Wetland Delineation Map
Source: Carmina Wood Design

PROJECT CODE: 25-088
Map Date: 12/24/2025

3765 Sheridan Drive

TOWN OF AMHERST ERIE COUNTY, NY

SJL Wetlands, LLC
PO Box 47
Warsaw, NY 14569

LEGEND:

WETLAND AREA

Figure 7: USGS Stream Stats
Source: streamstats.usgs.gov/ss/

N

PROJECT CODE: 25-088
Map Date: 12/24/2025

3765 Sheridan Drive

TOWN OF AMHERST ERIE COUNTY, NY

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Warsaw, NY 14569

Figure 8: FEMA Floodplain Map
Source: msc.fema.gov/portal/search

N

PROJECT CODE: 25-088

Map Date: 12/24/2025
Revised:

Source of Baseline Map:

File Name:

3765 Sheridan Drive

TOWN OF AMHERST ERIE COUNTY, NY

SJL Wetlands, LLC
PO Box 47
Warsaw, NY 14569

LEGEND:

WETLAND AREA

3765 SHERIDAN DRIVE

APPENDIX B – DATA SHEETS

Project Code: 25-088

WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: 3765 Sheridan Drive Town/County: Amherst/Erie County Sampling Date: September 22, 2025

Applicant/Owner: Dominic Massaro State: New York Sampling Point: D1

Investigator(s): Scott Livingstone Section, Township, Range: 67.12-5-79

Landform (hillslope, terrace, etc.): Depression Local relief (concave, convex, none): CONCAVE Slope (%): 1

Subregion (LRR or MLRA) LRRL Lat: 42.97811 Long: -78.79485 Datum: NAD83

Soil Map Unit Name: ILION SILT LOAM NW I classification: PSS

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS : Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X No _____	**Is the Sampled Area within a Wetland?**	Yes X No _____
Hydric Soil Present?	Yes X No _____	If yes, optional Wetland Site ID:	W1
Wetland Hydrology Present?	Yes X No _____		

Remarks: (Explain alternative procedures here or in a separate report.)

- W1-1 → W1-12 (OPEN TO WEST)

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- X Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- X Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- X Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season W ater Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes _____	No X	Depth (inches): N/A
Water Table Present?	Yes _____	No X	Depth (inches): N/A
Saturation Present? (includes capillary fringe)	Yes _____	No X	Depth (inches): N/A

Wetland Hydrology Present? Yes X No _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Project Code: 25-088

VEGETATION : Use scientific names of plants.

Sampling Point: A1

Tree Stratum (Plot size: 30')	Absolute % Cover	Dominant Species?	Indicator Status
1. ACER SACCHARINUM	15	N	FACW
2. FRAXINUS PENNSYLVANICA	10	N	FACW
3.			
4.			
5.			
6.			
7.			
	25	= Total Cover	

Sapling/Shrub Stratum (Plot size: 15')			
1. RHAMNUS CATHARTICA	45	Y	FAC
2. FRAXINUS PENNSYLVANICA	10	N	FACW
3.			
4.			
5.			
6.			
7.			
	55	= Total Cover	

Herb Stratum (Plot size: 5')			
1. GLYCERIA STRIATA	45	Y	OBL
2. FRAXINUS PENNSYLVANICA	7	N	FACW
3. RHAMNUS CATHARTICA	10	N	FAC
4. LYSIMACHIA NUMMULARIA	15	N	FACW
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	77	= Total Cover	

Woody Vine Stratum (Plot size: 30')			
1.			
2.			
3.			
4.			
	0	= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	45	x 1 =	45
FACW species	57	x 2 =	114
FAC species	55	x 3 =	165
FACU species	0	x 4 =	0
UPL species	0	x 5 =	0
Column Totals:	157 (A)		324 (B)

Prevalence Index = B/A = 2.06

Hydrophytic Vegetation Indicators:

__ 1 - Rapid Test for Hydrophytic Vegetation

X 2 - Dominance Test is >50%

X 3 - Prevalence Index is < 3.0[1]

__ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

__ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Community Type: SHRUB SWAMP

Hydrophytic Vegetation Present? Yes X No ____

Remarks: (Include photo numbers here or on a separate sheet.)

Photo # PHOTO 1 **Direction of Photo** WEST

Project Code: 25-088

SOIL Sampling Point: D1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-4	10YR4/1	92	10YR5/8	8	C	M	Sil	
4-20	10YR5/1	85	10YR3/8	15	C	M	SiCl	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7) (**LRR R, MLRA 149B**)
- ___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
- ___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**)
- ___ Loamy Mucky Mineral (F1) (**LRR K, L**)
- ___ Loamy Gleyed Matrix (F2)
- X Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**)
- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L, M**)
- ___ Polyvalue Below Surface (S8) (**LRR K, L**)
- ___ Thin Dark Surface (S9) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
- ___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3] Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: NONE

Depth (inches): N/A

Hydric Soil Present? Yes X No ___

Remarks:

Project Code: 25-088

WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: 3765 Sheridan Drive Town/County: Amherst/Erie County Sampling Date: September 22, 2025

Applicant/Owner: Dominic Massaro State: New York Sampling Point: DZ

Investigator(s): Scott Livingstone Section, Township, Range: 67.12-5-79

Landform (hillslope, terrace, etc.): Fill Pile Local relief (concave, convex, none): CONVEX Slope (%): 15

Subregion (LRR or MLRA) LRRL Lat: 42.97817 Long: -78.79473 Datum: NAD83

Soil Map Unit Name: ILION SILT LOAM NW I classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil X, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS : Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____	No X	**Is the Sampled Area within a Wetland?** Yes _____ No X
Hydric Soil Present?	Yes _____	No X	If yes, optional Wetland Site ID: N/A
Wetland Hydrology Present?	Yes _____	No X	

Remarks: (Explain alternative procedures here or in a separate report.)

- UPLAND SCRUB/SHRUB COMMUNITY
- OLD FILL PAD

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes _____	No X	Depth (inches): N/A
Water Table Present?	Yes _____	No X	Depth (inches): N/A
Saturation Present? (includes capillary fringe)	Yes _____	No X	Depth (inches): N/A

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Project Code: 25-088

VEGETATION : Use scientific names of plants.

Sampling Point: D2

Tree Stratum (Plot size: 30')	Absolute % Cover	Dominant Species?	Indicator Status
1. ULMUS RUBRA	10	N	FAC
2.			
3.			
4.			
5.			
6.			
7.			
	10 = Total Cover		

Sapling/Shrub Stratum (Plot size: 15')			
1. RHAMNUS CATHARTICA	45	Y	FAC
2.			
3.			
4.			
5.			
6.			
7.			
	45 = Total Cover		

Herb Stratum (Plot size: 5')			
1. RHAMNUS CATHARTICA	20	Y	FAC
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	20 = Total Cover		

Woody Vine Stratum (Plot size: 30')			
1. VITIS AESTIVALIS	10	N	FACU
2.			
3.			
4.			
	= Total Cover		

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	75	x 3 =	225
FACU species	10	x 4 =	40
UPL species	0	x 5 =	0
Column Totals:	85 (A)		265 (B)

Prevalence Index = B/A = 3.12

Hydrophytic Vegetation Indicators:

__ 1 - Rapid Test for Hydrophytic Vegetation

__ 2 - Dominance Test is >50%

__ 3 - Prevalence Index is < 3.0[1]

__ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

__ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Community Type: SUCCESSIONAL SHRUBLAND

Hydrophytic Vegetation Present? Yes ____ No X

Remarks: (Include photo numbers here or on a separate sheet.)

Photo # PHOTO 2 **Direction of Photo** EAST

Project Code: 25-088

SOIL

Sampling Point: D2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-2	10YR4/2	100					S.L	Fill

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7) (**LRR R, MLRA 149B**)
- ___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
- ___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**)
- ___ Loamy Mucky Mineral (F1) (**LRR K, L**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**)
- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L, M**)
- ___ Polyvalue Below Surface (S8) (**LRR K, L**)
- ___ Thin Dark Surface (S9) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
- ___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3] Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: HARD Fill

Depth (inches): 2"

Hydric Soil Present? Yes _____ No X

Remarks:

Project Code: 25-088

WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: 3765 Sheridan Drive Town/County: Amherst/Erie County Sampling Date: September 22, 2025

Applicant/Owner: Dominic Massaro State: New York Sampling Point: D3

Investigator(s): Scott Livingstone Section, Township, Range: 67.12-5-79

Landform (hillslope, terrace, etc.): Fill PAD Local relief (concave, convex, none): CONVEX Slope (%): 7

Subregion (LRR or MLRA) LRRL Lat: 42.97877 Long: -78.79439 Datum: NAD83

Soil Map Unit Name: CAYUGA SILT LOAM, 3-8% SLOPES NW I classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS : Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____	No X	**Is the Sampled Area within a Wetland?** Yes ____ No X
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes ____	No X	If yes, optional Wetland Site ID: N/A

Remarks: (Explain alternative procedures here or in a separate report.)

- UPLAND SCRUB/SHRUB COMMUNITY
- OLD FILL PAD

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ____	No X	Depth (inches): N/A
Water Table Present?	Yes ____	No X	Depth (inches): N/A
Saturation Present? (includes capillary fringe)	Yes ____	No X	Depth (inches): N/A

Wetland Hydrology Present? Yes ____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Project Code: 25-088

VEGETATION : Use scientific names of plants.

Sampling Point: D3

Tree Stratum (Plot size: 30')	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
5.			
6.			
7.			
	0 = Total Cover		

Sapling/Shrub Stratum (Plot size: 15')			
1. CRATAEGUS CRUS-GALLI	35	Y	FACU
2. RHAMNUS CATHARTICA	30	Y	FAC
3.			
4.			
5.			
6.			
7.			
	65 = Total Cover		

Herb Stratum (Plot size: 5')			
1. RHAMNUS CATHARTICA	40	Y	FAC
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	40 = Total Cover		

Woody Vine Stratum (Plot size: 30')			
1.			
2.			
3.			
4.			
	0 = Total Cover		

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 50 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	70	x 3 =	210
FACU species	35	x 4 =	140
UPL species	0	x 5 =	0
Column Totals:	105 (A)		350 (B)

Prevalence Index = B/A = 3.33

Hydrophytic Vegetation Indicators:

__ 1 - Rapid Test for Hydrophytic Vegetation

__ 2 - Dominance Test is >50%

__ 3 - Prevalence Index is < 3.0[1]

__ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

__ Problematic Hydrophytic Vegetation[1] (Explain)

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Woody vines - All woody vines greater than 3.28 ft in height.

Community Type: SUCCESSIONAL SHRUBLAND

Hydrophytic Vegetation Present? Yes ____ No X

Remarks: (Include photo numbers here or on a separate sheet.)

Photo # PHOTO 3 **Direction of Photo** SOUTH

Project Code: 25-088

SOIL

Sampling Point: D3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-0.5	10YR4/1	100					S:L	FILL

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

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- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7) (**LRR R, MLRA 149B**)
- ___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
- ___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**)
- ___ Loamy Mucky Mineral (F1) (**LRR K, L**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**)
- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L, M**)
- ___ Polyvalue Below Surface (S8) (**LRR K, L**)
- ___ Thin Dark Surface (S9) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
- ___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3] Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: HARD FILL

Depth (inches): 0.5"

Hydric Soil Present? Yes _____ No X

Remarks:

BRICKS, CONCRETE ON SURFACE

3765 SHERIDAN DRIVE

APPENDIX C - SITE PHOTOGRAPHS

Photo 1: Facing west from D1. September 22, 2025.

Photo 2: Facing east from D2. September 22, 2025.

Photo 3: Facing south from D3. September 22, 2025.