



## The Greens on North French

[Instructions and Insurance Requirements Document](#)

### Section I: Applicant Background Information

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law.

#### Applicant Information- Company Receiving Benefit

**Project Name** The Greens on North French

**Project Summary** The project consists of 162 apartments comprising of five 3-story multifamily buildings, detached garages, a clubhouse and related site improvements. The proposed project includes a workforce housing component that will consist of 20% of the units. The monthly rents for the workforce housing component will consist of 32 units consisting of 10 1-bedroom units, 20 2-bedroom units and 2 3-bedroom units.

**Applicant Name** The Greens Luxury Apartments LLC

**Applicant Address** 6465 Transit Road, Suite 100

**Applicant Address 2**

**Applicant City** East Amherst

**Applicant State** New York

**Applicant Zip** 14051

**Phone** (716) 471-2806

**Fax**

**E-mail** matt@thegreenorganization.com

**Website**

**NAICS Code**

#### Business Organization

**Type of Business**  
Limited Liability Company

**Year Established**  
2022

**State**  
New York

**Indicate if your business is 51% or more (Check all boxes that apply)**

[No] Minority Owned

[No] Woman Owned

**Indicate Minority and/or Woman Owned Business Certification if applicable (Check all boxes that apply)**

[No] NYS Certified  
[No] Erie Country Certified

Individual Completing Application

**Name** Matt Green  
**Title** Member  
**Address** 6465 Transit Road, Suite 100  
**Address 2**  
**City** East Amherst  
**State** New York  
**Zip** 14051  
**Phone** (716) 471-2806  
**Fax**  
**E-Mail** matt@thegreenorganization.com

Company Contact- Authorized Signer for Applicant

**Contact is same as individual completing application** Yes

**Name**  
**Title**  
**Address**  
**Address 2**  
**City**  
**State**  
**Zip**  
**Phone**  
**Fax**  
**E-Mail**

Company Counsel

**Name of Attorney** Sean Hopkins, Esq.  
**Firm Name** Hopkins Sorgi & McCarthy PLLC  
**Address** 5500 Main Street, Suite 343  
**Address 2**  
**City** Williamsville  
**State** New York  
**Zip** 14221  
**Phone** (716) 510-4338  
**Fax**  
**E-Mail** shopkins@hsmlegal.com

Benefits Requested (select all that apply)

**Exemption from Sales Tax** Yes

<b>Exemption from Mortgage Tax</b>	Yes
<b>Exemption from Real Property Tax</b>	Yes
<b>Tax Exempt Financing*</b>	No

\* (typically for not-for-profits & small qualified manufacturers)

Applicant Business Description

**Describe in detail company background, history, products and customers. Description is critical in determining eligibility. Also list all stockholders, members, or partners with % ownership greater than 20%.**

Through our history we have traditionally acquired existing apartment buildings. During the past several years, our company has constructed new apartment projects to meet the demand of the market for high quality residential units for lease. The company is owned by equally by Matt and Bryan Green.

<b>Estimated % of sales within Erie County</b>	90 %
<b>Estimated % of sales outside Erie County but within New York State</b>	10 %
<b>Estimated % of sales outside New York State but within the U.S.</b>	0 %
<b>Estimated % of sales outside the U.S.</b>	0 %

(\*Percentage to equal 100%)

**For your operations, company and proposed project what percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County?**

90

**Describe vendors within Erie County for major purchases**

We use vendors such as 84 Lumber, Vastola heating and cooling, Brady Electric, Kimil Construction, Murray Roofing, Damiani Concrete, Holler Excavating and many other local vendors.

## Section II: Eligibility Questionnaire - Project Description & Details

### Project Location

**Address of Proposed Project Facility**

3315-3333 Millersport Highway

**Town/City/Village of Project Site**

Town of Amherst

**School District of Project Site**

Williamsville

**Current Address (if different)**

**Current Town/City/Village of Project Site (if different)**

**SBL Number(s) for proposed Project**

28.17-1-1.1

**What are the current real estate taxes on the proposed Project Site**

\$7,076.22

**If amount of current taxes is not available, provide assessed value for each.**

Land

\$ 463,500

Building(s)

\$ 0

If available include a copy of current tax receipt.

**Are Real Property Taxes current at project location?**

Yes

**If no please explain**

**Does the Applicant or any related entity currently hold fee title or have an option/contract to purchase the Project site?**

Yes

**If No, indicate name of present owner of the Project Site**

**Does Applicant or related entity have an option/contract to purchase the Project site?**

No

**Describe the present use of the proposed Project site (vacant land, existing building, etc.)**

The Project Site currently consists of vacant land.

**Provide narrative and purpose of the proposed project (new build, renovations) square footage of existing and new construction contemplated and/or equipment purchases. Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility)**

The proposed project consists of five two-story multifamily buildings consisting of 162 apartments for lease and all related improvements including detached garages, access aisles and parking spaces, lighting, landscaping, grading, a storm water management system, lighting, utility improvements and connections and a recreational trail. The project received Site Plan Approval from the Town of Amherst Planning Board on November 17, 2022.

**Municipality or Municipalities of current operations**

Town of Amherst

**Will the Proposed Project be located within a Municipality identified above?**

Yes

**Will the completion of the Project result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the project occupant located within the state?**

No

**If the Proposed Project is located in a different Municipality within New York State than that Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?**

No

(If yes, you will need to complete the Intermunicipal Move Determination section of this application)

**Is the project reasonably necessary to prevent the project occupant from moving out of New York State?**

No

**If yes, please explain and identify out-of-state locations investigated, type of assistance offered and provide supporting documentation available**

If nothing available in Amherst, considering other similar projects out of state.

**Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?**

No

**If yes, please indicate the Agency and nature of inquiry below**

**If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:**

Not applicable.

**Describe the reasons why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)**

See Narrative provided at Exhibit "2". The Agency's financial assistance is necessary for the project to be economically feasible based on numerous factors including increased construction costs for both labor and materials and stringent lending requirements including higher interest rates and increased equity contribution requirements. Additionally, there significant added costs to site work due to the amount of construction fill needed to bring the property up to the necessary grade. The IDA's financial assistance is also necessary in order for the project to include the proposed workforce housing component that will consist of 20% of the apartments [32 units].

**Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency**

Yes

**If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and Erie County?**

The project will not proceed since the Financial Assistance being sought is necessary the project to be financially feasible via obtaining necessary construction financing. IF the project is not completed, there will be negative fiscal impacts to tax jurisdictions including the Town of Amherst, the Williamsville School District and Erie County. Additionally, the much needed workforce housing consisting of 32 units would not be available for this high demand housing category that is needed in the Town of Amherst.

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

### Site Characteristics

**Is your project located near public transportation?**

Yes

**If yes describe if site is accessible by either metro or bus line (provide route number for bus lines)**

Yes, NFTA Bus Route 44 operates between University Metro Rail Station and Lockport via UB North Campus, Millersport and Transit.

**Has your local municipality and/or its planning board made a determination regarding the State Environmental Quality Review (SEQR) for your project?**

Yes

**Will the Project meet zoning/land use requirements at the proposed location?**

Yes

**Describe the present zoning/land use**

The zoning classification of the portion of the Project Site to be developed is MFR-5.

**Describe required zoning/land use, if different**

Not applicable.

**If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements**

Not applicable.

**Is the proposed Project located on a site where the known or potential presence of contaminants is complicating the development/use of the property?**

No

**If yes, please explain**

**Has a Phase I Environmental Assessment been prepared, or will one be prepared with respect to the proposed Project Site?**

Yes

If yes, please provide a copy.

**Have any other studies, or assessments been undertaken with respect to the proposed Project Site that indicate the known or suspected presence of contamination that would complicate the site's development?**

No

If yes, please provide copies of the study.

**If you are purchasing new machinery and equipment, does it provide demonstrable energy efficiency benefits?**

No

**If yes, describe the efficiencies achieved**

You may also attach additional information about the machinery and equipment at the end of the application.

**Does or will the company or project occupant perform research and development activities on new products/services at the project location?**

No

If yes, include percentage of operating expenses attributed to R&D activities and provide details.

Select Project Type for all end users at project site (you may check more than one).

For purposes of the following, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, you will need to complete the Retail section of this application.

<b>Retail Sales</b>	No	<b>Services</b>	No
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Please check any and all end uses as identified below.

- |  |                           |                                     |
|--|---------------------------|-------------------------------------|
| <b>No Acquisition of Existing Facility</b> | <b>No Assisted Living</b> | <b>No Back Office</b>               |
| <b>No Civic Facility (not for profit)</b>  | <b>No Commercial</b>      | <b>No Equipment Purchase</b>        |
| <b>No Facility for the Aging</b>           | <b>No Industrial</b>      | <b>No Life Care Facility (CCRC)</b> |
| <b>Yes Market Rate Housing</b>             | <b>No Mixed Use</b>       | <b>No Multi-Tenant</b>              |
| <b>No Retail</b>                           | <b>No Senior Housing</b>  | <b>No Manufacturing</b>             |
| <b>No Renewable Energy</b>                 | <b>Yes Other</b>          |                                     |
|  | <b>Workforce Housing</b>  |                                     |

For proposed facility please include the square footage for each of the uses outlined below

If applicant is paying for FFE for tenants, include in cost breakdown.

			<b>Cost</b>	<b>% of Total Cost</b>
<b>Manufacturing/Processing</b>	0 square feet	\$	0	0%
<b>Warehouse</b>	0 square feet	\$	0	0%
<b>Research &amp; Development</b>	0 square feet	\$	0	0%
<b>Commercial</b>	0 square feet	\$	0	0%
<b>Retail</b>	0 square feet	\$	0	0%
<b>Office</b>	0 square feet	\$	0	0%
<b>Specify Other</b>	214,000 square feet	\$	38,806,270	100%

**If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building Council?**

No

**If you answered yes to question above, what level of LEED certification do you anticipate receiving? (Check applicable box)**

<BLANK>

**Provide estimate of additional construction cost as a result of LEED certification you are seeking** < BLANK >

**Will project result in significant utility infrastructure cost or uses** Yes

What is the estimated project timetable (provide dates).

**Start date : acquisition of equipment or construction of facilities**

5/1/2024

**End date : Estimated completion date of project**

6/1/2027

**Project occupancy : estimated starting date of occupancy**

6/1/2025

Capital Project Plan / Budget

**Estimated costs in connection with Project**

**1.) Land and/or Building Acquisition**

\$ 2,275,879 square feet 23 acres

**2.) New Building Construction**

\$ 38,806,270 square feet

**3.) New Building addition(s)**

\$ 0 square feet

**4.) Reconstruction/Renovation**

\$ 0 square feet

**5.) Manufacturing Equipment**

\$ 0

**6.) Infrastructure Work**

\$ 0

**7.) Non-Manufacturing Equipment: (furniture, fixtures, etc.)**

\$ 0

**8.) Soft Costs: (Legal, architect, engineering, etc.)**

\$ 423,412

**9.) Other Cost**

\$ 0

**Explain Other Costs**

**Total Cost** \$ 41,505,561

Construction Cost Breakdown:

<b>Total Cost of Construction</b>	\$ 38,806,270 (sum of 2, 3, 4 and 6 in Project Information, above)
<b>Cost of materials</b>	\$ 16,000,000
<b>% sourced in Erie County</b>	90%

Sales and Use Tax:

<b>Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit</b>	\$ 16,000,000
<b>Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):</b>	\$ 1,400,000

\*\* Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.

<b>Project refinancing estimated amount, if applicable (for refinancing of existing debt only)</b>	\$ 0
<b>Have any of the above costs been paid or incurred as of the date of this Application?</b>	Yes
<b>If Yes, describe particulars:</b>	Site clearing costs have been incurred in the amount of \$673,000.00.

Sources of Funds for Project Costs:

<b>Equity (excluding equity that is attributed to grants/tax credits):</b>	\$ 10,000,000
<b>Bank Financing:</b>	\$ 32,000,000
<b>Tax Exempt Bond Issuance (if applicable):</b>	\$ 0
<b>Taxable Bond Issuance (if applicable):</b>	\$ 0
<b>Public Sources (Include sum total of all state and federal grants and tax credits):</b>	\$ 0
<b>Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)</b>	
<b>Total Sources of Funds for Project Costs:</b>	\$42,000,000
<b>Have you secured financing for the project?</b>	No



Mortgage Recording Tax Exemption Benefit:

Amount of mortgage, if any that would be subject to mortgage recording tax:

<b>Mortgage Amount (include sum total of construction/permanent/bridge financing).</b>	32,000,000
<b>Lender Name, if Known</b>	
<b>Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):</b>	\$240,000

Real Property Tax Benefit:

**Identify and describe if the Project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit (485-a, 485-b, other):** Not applicable.

IDA PILOT Benefit: Agency staff will indicate the estimated amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted in the PILOT worksheet in the additional document section.

Percentage of Project Costs financed from Public Sector sources: Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon the Sources of Funds for Project Costs as depicted above. The percentage of Project Costs financed from public sector sources will be depicted in the PILOT worksheet in the additional document section.

**Is project necessary to expand project employment?**

No

**Is project necessary to retain existing employment?**

No

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

By statute, Agency staff must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the TWO Year time period following Project completion. Agency staff converts PT jobs into FTE jobs by dividing the number of PT jobs by two (2).

	<b>Current # of jobs at proposed project location or to be relocated at project location</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be retained</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion</b>	<b>Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **</b>
<b>Full time</b>	2	2	2	2
<b>Part time</b>	0	0	0	0
<b>Total</b>	2	2	2	

**If you estimated new job growth over the next 2 years, please provide a short description of how those estimates were calculated (i.e. jobs per square foot, new contracts/increased revenues, etc.)**

As the project is developed, we will create these new positions to manage the property.

Salary and Fringe Benefits for Jobs to be Retained and Created

<b>Job Categories</b>	<b># of Full Time Employees retained and created</b>	<b>Average Salary for Full Time</b>	<b>Average Fringe Benefits for Full Time</b>	<b># of Part Time Employees retained and created</b>	<b>Average Salary for Part Time</b>	<b>Average Fringe Benefits for Part Time</b>
<b>Management</b>	1	\$ 65,000	\$ 0	0	\$ 0	\$ 8,000
<b>Professional</b>	1	\$ 65,000	\$ 0	0	\$ 0	\$ 8,000
<b>Administrative</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Production</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Independent Contractor</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Other</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Total</b>	2			0		

\*\* Note that the Agency may utilize the foregoing employment projections, among other items, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.

Yes **By checking this box, I certify that the above information concerning the current number of jobs at the proposed project location or to be relocated to the proposed project location is true and correct.**

Employment at other locations in Erie County: (provide address and number of employees at each location):

<b>Address</b>			
<b>Full time</b>	0	0	0
<b>Part time</b>	0	0	0
<b>Total</b>	0	0	0

Payroll Information

**Annual Payroll at Proposed Project Site upon completion**

130,000

**Estimated average annual salary of jobs to be retained (Full Time)**

0

**Estimated average annual salary of jobs to be retained (Part Time)**

0

**Estimated average annual salary of jobs to be created (Full Time)**

65,000

**Estimated average annual salary of jobs to be created (Part Time)**

0

**Estimated salary range of jobs to be created**

<b>From (Full Time)</b>	65,000	<b>To (Full Time)</b>	65,000
<b>From (Part Time)</b>	0	<b>To (Part Time)</b>	0

## Section III: Facility Type - Single or Multi Tenant

Is this a Single Use Facility or a Multi-Tenant Facility?

Single Use Facility

For Single Use Facility

**Occupant Name**

**Address**

**Contact Person**

**Phone**

**Fax**

**E-Mail**

**Federal ID #**

**SIC/NAICS Code**

SS

## **Section V: Retail Determination**

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

Please answer the following:

**Will any portion of the project (including that portion of the costs to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?**

<BLANK>

If yes, complete the Retail Questionnaire Supplement below. **If no, proceed to the next section.**

## **Section VI: Adaptive Reuse Projects**

Adaptive Reuse is the process of adapting old structures or sites for new purposes.

**Are you applying for tax incentives under the Adaptive Reuse Program?**

<BLANK>

## Section VII: Inter-Municipal Move Determination

The Agency is required by state law to make a determination that, if completion of a Project benefiting from Agency Financial Assistance results in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, Agency financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

### Current Address

#### City/Town

#### State

New York

#### Zip Code

**Will the project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state?**

No

**Will the project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?**

No

**If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:**

**Does this project involve relocation or consolidation of a project occupant from another municipality?**

**Within New York State**

No

**Within Erie County**

No

**If Yes to either question, please, explain**

**Will the project result in a relocation of an existing business operation from the City of Buffalo?**

No

**If yes, please explain the factors which require the project occupant to relocate out of the City of Buffalo (For example, present site is not large enough, or owner will not renew leases etc.)**

**What are some of the key requirements the project occupant is looking for in a new site? (For example, minimum sq. ft., 12 foot ceilings, truck loading docs etc.)**

**If the project occupant is currently located in Erie County and will be moving to a different municipality within Erie County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?**

<BLANK>

**What factors have lead the project occupant to consider remaining or locating in Erie County?**

**If the current facility is to be abandoned, what is going to happen to the current facility that project occupant is located in?**

**Please provide a list of properties considered, and the reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.) Please include full address for locations.**

## **Section VIII: Senior Housing**

IDA tax incentives may be granted to projects under the Agency's Senior Citizen Rental Housing policy when the project consists of a multi-family housing structure where at least 90% of the units are (or are intended to be) rented to and occupied by a person who is 60 years of age or older.

**Are you applying for tax incentives under the Senior Rental Housing policy?**

No

## **Section IX: Tax Exempt Bonds**

In order to receive the benefits of a tax-exempt interest rate bond, private borrowers and their projects must be eligible under one of the federally recognized private active bond categories (Fed Internal Rev Code IRC sections 142-144, and 1394).

**Are you applying for tax exempt bonds / refinancing of bonds related to a residential rental facility project?**

No



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**Exhibit 1 – Part 1 of the Full Environmental  
Assessment Form Prepared Pursuant to the  
State Environmental Quality Review Act  
("SEQRA") with Attachments A to D**

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**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 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

**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 <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> <li data-bbox="121 829 1485 861">i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li data-bbox="121 892 1485 924">ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li data-bbox="121 924 1485 955">iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul>		

**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? [The Project Site is designated as appropriate for Mixed Residential per Figure 6 of the Comprehensive Plan.]  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):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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?

\_\_\_\_\_

\_\_\_\_\_

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? \_\_\_\_\_

b. What police or other public protection forces serve the project site?  
\_\_\_\_\_

c. Which fire protection and emergency medical services serve the project site?  
\_\_\_\_\_

d. What parks serve the project site?  
\_\_\_\_\_  
\_\_\_\_\_

**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)?  
\_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres

b. Total acreage to be physically disturbed? \_\_\_\_\_ acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ 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.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

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: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ 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): \_\_\_\_\_

**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. \_\_\_\_\_

iv. 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): \_\_\_\_\_

[Note: Two copies of the Wetland Delineation Report prepared by Earth Dimensions, Inc. dated November 1, 2020 have been submitted to the Town of Amherst Planning Department along with two copies of the Wetland Permit Application prepared by Earth Dimensions, Inc. as submitted to the USACE and NYSDEC dated January 4, 2020.

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: \_\_\_\_\_ 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: \_\_\_\_\_
- 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: \_\_\_\_\_ 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): \_\_\_\_\_

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

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- 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: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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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 \_\_\_\_\_ acres (impervious surface)  
     \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • 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

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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)  
 \_\_\_\_\_  
 \_\_\_\_\_

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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<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (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): \_\_\_\_\_

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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): \_\_\_\_\_

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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  
[Note: Copies of the Traffic Impact Study prepared by SRF Associates to evaluate the potential traffic impacts associated with the proposed multifamily project have been submitted to the Planning Department with the Site Plan Application.]  
 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 1/2 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): \_\_\_\_\_  
 iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul>	

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): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Land uses and covertypes on the project site.

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

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

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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:  
\_\_\_\_\_

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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:  
\_\_\_\_\_

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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:  
\_\_\_\_\_

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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:  
\_\_\_\_\_

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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: \_\_\_\_\_  
\_\_\_\_\_

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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? \_\_\_\_\_ 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: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

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

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ % 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?  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: _____ _____ _____	
n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____ <i>ii.</i> Source(s) of description or evaluation: _____ <i>iii.</i> Extent of community/habitat: <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, give a brief description of how the proposed action may affect that use: _____ _____	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> 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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> 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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> Designating agency and date: _____	

<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>          If Yes: [A copy of the No Impact Determination letter issued by SHPO on December 9, 2021 is provided at Attachment "C".]  <i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District  <i>ii.</i> Name: _____  <i>iii.</i> Brief description of attributes on which listing is based: _____</p>
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>          If Yes:  <i>i.</i> Describe possible resource(s): _____  <i>ii.</i> Basis for identification: _____</p>
<p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>          If Yes:  <i>i.</i> Identify resource: _____  <i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____  <i>iii.</i> Distance between project and resource: _____ miles.</p>
<p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>          If Yes:  <i>i.</i> Identify the name of the river and its designation: _____  <i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

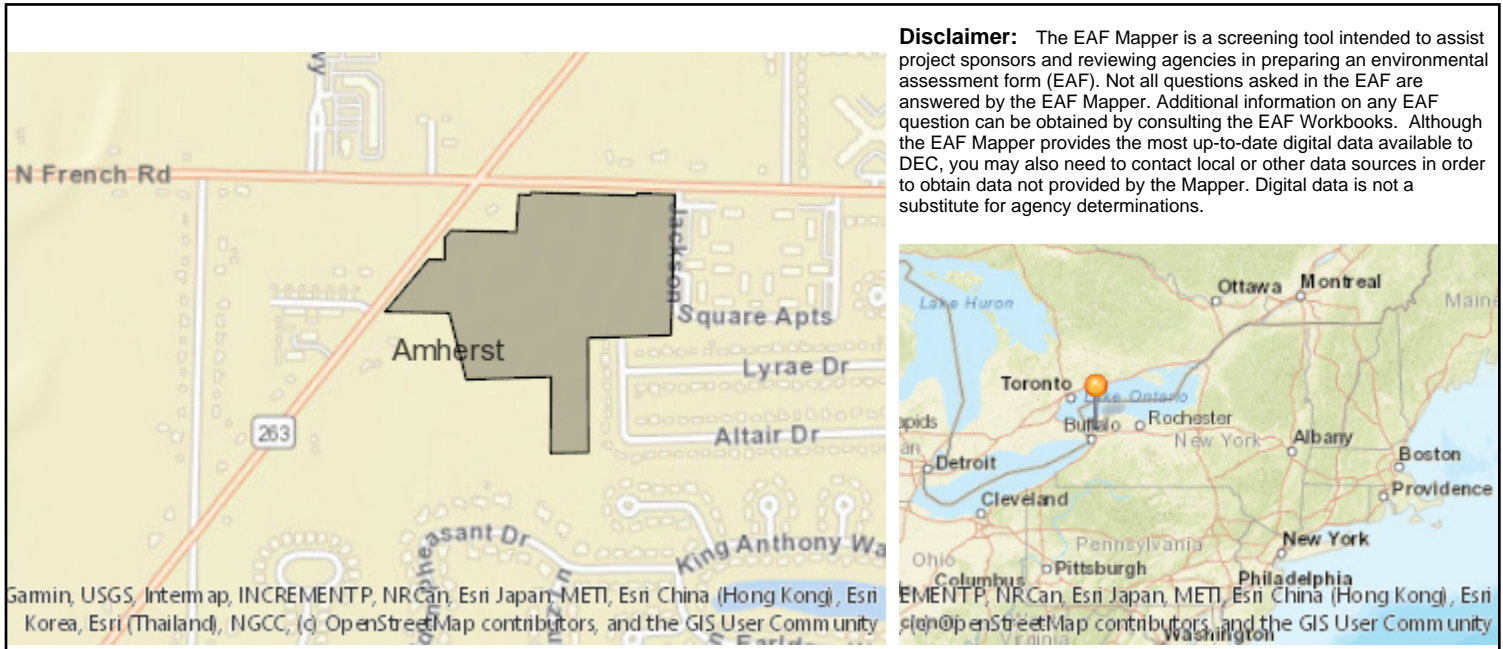
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature Sean Hopkins Title \_\_\_\_\_  
 Sean W. Hopkins, Esq.



**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]	Yes
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.iv [Surface Water Features - Wetlands Name]	Federal Waters
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]	Yes
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]	No
E.3.i. [Designated River Corridor]	No



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**Attachment A of Part 1 of Full EAF -  
Negative Declaration Issued by the  
Town of Amherst Town Board  
pursuant to the State Environmental  
Quality Review Act on March 28, 2022**

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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

<b>Lead Agency:</b>	Town of Amherst Town Board	<b>Project:</b>	Z-2021-08
<b>Address:</b>	5583 Main Street Williamsville, NY 14221 (716) 631-7051	<b>Date:</b>	March 28, 2022

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:** EAF completed; Type 1 Action. Town of Amherst established as the Lead Agency.

**Description of Action:** Rezoning of 17.78 ± acres of land from GB to MFR-5 & R-3 to permit the future use and development of the site for a mix of residential housing types. The concept plan illustrates (3), three - story apartment buildings that front on North French Road, (2), three-story apartment buildings and (2), two-story townhome buildings that are all located in the interior of the site and (1) two-story townhome building that is adjacent to Millersport Highway.

**Location:** 3275 (portion) & 3225 Millersport Highway, Town of Amherst, Erie County, New York


**Petitioner:** The Green Organization

### **Reasons Supporting This Determination**

Based on information submitted by the applicant, including a Full Environmental Assessment Form (FEAF) - Part 1, a complete rezoning application, and concept plan, a preliminary staff analysis was undertaken. Compared to the criteria listed in § 617.7, all indications are that the proposed rezoning of 17.78 ± acres of land from General Business District (GB) to Multi Family Residential-5 (MFR-5) & Residential District 3 (R-3) for a proposed development of the site for a mix of residential housing types 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 November 16, 2021 reviewed the application and EAF submitted on September 20, 2021, and had no objection or comments on the proposed rezoning. A full storm drainage design that meets the state stormwater design standards will be prepared for site plan submission.
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 when 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 rezoning is consistent with Section 3.3.1 for residential uses and as depicted in Figure 6, envisions mixed residential uses for the area. The project will comply with all regulations of the Town Zoning Ordinance before final site plan approval is granted. The Town Building Department on November 16, 2021 reviewed the application and EAF submitted on September 20, 2021, 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. It will not impair the character or quality of important historical resources. The New York State Office of Parks, Recreation and Historic Preservation reviewed the project on December 9, 2021 and determined that there will be no impact to any archeological and/or cultural resources.
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 to rezone from GB to MFR-5 & R-3. Neighboring uses are single family housing and a used car dealership to the north zoned R-3 and Motor Service (MS) respectively, single family housing to the south zoned R-3, and multi-family housing to the east and west zoned Multi Family Residential Four-A (MFR-4A) and MFR-5; therefore, the project is consistent with surrounding land uses.

6. The proposed rezoning to MFR-5 & R-3 for a development of the site to permit a mix of residential housing types will not cause a major change in the use of or the quantity or type of energy.
7. The rezoning to MFR-5 & R-3 for the proposed development of the site for a mix of residential housing types will not create any hazard to human health.
8. The rezoning to MFR-5 & R-3 will cause a change in the use of the existing vacant land by permitting the development of multi-family housing. The site has the capacity to support such use. The proposed development of the site for a mix of residential housing types will be consistent with the scale of surrounding land uses.
9. The rezoning to MFR-5 & R-3 for the proposed development of the site for a mix of residential housing types will significantly increase the number of people using the site over its previous level of use.
10. Review by the Town Traffic/Safety Board on November 16, 2021, Erie County Department of Public Work –Highways Division on November 9, 2021, and The New York State Department of Transportation on November 5, 2021 indicate 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 Building on November 16, 2021, Engineering on November 16, 2021, Highway on October 8, 2021, Traffic/Safety Board on November 16, 2021, Assessor on December 9, 2021, and Right-of-Way Agent on November 15, 2021 along with outside agencies including Erie County Department of Environment & Planning on October 28, 2021, and NYSDOT on November 8, 2021. 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 cause significant negative environmental impacts.

  
ASST. PLNG. DIR.  
Signature & title of preparer

3/28/2022  
date

  
Brian J. Kulpa, Supervisor

3/31/22  
date

Negative Declaration, Z-2021-08

March 28, 2022

Page 3

TV/ac

X:\Current\_Planning\Files\Rezoning\2021\Z-2021-08\_(3275\_&\_3325\_Millersport\_Hwy)\_2021\Z-2021-08\_TB Neg Dec 032822.docx

cc: Amherst Town Clerk

Amherst Building Department

ECDEP

NYSDEC

NYS DOT

Christopher Wood, Carmina Wood Morris, 487 Main St., Suite 600, Buffalo, NY 14203

Sean Hopkins, Hopkins Sorgi & McCarthy, PLLC, 5500 Main St., Ste. 343, Williamsville, NY 14221

Matt Green, The Green Organization, 6465 Transit Rd., E. Amherst, NY 14051

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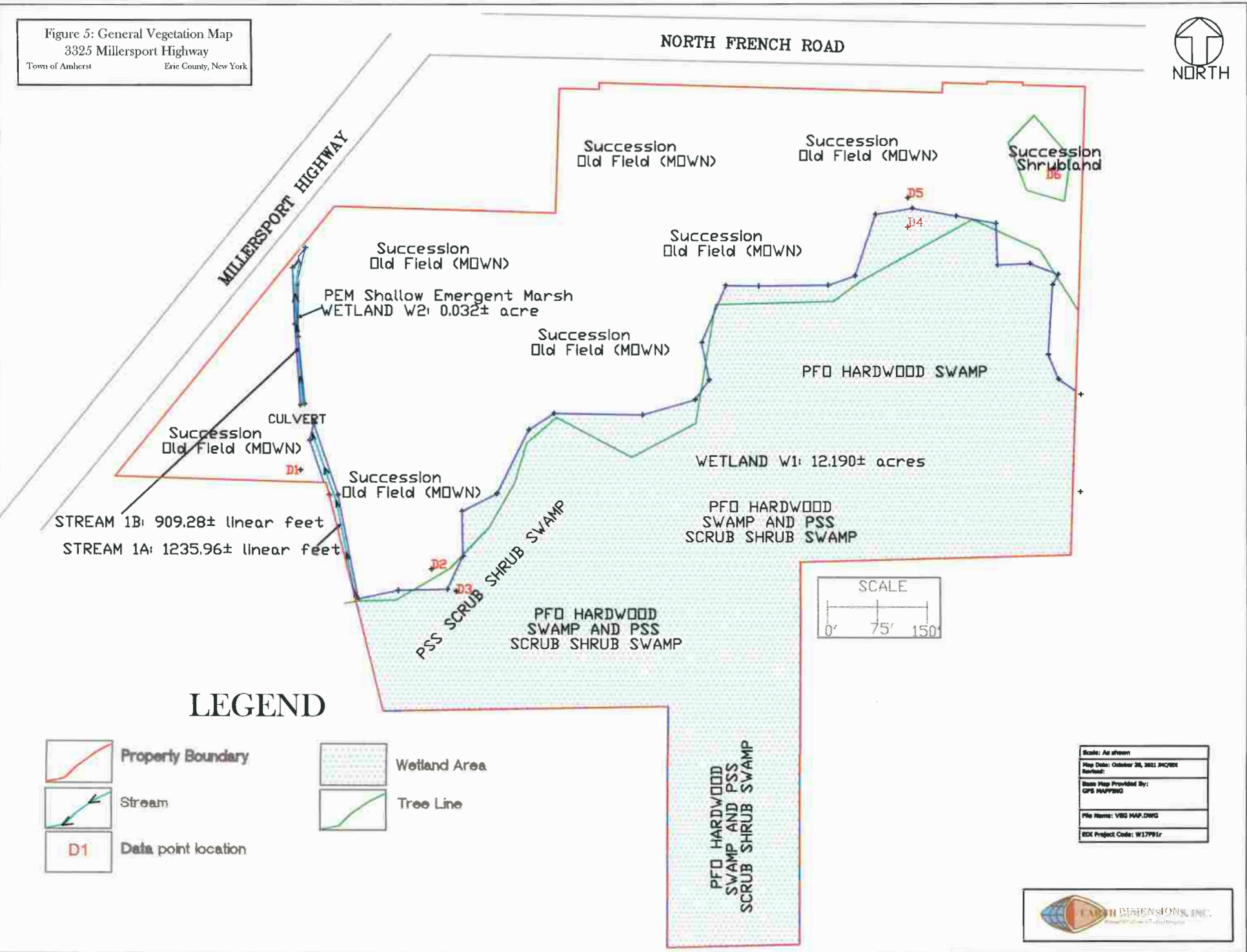
**Attachment B of Part 1 of Full EAF -  
Wetland Map as Prepared by Scott  
Livingstone of Earth Dimension, Inc.**

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Figure 5: General Vegetation Map  
 3825 Millersport Highway  
 Town of Amherst Erie County, New York



NORTH FRENCH ROAD



**LEGEND**

-  Property Boundary
-  Stream
-  Data point location
-  Wetland Area
-  Tree Line

Scale: As shown
Map Date: October 30, 2011 JHC/BC
Revised:
Base Map Provided By: GPS MAPPING
File Name: VEG MAP.DWG
BDC Project Code: W17991r



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**Attachment C of Part 1 of Full EAF -  
No Impact Determination Letter  
Issued by R. Daniel Mackay of the  
NYS Office of Parks, Recreation and  
Historic Preservation dated  
December 9, 2021**

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**Parks, Recreation,  
and Historic Preservation**

**KATHY HOCHUL**  
Governor

**ERIK KULLESEID**  
Commissioner

December 09, 2021

Scott Livingstone  
Wetland Operations Manager  
Earth Dimensions, Inc.  
1091 Jamison Road  
Elma, NY 14569

Re: USACE  
Multi-Unit Apartment Complex New Construction Projectg  
3325 Millersport Highway , Amherst, Erie4 County, NY  
21PR08232  
LRB-2005-00255

Dear Scott Livingstone:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay

Deputy State Historic Preservation Officer  
Division for Historic Preservation

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**Attachment D of Part 1 of Full EAF -  
Negative Declaration Issued by the  
Town of Amherst Planning Board on  
November 17, 2022 pursuant to the  
State Environmental Quality Review  
Act on March 28, 2022**

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Brian J. Kulpa  
Supervisor

Daniel C. Howard, AICP  
Planning Director

Daniel J. Ulatowski, AICP  
Assistant Planning Director

## SEQR Negative Declaration

'22 NOV 23 PM4:59

### NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

**Lead Agency:** Town of Amherst Planning Board      **Project:** SP-2022-06

**Address:** 5583 Main Street  
Williamsville, NY 14221  
(716) 631-7051      **Date:** November 17, 2022

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:** Site Plan Review

**SEQR Status:** Type I Action

**Description of Action:** The proposed project includes the construction of 162 multi-family residential units throughout five, 3-story buildings. Three buildings will be located along North French Road and the other two will be internal to the site. Parking for 386 vehicles is proposed, including 53 parking spaces within 5 garage structures. A walking/ multi-use trail is featured throughout the site bordering the perimeter of the proposed development. A clubhouse/ maintenance building and the required stormwater facilities are proposed at the southwest of the subject site and along the Millersport Highway frontage. The southeast portion of the site is a Federal Jurisdictional Wetland and will remain undeveloped/permanent open space. Work will include the site improvements not specifically stated above, including, stormwater, utilities, grading, lighting, paving, and landscaping.

**Location:** 3325 & 3275 (portion) Millersport Highway, Amherst, Erie County

**Petitioner:** The Green Organization

REASONS SUPPORTING THIS DETERMINATION

'22 NOV 23 PM4:59

Based on information submitted by the applicant including a Full Environmental Assessment Form (EAF) - Part I, (as amended) and a complete site plan application, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that this action 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 Engineering Department on October 7, 2022 reviewed the Grading, Drainage and Utility Plans submitted on October 4, 2022, Engineer's Report submitted on October 4, 2022, Erosion Control Plan submitted on October, 4, 2022 and Geotechnical Report prepared by Earth Dimensions Inc.

The Stormwater Pollution Prevention Plan (SWPPP) submitted on October 4, 2022 was also reviewed. Based on its review of these documents, the Department has determined that the project has or will have met all applicable requirements and has no objection to its approval.

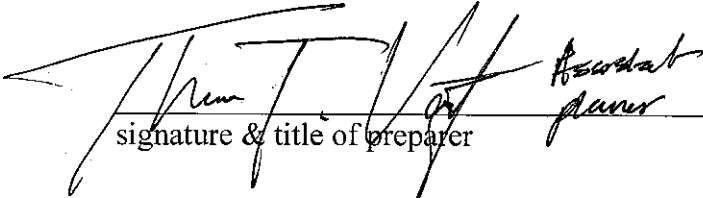
2. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. Wetlands have been identified on the project site and a wetlands permit (9-1422-0045/00004) was issued by the NYSDEC dated on October 14, 2022 for the disturbance of approximately 3.5 acres of the established 100-foot wetlands buffer zone. The Planning Department reviewed a Landscape Plan submitted on October 4, 2022 and determined that it meets or exceeds Zoning Ordinance requirements for greenspace. The Landscape Plan has or will have met all Zoning Ordinance and Town requirements for landscaping.
3. The project is not expected to create any substantive conflict with the Town Comprehensive Plan. The Planning Department in their review of November 1, 2022 has reviewed the application documents and the Building Department in their review of October 13, 2022 has reviewed the application documents along with the Geotechnical Report submitted on October 4, 2022, and determined that the subject project has or will have met all International Building Code – 2015 and Zoning Ordinance regulations.
4. The project is not 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.

- '22 NOV 23 PM4:59
5. The project will not impair the character or quality of important aesthetic resources of existing community or neighborhood character. The project is located in the Multi-Family Residential 5 (MFR-5) zoning district; neighboring uses are; single family residential to the north zoned Residential District 3 (R-3) and Suburban Agriculture (SA), single family residential to the south zoned Residential District 3 (R-3), multi-family residential to the east zoned Multi-Family Residential 5 (MFR-5), and multi-family residential to the west zoned, Multi-Family Residential 4A (MFR-4A); therefore, the project is consistent with surrounding land use.
  6. The proposed subject development will include the construction of 162 multi-family residential units throughout five, 3-story buildings and parking for 386 vehicles, which will not cause a major change in the use of either the quantity or type of energy.
  7. The project will not create any hazard to human health. The Fire Chief's Association on October 14, 2022 has reviewed the project and has no objection to the approval of the site plan, as all requirements of this agency has or will have been met.
  8. The project 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 construction of 162 multi-family residential units throughout five, 3-story buildings and parking for 386 vehicles will be consistent with the scale of surrounding land uses.
  9. The function of the proposed construction of 162 multi-family residential units throughout five, 3-story buildings and parking for 386 vehicles, 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 dated October 10, 2022, Erie County Dept. of Public Works –Highways Division dated October 27, 2022 indicates that significant negative traffic impacts are not expected to result from the proposed project. Review of the Traffic Impact Study (TIS) prepared by SRF Associates, submitted to the Planning Department on November 9, 2021 as part of the prior rezoning request and reviewed by Town Traffic/Safety Board on November 16, 2021 indicates that significant negative traffic impacts are not expected to result from the proposed project.
  11. A coordinated review of the project has been undertaken by Town Departments, in addition to those mentioned above, Highway on September 21, 2022, Assessor on September 6, 2022, Plumbing Division on October 6, 2022, and Right-of-Way Agent on October 17, 2022. 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 cause significant negative environmental impacts.

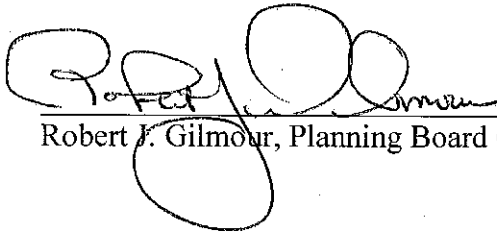
Planning Board Approval

'22 NOV 23 PM 4:59

Moved by: Chmiel; Seconded by: Kahn Ayes 5, Noes 0, Absent 2 (Gill, Raffaele)

  
signature & title of preparer

11/22/2022  
Date

  
Robert J. Gilmour, Planning Board Chair

11-23-22  
Date

TV/ac

X:\Current\_Planning\Files\Site Plans\2022\SP-2022-06\_(3325\_&\_3275\_Millersport\_Hwy)\_2022\SP-2022-06\_neg dec\_111722.doc.docx

cc: Commissioner of Building

Town Engineer

Fire Chiefs'

Highway

Traffic/Safety

ECDEP

NYSDEC

NYSDOT

The Green Organization, c/o Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221

Anthony Pandolfe, Carmina Wood Design, 487 Main St., Suite 500, Buffalo, NY 14203

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**Exhibit 2 – Narrative Providing Justification  
for Amherst IDA’s Financial Assistance**

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## EXHIBIT 2

### NARRATIVE PROVIDING ADDITIONAL JUSTIFICATION FOR REQUESTED AMHERST IDA ASSISTANCE FOR PROPOSED MULTIFAMILY PROJECT

#### **I. Description of the Project:**

The proposed multifamily is to be located on the vacant land owned by the Applicant at 3315-3333 & 3275 Millersport Highway ("Project Site") that is zoned MFR-5 pursuant to the Town of Amherst Zoning Map. The multifamily project includes five proposed two-story buildings with 162 apartments (including 32 designated workforce housing apartments), access aisles, parking spaces, landscaping, lighting, a recreational trail, storm water management improvements and all required utility improvements.<sup>1</sup> A copy of the Site Plan depicting the project layout is provided at **Exhibit "6"**.

The project will not result in any potentially significant adverse environmental impacts. Both the Town Board and the Planning Board have previously completed environmental reviews of the project. A copy of the negative declaration issued by the Town Board on March 28, 2022 is provided at **Attachment "A"** of the completed Part 1 of the Full Environmental Assessment

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<sup>1</sup> 20 percent of units will be designated as workforce housing units (32 of the 162 units) for a term of 15 years and annual rents for the designated workforce housing units will be adjusted annually as new rents are published by HUD in June of each year. The definition of workforce housing units has not yet been finalized by it anticipated that it will be based on 80% of the published AMI figure for the zip code per information received from Laurie Stillwell of the Planning Department on November 29, 2023, which would equate to approximate current monthly lease rates for the workforce housing units as follows: 10 1-Bedroom Units - \$1,300.00 Monthly Rent and 20 2-Bedroom Units - \$1,500 Monthly Rent and 3 3-bedroom units - \$1,700 Monthly Rent. This is based on the proportionate share of the overall breakdown of the units by number of bedrooms [50 1-bedroom units, 99 2-bedroom units and 12 3-bedroom units].



Form provided at **Exhibit “1”**.<sup>2</sup> A copy of the negative declaration issued by the Planning Board pursuant to SEQRA on November 17, 2022 is provided at **Exhibit “3”**.

A color copy of the PowerPoint presentation given during the public hearing held by the Planning Board on November 17, 2022 is provided at **Exhibit “5”**. All of the required project approvals from the Town of Amherst municipal boards have been obtained including Site Plan Approval from the Planning Board. A copy of the resolution adopted by the Planning Board on November 17, 2022 granting Site Plan Approval for the multifamily project is provided at **Exhibit “4”**.

## **II. The Project is Consistent with the Adopted Bicentennial Comprehensive Plan:**

In connection with its decision granting Site Plan Approval for the multifamily project on November 17, 2022, the Planning Board issued a finding that the project is generally consistent with the policies contained in the adopted Comprehensive Plan.

Chapter 3 of the Comprehensive Plan is titled “Land Use and Development” and the Goal for Land Use and Development as set forth on Page 3-4 is “An interconnected mix of land that includes revitalized older neighborhoods and commercial centers and corridors, quality new developments, vibrant activity centers, agriculture, and green spaces throughout the community.” The project will be located on an infill site that was previously approved for a large commercial project that was never constructed.

The recommended land use for area per Figure 6 of the Comprehensive Plan is “Mixed Residential”. The “Mixed Residential” category is described on Pg. 3-32 of the Comprehensive Plan as appropriate for a density of 12-60 units per acre. The text on Page 3-32 states as follows:

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<sup>2</sup> The Part 1 of the Full Environmental Assessment Form with Attachments A, B, C and D provided at Exhibit “1” provides extensive information supporting the Applicant’s position that the project will not result in any potentially significant adverse environmental impacts.

“Mixed Residential (4 to 12 units/acre) Within the older sections of the Town (generally south of Maple Road), Mixed Residential designations comprised of small lot single-family, duplex, and other attached dwelling types, represent much of the Town's stock of affordable housing. This type of housing is also attractive for infill development along high access suburban and commercial corridors served by public transportation. Typical locations for this residential category include areas of transition between commercial uses and lower density single-family neighborhoods, as well as along collector or arterial highways or other areas that are generally unattractive for large lot, single family development. Other areas of the Town designated for concentrations of Mixed Residential use include underutilized areas near designated commercial and mixed-use centers

The project is consistent with “Mixed Residential” land use category since it will providing high quality housing for lease that will include a workforce housing component at a location on two highways in close proximity to places of employment including large existing office parks.

Chapter 5 of the Comprehensive Plan is titled “Economic Development” and provides support for the IDA granting incentives for the proposed mixed-use project. Section 5.2 of the Comprehensive Plan sets forth the economic goal of the Town as including creation of a strong tax base and providing development in convenient and accessible locations. One of policies as set forth on Page 5-3 of the Comprehensive Plan in implementing the Town’s economic goal and policies is as follows: “Target economic development policies, programs, capital expenditures, and incentives to attract and retain higher paying employment and promote desired forms and locations of development and redevelopment.”

Policy 5-6 of the Comprehensive Plan consists of “[A]dopt commercial development standards for neighborhood compatibility with context sensitive design guidelines.” The Project has deliberately designed based on consideration of neighborhood compatibility and this is reflected by preserving a large percentage of the Project Site as Permanent Open Space, extensive landscaping, high quality architecture and an on-site recreational trail.

**Conclusion:**

The Applicant respectfully requests that the Board of Directors approve the requested incentives for the eligible project for the reasons described within the Application including the proposed 20% workforce housing component [32 apartments].

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**Exhibit 3 – Negative Declaration Issued by the  
Planning Board on November 17, 2022**

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Brian J. Kulpa  
Supervisor

Daniel C. Howard, AICP  
Planning Director

Daniel J. Ulatowski, AICP  
Assistant Planning Director

## SEQR Negative Declaration

'22 NOV 23 PM4:59

### NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

**Lead Agency:** Town of Amherst  
Planning Board

**Project:** SP-2022-06

**Address:** 5583 Main Street  
Williamsville, NY 14221  
(716) 631-7051

**Date:** November 17, 2022

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:** Site Plan Review

**SEQR Status:** Type I Action

**Description of Action:** The proposed project includes the construction of 162 multi-family residential units throughout five, 3-story buildings. Three buildings will be located along North French Road and the other two will be internal to the site. Parking for 386 vehicles is proposed, including 53 parking spaces within 5 garage structures. A walking/ multi-use trail is featured throughout the site bordering the perimeter of the proposed development. A clubhouse/ maintenance building and the required stormwater facilities are proposed at the southwest of the subject site and along the Millersport Highway frontage. The southeast portion of the site is a Federal Jurisdictional Wetland and will remain undeveloped/permanent open space. Work will include the site improvements not specifically stated above, including, stormwater, utilities, grading, lighting, paving, and landscaping.

**Location:** 3325 & 3275 (portion) Millersport Highway, Amherst, Erie County

**Petitioner:** The Green Organization

REASONS SUPPORTING THIS DETERMINATION

'22 NOV 23 PM4:59

Based on information submitted by the applicant including a Full Environmental Assessment Form (EAF) - Part I, (as amended) and a complete site plan application, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that this action 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 Engineering Department on October 7, 2022 reviewed the Grading, Drainage and Utility Plans submitted on October 4, 2022, Engineer's Report submitted on October 4, 2022, Erosion Control Plan submitted on October, 4, 2022 and Geotechnical Report prepared by Earth Dimensions Inc.

The Stormwater Pollution Prevention Plan (SWPPP) submitted on October 4, 2022 was also reviewed. Based on its review of these documents, the Department has determined that the project has or will have met all applicable requirements and has no objection to its approval.

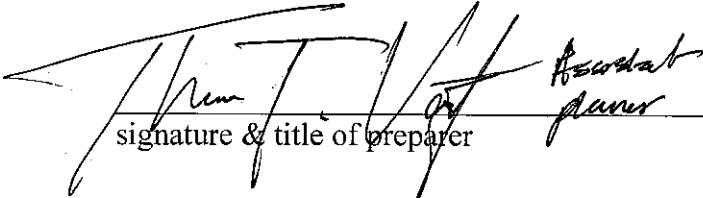
2. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. Wetlands have been identified on the project site and a wetlands permit (9-1422-0045/00004) was issued by the NYSDEC dated on October 14, 2022 for the disturbance of approximately 3.5 acres of the established 100-foot wetlands buffer zone. The Planning Department reviewed a Landscape Plan submitted on October 4, 2022 and determined that it meets or exceeds Zoning Ordinance requirements for greenspace. The Landscape Plan has or will have met all Zoning Ordinance and Town requirements for landscaping.
3. The project is not expected to create any substantive conflict with the Town Comprehensive Plan. The Planning Department in their review of November 1, 2022 has reviewed the application documents and the Building Department in their review of October 13, 2022 has reviewed the application documents along with the Geotechnical Report submitted on October 4, 2022, and determined that the subject project has or will have met all International Building Code – 2015 and Zoning Ordinance regulations.
4. The project is not 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.

- '22 NOV 23 PM4:59
5. The project will not impair the character or quality of important aesthetic resources of existing community or neighborhood character. The project is located in the Multi-Family Residential 5 (MFR-5) zoning district; neighboring uses are; single family residential to the north zoned Residential District 3 (R-3) and Suburban Agriculture (SA), single family residential to the south zoned Residential District 3 (R-3), multi-family residential to the east zoned Multi-Family Residential 5 (MFR-5), and multi-family residential to the west zoned, Multi-Family Residential 4A (MFR-4A); therefore, the project is consistent with surrounding land use.
  6. The proposed subject development will include the construction of 162 multi-family residential units throughout five, 3-story buildings and parking for 386 vehicles, which will not cause a major change in the use of either the quantity or type of energy.
  7. The project will not create any hazard to human health. The Fire Chief's Association on October 14, 2022 has reviewed the project and has no objection to the approval of the site plan, as all requirements of this agency has or will have been met.
  8. The project 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 construction of 162 multi-family residential units throughout five, 3-story buildings and parking for 386 vehicles will be consistent with the scale of surrounding land uses.
  9. The function of the proposed construction of 162 multi-family residential units throughout five, 3-story buildings and parking for 386 vehicles, 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 dated October 10, 2022, Erie County Dept. of Public Works –Highways Division dated October 27, 2022 indicates that significant negative traffic impacts are not expected to result from the proposed project. Review of the Traffic Impact Study (TIS) prepared by SRF Associates, submitted to the Planning Department on November 9, 2021 as part of the prior rezoning request and reviewed by Town Traffic/Safety Board on November 16, 2021 indicates that significant negative traffic impacts are not expected to result from the proposed project.
  11. A coordinated review of the project has been undertaken by Town Departments, in addition to those mentioned above, Highway on September 21, 2022, Assessor on September 6, 2022, Plumbing Division on October 6, 2022, and Right-of-Way Agent on October 17, 2022. 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 cause significant negative environmental impacts.

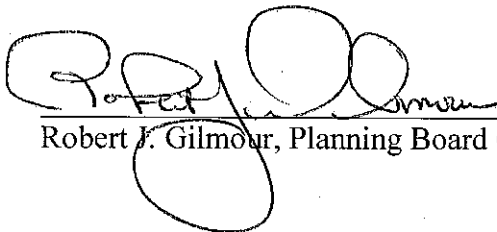
Planning Board Approval

'22 NOV 23 PM 4:59

Moved by: Chmiel; Seconded by: Kahn Ayes 5, Noes 0, Absent 2 (Gill, Raffaele)

  
signature & title of preparer

11/22/2022  
Date

  
Robert J. Gilmour, Planning Board Chair

11-23-22  
Date

TV/ac

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cc: Commissioner of Building

Town Engineer

Fire Chiefs'

Highway

Traffic/Safety

ECDEP

NYSDEC

NYSDOT

The Green Organization, c/o Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221

Anthony Pandolfe, Carmina Wood Design, 487 Main St., Suite 500, Buffalo, NY 14203



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**Exhibit 4 – Site Plan Approval  
Resolution Adopted by the Planning  
Board on November 17, 2022**

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TOWN OF AMHERST  
PLANNING BOARD  
SITE PLAN RESOLUTION  
SP-2022-06

PETITIONER

PROPERTY LOCATION

'22 NOV 23 PM4:59

The Green Organization  
c/o Sean W. Hopkins, Esq.  
Hopkins, Sorgi & McCarthy PLLC  
5500 Main Street, Suite 343  
Williamsville, New York 14221

3325 & 3275 (portion) Millersport Highway

WHEREAS, the Town of Amherst Planning Board on Thursday, November 17, 2022 held a public hearing on a Site Plan for the proposed construction of 162 unit multi-family residential development in five, 3-story buildings and having parking for 386 vehicles, and

WHEREAS, the Planning Board reviewed the plans and specifications for the proposed project, and

WHEREAS, the Site Plan was referred to the Town's various review agencies, and

WHEREAS, in accordance with Section 8-7-8 of the Zoning Ordinance, the Planning Board finds that:

- A. The site plan includes usable space for active and passive recreation, including pedestrian connections.
- B. The site plan includes open space lands for public ownership and use offered for dedication or other disposition to the Town or other public entity.
- C. School sites and facilities are adequate to accommodate the proposed site plan.
- D. The site plan does not include the extension of roadways to adjacent property.

WHEREAS, in accordance with Section 8-7-9 of the Zoning Ordinance, the Planning Board finds that:

- A. The proposed site plan is consistent with the development plan if one is required.
- B. The proposed site plan is consistent with the purpose and specific requirements of the Zoning Ordinance and generally consistent with the policies of the Comprehensive Plan.
- C. Adequate services and utilities will be available prior to occupancy.
- D. The site plan is consistent with all other applicable laws.

TOWN OF AMHERST  
PLANNING BOARD  
SITE PLAN RESOLUTION  
SP-2022-06

PETITIONER

The Green Organization

PROPERTY LOCATION

3325 & 3275 (portion) Millersport Highway

'22 NOV 23 PM4:59

- E. Pursuant to Local Law #3-82, as amended, the Planning Board has determined that the requirements of SEQR are complete and that the subject proposal is not expected to have a significant adverse effect on the environment.
- F. Review by the US Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act is required since jurisdictional federal wetlands have been identified on the parcel. An amended permit from the USACE is being sought by the applicant and will be required prior to the issuance of approved site plans for the development of the site.

NOW THEREFORE BE IT RESOLVED that in accordance with 6 NYCRR, Part 617 and Local Law #3-82, as amended, the Planning Board has issued a Negative Declaration attached hereto, and

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board, in accordance with Section 8-7 of the Zoning Ordinance approves said Site Plan subject to the following conditions;

1. That the petitioner address the comments of the Planning Department in their letter dated November 1, 2022 to the satisfaction of that department.
2. That the petitioner address the comments of the Zoning Enforcement Officer in the Planning Department letter dated November 1, 2022 to the satisfaction of that officer.
3. That the petitioner address the comments of the Landscape Architect in the Planning Department letter dated November 1, 2022 to the satisfaction of the landscape architect.
4. That the petitioner address the comments of the Engineering Department in their letter dated October 7, 2022 to the satisfaction of that department.
5. That the petitioner address the comments of the Stormwater Management Officer in their letter dated November 16, 2022 to the satisfaction of that officer.
6. That the petitioner or the petitioner's contractor obtain any and all permits from the Erie County Department of Public Works Highways Division for any work taking place within the North French Road right-of-way.
7. That the petitioner or the petitioner's contractor obtain any and all permits from New York State Department of Transportation for any work taking place within the Millersport Highway right-of-way.

TOWN OF AMHERST  
PLANNING BOARD  
SITE PLAN RESOLUTION  
SP-2022-06

PETITIONER

PROPERTY LOCATION

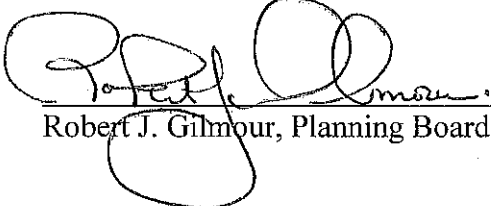
The Green Organization

3325 & 3275 (portion) Millersport Highway

'22 NOV 23 PM5:00

8. That a copy of the amended wetland permit from the USACOE is provided prior to issuance of final approved site plan drawings by the Planning Department.
9. That the petitioner and/or their contractors adhere to the requirements of the NYSDEC permit ID 9-1422-00451/00004.
10. That the petitioner collaborate with the Williamsville School District to establish an appropriate location for a school bus drop off/pickup area internal to the subject site.
11. That all dumpsters/trash containers and all mechanical equipment, utility structures, multiple meter boards, generators, and similar appurtenances, including those which are mounted on any part of a primary structure shall be appropriately screened with a fence, wall, and/or landscaping. Provide gate on dumpster enclosure that shall be closed whenever dumpster is not being serviced, enclosure shall be high enough to screen the dumpster(s) within.
12. That as-built record drawings, including location of utilities, be provided to the Engineering Department prior to issuance of a Certificate of Occupancy by the Building Department.
13. That the consideration of signs is specifically excluded from this approval as they require a separate review and approval by the Town.

The foregoing resolution was adopted by the Town of Amherst Planning Board, November 17, 2022; moved by Chmiel; seconded by Kahn; ayes 5, noes 0; absent 2 (Gill, Raffaele).

  
\_\_\_\_\_  
Robert J. Gilmour, Planning Board Chair

11-23-22  
Date

TV/ac

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cc: Commissioner of Building  
Town Engineer  
Fire Chiefs  
Traffic/Safety  
Highway Superintendent  
ECDEP  
NYS DOT  
NYS DEC

Approved Plan: Carmina Wood Design  
Received: October 4, 2022

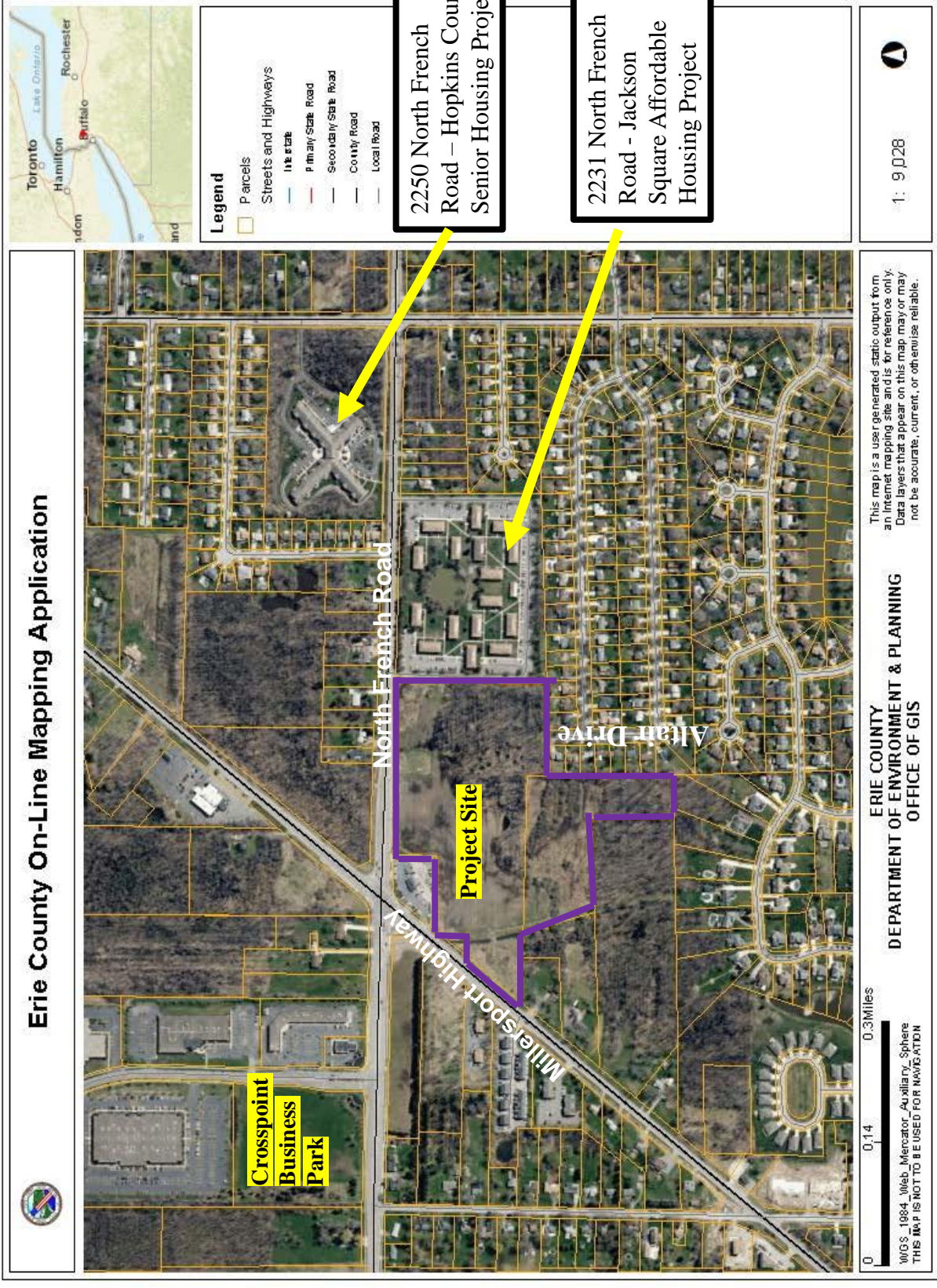
The Green Organization, c/o Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221  
Anthony Pandolfe, Carmina Wood Design, 487 Main St., Suite 500, Buffalo, NY 14203

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**Exhibit 5 – PowerPoint Presentation Given  
During Public Hearing Held by the Planning  
Board on November 17, 2022**

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- Existing affordable housing and senior housing projects in the vicinity
- No development on portions of the Project Site adjacent to single-family residential development to the south on Altair Drive
- No roadway connection to Altair Drive
- Rezoning of portion of the Project Site from GB & R-3 to MFR-5 approved by the Town Board on March 28, 2022
- Area variances granted by the ZBA on June 21, 2022



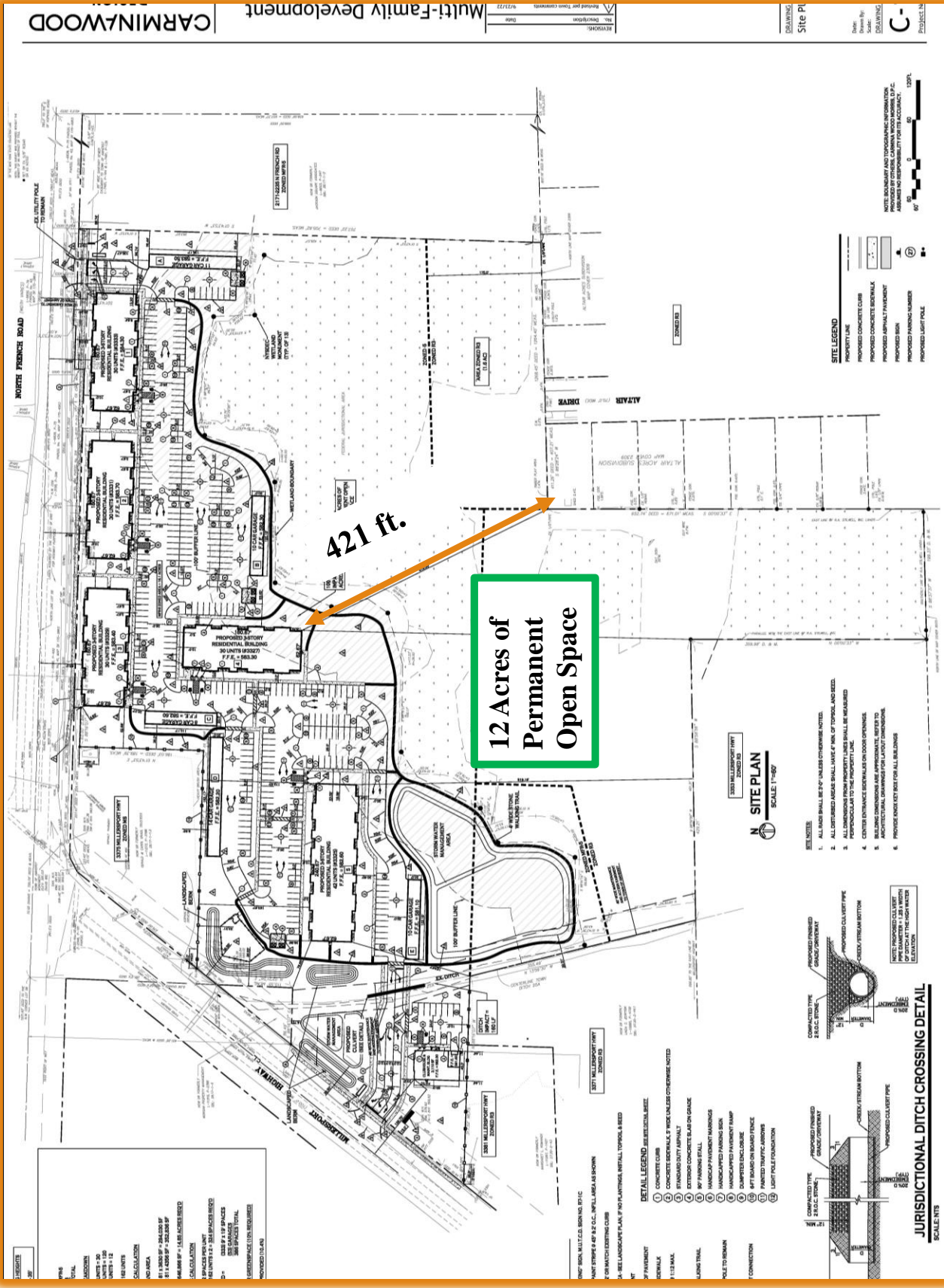
## Project Site & Surrounding Vicinity:

- Deliberate effort made to limit development area to those portions of the Project Site that do not consist of jurisdictional wetlands
- Approximately 11.3 Acres of the 23.3 Acres to be developed [48.4% of the Project Site]
- Very little existing vegetation on portion of the Project Site to be developed



## CURRENT SITE PLAN:

- Size of Project Site: 23.3 acres [12 acres of Permanent Open Space]
- Project consists of 5 proposed multifamily buildings totaling 162 units and all related site improvements depicted on the Site Plan
- 386 parking spaces including 53 garage spaces [2.4 spaces per unit]
- Four 3-story buildings with 30 units and one 3-story building with 42 units
- Wetland Permit issued by the on October 13<sup>th</sup> by the NYSDEC authorizing impacts to 3.5 acres of the 100 ft. Adjacent Area of large on-site NYSDEC Freshwater Wetland
- On-site recreational trail and extensive landscaping

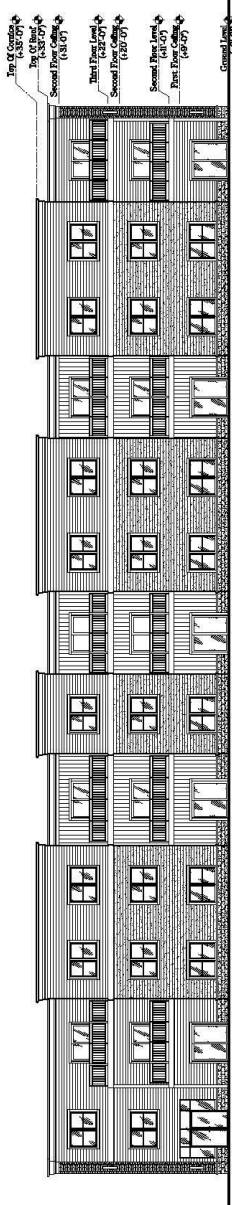
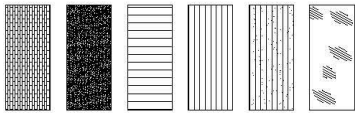




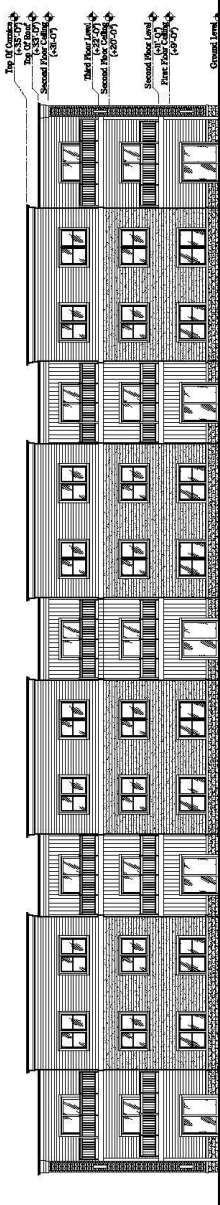


- **Elevation Plan:** 3-story building with 30 units
- 35 ft. peak height to top of cornice
- 33 ft. to roofline

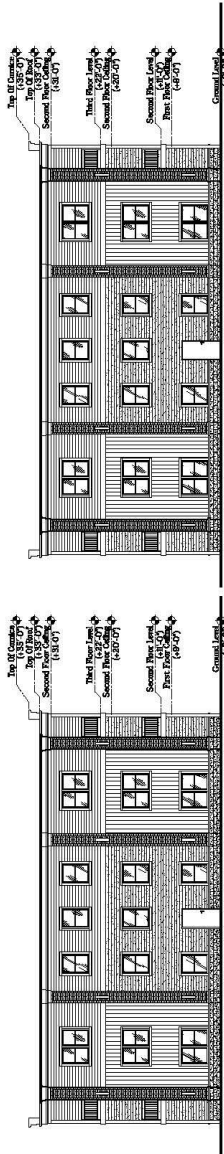
Legend



Concept Front Elevation



Concept Back Elevation



Concept Left Elevation

Concept Right Elevation

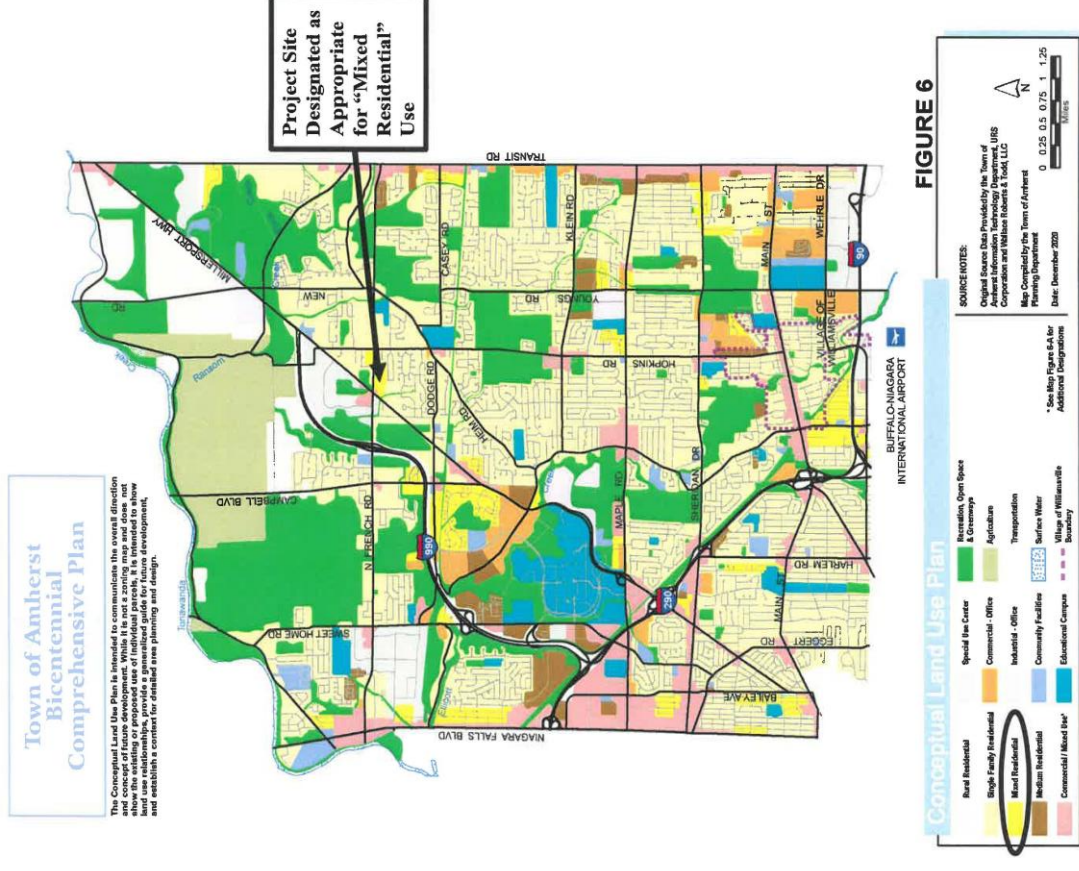
**3 Story 30 Unit For Millersport Highway Apartments**

3325 & 3275 Millersport Highway Amherst, NY  
8/22/2022



## Consistency with the Adopted Comprehensive Plan:

- Figure 6 of the adopted Bicentennial Comprehensive Plan (“Conceptual Land Use Plan”) indicates the Project Site is appropriate for “Mixed-Residential” use
- Mixed-Residential is described in Chapter 3 of the Comprehensive Plan a being appropriate for 4-12 units per acre [Proposed density of 6.95 units per acre]
- Benefits of Infill Development [Public infrastructure available]
- Approximately 12 acres of Permanent Open Space



## **STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”):**

- Completed Part 1 of the Full Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act (“SEQRA”) submitted with the Site Plan Application – Type I action pursuant to Section 104-3 of the Town Code due to presence of a NYSDEC wetland within 100 ft. of the Project Site located on the north side of North French Road
- No impacts to the jurisdictional federal wetlands [wetlands impacted in connection with permit issued by the United States Army Corps of Engineers for previously proposed project]
- Joint Application filed with the USACE and NYSDEC on January 4, 2021 - NYSDEC issued a permit on October 13<sup>th</sup> authorizing impacts to 3.5 acres of the regulated 100 ft. Adjacent Area of the NYSDEC Freshwater Wetland
- On-site stormwater management system will comply with the stringent stormwater quality and quantity standards of the NYSDEC including handling a 100-yr. storm event.
- Photometric Plan demonstrating compliance with lighting standards
- 12 Acres of Permanent Open Space to remain permanently undeveloped [52.8% of the Project Site]
- Traffic Impact Study prepared by SRF Associates demonstrates the project will not result in any potentially significant traffic impacts – One driveway onto Millersport Highway and North French Road - Highway Work Permits will be required from NYSDOT and the ECDPW.
- Town Board issued a Negative Declaration pursuant to SEQRA on March 27<sup>th</sup> and the Planning Board recommended issuance of a Negative Declaration by the Town Board on November 18, 2021
- The proposed project will not result in any potentially significant adverse environmental impacts

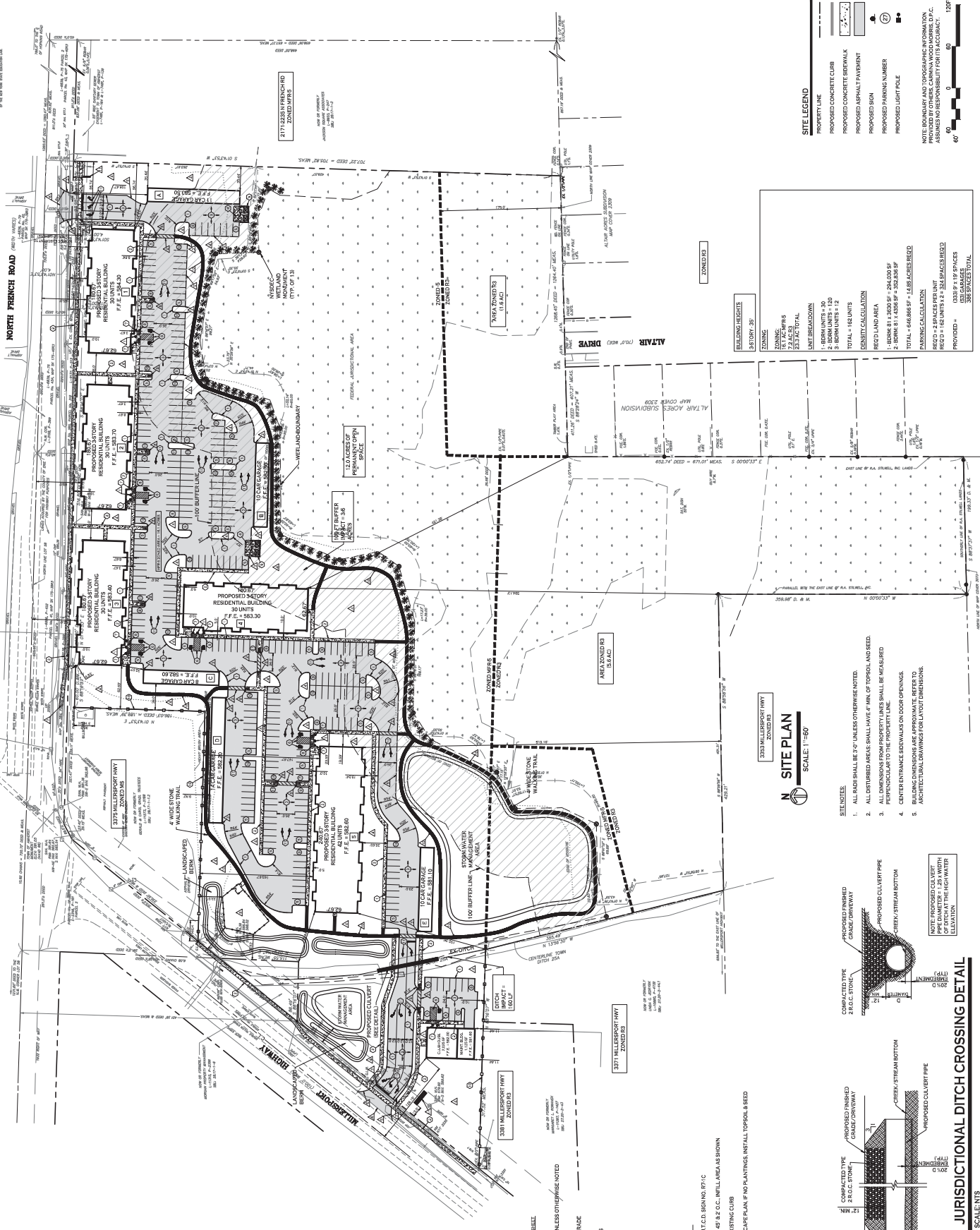
## **CONCLUSION:**

- Requesting that the Planning Board issue a negative declaration and grant Site Plan Approval subject to appropriate conditions
- Questions...

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**Exhibit 6 – Site Plan  
for Multifamily Project**

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**SITE LEGEND**

- PROPERTY LINE
- PROPOSED CONCRETE CURB
- PROPOSED ASPHALT PAVEMENT
- PROPOSED PARKING
- PROPOSED SIGN
- PROPOSED LIGHT POLE

**NOTES:**  
 1. ALL DIMENSIONS SHALL BE 3"0" UNLESS OTHERWISE NOTED.  
 2. ALL DISTURBED AREAS SHALL HAVE A 1" MIN. OF TOPSOIL AND SEED.  
 3. ALL DIMENSIONS FROM PROPERTY LINES SHALL BE MEASURED PERPENDICULAR TO THE PROPERTY LINE.  
 4. CENTER ENTRANCE BIOWALKS ON DOOR OPENINGS.  
 5. BUILDING DIMENSIONS ARE APPROXIMATE. REFER TO ARCHITECTURAL DRAWINGS FOR LAYOUT DIMENSIONS.

**QUANTITY CALCULATION**

**PROPOSED BIOWALKS:**  
 1. BIOWALK UNITS - 30  
 2. BIOWALK UNITS - 12  
**TOTAL = 42 BIOWALKS**

**PROPOSED ASPHALT PAVEMENT:**  
 1. ASPHALT PAVEMENT - 25,000 SF  
 2. ASPHALT PAVEMENT - 10,000 SF  
**TOTAL = 35,000 SF**

**PROPOSED CONCRETE CURB:**  
 1. CONCRETE CURB - 1,000 LF  
**TOTAL = 1,000 LF**

**PROPOSED SIGN:**  
 1. SIGN - 10  
**TOTAL = 10 SIGNS**

**PROPOSED LIGHT POLES:**  
 1. LIGHT POLES - 10  
**TOTAL = 10 LIGHT POLES**

**LANDSCAPE CALCULATION**

**PROPOSED PLANTING:**  
 1. TREES - 10  
 2. SHRUBS - 20  
 3. PERENNIALS - 100  
**TOTAL = 130 PLANTS**

**PROPOSED SOIL:**  
 1. TOPSOIL - 10,000 CU YD  
**TOTAL = 10,000 CU YD**

**PROPOSED FINISHED GRADE (PROVIDED)**

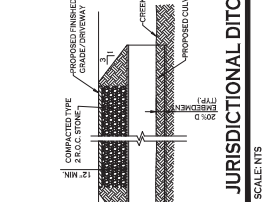
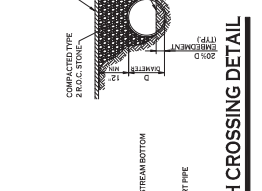
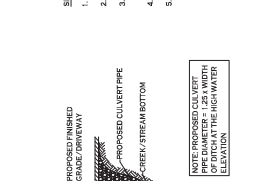
**PROPOSED FINISHED GRADE (AS SHOWN)**

**PROPOSED FINISHED GRADE (AS SHOWN)**

**PROPOSED FINISHED GRADE (PROVIDED)**

**PROPOSED FINISHED GRADE (AS SHOWN)**

**PROPOSED FINISHED GRADE (AS SHOWN)**



**JURISDICTIONAL DITCH CROSSING DETAIL**  
 SCALES: 1"=50'

**NOTE LEGEND**

- 1. INSTALL "NO PARKING" SIGN AT C.D. SIGN NO. 871 C
- 2. 4" WIDE YELLOW PAINT STRIPES @ 4' O.C. (WELL AREAS AS SHOWN)
- 3. REMOVE CURB IN ZONE OR MATCH EXISTING CURB
- 4. UNDESIGATED AREA - SEE LANDSCAPE PLAN. IF NO PLANTINGS, INSTALL TOPSOIL & SEED
- 5. EDGE OF PAVEMENT
- 6. MATCH EX. EDGE OF PAVEMENT
- 7. MATCH EX. TOE OF SIDEWALK
- 8. RAMP SIDEWALK @ 1:12 MAX.
- 9. DOG PARK
- 10. 4" WIDE STONE WALKING TRAIL
- 11. GROUND SIGN

**DETAIL LEGEND - SEE LEGEND**

- 1. CONCRETE CURB
- 2. STAMPEDED ASPHALT
- 3. WIDE UNLESS OTHERWISE NOTED
- 4. EXTERIOR CONCRETE SLAB ON GRADE
- 5. 8" WIDE PARKING STRIP
- 6. HANDICAPPED PAVEMENT MARKINGS
- 7. HANDICAPPED PAVEMENT SIGN
- 8. HANDICAPPED PAVEMENT RAMP
- 9. DUMPSTER ENCLOSURE
- 10. 6" FT BOARD ON BOARD FENCE
- 11. PAINTED TRAFFIC ARROWS
- 12. LIGHT POLE FOUNDATION

**PROPOSED FINISHED GRADE (PROVIDED)**

**PROPOSED FINISHED GRADE (AS SHOWN)**

**PROPOSED FINISHED GRADE (PROVIDED)**

**PROPOSED FINISHED GRADE (AS SHOWN)**

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**PROPOSED FINISHED GRADE (PROVIDED)**

**PROPOSED FINISHED GRADE (AS SHOWN)**